Paul H. Westenberger
William R. Rice
Frank J. Mulholland
William P. Gorski
Kent D. Hollen
Oliver W. Van Den Berg, Jr.
Jack D. Rowley
Eugene A. Silverthorn
Richard L. Anderton
Martin E. Farmer
Thomas F. Qualls
William H. Rice
William D. Shippen
David B. Hayes
James L. Black, Jr.
Chester J. Stanaro
Walter H. Kelly, Jr.
William F. Farley
Albert M. Desselle
Robert D. Rosecrans
Cederic C. Gifford
Wilbur W. Dinegar
Paul E. Pearson
Clarence E. Hogan
George H. Gentry, Jr.
Clark R. Wozencraft
Peter L. Hilgartner
Thomas R. Stuart
Daniel K. Macklin
Ronald G. Lutsko
Thomas A. McPheeters
Robert E. Benson
Robert W. Dyer
Oswald O. Paredes
William M. Kull
James R. Quisenberry
Henry T. Cook
Thomas B. Epps, Sr.
Henry L. Harmon
John E. Fahey
Alfred J. Croft, Jr.
Jack L. Norman
Jacob H. Duran
Orville L. Mitchell, Jr.
Cecil E. Woodcock, Jr.
John J. Peeler
Albert R. Bowman II
Richard L. Etter
Dudley N. Kyle
Robert A. Elder
James B. Wilkinson
Harold B. Roth, Jr.
John J. Keefe
Clarence E. Watson, Jr
Carl W. Skaugen
David H. Tinius
William Netka
Theodore J. Willis
George G. Long
Joseph V. Manis, Jr.
Philip A. E. Leigh
Robert O. Barnes
Charles R. Swilley, Jr.
Thomas M. Kauffman
Ernest H. Graham
James F. Mahoney
George Hubbard
David S. Tolle
John J. Walsh, Jr.
Jack W. King
Max McQuown
Paul R. Hunter
Glenn A. Stephens
Robert F. Ritchie III
William E. Wilson, Jr.
Charles F. Jones
John Havlik
Frank Dicillo, Jr.
Lewis C. Habash
Thomas E. McNally
Stanley H. Rauh
Charles E. Pangburn
Larry R. Van Deusen
Ernest C. Brace
Horace A. Bruce
Kyle W. Townsend
Bobby R. Wilkinson
William H. Heintz
William J. Longshaw
Billy D. Bouldin
Darold D. Parrish
Louis A. Gulling
John D. Shoup
John Colia
Carroll R. Vorgang
James W. Quinn
Frank D. Topley
Michael E. Spiro
William A. Scott, Jr.
Richard E. Hemmingway
Donald K. Cliff
James B. Ryckman
David A. Clark
Harry H. Holmberg
Emil W. Herich
Maurice H. Ivins, Jr.
Morgan W. West
William J. Livingston
Walter W. Grant
Richard A. Mueller
Charles C. Chisholm, Jr.
Rondell K. Wood
Lawrence R. Seamon
Lawrence F. Sullivan
Herbert G. Fischer
William C. Drumright
Richard L. Woodruff
Roy L. Doering
James W. Hanker
Harlan C. Chase
Bruce G. Brown
Anthony G. Waite
Charles R. Poppe, Jr.
Benjamin B. Skinner
Roy E. Moss
Neil A. Nelson
Walter F. Rogers
William M. Cryan
Duane W. Chisman
Robert C. Rice
Robert J. Keller
Donald G. Robison
Roy A. Seaver
Joseph F. Paratore
James L. Richard
Charles N. Dezer III
Harold R. Anker
Henry J. Huntzinger
William C. Britt
James K. Coody
William F. Sheehan
Kenneth C. Garner
Wylie W. Taylor, Jr.
Charles F. Cresswell
Cecil J. Bennett
Delos M. Hopkins
William L. Robbins
Willard J. Suits, Jr.
George L. Bruser
Max J. Hochenauer
Vonda Weaver
William R. Hutchisson
Lytton E. Bulwer, Jr.
John B. Richards IV
Edward B. Corrigan
Raymond J. Start

WITHDRAWAL

Executive nomination withdrawn from the Senate June 14, 1957:

POSTMASTER

Charles A. McDonald, at Galesburg, Ill.

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 14, 1957

The House met at 12 o'clock noon.

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

Almighty God, who art the strength and support of heroic souls in every generation, we beseech Thee to give us a clearer vision of Thyself, a presence to inspire and guide us, a light to cheer and encourage us.

Grant that we may be more acutely sensitive and more eagerly responsive to Thy voice of wisdom and counsel as we face difficult decisions.

Thou art the wisest of all counselors, the nearest of all companions, and the ablest and most willing to help in finding a just and righteous solution to all our problems.

Deepen within us the confidence and the conviction that the time is coming when men everywhere shall clasp hands in friendship and brotherhood.

In Christ's name we offer our prayer. Amen.

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

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1958

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6500) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1958, and for other purposes, 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 Michigan? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. RABAUT, PASSMAN, NATCHER, CANNON, WILSON of Indiana, JAMES, and TABER.

AMENDMENT OF ATOMIC ENERGY ACT

Mr. DURHAM. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a report on the bill (H. R. 7992) to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently no quorum is 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. 109]

Bailey	Gubser	Porter
Barden	Gwinn	Powell
Beamer	Holtzman	Sadlak
Blatnik	Kluczynski	Simpson, Ill.
Blitch	Lesinski	Smith, Calif.
Bowler	McConnell	Springer
Dawson, Ill.	Machrowicz	Teague, Calif.
Diggs	Miller, Md.	Walter
Dooley		

The SPEAKER. On this rollcall 408 Members have answered to their names, a quorum.

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

HOUSING ACT OF 1957

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6659) to extend and amend laws relating to the provision and improvement of housing, to improve the availability of mortgage credit, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, 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 Kentucky? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SPENCE, BROWN of Georgia, PATMAN, RAINS, TALLE, KILBURN, and MCDONOUGH.

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. 6127) 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. 6127, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read through section 104 of the bill. If there are no further amendments to this section, the Clerk will read.

Mr. CELLER. Mr. Chairman, I rise to present a unanimous consent request.

Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and that it be open to amendment at any point in the bill.

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

Mr. SMITH of Virginia. Reserving the right to object, Mr. Chairman, and I do not expect to object, I should like to know and I am sure the Members of

the House should like to know what latitude we are going to permit in the matter of discussion of some important amendments that are yet to follow. I am wondering what the gentleman from New York has in mind with respect to that question.

I have special reference to the jury-trial amendment, on which I am sure the House will want several hours of debate. I also have in mind the amendment related to States rights, the exhaustion of remedies, which it seems to me is of considerable importance. I also have reference to a further amendment which I mentioned in the first day's debate, that is, an amendment to that provision which gives to the Attorney General arbitrary power to give relief or withhold it in any individual case.

Those three amendments seem to me of vital importance to the House and to the country, and I am in hopes that the gentleman from New York, and I am sure he will, will agree to liberal debate so that Members may have the opportunity to address themselves to those questions.

Mr. BROOKS of Louisiana. If the gentleman will yield, I also have an amendment which I certainly want carefully considered before it is disposed of.

Mr. CELLER. In answer to the gentleman from Virginia, I wish to state that I have no disposition in any wise to cut off debate on an important issue like the jury trial, or the exhaustion of State remedies, or the power of the Attorney General, as indicated by the gentleman from Virginia, but I wonder whether we could not nonetheless agree that, aside from those amendments, on all other amendments there be very brief debate, say of 20 minutes, or 30 minutes at the most, to be divided equally on either side.

Mr. SMITH of Virginia. That sounds pretty reasonable to me, but I still insist on these very important amendments there ought to be ample time for Members who want to speak.

Mr. CELLER. Would the gentleman take my assurance that I would not seek to invoke cloture? I would enter into a so-called gentlemans' agreement with him not to hurt him or hurt his cause in any way.

Mr. SMITH of Virginia. The gentleman's suggestion is entirely satisfactory to me.

Mr. MASON. Mr. Chairman, reserving the right to object, I simply want to say that while I do not want to curtail debate on these important amendments, maybe 10, 15, or 20 people will want to speak on them, but I do feel that we have listened long enough on this and I will curtail each person to 5 minutes.

Mr. SMITH of Virginia. I would hope that the gentleman would permit reasonable exceptions to that.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, do I understand the request of the gentleman from New York to be that the bill be considered as read and be open to amendment at any point?

The CHAIRMAN. That is correct.

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

There was no objection.

The remainder of the bill is as follows:

Powers of the Commission

SEC. 105. (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). Not more than 15 persons as authorized by this subsection shall be utilized at any one time.

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

(d) Members of the Commission, voluntary and uncompensated personnel whose services are accepted pursuant to subsection (b) of this section, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99).

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

(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, 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 or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such chairman.

(g) 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. 106. 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 ASSISTANT 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 there are reasonable grounds to believe that any persons 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, a civil action or other proper proceeding for 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 catch line 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, 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 there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right of privilege secured by subsection (a) of (b), the Attorney General

may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for 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."

SEC. 141. This act may be cited as the "Civil Rights Act of 1957."

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

Mr. Chairman, the right of trial by jury is deeply rooted in the history of democratic government. It is a concept which goes back to Biblical times, but in the experience of the English-speaking peoples, the great milestones are considered to be the Magna Carta and the Constitution of the United States.

I hold in my hand a photostat of a copy of the Magna Carta which has come down from the 13th century. It was at Runnymede in 1215 that King John was forced to sign the first charter guaranteeing certain rights to the people. In 1297, King Edward I, in confirming the provisions of the Magna Carta, sent a copy to each of the area rulers and bishops in England. The copy sent to the Duke of Lancaster was the first to be recorded in the state rolls of England and therefore the first to have official standing. It has been graciously loaned to us by the British Government, and is now on display at Jamestown, where this year we are celebrating the 350th anniversary of the establishment of the first permanent English settlement of the new world with a magnificent array of exhibits which all Americans should see.

Translated from the Latin of the Magna Carta we find the stirring phrase "nor condemn him but by lawful judgment of his peers."

The right of trial by jury, of course, has since been set forth and developed, in both law and practice, in much more specific fashion. The Magna Carta was the first great written guaranty of it in Anglo-Saxon jurisprudence. The colonists brought the trial by jury concept of justice to Jamestown in 1607 almost 400 years later.

We have since built upon it, rather than undermined it, as this bill would do today. Our colonial declaration of rights of 1765 said that—

> Trial by jury is the inherent and invaluable right of every British subject in these Colonies.

In 1776 the Declaration of Independence cried out against the actions of the King depriving us in many cases of the benefits of trial by jury. The guaranty of this great bulwark of the liberty of the individual was then written into the Constitution of the United States.

Mr. Chairman, the Members of this House have heard, in recent days, some of the most brilliant and compelling legal arguments that have ever been set forth in this Congress, in support of an amendment which would guarantee trial by jury to persons who may be brought before the courts on charges arising out of the enactment of the bill before us. I am opposed to the bill in any form, of course, because I believe that our State and local governments are the proper guardians of our civil rights, and I resent Federal interference in this field. As I have said before, I consider that the enactment of this bill will produce many more wrongs than it will protect rights. For this reason, I have generally referred to it as the "civil wrongs bill." But, Mr. Speaker, if it is to be the will of this House to enact legislation under this title, we must at least improve it by inserting a guaranty for jury trials for our people.

The eyes of the world are on us today, as we approach a vote on this jury trial amendment. In dictatorships, and in Fascist and Communist states, the people have no rights to trial by juries of their peers. They look longingly upon our system of government and justice. Their masters, however, are fearful that their oppressed subjects will get ideas of real democracy from us.

On Sunday an Associated Press dispatch from Moscow related that the Soviet Army newspaper had attacked our Jamestown Festival in Virginia as a propaganda plot, one of the goals of which, it was said, was to convince other peoples of the superiority of our, and I quote, "notorious way of life."

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

Mr. GARY. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

Mr. MASON. Mr. Chairman, I object. I am very sorry.

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

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. BOYLE. Mr. Chairman, I yield such time to my friend as he may need to complete his statement.

Mr. GARY. I certainly thank the gentleman for his courtesy.

Mr. Chairman, as I was stating, on Sunday an Associated Press dispatch from Moscow related that the Soviet Army newspaper had attacked our Jamestown Festival in Virginia as a propaganda plot, one of the goals of which, it was said, was to convince other peoples of the superiority of our, and I quote, "notorious way of life." Our American way of life appears notorious to Communists and dictators, because it is the best example of true self-government in the history of the world, protecting the rights of individuals and guaranteeing liberty and justice to all.

As I view this copy of a hand-written Magna Carta, and reflect on the meaning of Jamestown, and the Declaration of Independence, and the Constitution, and the American way of liberty and life, I cannot help but reflect on an act of the British Parliament, shortly before the American Revolution. They tried to extend the jurisdicton of the admiralty courts beyond their ancient limits, so that our American colonists could be tried for various offenses without a jury. We did not permit Parliament to take this precious right from us then; let us not permit the Congress of the United States to take it from us now.

I thank you.

Mr. BOYLE. Mr. Chairman, I purposely gave the fine gentleman from Virginia, VAUGHAN GARY, an opportunity to conclude his remarks because I know he has sat here patiently for 7 days to tell his story about this bill. When I took the floor the other day and told you I was in sympathy with the jury trial in every criminal case I meant it. When the gentleman from Virginia exhibited the Latin version of the Magna Carta, in the Chambers he inferentially proved part of my previous remarks.

If you will recall, I said that the right to a trial by jury represents a 700-year struggle for human rights. That is a long and heroic conquest. In every criminal case throughout the length and breadth of our country, I hope we will always accord an individual the right to a trial by jury in criminal cases. However—and this is the crux of the whole matter—to accord an individual who is flagrantly in violation of a court order the right to trial by jury is to turn back the clock as far as constitutional government is concerned. The law has reached its highest moment when it has saved and freed people from one-man rule. The law has reached its superior dignity when it has protected people from intolerance, from hate, from sectionalism; and I plead with you today, do not permit any shades or shadows of thinking to interfere with the simple proposition that is involved in this case. The procedure set out in the bill when an alleged violation of a civil right under the 15th amendment of the Constitution takes place, the individual aggrieved, or any individual, might bring the alleged infraction to the Attorney General. The Attorney General, after looking at all the physical facts decides whether in his judgment there is a violation or a threatened violation of this civil right guaranteed by our Constitution. Satisfied that there has been in fact an alleged violation, or a violation to take place, the Attorney General then prepares a petition, goes before a court of competent jurisdiction, recites the physical facts, among including an affidavit or verified statement which means under oath, setting out the fact that a citizen's right has been violated or will be violated, introduces other testimony and after a full hearing a judge does or does not issue the writ.

If the injunction is granted the person or people against whom it is issued are put on notice if they violate its terms they possibly will be cited into court to absolve themselves for violating the decree of injunction.

To remove the right of the judge to adjudicate the question of a violation of his order is to weaken the sanction of its decrees.

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

The Clerk read as follows:

Amendment offered by Mr. KEENEY: On page 10, line 5, after the word "order", strike out the period, insert a semicolon, and add the following: "*Provided*, That in all cases of contempt arising under the laws of the

United States governing the issuance of injunctions or restraining orders in any action or proceeding instituted under this act, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

"This proviso shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court."

Mr. CELLER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CELLER. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Illinois is not germane, and I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. CELLER. Mr. Chairman, the instant bill provides authority in Attornel General to file an action for injunction for the enforcement of civil rights created under old statutes, particularly the Ku Klux Act of 1871 and under part IV of the bill. We stop there. As to part III and part IV we do naught else; we just give authority to file suit. We give commission to the Attorney General to go into court. We do not tell the court what to do or what not to do. We lay down no conditions. The court can say yes or no to the Attorney General when he applies for the injunction. In other words, we simply say that in addition to the causes of action the individual may have under the old statute, the Attorney General may now have authority to go into equity and sue out an injunction. We do not tell the court how to proceed. We lay down no rules. It is presumed that the practice governing injunctions prevails. We provide no method of procedure after the injunction is applied for. We provide no penalty for the enforcement of the injunction. We provide no method of imposition of penalty for violation of the injunction. Failure to provide all these factors is highly important, to wit, first, failure to provide method of procedure after injunction is applied for; second, failure to provide any penalty; third, failure to provide method of imposition of penalty.

These failures are of paramount importance because of the precedents set in the Volstead Act discussion in this House where an amendment for jury trial was sought and was declared out of order as not being germane. I should like to read parts of the debate in the House at that time. Section 23 of the so-called act which was considered by the House at that time reads as follows:

SEC. 23. That an action to enjoin any nuisance defined in this title may be brought in the name of the United States by the Attorney General of the United States or by any United States attorney or any prosecuting attorney of any State or any subdivision thereof or by the Commissioner or his deputies or assistants. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases. If it is made to appear by affidavits or otherwise, to the satisfaction of the court or judge, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the trial. Where a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings.

Section 23 goes on further and in detailed manner prescribes what the court may or may not do.

Section 24 of the act then being considered by the House provided as follows:

SEC. 24. That when it appears in any criminal proceeding that any common nuisance as defined herein exists it shall be the duty of any officer authorized to enforce this act to proceed promptly in a court of equity to abate such nuisance, and in case the defendant is adjudged guilty in such criminal trial shall, unless reversed, be conclusive evidence against such defendant of the facts adjudged therein as to the existence of the nuisance. For removing and selling the property in enforcing this act the officer shall be entitled to charge and receive the same fee as the sheriff of the county would receive for levying upon and selling property on execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court.

Any violation of this title upon any leased premises by the lessee or occupant thereof shall, at the option of the lessor, work a forfeiture of the lease.

Section 25 of the act then being considered by the House in Committee of the Whole provides as follows:

That any person violating the terms of the injunction as provided for in this title shall be punished for contempt by a fine of not more than $1,000, and by imprisonment of not less than 30 days nor more than 1 year; and the court shall have the power to enforce such injunction by such measures and means as in the judgment of the court may be necessary.

An amendment was offered by the gentleman from Ohio, Mr. Gard, and the Clerk read that amendment as follows:

Amendment by Mr. Gard: Page 24, line 17, after the word "court", strike out the balance of the section and insert: "May try—

That is the court—

"May try the accused or, upon demand of the accused, the trial may be by jury, in which latter event the court may impanel a jury from the jurors then in attendance on the court, or a judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor, and such trial shall conform as near as may be to the practice in criminal cases prosecuted by indictment or upon information."

Mr. Volstead addressed the Committee as follows:

Mr. Chairman, I make the point of order that that is not germane to the section. This does not deal with the trial. It simply provides for a penalty. The section that dealt with that has been passed. That is section 23. This deals only with the enforcement of the penalty. It does not provide anything about the trial at all.

Mr. GARD. Mr. Chairman, this amendment is absolutely germane. We have here in section 25, page 24, this very remarkable language, and I desire to ask, if I may, some calm consideration of the members of this committee to this language:

Then he quotes the amendment in part.

And the court shall have the power to enforce such injunction by such measures and means as in the judgment of the court may be necessary.

Then he goes on and in additional language seeks to support the amendment.

The CHAIRMAN. The Chair is ready to rule. Section 25 of the bill provides for a penalty. The amendment offered by the gentleman from Ohio, Mr. Gard, provides for a method of trial. It has been repeatedly held that where a provision in the bill provides for a penalty, it is not in order to offer an amendment simply providing for a penalty, it is not in order to offer an amendment simply providing for a method by which that penalty may be inflicted.

Mr. IGOE. Has the Chair considered the fact that the punishment here is for contempt, and that the amendment is for the finding of whether the defendant is guilty of that contempt or not? It is not merely a question of the sentence. The injunction is in another paragraph, and the violation of the injunction is construed here, and that is all that the amendment of the gentleman from Ohio seeks to give.

The CHAIRMAN. That would make it all the more out of order, and the Chair sustains the point of order.

Now, Mr. Chairman, in the Volstead Act case under section 23 authority was granted to the Attorney General or his deputy to file for an injunction and the court was authorized to issue the same under a specified procedure, including a specified judgment and detailed order enforcing said judgment.

Secondly authority was granted to any law-enforcement officer to file suit for an injunction under section 24. That is, there was a double authority. Section 23 was the authority for the Attorney General and his assistant, section 24 was authority for any law-enforcement agency to apply and secure an injunction.

Section 25 set forth a penalty for violation of an injunction issued under either section 23 or 24, including fine and imprisonment. Further, an elaborate method of judgment was provided.

An amendment authorizing a jury trial for violation of the injunction issued under section 23 or section 24 was held not to be germane on the score that the amendment provided for a method by which a penalty could be imposed. The amendment was to the penalty section. It was declared out of order as not germane, because it provided for procedure for the imposition of a penalty whereas the section was limited to the penalty. Procedure and penalty were considered two separate subjects by the Chair and not to be mixed, that is, not joined together. That is, one was not germane to the other.

When the proponents argued the germaneness and attempted to anchor the

amendment of procedure, jury trial, on previous sections relating to the application for injunction, there authorized by the bill, plus the violation of such injunction, the Chair said that would make it all the more out of order. It was out of order as related to the penalty. It would have been out of order as related to application for the injunction as in the present bill before us.

The instant bill before us states only that the Attorney General may file a suit in equity under an existing cause of action and the court can entertain jurisdiction.

Parts III and IV of the bill before us do not do anything else. There are no words of procedure for the injunction in any part of the bill before us. There are no words concerning the judgment or the nature or kind of judgment in any part of the bill. There are no words for penalty for violation of the injunction in any part of the bill. There are no words of methods of imposition of penalty for violation in any part of this bill. Yet in the Volstead case, where all these four elements were present, an identical amendment for jury trial for violation of the injunction was ruled by the Chair not to be germane.

In other words, there is nothing in the instant bill before us to which you can relate or anchor the jury trial amendment. In the Volstead precedent, even, where you had the provisions for procedure for the injunction, nature of the judgment, and the penalty for violation of the injunction the provision for jury trial for contempt was not germane.

Actually, the proponents now seek by a jury-trial amendment to except the operation of this bill, the instant bill, from the provisions of the existing law as contained in title 18 and title 28 covering issuance of injunctions and procedures and penalties for contempt, none of which are mentioned in the instant bill. This cannot be done save by a separate bill. But, to put the matter another way, under the proposed amendment offered by the gentleman from Illinois for a jury trial two factors, for example, must be assumed so that the amendment could possibly be related and made germane.

First, it would have to be assumed that an injunction had been issued by the court. Second, it would have to be assumed that the injunction had been violated. The trial by jury concerns the violation of the injunction. The issue to be tried is whether the injunction had been violated. All the bill before us does is to authorize application for an injunction. We just give a license to the Attorney General to file. You cannot graft a jury trial for a violation of an injunction onto a license to file an injunction. You cannot have a jury trial unless, first, there has been an injunction issued; and second, there has been a violation of it.

We neither provide for the method of the injunctions issued nor for its violation. One cannot assume the restraining order nor can one assume the violation of the order.

This amendment offered by the gentleman from Illinois is not related to the bill even in the second or the third degree. You just cannot use the mere permission, authority, or license to apply for an injunction as provided in this bill, as a foundation for relevancy of a jury trial. Under the precedent of the Volstead Act case, one cannot use a penalty for violation of an injunction as the basis for an amendment for a jury trial for such violation. The Chair went further and said you could not use section 23 and section 24 of the Volstead Act providing for elaborate procedures for the issuance of injunction or the terms of the injunction and for punishing violations of the injunction as the basis for amendment of trial by jury in contempt.

Mr. Chairman, are we not on firmer ground in saying germaneness of the jury trial amendment cannot be attached to a mere grant of authority or license to apply for injunction? On that ground, Mr. Chairman, I rest my case that the amendment offered by the distinguished member of the Committee on the Judiciary is not germane to the bill and the amendment is, therefore, out of order.

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

Mr. KEENEY. Yes, Mr. Chairman.

Mr. Chairman, that part of the brief which was just read to you, which is germane to the point in question, I will resubmit to the Chair in the course of my argument. The amendment that I proffered had to do with procedure and not penalties. The measure before this body has to do with procedure and not with penalties. It has always been my firm belief that a jury is a component part of any court and that there is nothing extraneous when it comes to a jury being in a courtroom and being part of our system of justice.

I resubmit to the Chair that part of the brief of the gentleman from New York that is germane to the amendment.

Mr. WILLIS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be pleased to hear the gentleman.

Mr. WILLIS. Mr. Chairman, we, of course, did not expect this point of order to be made. But, I will try to answer the arguments made by the distinguished gentleman from New York [Mr. CELLER]. The title of the bill provides that its purpose is to further secure and protect civil rights, not only one kind of right but all civil rights. The bill is divided into four parts. What is pertinent in one section is necessarily a part of the scheme of the whole bill.

Part I deals with the establishment of a Commission on Civil Rights. If you will look at page 2 of the bill you will find rules of procedure for the Commission. It contains a lengthy set of rules of procedure to guide the Commission. In other words, we not only create the Commission, but then restrict its powers and indicate the mode of procedure under this bill.

So procedure is part and parcel of this bill.

In the second place, parts 3 and 4 create a cause of action. These parts empower the Attorney General to file suits. In other words it creates a cause of action and then designates who shall pursue that cause of action—the Attorney General; and that is certainly a procedural device.

Furthermore, the bill provides that the cause of action shall be exercised by the district courts. So again we go on with procedure for the pursuance of that cause of action.

The gentleman from New York said that upon application being made to a Federal judge for an injunction the judge can say "Yes" or "No." That is correct. But we have a right to tell the judge: "If you do say 'Yes' and agree to hear the injunction, here is how you are going to proceed: You will have to impanel a jury in cases of contempt arising under the act."

So this is a restrictive provision, directing the judge to hear the contempt proceedings before a jury. And that same restrictive device is contained on page 10, line 5. Let me read it all:

> 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.

Here, then, under this bill we are restricting the court in the administration of the procedure for the achievement of the objectives of the bill, so we have restrictive language at that point, we have rules provided for the commission in another part; and the whole idea of the bill, according to the proponents, is to further protect and secure civil rights. The bill is designed to create the cause of action, to provide who shall pursue the cause of action—the Attorney General; and then we do not leave it in the air, we designate the courts that have jurisdiction of the cause of action.

The amendment would go one step further to say that in pursuing the cause of action for contempt the trial will have to be by jury.

I submit that the point of order should be overruled.

Mr. KEATING. Mr. Chairman, will the Chair hear me in support of the point of order?

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. KEATING. Mr. Chairman, there is very little I can add to the excellent analysis given to the Chair by the gentleman from New York, but I might briefly state our position in a little different way.

The precedent on which we rely is embodied in volume 8 of Cannon's Precedents at page 540. I am referring to decision No. 2977. That decision holds that an amendment authorizing jury trial to determine the imposition of a penalty was not germane to the section of a bill providing that penalty.

The decision I am referring to was made during debate on the Volstead Act.

It is a clear precedent. I have the impression that if there can be degrees of germaneness, certainly the amendment offered here is less germane than was the amendment which was ruled out in the Volstead case. In that case, the bill

to which this amendment was offered went very much further than our bill does. It set up the procedure to be followed in the injunction proceedings and specified the penalty for contempt.

That bill not only authorized the Attorney General to go into the equity side of the court, but also provided just how the judgment in the injunction suit was to be framed, and just what the punishment for contempt should be.

In spite of the fact that the bill set up all of that procedure, when the amendment was offered to provide for a jury trial, it was held by the then presiding officer that it was not germane. The reason given for the decision was that it was not in order to offer an amendment providing for a method by which the penalty was to be inflicted to the section of the bill providing for the penalty. Under the very unusual circumstances there, an appeal was taken from the decision of the Chair, and the House sustained the Chair's ruling.

It seems to me that the proffered amendment in the case before us is far less germane to the bill than was the one in the case we have cited.

Mr. HYDE. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HYDE. Mr. Chairman, it is difficult for me to see how any amendment to this section could be more germane than is the amendment offered by the gentleman from Illinois.

The gentleman from New York says that in this section to which the amendment is offered we "do not tell the Court what to do or what not to do or how to proceed." That is all the section is about. And, as a matter of fact, the particular language in the section which provides that the Attorney General may institute for the United States or in the name of the United States a civil action or other proper procedure, has a twofold purpose.

First, it tells the Court that the United States may be a party to these actions; and, second, because of the provision in section 402, title 18, of the United States Code, that particular language tells the Court that a defendant in the case is not entitled to a jury trial.

The purpose of this amendment is to modify those words. It is to work on the same purpose, the same subject matter, as those words "in the name of the United States."

Mr. Chairman, I have not had an opportunity to read the cases or the authorities cited because, frankly, no one on our committee ever dreamed there would be a point of order raised to this particular amendment. We just could not conceive of such a thing. But from listening to the citations, it would appear that the sections to which the cases and the rulings refer dealt with penalty sections and attempts to modify those sections or to amend those sections with procedural provisions. The particular section involved here is entirely procedural. The amendment that is being offered involves procedure.

Now, finally, the gentleman from New York said "There is nothing in this section to which you can relate or involve the jury trial." Now, Mr. Chairman and members of the Committee, if that statement is true, this Committee on the Judiciary, this Congress, the press, the entire United States has been laboring under the most serious misapprehension for many, many months, because that is all that has been talked about.

I submit, Mr. Chairman, that there could not be any amendment more germane to this section than that offered by the gentleman from Illinois.

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

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

Mr. WILLIS. For whatever significance it may have, this same amendment was offered before the full Committee on the Judiciary and this point of order was not urged; is that correct?

Mr. HYDE. That is correct, sir.

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

The gentleman from Illinois [Mr. KEENEY], offers an amendment on page 10, line 5, of the bill H. R. 6127, the title of which is "A bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States."

The Chair has examined the amendment and has listened to the arguments in support of and against the point of order. The Chair holds that the amendment is a restriction upon the Attorney General and the courts. It deals with procedures and not penalties, and in the opinion of the Chair is germane.

The Chair is sustained in that position by the decisions in Cannon's Precedents, volume 8, page 584, section 3022, which reads:

> To a provision delegating certain powers a proposal to limit such powers is germane.

Section 3023 reads:

> To a proposal to grant certain authority an amendment proposing to limit such authority is germane.

The Chair therefore holds the amendment germane and overrules the point of order.

The gentleman from Illinois may proceed.

Mr. KEENEY. Mr. Chairman, I shall now proceed to retrieve my amendment from the multiplicity of words that have descended upon it. From time immemorial, ever since we have had a United States of America, the right to a trial by jury has been the haven and the refuge of our citizenry. It has fallen to my lot in life to have had a great deal of experience with juries, and it is because of that and my belief in the jury system that I proffer this amendment.

Mr. Chairman, in my profession, as a lawyer, for years I was a prosecuting attorney and I have tried before juries of men and juries of men and women cases involving almost every known sort of crime that man can commit. And, I have tried many, many civil cases both for the plaintiff and for the defendant, and I have a very high regard for our citizenry when they sit in the jury box to do justice. I testify to that because it is my firm belief, and that is why I have offered this amendment. To the accused who is being prosecuted, the rights and the processes of law are very sacred, but those who designed this particular measure, those who fabricated its words and its theory and its ideas were very careful not to give to the American citizen the right to be tried by a jury of his equals or his peers. This is what this measure does with respect to the procedural method.

The plaintiff under this measure is the Government of the United States of America. The prosecutor is the Attorney General of the United States of America. And who appoints the Attorney General? Why, the President of the United States, and I mean no disrespect whatsoever. And before whom is the measure heard? Before a Federal judge appointed by the President of the United States. The plaintiff is the United States; the prosecutor is the United States; and the judge is the United States. But just to make sure, as sure as it can be, that the accused will become a convicted defendant, they proceed to strip him of his right to a trial by a jury of his equals or his peers.

And so we have to look at this as Americans. I could be tried under this proposed act. Maybe you could, too. But we would like to have the right to a trial by a jury. The reason, I hear rumblings that would indicate that no one should have a right to a trial by a jury is because in some parts of the United States maybe they would not get the right kind of a trial by a jury. But day in and day out, every day in the year, all over the United States and including those States, juries are passing judgment upon people; they are fining people; they are sending people to the penitentiary and even taking their lives. And that goes on day after day. But for some reason or other, under the measure that is before this Committee, no one is entitled to the right of a trial by a jury.

I think the people from my home State of Illinois are entitled to the right of a trial by a jury under this measure. Just because someone may think that someplace else there would not be the right kind of a trial by a jury is no reason why the citizens of Maine, of California, or of Illinois, should have to forego or be denied the right of a trial by a jury.

The only reason this is not in the Constitution of the United States is because our Constitution was based on the common law, and the common law from the Magna Carta; and at the time that the nobility on the fields of Runnymede wrested from King John the Magna Carta no one ever thought of a civil-rights bill. At the time that we adopted the Constitution of the United States no one ever thought that the mind of man would conceive a procedure such as is before you today.

Mr. Chairman, I submit to you that a trial by jury is the American system; it represents American thinking, and it is the American way of life.

Mr. COOLEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this has been a very interesting and brilliant debate. We have heard many splendid speeches and

arguments. I congratulate and commend the author of this amendment for having offered it and for the splendid presentation of his views.

Certainly, all of us must have been impressed with the remarks of our friend from Virginia, Mr. VAUGHAN GARY, who took us back to the Plains of Runnymede. As I listened to his brilliant discussion I was mindful of the fact that we might even go back beyond Runnymede to the controversies in the great forests of Germany more than 2,000 years ago.

The jury trial as we know it today had its origin in Anglo-Saxon civilization. The right of trial by jury is well imbedded in the legal jurisprudence of our country. Actually, it is one of our cherished institutions and a very vital part of the form of our Government. I believe it was Blackstone, the great teacher at whose shrine all lawyers with humility and respect must, in deference, bow, who said that "our jury system is the palladium of liberty and the glory of law." Certainly, the right of trial by jury is a sacred and precious right, a right that has come down to us through the ages. This precious right was purchased by the blood of heroes and dedicated to humanity by the prayers of patriots.

This bill was not prompted by partisan politics but rather by putrid politics. There is not one scintilla of evidence to warrant its enactment. It is calculated, if not indeed intended, to cause trouble and to stir up strife; but be not deceived, the American people will not long tolerate its provisions. The bill is not only ill-considered and unwise, but its provisions are obnoxious and reprehensible. This proposal challenges our intelligence and the very finest virtues of our patriotism. In wanton fashion this sacred right of trial by jury is here challenged not by some judge, not by some court, but by the representatives of the people, representatives who have taken an oath of office and by that oath of office have sworn to support the Constitution of the United States, our Magna Carta, which guarantees to every citizen, however humble, the right of trial by jury. This is the saddest and the sorriest part of this performance.

When Jesus Christ was on earth and wanted to make His presence and His purpose known, He, with great and divine intuition and with sublime wisdom, selected a jury of 12 men to witness the evidence of His divinity and to proclaim the great verdict to the world. Jesus had a jury. It is true that among the 12 jurors selected He had a Peter to deny the truth and a Judas to betray the cause. The fact remains, however, that the great Saviour of man selected a jury of 12. When Peter realized that he had betrayed a trust, he poured out his heart in grief. When Judas realized the enormity of his offense, he threw down his 30 pieces of silver, fled from the sight of man and hanged himself. This is not however an indictment of our jury system. Certainly no human institution is perfect nor is it infallible.

All of our jurors may not be honest, brave and courageous, but certainly most of our jurors are prompted by the highest purposes of life and are unswerving in their vitality to truth and in their unyielding devotion to duty. Under our system of Government no man shall be deprived of life, liberty or property except by due process of law, which contemplates a fair and an impartial trial by jury and only after a unanimous verdict has been rendered against him. In all of our system of Government there is no office more important than that of a juror. Members of petit juries hold in their hands the golden scales of justice and they and they alone pass upon the grave issues of life and death. Neither potentate nor prince ever exercised higher functions than those exercised by members of petit juries. Jurors not only deal with life and death and property but they deal with individual liberty, which under our system and our traditions is even more precious than life itself.

How could we trifle with such serious and sacred rights which mean so much to all of our citizens in all walks of life and in all jurisdictions of our great Republic. This Magna Carta, this great Constitution of ours, was signed by the father of his great country, George Washington, and my recollection is that it was signed by 39 other men, perhaps of less distinction but representing all of the grand States that existed at that time on this continent, and every State thereafter admitted to the Union in a duly constituted convention has ratified that great document which means so much to all of us.

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

Mr. COOLEY. I yield.

Mr. SCOTT of Pennsylvania. Does the gentleman contend that the right of trial by jury does exist in contempt proceedings?

Mr. COOLEY. No. I do not contend that jury trials exist in ordinary contempt proceedings. As lawyers, we know that in ordinary proceedings certain individuals are subjected to injunctions and restraining orders and such injunctions and restraining orders are entered against certain named individuals, firms, or corporations, but here we are dealing with an entirely different matter.

Mr. SCOTT of Pennsylvania. If the gentleman regards it as a right of such importance, I wonder how the people of the United States have gotten along without it for 175 years?

Mr. COOLEY. As I have pointed out, in ordinary contempt proceedings the individuals involved have already had their day in court and all persons so involved have either already had a trial by jury or thereafter have a right of trial by jury. Here we are dealing with no ordinary case. Individuals are enjoined and restrained in ordinary litigation with which we as country practitioners are familiar. In the matter under consideration, individuals might unwittingly violate the terms of some restraining order and might without even knowing violate some alleged civil right.

Again, I emphasize the importance of a citizen having the right of having a jury of his peers to pass upon the question of this guilt or of his innocence. This right of trial by jury has through the ages been trampled upon but it is still one of the most precious rights of our citizenship. The Saxons carried the right of trial by jury to England and there they were ever ready to defend it with their life's blood. It was crushed out by the Danish invasion. All that the people suffered of tyranny and oppression during the period of their subjugation resulted from their want and from their denial of trial by jury. As the day follows the night, a great reaction came and the Danes were driven back to their frozen homes in the North.

Alfred the Great, the greatest of revolutionary heroes and the wisest of monarchs, made the first use of his power after the Saxons had restored it to reestablish their ancient laws. Not all of this was done with great ease; the courts were opposed to it, the judges were opposed to it, for it limited their power—the kind of power that is coveted by tyrants, the power to punish without regard to law. In reestablishing the right of trial by jury, it was necessary for Alfred the Great to cause to be hanged 44 judges in one year for refusing to give his subjects a trial by jury. Alfred did not hang them without a trial. They were impeached before the grand council of the nation, the Parliament of that day.

The right of trial by jury was again trampled down by the Norman conquerors. The evils resulting from the want of it and the denial of it united all classes in the one great effort which compelled King John to restore the right of trial by jury when the great Carta was rung from his hands on the plains of Runnymede.

Wonderful and mysterious have been the vicissitudes of the right of trial by jury. American citizens want no part of a star chamber trial by a one-man court. Every citizen is a part of our Constitution and our Constitution is a part of the life of every citizen. Every man who had taken public office in this country from the time the Constitution was ratified until this very good hour has taken an oath that he will support and defend the Constitution and all of its provisions. The Attorney General of the United States became a party to that great document when he laid his hand upon the great gospel of God and swore solemnly that he would give every citizen the great benefit and protection of all of its great provisions. Everyone of you are likewise a party to this the greatest instrument yet devised by the mortal mind of man.

Those of you from other sections of the country seem to think that for some reason you are not involved in this controversy. You seem to think that you are directing your efforts toward the Southland. For some reason you seem to be under the erroneous impression that in the South we are running rampant over the rights and sacred privileges of citizens. You have been challenged and I again challenge you to name a single man or woman in all of the Southland who has, because of race, color, creed, religion, or national origin, been denied the privileges of citizenship or the right to vote, if you please. Yet you are making much ado about nothing.

The very fact that you are willing to deny the accused the right of trial by jury is positive proof of the fact that you actually intend for judges to conduct star chamber trials, to render decisions, to impose punishment, and to exercise and influence their own decrees. One-man courts will not be tolerated either in the Southland or elsewhere in America.

Let us contemplate for one moment the far-reaching effect of such tribunals. Suppose some citizen in your district or in my district is summarily summoned before the court and is summarily convicted and imprisoned, without a public trial and without a trial by jury. Can you not understand how the people would be aroused and can you not understand how, in great indignation, citizens might even storm our jails to free those who have been wrongfully imprisoned? The majesty of the law as we have known it through the years may very well be challenged by the best citizens of our country if such wrongful acts should be perpetrated.

In summary of this iniquitous measure, I need only to say that it is a desperate effort, a political effort, if you please, to rape the Constitution and to ravish the rights of freemen, and the sorry part of it all is that it is being proposed here in the Congress of our great country. Please do not believe for one moment that the American people will tolerate such treatment. We cannot afford to play with precious rights. I urge the adoption of the pending amendment. Frankness requires me to admit that even if the pending amendment is adopted I shall not vote for this iniquitous bill. I will not vote for it for a thousand reasons, which time will not permit me to discuss.

Mrs. CHURCH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this has been an amazing week. It has been a week of great brilliance and great oratory, and a week, to my mind, of complete submergence of the actual issue before us. I went home after 3 days of general debate, Mr. Chairman, almost brainwashed myself into thinking that perhaps this extraneous issue of jury trial in a civil contempt case—an issue valuable in other circumstances, but a secondary issue in this case—might be necessary. But, Mr. Chairman, you could never brainwash me on the need for legislation that would remove the last vestige of second-class citizenship in this country.

I would like to say that of course I believe in all American rights. In criminal cases, I would, of course, support a trial by jury; but I believe even more in the American right for men to govern themselves through the ballot; and where that ballot is refused or the exercise of it is not granted to any segment of our eligible population, no government of the people is safe; no government of the people is secure. I would go so far as to say, Mr. Chairman, no government which denies the right to vote to any large segment or to any small segment of its eligible population can hope to survive.

So, Mr. Chairman, I would like to say just this. I think we should wipe away the trees, the bushes, and the hedges raised by proposed amendments to this bill. We are talking here of an issue which is so fundamentally American that we should not seek to rely on oratory or sophistry or legal brilliance, and there has been much of it.

I know that this legislation is needed. I myself have had only one personal experience illustrating the need for such legislation to protect civil rights, but it was a potent one. My personal experience dealt not with a case of mere refusal of the right to vote—but with the failure adequately to determine and punish those who had taken young life. I refer, of course, to the Emmett Till case, in which a young boy from Chicago went down to visit in another State; and whatever the reason, was kidnaped in the middle of the night from his relatives' comfortable but perhaps poor home and was later found murdered. I had sent an official request, never acknowledged, to the Governor of that great State, urging him to use his powerful influence to insure a fair trial and apprehension of the guilty. The case is too well known to require any recounting of the later circumstances of the jury trial, the acquittal, or the failure further to apprehend the guilty. I knew then, Mr. Chairman, that action must be taken to protect the civil rights, at least, of certain of our citizens who are as much American and who are as much entitled to the protection of their rights as anyone who sits in this Chamber as a Member of Congress.

I have been constantly thinking during this debate, Mr. Chairman, that if we could only have had 10 percent of the brilliance and the legal knowledge and the oratory that has been expended against this bill used to protect civil rights—including the right to vote—we never would have needed this legislation. I hope that we can still enlist such aid to help this worthy cause.

Mr. Chairman, I would like to discuss a little more fully this proposal to inject a jury trial. The fifteenth amendment, adopted more than 80 years ago, declares: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." This, however, did not, as anticipated, secure the franchise for citizens in some areas. Before and after the last election, it is argued that repeated, specific charges were made that registration lists were being purged of certain voters. Since efforts to deal with such violation of the law were ineffective after the action had once taken place, the Department of Justice offered the suggestion embodied in this bill that it be permitted to proceed to prevent denial of rights by the use of the injunction process. This is the same process currently used to enforce antitrust laws and in many other instances, by permitting the granting of a temporary order or injunction. No permanent order could be obtained until full opportunity had been given to present evidence and cross-examine witnesses. Disobedience of the court decision then reached, however, would make the guilty individual punishable for contempt.

When the amendment to provide a trial by jury, in place of the proposed contempt proceedings before a judge, was first suggested, strong suspicion arose that such action would merely nullify the act. At the very least, jury trials would cause delays that might, in many cases, prevent in time any action against denial of the voting privilege.

I think that it is only fair to point out, Mr. Chairman, that the right to trial by jury, a right that Americans cherish and guard, is not provided in the Constitution for this type of litigation—nor does such a provision appear for the same type of court action in the constitutions of those States from which there is now coming the greatest pressure for a jury trial amendment. Constitutional lawyers whom I have consulted go so far as to question the constitutionality of including a trial by jury provision in the legislation under consideration, inasmuch as it would deprive the courts of their historic power to protect themselves by contempt action. My own main objection to the proposed jury trial provision is that it would nullify this bill—that there is double reason for its rejection in the danger that it might, at the same time, flaunt the authority of the judiciary.

Mr. Chairman, what we need today is to consider the basic issue before us: The issue of whether freemen, American born or naturalized, who are entitled under the Constitution to vote, shall be deprived of that vote or of any other civil right guaranteed by our Constitution. Personally, I think it is as simple as that. Both parties in their platforms promised this right. The Constitution guarantees this right. We, ourselves, most of us, have said we believed in that right. It is almost, Mr. Chairman, a simple question of whether we keep faith—keep faith with the fundamental principles of this country; keep faith with our declaration that men can live here in equality and brotherhood; keep faith with what we are trying to say—and what we are spending billions of dollars to say to the world—that we believe in freedom, equality, justice, and equal rights.

Mr. Chairman, the first question I was asked in India 20 months ago was how I could account for our failure to let all American citizens who are entitled to vote, do so. I heard that stories about the expulsion of Autherine Lucy were published in Cairo, Egypt, before they were published here in Washington.

Mr. Chairman, in days like this, when all the world is looking toward us, we cannot afford to take a step backward nor can we refuse to take a step forward. It is a question of keeping faith, as I said, with our constitutional beliefs: it is even a question of keeping faith with the moral law.

As far as I am concerned, Mr. Chairman, I shall keep that faith. I shall vote for no amendment which would nullify the effect of this law. I shall vote for no amendments which would weaken its essential purpose.

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

Mr. Chairman, I rise now in support of this amendment to provide a jury trial

in contempt cases. I think I will speak to begin with to my friends on the Democratic side of the aisle. I will soon have finished 10 years of service in this body and I think during that time I have made the reputation of being, among other things, a good Democrat. I have voted the ticket, so to speak; I have supported the leadership of my party wherever I possibly could. I remember very distinctly the days back in 1949 when the public housing law that has meant so much to the large cities of our country. Then it was that I joined that little band whose efforts resulted in the passage of that bill in the Committee of the Whole by only two or three votes.

When matters have been before this House that I judged to be of a punitive nature against the laboring men and women of this country, I have joined with my Democratic friends from other sections of the country to vote against those measures.

I mention these things, Mr. Chairman, not as creating any bond of obligation or indebtedness between the friends to whom I am speaking and myself. I have no apology for the way I have voted. I voted the way I did because I thought that the best interests of all the country required that I vote the way I did. Instead, I mention these things as showing certainly that my attitude toward my fellow Members of my party from other sections of my country have not been one of antagonism.

At this point, Mr. Chairman, I think perhaps I should say that I may have made a mistake in saying that I am talking primarily to the Members of my own party; maybe my remarks should be directed to my friends on the other side of the aisle. A recent compilation of my votes by the Congressional Quarterly indicates that I have a better voting record in support of the President of the United States than does a very large percentage of the members of his own party in the United States House of Representatives. Again, Mr. Chairman, I do not apologize for my votes that have been friendly to the President. I shall always support him when I think he is right.

However that may be, Mr. Chairman, I want to talk this afternoon about a matter that I feel is of the gravest importance. I propose to discuss the historic role of the Democratic Party in the Congress in winning for the American people the right of trial by jury in injunction contempt cases. In preparation of what I am going to say I have done considerable research; I have read the record.

The truth is that about 65 years ago the injunction as a legal remedy for use in labor-management disputes had its origin. It was such an effective instrument, and its use spread so rapidly throughout the industrial areas of the Nation that many people were convinced that judges were abusing its use.

In a very few years it could be clearly proven that the injunction had been used as a weapon to break 500 strikes. Its indirect effects were immeasurable.

The great Democratic Party was early to sense the abuse of the injunction processes and just as Bryan was crying out "You shall not press down upon the brow of labor a crown of thorns" the Democratic Party, in its platform of 1896, boldly announced:

> We especially object to government by injunction as a new and highly dangerous form of oppression * * *; and we approve the bill now pending in the House of Representatives * * * providing for trials by jury in * * * cases of contempt.

The Democratic Party adopted a course and pursued it. In 1900, the platform of our party said and I quote:

> We are opposed to government by injunction.

Sentiment was building up. Opposition to these injunctions was growing. Opposition to the heavy hand of the Federal judge as he meted out punishment for alleged violations of his injunctions was becoming cemented in the consciences and the hearts of the American people.

In its platform of 1904, the Democratic Party said:

> We approve the measure which passed the United States Senate in 1896, but which a Republican Congress has ever since refused to enact * * * providing for trial by jury in case of indirect contempt.

The moving finger writes.

In 1908 the Democratic platform proclaimed:

> Experience has proved the necessity of a modification of the present law relating to injunctions, and we reiterate the pledge * * * in favor of the measure * * * providing for trial by jury in cases of indirect contempt.

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

Mr. ELLIOTT. Mr. Chairman, I offer a privileged motion.

The Clerk read as follows:

> Mr. ELLIOTT 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. ELLIOTT. Mr. Chairman, in 1912 the Democratic Party offered the country Woodrow Wilson and a platform pledge that a law would be enacted providing for a trial by jury in injunction contempt cases.

Then came the enactment of the Clayton antitrust law of 1914, which continues today as the bulkwark of many of the economic liberties that we now enjoy.

In that day, Henry D. Clayton, of Alabama, filled the chair now occupied by the gentleman from New York [Mr. CELLER], when the historic debate which led to the passage of that law occurred in this very Chamber 43 years ago, in May and June of 1914.

Now, Mr. Chairman, go back with me those 43 years and hark to the debates of those times.

Mr. Henry of that day, from the State of Texas, stood on the floor of this House and said of the Clayton antitrust law:

> Then follows ample provisions for jury trial in cases of indirect contempt, such is our platform promise and thus by this strong language * * * we redeemed it * * * in this bill labor has secured more rights * * * than in all the legislation afforded it in 100 years * * * a wonderful record for democracy.

On the same day, Congressman Bartlett said:

> We boast, Mr. Chairman * * * that the system of jury trials * * * handed down to us from English jurisprudence is the greatest palladium of the liberty of the English-speaking people, yet in a case which provides punishment and fine, we have been struggling in Congress for 20 years or more in order to have enacted into a statute of the United States the right of the American citizen to be tried by a jury of his peers.

In this same debate, from the State of Illinois, Congressman Graham wisely said:

> True, juries sometimes make mistakes * * * [but] it is the judgment of many of our wisest and most experienced jurists that fewer mistakes are made in ascertaining * * * facts * * * by 12 men from the ordinary walks of life than by one, of even by 12, experienced lawyers or judges.

On that same day of June 2, 1914, Representative Quinn, of Mississippi, said:

> I believe that this bill will give the people of the country more confidence in the courts. It will give them more respect for the courts, and it will give the courts to understand that the people have rights and that these rights can be passed upon by their peers.

In this same historic debate, Representative Taggart, of Kansas, said:

> In these nine sections are contained a charter of liberty and a bill of rights for the whole American people. The people of this country are not satisfied to have their sense of justice expressed wholly through the decisions and decrees of * * * [judges] * * * with a life tenure of office. While many of these men are of the highest character and interpret the law fearlessly, as it has been provided for them, there are those among them * * * who have earned the reputation of being the * * * faithful guardians of big business. These provisions will come as a relief of the conscience of every wise and truthful judge in the whole land.

Now, I know there are those among you today who feel that the judges themselves can more expeditiously, and perhaps you feel they can even more wisely, hear and dispose of injunction contempt cases. However, I call your attention to Senator Pomerine's statement in the debate on the antitrust law in the United States Senate. He said:

> The Court can have no knowledge, of the contempt, save such * * * as the testimony produced before it affords; and in these cases we know, as a matter of fact, that often there is the most intense feeling prevailing on both sides of the case, and, I regret to say, that it sometimes extends even to the court, whose order it is alleged has been trampled underfoot.

Mr. Chairman, out of the welter of the debate which I have reviewed, there came the Clayton antitrust law. Now let's see what Mr. Clayton himself said about the law. In his report to the House, he said:

> But no one has shown, jury trials in contempt cases, amount to anything more than a change of procedure * * * the methods of ascertaining the facts in certain cases is changed, but their ascertainment is still under supervision of the court.

Mr. Clayton further stated:

> This committee—

Referring to the House Committee on the Judiciary—

confidently believes that, so far from weakening the power and effectiveness of the Federal court, this bill will remove a cause of just complaint and promote that popular affection and respect which is in the last resolve the true support of every form of governmental activity.

So, Mr. Chairman, we trace the tortuous course by which, finally, in 1914 the people's representatives, under the firm position established in the Democratic platform of 1896, reiterated in 1904, reemphasized in 1908, and rededicated in 1912, enacted this monument of the people's liberties, the antitrust law of 1914, which, with respect to the trial of contempt citations under court injunctions said:

In all cases * * * such trial may be * * * by a jury.

Now, Mr. Chairman, up to this point I have not mentioned the bill before the House.

Now, I want to say to my friends in my party and to all my friends in the House that we stand on the threshold this week of doing a greater violence to the people's basic rights in the bill before us than they can ever gain from the so-called civil rights which the bill allegedly guarantees. What difference does it make that the man who seeks the guaranty of trial by jury in contempt cases lives either in the South, the West, the North, or the East? Trial by jury is an elemental right, a cornerstone of our liberties. It has been true since the barons wrung that precious privilege from King John at Runnymede in 1215. It will be true when the problems with which we wrestle today have become a part of the dust of time.

What difference does it make that the law relating to parties to the suit must be changed a bit when such a great human right is at stake?

The members of my party and the members of the Republican Party who sponsor this legislation have the power to pass it through this House. The legislation is unwise. It is unsound. If it must be passed, God forbid that in the exuberance of your enthusiasm you sweep aside the time-tested and time-honored civil right of trial by jury.

Mr. VORYS. Mr. Chairman, I rise in opposition to the motion, and to the jury trial amendment.

Mr. Chairman, let us get this thing in perspective. The only constitutional issue involved in this legislation is the denial of voting rights guaranteed by the Constitution to American citizens. There is no constitutional issue involved in this jury trial question.

Our forefathers said, "Taxation without representation is tyranny." Government without representation is tyranny. And the 14th and 15th amendments carry out the principle that representation is dependent upon the right to vote. When we find that thousands, perhaps millions, of American citizens do not have the right to vote, then it is time for Congress to do something about it. This denial involves not only the rights of the individuals concerned, but it involves the fundamentals of representative government, and therefore it is not merely a private question but a public question, and we very properly have the Attorney General bringing an action in behalf of the United States, a civil action to protect civil rights.

Here is what Attorney General Brownell said at page 15 of the report:

The present laws affecting the right of franchise were conceived in another era. Today every interference with this right should not necessarily be treated as a crime. Yet, the only method of enforcing existing laws protecting this right is through criminal proceedings. * * *

Criminal cases in a field charged with emotion are extraordinarily difficult for all concerned. * * * Civil proceedings to forestall denials of the right may often be far more effective in the long run than harsh criminal proceedings to punish after the event.

In any criminal proceeding, of course, a jury trial will be preserved, but in a case like this, where the actions are complicated, many different persons may be involved, and speed is required, it is the fundamental principle of our law that we use the injunction process where traditionally no jury is required.

Under our Anglo-Saxon system of law, justice is administered by the courts. A jury is only part of the court's system, but the judge is fundamental to our court system. In a jury trial the judge instructs the jury. In a jury trial the judge sentences the defendant. In short, the judge gives all the orders in all kinds of court proceedings. We have spent most of our time talking about what shall be done with these judges' orders. These orders can be reviewed and attacked by appeal to higher courts. It must be obvious, even to a layman, that we cannot have a jury reviewing a court's orders, yet that is what is proposed by the jury amendment.

Now, the jury system is important, but for every one article you would find, I suppose, in the Library of Congress, or the law magazines praising jury trials, you will find articles criticizing the many faults, frailties, and abuses of the jury system. And, therefore, one of the sacred rights of a defendant is the right to waive a jury.

Let us bear in mind as we try to get this matter in perspective that right now, under our American system, in almost every State, we deny a jury trial to a union man in a labor dispute under the Taft-Hartley Act, and we do it under our State laws. We deny a jury trial to a businessman in an antitrust case. We deny a jury trial to a married man or a married woman in a divorce case or an alimony case. We deny a jury trial to a property owner whose home or whose building is charged to be a nuisance. We deny a jury trial to a man in military service for an offense committed when in military service.

What, then, makes a jury trial suddenly so sacred when someone, even if it be a southerner, attempts to keep someone, probably a Negro, from voting? What makes it so sacred under such circumstances? Nothing. Neither the Constitution nor our traditions. If we will keep this thing in perspective and remember what we are trying to do, to get civil remedies for denial of civil rights guaranteed under the Constitution, we will dispose of this amendment and the jury amendment and enact this proposed legislation without further delay.

Mr. CRETELLA. 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 Connecticut?

There was no objection.

Mr. CRETELLA. Mr. Chairman, in the discussion of H. R. 6127, the House is concerning itself with a matter of the greatest importance both to all citizens of the United States and to our Nation as a unit in its relation to other nations of the world.

I have given my full support to civil rights legislation, being one of the majority of Members voting for the bill last year. I have no doubt that the bill before us today will likewise be voted on favorably by this body.

This past winter, I had the opportunity to appear before the House Judiciary Committee in support of civil rights legislation and, more specifically, my bill, H. R. 3481. In order to register my thoughts on this subject in the RECORD, I include at this point some observations from my testimony.

It has been generally agreed that the progress made by the present administration in the general field of civil rights has excelled that of previous administrations in the last 20 years. The proposal for the integration of our Armed Forces has been tremendously successful. An end has been put to discrimination in our Government departments and agencies when based on reasons of color, creed, race, and religion. Discrimination has been stopped in private enterprises having contracts with the Government and in Federal housing. In short, where and when the Government is directly concerned it has gone forward in great strides to erase any and all degree of racial hate and discrimination in the United States.

Indeed the complexities of integration as related to the sovereignty of the States are many, and needless to say, there are many States which are employing their powers of sovereignty solely as a means to obstruct the fullfillments of the order of the United States Supreme Court to integrate our public schools. We have learned that in the efforts to resolve this problem and carry out the true meaning of the Court decision, extremism on either side of the argument is not the sensible approach. The decision, nevertheless, is the law of the land and it must be abided by, by all the States, not just by those so inclined. I am assured that the Eisenhower administration will do everything possible to bring about peaceable integration in our public schools, for that is the only method by which all citizens can attain equality of opportunity in education, to which they certainly are entitled.

The denial of inherent rights of United States citizens has taken place in other areas outside our schools, Armed Forces, and Government. It is the denial of such a basic right as voting that this legislation which I propose will correct.

Let us look to the tenets and principles upon which this Republic was founded. The cornerstone of the greatness of America is equality under law. Our Constitution, as written, provides for the freedom of equality of all our citizens, in the right to vote, hold public office, speak and worship. Privilege, when based on color, race, or birth should always be abhorrent to the American standards of democracy, and it is these impurities in our system which make a mockery and hypocritical gesture of our ideals in the eyes of other nations of the world, whether they be free or not.

And speaking of other nations of the world, it has become especially incumbent upon us to exercise our concepts of justice, freedom, and tolerance. Whatever injustices may arise within our boundaries, no matter how minor, it is now greatly magnified and distorted by Russia and the other Russian controlled countries who are trying to propagandize the rest of the world into recognizing the benefits of communism. American prestige in the cold war is seriously damaged by the Russian inspired tactics in their struggle for world position.

Only a certain amount of the propaganda can be disclaimed through the dissemination of truthful information to nations overseas. The rest must be disclaimed through action on the part of our Government through adequate legislation, and through action on the part of the people within our Government in abiding by the provisions of those laws which are designed to protect individual civil rights.

Laws are but one means for the establishment of standards which do justice to the principles of democracy, morality, and decency. It has been proven to be an effective instrument toward this objective. This existence of uniform Federal law in the enforcement of civil liberties is essential. The difference of opinion between Connecticut and Mississippi is, of course, not in itself a basis for Federal law, but when certain inalienable rights as given by the Constitution are abridged, no matter how prevalent or confined the denial is, we must have some common adequate regulatory power. And that power belongs to the Federal Government, in fulfillment of its obligation to defend and uphold the rights granted under the Constitution.

Congress must recognize that infringements upon the American principle of freedom, justice, and equality endanger our form of government and are destructive to our basic doctrine of individual dignity and integrity. It is this recognition of the individual as a creature of God which sets us apart from the doctrine of totalitarian dictatorships.

It is essential that the gap between principle and practice be filled through law, and adequate safeguards be enacted to preserve our American heritage and to protect those things given us under the Constitution and our moral, economic, social and political existence.

I have every confidence that this committee, under the able guidance of Chairman CELLER, will report effective civil rights legislation to the House and that such a proposal will be passed by a sizable margin.

If such action does come to pass, I think it wil be incumbent upon all of us in this body who want such a law for the protection of all United States citizens, to enlist all possible assistance from our colleagues in the Senate toward the objective of effecting final passage. We should all try to avoid the shelving of good civil-rights legislation which occurred in the 84th Congress, after House passage.

Much has been said recently of the possible denial of rights to trial by jury if the civil-rights bill is enacted into law. It appears that the sudden concern for constitutional rights on the part of some consists of nothing more than an attempt to becloud the entire subject and thereby cause undue delays and confusion which might endanger passage of the proposal.

It has been pointed out that there is no constitutional guaranty of jury trial in contempt proceedings and, furthermore, it is very questionable whether Congress could, within the requirements of the Constitution, provide for trials by jury as called for by the opponents of civil rights legislation.

I hope this Congress will not be deceived by this or any other devious tactics from the realization that enforcement of civil rights is a necessity today where thousands of Negroes in the South are being denied the right to vote and other rights which belong to them as United States citizens.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama to strike the enacting clause.

The motion was rejected.

Mr. WILLIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, much has been said that the purpose of the bill is solely in the area of voting rights. That is just as wrong as wrong can be. This amendment occurs at page 10 of this bill and would amend part III. Part III does not have one single, solitary thing to do with voting rights. It amends statutes on the books according private right of actions to private citizens against other private citizens to vindicate their own rights in the whole area of civil rights. The statute which this part of the bill amends refers to all rights, privileges, and immunities arising under the laws and the Constitution of the United States.

Do you know what that means? That means, for example, that the right of a labor union to choose a bargaining agent under the Wagner Act and the Taft-Hartley Act arises under an act of Congress. This bill refers to that relationship and these injunctions may project themselves against labor union elections. Make no mistake about that. Do not think that this bill has only to do with voting rights. It strikes at all conceivable civil rights under the statute amended—I do not have it here, but you can look it up. The statute is in the report under the Ramseyer rule. This bill amends the statute. It affects all rights, privileges, and immunities under the Constitution.

Mr. Brownell testified before our committee and before the Senate committee that he must have the power under this bill, because it is too hard to convict in a criminal prosecution. Mr. Olney has said the same thing through the newspapers. We have all heard and read time and time and time again and every day in the newspapers that this bill is needed because juries in certain sections of the country will not convict.

How can these people look you straight in the eye and say that this bill does not take away rights? How can they pretend honestly that no rights are taken away, when the very purpose of the bill by making the Attorney General a party to the suit is to take away jury rights. Under this amendment we are not asking for one single, solitary right that the people, all the people, not only labor unions but all the people of the United States, do not presently enjoy in practically every conceivable case that will arise under this bill. This bill is designed to take away that right, depriving everyone of the right to trial by jury in civil-rights cases by the simple and cynical and ugly device of making the Attorney General the guardian of all personal rights of the peoples.

Here is what this amendment would not do: It would not require the trial of an injunction on the merits before a jury. The trial of the application for injunction will be before the judge without a jury. It will not deprive the judge of the right to punish for contempt occurring in the presence of the court. On the contrary, the right of a judge to punish for contempt occurring in the presence of the court is preserved.

It would not deprive the judge of the right to punish for contempt occurring so near the court as to obstruct the administration of justice. The judge would still have the power to punish for such contempt.

It would not deprive the judge of the right to punish for civil contempt, that you have been hearing about. The judge would still have the right to protect the dignity of the court in cases of contempt committed in the presence of the court or so near thereto as to obstruct the administration of justice, and the judge would still have the right to punish for civil contempt.

The one and only thing we are asking for is the right to trial by jury when the alleged violation of the injunction decree also constitutes a crime.

Mr. POWELL. Mr. Chairman, I rise in opposition to the amendment, and ask unanimous consent to revise and extend my remarks.

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

There was no objection.

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

Mr. MASON. Mr. Chairman, I have to object, regretfully.

Mr. POWELL. Mr. Chairman, strip the opposition to this bill of all hypocrisy, dishonesty, and subterfuges and only one reason stands out why anyone is opposed to this bill and that is because a minority in this country has made up its mind that under no circumstance is it going to allow colored citizens the right to

vote—even in a Federal election. Clothing their arguments in sheep's garments of high-sounding phrases, nevertheless, the heart of their approach is one of hypocrisy and dishonesty. The tragedy is that so many Members of this body, from both sides of the aisle and from areas outside of the southern section, are susceptible to the arguments being presented.

I want to leave the legal side of this debate to the eminently qualified chairman of the House Judiciary Committee, the gentleman from New York [Mr. CELLER], and to the ranking Republican member, the gentleman from New York [Mr. KEATING]. I want to leave the logical presentation to other Members of this body. As for me, I would like you to face your conscience and make the choice between hypocrisy and honesty.

First, the opponents say that they are opposed to the Commission established by this bill. Yet, on page 1034 of the House hearings, we find a comment from the Jackson, Miss., Daily News of May 15, 1956, in which the State of Mississippi does set up a commission; appropriates $250,000; takes the chief of the highway patrol to head the force—one Mr. L. C. Hicks. I ask the question, "If Mississippi can spend a quarter of a million dollars on a commission and employ a sheriff to deprive citizens of their constitutional rights, how can anyone argue against the establishment of a commission to uphold the constitutional rights as set forth by our Government?"

Second, the opponents of this bill have made much of the so-called jury trial issue. Their acknowledged leader is a former supreme court justice of the State of North Carolina. I have here a memorandum which states that in North Carolina not only a justice of the peace but even a clerk can exercise contempt powers without a jury trial. How does it happen that those who do agree with North Carolina law giving a clerk the power to exercise contempt power are here today fighting against proper judicial procedures and insisting with their tongue in their cheek that they believe in trial by jury?

I have before me a list of those States of the Union which have enacted laws guaranteeing a trial by jury in contempt cases. Only one State, Oklahoma, provides for a jury trial in all cases of indirect contempt and 14 States guarantee trial by jury in contempt cases involving an injunction issued in a labor dispute only. Of these, only one is a southern State and that is Louisiana. If we were to be faced with the kind of juries that we find in Wisconsin, Utah, Pennsylvania, Oregon, North Dakota, New York, New Jersey, Minnesota, Massachusetts, Maine, Indiana, Idaho, and Colorado—which are the States that have such trial by jury laws—then we would be willing to take our chances with such juries. But when American citizens are faced with juries in the southern section of this United States we know that a colored citizen cannot get equal justice.

On January 10, of this year of our Lord, 1957, six pieces of property owned by houses of God were bombed in Montgomery, Ala. On May 30, Memorial Day ironically, the two young white men who bombed these churches and virtually admitted that they did, were acquitted by an all-white jury.

Is this the kind of justice that you men and women have sworn to uphold? Do you believe that houses of God can be bombed in the United States of America in the year of our Lord, 1957, and men go free even though they have confessed to the crime? Is this what you are going to vote in favor of today? If so, then may God have mercy on your souls.

This amendment—trial by jury—is the acid test of your vote. It does not matter if you vote on the final passage in favor of civil rights and on this amendment you vote in favor of trial by jury. The eyes of America are upon you, and American citizens—black and white, Jew and gentile, Protestant and Catholic—will know that you voted hypocrisy if you vote for trial by jury and then turn around and vote in favor of civil rights. There can be no civil-rights bill if the amendment—trial by jury—is in it and no one knows this better than the gentlemen from Mississippi, Alabama, Georgia, South Carolina, and the other States of the South.

Your vote today must transcend party, transcend race, transcend section, transcend religion. We must vote today as Americans.

Our colleagues from the South do not have the numerical strength to defeat a civil-rights bill in this House or in the other body. They do not have the numerical strength to include in it the hypocritical amendment for trial by jury. Therefore, if that amendment is included in this bill, America will know that it was done through the help of Republicans and Democrats from the North, the Middle West, and the Far West.

President Eisenhower has consistently followed a course of what he calls moderation. He would not put his stamp of approval on any civil-rights bills that even remotely threatened the constitutional rights of the people of this country. His Attorney General would not have come out against the trial by jury amendment if there was the slightest possibility that the Federal Government was usurping the rights of American citizens. The distinguished majority and minority leaders of this House would not be seeking passage of this bill if it would take away from any United States citizen any right which they now possess under the Constitution. We finally know that my colleagues from New York who have piloted this measure through the Judiciary Committee have consistently supported the rights of all people. With this great testimony behind us of the President, the Attorney General, the leaders of this House and our colleagues of the Judiciary Committee, only one answer then remains. If trial by jury is adopted, it will be adopted because we are not voting with honesty and with our conscience.

This is an hour for great moral stamina. Away with the pettiness and divisiveness of cheap political compromising. America stands on trial today before the world and communism must succeed if democracy fails.

Speak no more concerning the need of free elections in East Germany while here in the United States millions of Negroes and poor whites are disfranchised.

Speak no more concerning the bombed and burned and gutted churches behind the Iron Curtain when here in America behind our "color curtain" we have bombed and burned churches and the confessed perpetrators of these crimes go free because of trial by jury.

Speak no more concerning the imprisonment of Cardinal Mindszenty and others in godless atheistic Russia when here in so-called Christian America we have arrested, fingerprinted, and indicted 30 men of God. Why? Because they want to obey the law of the land.

God sits in judgment here today as He sits everywhere when a moral question arises and God knows our cause today is right, is just, is honest, is holy, is legal, and is moral. Let us therefore face this question with honesty not hypocrisy. Let us stop revealing ourselves before the American public and the world as cheap political puppets. Let us realize that at our best we are nothing but spittled clay grown arrogant with breath and each one of us at the undisputed barricade has a rendezvous with Him who dispenses equal and exact justice without regard to race, creed, color, religion, or trial by jury.

May we, therefore, with all humility and honesty approach that day when we meet the Great One that we may meet Him with at least a clean conscience and not with hearts and minds of sordid and shoddy hypocrisy.

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

Mr. Chairman, I rise mainly not to answer the gentlewoman from Illinois but at least to offset the impression I fear she has made. She made a very eloquent, emotional, and persuasive talk, as she always does. I have great admiration for the gentlewoman from Illinois. I have introduced her on three occasions to audiences as the best-informed, the best-posted woman in America on national problems; and I still feel that is true. She was, however, very emotional and very persuasive.

I am not inclined to be emotional; I am inclined to be very positive, but not emotional, but I feel I must be a little emotional on this occasion.

I was born in the old country, across the big pond. I was brought to this country by my parents when I was 6 years of age, the 12th child in a family of 13. I had to go to work at the age of 14 years to help earn a living for the family; I had to start from scratch, and this Government gave me the opportunity to climb the ladder of success—an opportunity I would never have gotten in any other nation on earth. I therefore feel that I can never pay that debt of gratitude to this Government of ours and this Nation of ours. So I propose to do everything I can to defend the Constitution of the United States as I interpret it, and to defend our American way of living. That is the reason I have spoken 3

times in the 20 years I have been in the House, on constitutional questions, although I am not a lawyer. The Constitution means more to me, perhaps, than it does to the majority of lawyers, because of my life and because of the privileges I have enjoyed under that Constitution.

Now, this is the question I have been leading up to, this is the question that weighs heavily on my heart: What confidence can we have in a politically appointed Attorney General? For the last 50 years I have been paying attention to those appointments and, during that time, we have had nothing but politically appointed Attorneys General.

My question is, Does this House have more confidence in a politically appointed Attorney General, to give proper justice to the citizens of America, or in 12 good men and true in a jury box, selected from a proper venue, representing the grassroots of America—which of these two methods would you have the more faith in to provide proper justice? Oh, I know we have had some juries that did not do what was right, but we know from past experience that court injunctions have been so terribly abused that we had to do something about it, and we did.

I just put that question to you, which? A politically appointed Attorney General to hand out justice or 12 good men and true?

Mr. WHITTEN. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, I do not think it particularly appropriate here, but some reference has been made to a case in the South involving a boy from Chicago, and I would like to have the attention of the members of the Committee to make some comment with reference to that type of matter.

It is so easy to read the press and accept their version of the facts as these speakers have done. I would not say that my information would be more accurate than what the press had, because mine would be second hand too. It is easy to second guess either a jury or a judge when one does not know all the facts or even when the facts are known.

May I say to the members of the Committee that I served in that section for 8½ years as district attorney. I handled a case in the adjoining county to the county referred to where a Negro man was killed by a white citizen, a veteran. The defendant came into court and asked that he be permitted to plead guilty and accept imprisonment in the penitentiary for life. His request was refused because the evidence clearly showed the commission of a horrible murder. The defendant was tried in that county before a jury of 12 white citizens. That jury brought in a verdict of guilty, which meant he received a death sentence. I mention that case to show what southern juries do when the facts are sufficient to warrant a guilty verdict.

I pointed that case out in hearings before the Senate and House committees; I pointed it out to the press, but there is no political benefit to the proponents of this measure in showing that the southern people do carry out their responsibilities, as they did in that case so no note was made of it. The facts in the case I have just referred to appear in the hearings of the Judiciary Committees of the House and Senate. Though these facts have been pointed out to the members of the press, this is news to you because it served no purpose to publicize that case or others like it back in areas where votes are being sought today.

Involved in this matter is not a case of the proponents of this amendment trying to provide jury trials. Involved in this amendment is an effort to prevent the bill that you have from taking away a jury trial which now exists. May I say to you that involved in this is not a jury trial as to contempt of court, where the defendant is a party to the case or where the action is in the presence of the judge and the judge sees it. This amendment would retain a jury trial to determine the issue of fact, where the occurrence took place out of the presence of the judge, as to whether in fact such contempt occurred. This amendment would retain the rights now existent in the case of Clinton, Tenn. There the board of education was ordered to take certain actions. But it did not stop there. The Federal judge, in his order, directed that, in addition to the school board, all persons in the community must refrain from interfering with his order, "by words, acts, or otherwise." These 16 defendants were arrested and charged with criminal contempt for violating the order. I do not know whether for alleged violation by words or by act or merely "otherwise."

Under present law these defendants are entitled to trial by jury as to whether in fact they committed the act alleged. If this bill had been the law, the judge would serve as prosecutor, jury, and judge as to defendants and on facts which happened beyond his presence.

This amendment would retain the rights which now exist. Perhaps it makes no difference, may I say to my lay friends in the Congress, if a man has violated the law it might not make much difference to him whether he went to jail by act of the judge or by act of the jury and confirmed by the judge. But I say what you do in this bill, in the absence of this amendment, you say to those 16 defendants or others who may face the same problem, the judge shall not determine solely and alone the issue as to whether there was really a violation. There could be no more controversial issue than whether the acts constituting contempt really happened or not. This is not a case of what the penalty should be, and that would be determined by the judge, but this amendment would preserve the right to have 12 men pass on whether such defendant did, in fact, violate the judge's order "by act, by word, or by otherwise."

Now, let me point out something else. You know, lawyers, when they get in this field, are artists at muddying the waters, sometimes you just have to rake away what they say and get down to brass tacks. You have seen it in the courtroom; I have, many times. The proponents of this measure have built up an atmosphere that puts us from the South in a position of trying to get jury trials when, in fact, we are trying to preserve that right which now exists. Technically it was pointed out that this bill would not provide double jeopardy, and I agree, if you express it that way, because the Supreme Court has said that to have a double shot at a man to send him to jail for violating the law and to have another chance to send him to jail for violating an injunction is not, technically, double jeopardy.

But, let me put it this way, and I think this will be uncontradicted. The effect is the same. This bill in the absence of this amendment will give the Attorney General two chances at the same individual on the same facts to send him to jail, and I do not care whether technically the Supreme Court says that is not double jeopardy or not, the defendant can be tried twice for the same action. This bill, on the same set of facts, one action by the same individual, would give the Attorney General two cracks at sending him to jail.

I regret that the debate has led to a level where the general feeling of many speakers seems to be that there is no question of the guilt of southern people. I regret that many Members seem to take it for granted that southern juries would not convict. How do they know, when the present laws, with present safeguards, haven't been tried?

No, my friends, it is tragic to see the right of trial by jury erode away under the pressures of political expediency. Unless you save that right, believe me, you will regret it.

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

Mr. Chairman, this time would not be taken were it not for the fact that in the press and in this debate a whole section of the country has been indicted as lawless. It has been charged that southern juries will not convict in certain cases. From my experience of more than 30 years as a trial attorney, I cannot go along with that charge. Naturally there are exceptions to every rule. I do not believe there is any justification for the general charge that has been made. I have had it demonstrated time and again that juries will convict regardless of what they think the law should be if it is pointed out to them what the law is and what the facts are.

Never have I been able to completely forget the admonition of St. Matthew:

> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?
>
> Or how wilt thou say to thy brother, Let me pull out the mote out of thine eye; and, behold, a beam is in thine own eye?
>
> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

There is another reason: Years ago in Michigan we had a subversive group in my own district in Berrien County. They were convicted. The Supreme Court reversed the conviction, because the law was unconstitutional and that was that. Since that time we have had other troubles there, of which we are ashamed. I noticed in yesterday's paper that in Detroit there was another mur-

der of a child, and that has been happening, I think, on an average of something like once a month. Only a few years ago the body of a murdered child was found in my home county, within 15 miles of my home. For some of the murders in Michigan no one has been arrested or tried. It is with a great degree of regret that I venture to call the attention of our very delightful colleague from Chicago, who referred to the "Till case in the South"—and no one can justify that murder—to the fact that in Chicago some time ago three boys were murdered—their bodies thrown in a ditch. There has been no arrest, no trial, no conviction. Scarcely a week goes by that someone is not murdered in Chicago. And the same might be said of New York and Brooklyn, from whence comes the gentleman [Mr. POWELL], who made such a moving emotional appeal. Emotion is all right. It is a good thing we have so much of it. But it should not lead us to broad general unjustified charges. But why criticize another community, another section of the country without admitting our own need for reforms. At times, Chicago has been a wicked city, a vice-ridden, lawless city. I am not talking from hearsay. I lived there when attending Northwestern law school, in the early 1890's. It is no worse than other cities—but it is not without its professional criminals, nor have I forgotten that a committee of this House not long ago held hearings on the pardoning of the Capone gangsters. One of them had a residence in the Fourth Michigan Congressional District, although he operated in Chicago. He wanted a little peace and quiet, so he came to Michigan. Should Michigan be charged as lawless because it harbored members of the Capone crime syndicate? We had no choice. They behaved themselves while there. The Capone gangsters were convicted, sent to prison, later paroled. Within the past week, the court has just gotten around to ordering the deportation of Ricca who was one of the five who was paroled by the Federal Government.

It is all right to complain. It is good for our moral health to call attention to these situations. But that is no justification for the charge that a whole community, State, or section approves lawlessness or violence. Does anyone think for one moment that there is not as much crime in New York City or Chicago in proportion to the population as there is in the South? If they do just let them read the papers.

The gentleman from New York [Mr. POWELL] makes a very eloquent, religious plea. But what about the waterfront in New York? Murder after murder and the State of New York and the State of New Jersey are successfully defied by gangsters and racketeers.

It is not a bad plan for one condemning crime and criminals, advocating a housecleaning in some other community, to first take a look at his own hometown, city, or State. This is especially true before citizens of Chicago and New York tell the South, or any other section, to do a worthwhile, good, needed, and thorough job of cleaning out the crooks. Permit me to quote from a talk made on April 15, 1937.

When the chairman of the committee responsible for bringing in this bill, the gentleman from New York [Mr. CELLER] was advocating another bill which he said was designed to protect minority groups—in that case, from lynching. Mr. Biermann, who had the floor, among other things, made this statement:

Mr. Chairman, this bill is not calculated to stop lynching. I have listened to most of the debate and I have not heard a single person say on this floor how this bill is going to diminish lynching. If it is not calculated to diminish lynching, what excuse is there for passing it?

The gentleman from New York [Mr. CELLER] asked what had been done to punish the perpetrators of the eight lychings last year. I do not know what has been done. He said that in New York they have crime, but they punish crime. Let us see: In the years from 1930 to 1934, inclusive—I got these figures from the World Almanac—there were in the city of New York 2,582 homicides. The police records of the city of New York show that for these 2,582 homicides there were 2,080 arrests; in other words, the arrests for homicides in New York City were 502 less than the homicides themselves. There were 502 killings for which no one was so much as arrested. The gentleman says that they punish these criminals in New York City. In these 5 years, when there were 2,582 homicides in the city of New York, there were, according to the police records of that city, 428 convictions. [Laughter.] In other words, according to the records, less than one person was punished for every 6 murders in New York City from 1930 to 1934, inclusive.

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

Mr. BIERMANN. Yes.

Mr. CELLER. The gentleman does not mean to presume that there were 2,582 felonious homicides. There are all manners and kinds of homicides, homicides by destruction by automobile, for instance.

Mr. BIERMANN. I mean criminal homicides.

Mr. CELLER. Will the gentleman classify them?

Mr. BIERMANN. If the gentleman wants me to, I will put that in the RECORD.

Mr. CELLER. I have it right here. Put it in—classify them.

Mr. BIERMANN. Felonious homicides. This leaves out accidental killings, and leaves out suicides. It includes only felonius homicides and the figure is 2,582 for the years 1930 to 1934, inclusive.

Mr. CELLER. I have it right here before me, felonious homicides in New York, 376.

Mr. BIERMANN. In 5 years?

Mr. CELLER. In 1 year. I am speaking about a year.

Mr. BIERMANN. I said from 1930 to 1934, inclusive.

Mr. CELLER. Then the gentleman should indicate the felonious homicides in contradistinction to manslaughter by negligence.

Mr. BIERMANN. The gentleman cannot take up my time in that way. I do not refer to accidental killings and I do not include suicides; but I mean criminal killings, of which there were 2,582 in the city of New York during these 5 years, with only 428 convictions of murder. If we are going to pass unconstitutional legislation to prevent killings, let us do something to deal with the wholesale killings in New York City. Lynching in the United States has declined from 226 in 1892 to 8 in 1936, but New York City still has a situation in which less than one-sixth of its murders are followed with convictions.

The FBI report shows that in 1956 there were 315 murders in New York, 293 in Chicago; in 1955, 306 murders in New York, 292 in Chicago; in 1954, 315 murders in New York, 277 in Chicago. Other figures are not at hand.

If anyone will read the record that was established by a committee of this House about the Capone conviction, the crimes involved and the parole of those gangsters, he will hesitate to say very much to people in other communities about cleaning their house until his own community has had a bath. At those hearings we had two police officers, captains, who were on the trail of the gangsters and the murderers and who gave us aid. They were threatened. Told they would be killed if they continued to give testimony. Later when one of those two police captains, Thomas E. Connelly and William J. Drury, was on his way to testify, to meet the staff of the Kefauver committee, that police captain in Chicago was shot to prevent his testifying. I do not recall that anyone was convicted. That was but one murder of many when an attempt was made to enforce the law—punish gangsters.

The record is full, not only of beatings, but of murders, if you want to look at it, that have occurred in Chicago and New York and have gone unpunished. Have we already forgotten the Riesel case where witnesses because of fear refuse to testify? So I say that I for one do not propose in view of my own section's record over the years—and I think we have as fine, loyal, decent, and law-abiding a community as there is in the United States—to criticize any other section of the United States as a community as being lawless or immoral until the record of our own State is clean.

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

Mr. Chairman, I was happy to see several of the other Members from our proud city of Chicago up on their feet vying for the opportunity to defend the fair name of our city. The reason I was recognized and accorded that high privilege and the honor is that I am a member of the Committee on the Judiciary.

Several times during the course of this debate the name of that great city of the Middle West has been injected into the debate and has been featured very prominently. During those times when my city's fair name was challenged I was not on the floor. A reading of the CONGRESSIONAL RECORD discloses what was alleged. In reading those passages, I felt that there was much calculated to incite the imagination of people who were looking for an out to vote against this legislation. Looking at those remarks, and their utter irrelevance detached from the heat of debate, I remembered again and again the policy employed by astute trial lawyers in courts of law.

They try the facts when the facts are on their side, and if the facts are not favorable the lawyer seeks to try the litigants. If there is nothing in the background, the history, or in the personalities permitting attack, they proceed to go ahead and try the opposing lawyers. If still none of these categories does not permit a peg on which to hang their hat, the lawyer proceeds to try the court.

So much of this debate has been a real studied effort to go off to the Southwest or off on a tangent. The opponents, all of whom, with few exceptions, are against any legislation, want you to look at the shades and look at the shadows and thereby diverting your attention from the brass tacks of this legislation.

In simple terms, the bill provides only for a strengthening of those constitutional guaranties that should be accorded to everyone, white and black, Jew and gentile, Catholic and Protestant, and all minority groups throughout the whole United States. In the bundle of civil rights we think in terms of people's right to security, their right to personal liberty, and, of course, their right to participate in the conduct of their Government, which is one of the greatest and noblest rights of free people. Any law that negatives those rights, of course, is unconscionable. Any group of people who would consciously or even unconsciously, by reason of malfeasance or nonfeasance, set up a procedure or course of conduct that has as its end result the deprivation of those guaranties of the Federal Constitution, are really un-American.

I submit that the bill today, apart from any sectionalism, apart from any emotionalism, is merely an honest effort on the part of the Congress to shore up the guaranties of the Federal Constitution.

At no time during the 84th Congress, when I was a member of the subcommittee processing the civil-rights bill, was the question of a jury trial as suggested or discussed a possible amendment to this legislation even discussed. Why? Because the lawyers on that subcommittee were much too good lawyers to attach such a device in a civil proceedings. Who was on that committee? None other than the ranking minority member of the judiciary committee of the Republican Party, the late beloved Chauncey Reed. He bowed to nobody when it came to knowledge of constitutional law. The rest of the lawyers on that subcommittee were equally high in standing.

Apart from the composition of the subcommittee, the lawyers on the full Judiciary Committee in the last session of Congress never raised the jury-trial issue. This bill provides a civil remedy if you examined this bill, and the bill does name this law for the deprivation of the right to vote. There is no legal basis to dangling before the minds of the Members of this House the notion that this bill imposes a criminal penalty.

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

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

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

Mr. BOYLE. As I have said, time and time again, the bill seeks only to give a civil remedy, a more effective remedy as you know back in your neighborhoods, back in your hometowns, back in those local environments, it is difficult after a set of facts has transpired to get good people to convict under the criminal statutes, particularly when the establishment of certain elements of willfulness and wantonness are a necessary part of the crime. Is it too unusual a situation where the Attorney General says to a voting registrar "You leave Mr. Green's name on the polling list or you are going to be enjoined." After the proper application to the proper court an injunction is issued restraining the registrar from taking Mr. Green's name off the list. In the following election Tuesday, Mr. Green's name is taken off the list in derogation of his right, of course, under the 15th amendment. The Attorney General furnished with a signed complaint showing the disregard and disobedience of the previous court order proceeds to get a rule to show cause. That may be the jargon of the law, or so-called words of art, but a rule to show cause merely means that the voting registrar must come in open court and show why he took that name off the list. The voting registrar may say, "Well, I did it inadvertently. I did not mean to do it." And that may satisfy the court. But the fact remains he is in contempt of court. The nature and extent of the punishment, if any, including any mitigating circumstances will be resolved and determined by the court.

Mr. YATES. Mr. Chairman, I agree with my colleague, the gentleman from Illinois [Mr. BOYLE]. We have witnessed most adroit diversionary tactics by the opponents of the bill to take the battleground of this bill from the national scene and to move it to Chicago, or New York, or some other inappropriate area. This bill is designed to assure the right to vote to American citizens who are denied that right now. This may happen anywhere in the country—in some sections more than others. But let us not point the accusing finger at Chicago in this instance. All American citizens can vote in Chicago. The battleground for this bill is not the city of Chicago or the city of New York or any other metropolitan community. It applies to the whole country. I would suggest to the gentleman from Michigan who said he knew Chicago well because he lived there in 1890, that he ought to visit it now. I would say to him, "Do not judge present-day Chicago by an ancient memory." Chicago is a modern, thriving, growing community. Yes, criminal acts do occur in Chicago. Offenders are punished. Chicago has done much to clean up its blots. If the gentleman investigated today, he would discover just what we have done. Criminals are punished. No killing to which the gentleman referred, which he said resulted in no conviction, is still unsolved. When these killers are found they will be brought to justice. We are proud of our record for punishing crime and enforcing our criminal laws. The gentleman would find that Chicago has moved forward very well toward becoming a good law-enforcing community—one of the best in the country today for a city of its size.

But, Mr. Chairman, I rose to speak to a more important point. The gentleman from Illinois, my good friend [Mr. MASON], rose a few minutes ago and gave us a choice, the choice between accepting a politically appointed Attorney General or a trial by 12 good and true men. It was not an accurate choice. This is not our choice in the bill at all. I think the choice, too, is another example of camouflage. The choice which this bill gives us is not between the Attorney General and a jury but between a judge and a jury. We are to choose whether to let the judge continue to exercise his historic and ancient rights or whether to require him to be subject to a jury's decision, where the law makes no such requirement today.

As you review this debate, you will find that those who favor the jury trial amendment have sought to impeach the judiciary directly or by reference by seeking to impart a lack of confidence in the judiciary.

Through so many of the speeches this note of doubt has been sounded, this tone of lack of confidence in the judges, this tearing down of the courts. This is a most unfortunate development. The strength of the judiciary is essential to our Government and to our way of life. Let me read an excerpt from the debate on April 8, 1954, a statement by the beloved Speaker of our House, Mr. RAYBURN. This is what he said on that day:

> Mr. RAYBURN. Now let me say this, and I can say it for all Members of the House. It matters not to me how they vote today; I know that we are all seeking the same end, and that is to protect, defend, and perpetuate the great institutions of this, the greatest of all governments ever instituted by man.

Then the Speaker went on to say:

> I said 40 years ago on the floor of this House, and I repeat it today, that, next to the Representatives of the people, the bulwark and safety and perpetuity of these institutions of ours rests in the courts of our country. When I come to the point where I do not have faith in the courts of the country, then I will lose faith in the perpetuity of this Government. It is true that a judge is appointed by the President of the United States, just as is an Attorney General, but he goes upon the bench, and I think I can say for all Presidents—and I have served many years under both parties; 12 years under a Republican administration—I think they have made few mistakes; very very few mistakes in selecting men of high character and of great legal ability.

So, Mr. Chairman, I say as we move through this debate, let us not listen to those who would tear down the integrity of our courts. Let us not listen to those who would impeach the courts, let us not permit the impression to go out from this House that the integrity of the courts is being questioned. Let us not preach anarchy by even inferring, let alone declaring that the courts are not worthy of support.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Chairman, I rise in support of the amendment which would provide for the right to a jury trial in contempt proceedings growing out of injunctions issued under this bill.

Under the Constitution the Congress has the duty to prescribe the powers of all inferior Federal courts. That this power extends to the authority of Congress to provide for right of trial by jury in contempt cases, particularly where the contempt was not committed

in the presence of the court or so near thereto as to obstruct justice, is I believe, well settled in our law. The question here is not whether there is a constitutional right to a jury trial in contempt cases. The real question here is whether the Congress would deprive an accused of a jury trial in contempt proceedings which are essentially criminal in nature and substitute instead the injunctive remedies known by every lawyer to be harsh in nature and historically limited in application. In any substantive sense the bill before us is a criminal statute. The contempts contemplated in this bill will be violations of penal laws as well as court orders. Under such laws the offender would be entitled to a jury trial. Under this bill men will be jailed for the same offenses, not upon the verdict of a jury but within the discretion of a Federal judge.

The right to trial by jury is a sacred right, a right as sacred as the right of suffrage itself. Here, Mr. Chairman, we are talking about cases where the issue is between freedom and bondage. We are dealing with the liberties of men. I ask you who are for this bill: How can you be selective in your appraisal of human rights? How can you say that one man's rights are more valuable than another's? Are you willing here to launch this Government upon a policy which holds that the end justifies the means?

Our criminal jurisprudence has always been jealous of its legal safeguards for those accused of crime. It has always held that when a choice must be made, it is better to acquit the innocent than to convict the guilty. Upon this principle our criminal law has developed. Upon this principle a man cannot be held to answer for a crime except upon information or upon presentment or indictment by a grand jury. Upon this principle a man cannot be convicted except upon proof beyond a reasonable doubt. Upon this principle a man may not be cast into prison without a trial by a jury of his peers.

The question here, I repeat, Mr. Chairman, is not whether there is a constitutional right to trial by jury in contempt cases. The question here is whether we should be restrictive or liberal in the application of the principle of the right to jury trial when human liberty is the issue. Are we not in danger of setting a precedent that may come back to haunt us. If we are going to deprive one group of Americans of a jury trial now, who is going to be next? I have already received correspondence recommending that we go back to government by injunction in labor disputes. The time and place to stop this trend is here and now. Should we by defeating this amendment say that we are going to enlarge injunctive remedies and narrow the field in which jury trials are applicable?

A vote for the jury trial amendment is a vote for human rights. It is a vote of confidence in the American way of life. I hope and trust that this amendment will be adopted.

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

Mr. Chairman, it has been said that behind every human edifice there lies the shadow of someone who cared. In the United States of America today we have built a splendid and glorious edifice of human rights and moral values. In the history of the United States someone has cared and, thank God, there are many of us here today who can see some others who do care.

Mr. Chairman, whatever you say about the gentleman from New York, Mr. EMANUEL CELLER, let me bear testimony to this fact: It is not today, it was not yesterday, but 15 years ago when some Cellers were loose and my colleague from New York, EMANUEL CELLER and Hon. Clare Boothe Luce offered a bill to give the right of citizenship to Hindus in the United States of America. There were not more than 50 Hindus living in the State of New York then, so he was not seeking votes. Yes, we have had many Mr. Cellers and Mrs. Churches—Hon. Mrs. MARGUERITE STITT CHURCH, of Illinois—and others to guarantee human rights.

My good friend from Illinois, Mr. NOAH MASON, said he was born in a foreign country and came over here. Today he is a Member of the United States Congress. My own case is also a parallel one. I was born in India. My position was a little more difficult. Ten years ago I was not only a foreigner, but I was an alien, ineligible to citizenship in the United States of America. Because of the opportunities that were open to me and that are open to everybody in this country, I, with the help of great Americans, acquired the right of citizenship. I received my citizenship papers, and today I have the honor to sit in the most powerful body of men on the face of this earth.

During the campaign, my opponent said that if I were elected to Congress, because of the color of my skin, the southern Members in Congress would not accept me. When the judge in El Centro gave me my citizenship papers he said, "From now on you are a full fledged member of Uncle Sam's family." And I wanted to show the world that in Uncle Sam's family there are no foster children.

I bear testimony to the fact that the gentleman from Oklahoma, CARL ALBERT came from his State and campaigned for me during the election; the gentleman from North Carolina, HAROLD COOLEY, sent telegrams on my behalf; and the gentleman from Tennessee, JERRY COOPER, put me on the powerful Foreign Activities Committee. They all come from southern States. So no one can say that the people of the South have not been good and affectionate and kind to me.

But, Mr. Chairman, I wish to plead with my good friends from the South. You do not go far enough. The gentleman from Illinois, Mr. NOAH MASON, said he was born in a foreign country, and because of the rights enjoyed by everybody in the United States he is a Member of Congress today. I ask him the question, "If he had been born in the State of Mississippi and born with a black skin, would he be a Member of the United States Congress today?" No amount of sophistry or legal argument can deny the fact that in 13 counties in 1 State in the United States of America in the year 1957, not one Negro is a registered voter. Let us remove those difficulties, my friends. I wish to stop with this story, and I am talking to my friends from the South.

My wife and I play tennis in the morning. We set our alarm at 6 o'clock. My wife lets me sleep until 6:15, but when the clock goes beyond that, the sheets and the blankets are off of me. She stands there and she says, "Honey, you are holding up the game." My friends, I know the gentlemen from the North in this Congress. No one is against those leaders from the South who have shown so much brilliance and patriotism in their service in the Congress of the United States. All we are saying is: Please modify your way of thinking. Look at the clock. Go ahead, and do not hold the game up.

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

Mr. Chairman, I shall start my brief remarks where the distinguished gentleman from California left off. Let me say to him and to you that this race of people whom so much interest is being manifested in has made the greatest progress that any race of people ever made in a similar period of time in the history of the world, in the United States, and particularly in the South, to which they were imported. I shall not go into the history of those people, but they have made great progress, and I say to the gentleman from California and the rest of you who are interested that the greatest tragedy of all of these force bills is that you are disturbing the progress that has been made. You are the ones who are setting back the clock, not us. The worst thing that has happened in all of this is that that fine relationship that exists in that section of the country is being disturbed and being agitated by all of this force legislation. Those good relations and the progress that was being made are being disturbed and set back.

Mr. Chairman, I agree with the gentleman from Illinois that this should not be considered upon a sectional basis, and I decry it, whether it is aimed at Illinois or Mississippi or any other State. But, let us not get off the track. The important thing before us now is a jury trial and whether we are going to have a jury trial or not. And, again, I appeal to my liberal friends, those who attend the Jackson Day dinners, those who render lip service to the great cause of justice and liberalism. You, the proponents of this legislation, are the centralists, you are the Tories in this type of legislation.

What is going to happen, as a matter of fact, whether you write this amendment into the bill today or tomorrow, when it passes here, or not—mark these words now—if the bill passes the other body, that provision will be in it. And the leadership and the White House and special groups to the contrary notwithstanding, if a bill is enacted into law, this provision for the jury trial will be in it. Mark those words.

I saw on the floor here a moment ago a great liberal from the other body, my warm personal friend, a man with whom

I served in this body, a member of the Committee on the Judiciary, one of the chief proponents of this legislation in the other body. It is a matter of record that he is advocating this very amendment that we have under consideration. I refer to the distinguished Senator from Missouri [Mr. HENNINGS]. Another great, distinguished liberal from the West, I will say to my western Democratic friends, is advocating this amendment, Senator O'MAHONEY.

The amendment, is sound, it is liberal. When this debate first started, I believe I made the first speech. I hope this will be the last one. I pointed out the history of the jury trial in labor legislation. There has been a lot said about that. But again I call to the witness stand the gentleman from New York [Mr. CELLER], whose name appears as the sponsor of this bill. It was the distinguished and able and versatile gentleman from New York [Mr. CELLER], who pleaded with the Congress in 1932 to give a special group this right of trial by jury—the labor people; and he has never been able to get away from it.

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

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

Mr. Chairman, it seems somewhat ironic to me, with more than 70 percent of the membership of this body privileged to be members of the legal profession, and a great number of that percentage also subscribing to membership in the American Bar Association, that today not all of them would be here supporting a jury trial while the movement is afoot in this country by the bar associations to get subscriptions to go to Runnymede and establish a monument to the granting of the right of trial by jury. We are not here asking for the right of trial by jury. We are here seeking to preserve that right which we already have and we seek to do it only in the area, that where the Mr. Green to whom the gentleman from Illinois [Mr. BOYLE] referred earlier is or might be charged with the violation of a restraining order put upon him by the court and there is a question whether or not he violated that order, then all we seek to do is to let the facts in that sort of a situation be determined by a jury of 12 men. That is all we seek to do. That is not the purpose of this bill, however. It has been admitted throughout the discussion of it, it has been alleged by word and design and otherwise, that the reason they want to strike down this right to a trial by jury is that some of our southern juries may not convict exactly as an Attorney General would like them to. But not until today have I heard it stated on this floor, flatly pointing the finger of accusation at every southern State, that "We are not going to support a jury trial amendment because you people down there will not convict"—that in spite of the fact that you have the dirtiest of trash in your own backyards.

We are not happy about all the things that have occurred in the South, but let me tell you a few of the good things that are happening. Members from Illinois, Members from Wisconsin, Members from New York, Members from California, great wealthy States with far beyond the average per capita income, come here to tell you that they cannot educate their boys and girls, "We have got too many, we have to have the Federal Government do it." But you come down to my State and you come down to South Carolina, and you come down to Alabama and Mississippi, and what are we doing? I can report for my State of Georgia. We are not asking you to do it. We are not denying the Negro the right to vote. In Atlanta, Ga., 3 weeks ago in an election for mayor more than 76 percent of the registered Negro voters voted, and only 36 percent of the white voted. In that same election a Negro sought office as a councilman contesting against two white men in Atlanta. A run-off was required between the Negro and a white man, and the Negro received more than 22,000 out of approximately 53,000 votes cast. Does that evidence denial of voting rights?

Coming to schools, what are we doing for them there, and mind you, they are paying only a small part of the expense of it? Within the last 6 years the State of Georgia has spent more than $175 million in a school-building program, with money raised within the boundaries of that State. Not a dime of it has come from the Federal Government or been asked of the Federal Government. More than 50 percent of that $175 million has gone into the construction of the most modern school buildings for Negro children that there are in this country. Yet the gentlewoman from Illinois talked so viciously and scathingly of the way we do things in the South. All we are asking you to do here to keep it from being so hard on us, leaving our citizens the rights we now have.

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

Mr. LANDRUM. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I should like to inform the gentleman that from the day I was born there has been no viciousness in my heart on any issue with anyone.

Mr. LANDRUM. I will say to the gentlewoman that I had always thought that until I heard her speech a few minutes ago. I never in my life have heard a section of the country denounced so viciously as the gentlewoman, for whom I have had a high regard, did a while ago.

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

Mr. Chairman, it is no secret that I have not blindly ignored the appeal of the trial by jury amendment. Indeed, I have urged the search for a middle ground, if one could be had, which would allow the enforcement of the basic purposes of this bill. But none has been found by the advocates of this jury trial amendment. Instead, a proposal is before us which would destroy the bill utterly and completely. It would establish the most evil of precedents. It would ruin the judicial system of justice in our country. For if this amendment were to be adopted every would-be evader or violator of the law would feel free to laugh at and to ignore the orders of the court. Let us remember once again that this bill and the debate on this issue emphasizes that everyone held in contempt under this bill holds the key to escape or avoid all punishment by simply obeying the order of the court. Punishment here can truthfully be said to be self-imposed and self-continued. If, as is claimed, one held in contempt under this bill should later be held for trial for violation of the statute, the situation is no different from many other situations where the Government is a party to the action and the accused has wilfully violated the law. I have not ruled out the possibility, as has been brought up here, of judicial abuses in the future. But, as has been so well said by the chairman of the committee, the gentleman from New York [Mr. CELLER], we reserve the right to meet that question as it was once before met if—and I believe it is most doubtful if—it should arise. So, after listening carefully to almost every argument given on this floor, I am most emphatically of the opinion that this amendment must be defeated. The purposes of this bill are so important to the individual rights of our citizens, so important to the ideals of democracy itself, which we all cherish, so vital to the winning of millions elsewhere to the side of freedom in its fight against communism, these indeed must be triumphant.

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

Mr. Chairman, one great good that has come out of this debate might be said to be this. It is obvious how easy it is, technically and legally, to get around certain provisions in the Constitution. There is no question about the legal or technical accuracy of the position of the proponents of this bill. It is constitutional. But, for you laymen, I submit it is a good example of how very easy it is, legally and technically, to get around certain of our basic principles and provisions of our Constitution. Let me try to reduce this to its bare essentials.

There are two great fundamental rights involved in this bill and the pending amendment that are of basic importance to a free people—the right to vote and the right to a jury trial in criminal cases.

The right to vote is guaranteed in our Constitution. The people through their Congress, have assured to themselves this guarantee by making the violation of this right a crime, and by giving a citizen a civil action in damages against anyone who unlawfully attempts to deny them this right. Also, in their Constitution, the people said they shall be entitled to a jury trial in a criminal case and in such a damage suit.

Now, this brings us to the pending bill. We are told that the Negroes in the South are being unlawfully denied the right to vote, and that the laws we have just mentioned are not adequate to protect that right because southern juries will not convict—therefore, we need this bill which will give the court the authority to enjoin anyone from committing these acts which constitute a crime and are the basis of a civil damage suit. By this means we can avoid the juries

because if the violator commits the unlawful act which the court has enjoined him from committing, he can be tried for contempt before a judge without a jury; and if found guilty, sentenced to the same punishment that he could be sentenced to in a criminal trial.

It should be clear at this point what is meant by the majority report when it states:

> The legislation merely substitutes civil proceedings for criminal proceedings in the already established field.

It should also be clear that the effect of this bill is to make it possible to send the person to jail for committing the crime of violating the right to vote without giving him the right to trial by jury.

If the proponents of this bill are right as to the necessity for this legislation, it would appear that we are faced with the dilemma of deciding which is the more important, to preserve the right to vote or to preserve the right to a trial by jury. Many people here, including the gentleman from California [Mr. ROOSEVELT], talk about the horrors of interposing a jury between a judge and the defendant in an injunction case.

Mr. Chairman, this Congress has done that in section 402, title 18, of the code, where we said that persons have a right to a jury trial in criminal contempt cases. Congress has decided that issue. So we are confronted with the question: Which is more important, the right to vote or the right to a jury trial?

I will concede that the right to vote in a free society is the more fundamental of these two. Therefore, should this amendment be defeated, I shall be obliged to vote for the bill. But I submit it is unnecessary to make such a fearful choice.

The jury amendment will provide for a jury trial in contempt cases only when the act or thing done or omitted also constitutes a criminal offense under any Federal or State law.

This will not require a jury in order to get an injunction; it will not require a jury for a contempt which is not also a crime. It will merely assure a jury trial for a crime.

The right to vote will be protected by injunction, which is an order of the court ordering the accused to cease and desist from violating this right to vote.

So here is the issue: Will you vote to eliminate a jury trial for this particular crime or will you vote to preserve the right to a jury trial as well as the right to vote?

When you vote on the pending amendment, you will make this choice according to your own conscience. As for me, I will vote to preserve the right to a jury trial while protecting the right to vote.

Give them the light and the people will find their own way; there is no other power on earth that can find it for them.

Mr. CELLER. Mr. Chairman, I rise to suggest—and I emphasize suggest—a unanimous consent request by way of testing the feeling of the membership as to the time the membership of the Committee desires to vote on this amendment—perhaps one hour of debate?

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. SMITH of Virginia. The gentleman from New York has been very patient and I know he does not want to be in the slightest unfair in this matter, but it does seem to me that on this amendment which is the most vital thing so far as the membership is concerned, that the Members who desire to speak on it should have at least 5 minutes. I hope time for debate can be worked out in that way. I know the gentleman wants to be fair and he has been very patient.

Mr. CELLER. Can the Chair tell me how many Members are standing?

The CHAIRMAN. The Chair will count those standing. [After counting.] There are 40 Members standing.

Mr. CELLER. I think we had better run on as we have been, then.

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

Mr. Chairman, it does seem to me that the debate today has served to narrow down the real issues which confront us. To me the essential issue is a very narrow one, and I think there should no longer be any room for argument about it.

I am opposed to the pending amendment, and I am opposed to it on the ground of logic. I hope that emotion will not enter into my presentation here today.

It is the tradition of our American law and jurisprudence that in the use of the injunctive power of the court, the court makes its orders and the court carries out the enforcement of its orders. I take that as an indisputable fact. We have had a lot of smoke thrown around this issue, but I proceed upon that basic premise.

So, proceeding from that point, then, since there is no constitutional or statutory right to a jury trial in injunction proceedings, we then must determine whether or not there are special circumstances in this particular case which would require us to grant a special remedy. That is the essential question here. It is not a matter of depriving anyone of a right that he now has. We are addressing ourselves to the question of whether there are circumstances which require us to grant special rights to violators of court injunctions. That is the very essence of this dispute, in my opinion.

In the early history of the American labor movement, which culminated in the Norris-La Guardia Act, there were a lot of judges—a substantial number of Federal judges—who proceeded upon the theory that a strike of workingmen was a criminal conspiracy, and these judges undertook to use their inherent injunctive power to break up strikes. The gentleman from Alabama [Mr. ELLIOTT] discussed this problem quite fully a few minutes ago. The Congress then voted the right of trial by jury in labor injunction proceedings as a result of the abuses that had occurred by Federal judges. Had I been in Congress at that time I would have voted for it, just as today I would vote against the same proposition because I think there is no reason to fear such abuses now.

So, therefore, to me the burden of proof on this issue lies with those who say that we should supply an additional remedy, who say that we cannot trust the judges of our Federal courts to handle these cases. In essence, they contend that we should displace the dispassion of a judge with the passion of a jury.

I ask you all to examine your own congressional districts and the Federal judge or judges who sit there. Where can you find in all our vast country men who are more divorced from political pressure, men who are more above the passions of the moment and extraneous matters than this body of men jurists who will administer the proceedings authorized under this act?

Why can not we trust these men to enforce and carry out the orders they themselves have made? That is the bedrock question. I say to my friends who have proposed the jury trial amendment that had you made out a case that these judges are biased, or cannot be trusted somehow to carry out their responsibilities, I might have gone along with you.

This legislation, I hope, will have a beneficial use in my own State. I have the largest American Indian constituency of any Congressman, and I have had complaints from time to time from these people with regard to their voting rights. This will give them a remedy. They can go to the Federal court to protect their rights. That is the orderly way to proceed.

In listening to this debate, and having read the hearings quite fully, I find that no case has been made out against relying on the integrity of the Federal judges to fulfill their responsibilities under this act. So I say that unless someone can show me that our Federal judges cannot be trusted, I cannot support this amendment. I say to you that if we cannot trust these men—these judges—to do justice, to love mercy and to walk humbly with their God in solving this problem, we cannot trust anyone at all.

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

Mr. Chairman, I would like to read to you a precedent in this matter for what, if anything, you might think it is worth. We in the great State of Oklahoma are celebrating this year our 50th anniversary. We were born as a State in November 1907. Article 2, section 25, of our constitution in Oklahoma reads as follows:

> The legislature shall pass laws defining contempt and regulating the procedure and punishment in matters of contempt; provided that any person accused of violating or disobeying, when not in the presence or hearing of the court, or judge sitting as such, any order of injunction or restraint made or entered by any court or judge of the State shall before punishment or penalty is imposed, be entitled to a trial by jury as to the guilt or innocence of the accused. In no case shall the penalty or punishment be imposed for contempt until an opportunity to be heard is given.

Now, title 21, section 567, Oklahoma Statutes Annotated, in firming that up, reads as follows:

> In all cases of indirect contempt the party charged with contempt (shall) be notified in writing of the accusation and have a reasonable time for defense; and the party so

charged shall upon demand have a trial by jury.

That has been our constitutional and our statutory provision for many, many years in Oklahoma. So, I would certainly be going against the constitution of Oklahoma and our laws of Oklahoma if I did not support a trial-by-jury amendment, which I am going to do. I realize that that would not prevent this bill if it becomes a law from being constitutional from a Federal standpoint. I was admitted to the bar when I was 21 years of age. I am 58 now. I served as a court clerk, as a prosecuting attorney and practiced law for about 10 years in the general practice. Also I was on the bench for 12 years as a trial judge, a district judge in Oklahoma, and I have served in this honorable body now for over 6 years. I have spent my entire adult life either in the courtroom or in this legislative body here. And, I say to you that although I realize that the great State of Oklahoma is no better than any of our other great States, and it is smaller than some, but there are those who love it, and I am one who does; but I do believe that since we are rather a young State, having been born only 50 years ago, that we have made progress in this field; and we have set down indelibly in our fundamental law, in the constitution, a thing that if you do not come to now, you must come to eventually, and that is to afford every man a trial by jury when he is accused of anything that may sentence him to jail.

Now, I will of course admit as a lawyer, and as a former judge, that if a contempt occurs in the presence of the court, he must, of necessity, have the right immediately, without waiting for anybody, to fine for contempt or jail for contempt; otherwise the jury trial thus could be destroyed.

Yes; otherwise the jury trial itself could be destroyed, because a bunch of ruffians could come into a courtroom, disrupt the orderly procedure in a civil or criminal case, at any time, and destroy the trial by jury if the court did not have the right to punish for contempt when it occurred in his presence. But when it is alleged that it occurs out of his presence, the question of fact as to whether the man actually did or did not violate the order of the court ought to be left to a jury. And when you deny that right you absolutely go against the best legal philosophy, the best experience of mankind in dealing with the liberties of people, in my judgment.

I suggest to those of you who are urging that a jury trial not be allowed that it probably will come back and haunt you on other issues that may arise, because you are going to set a precedent here that you may be ashamed of later.

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

Mr. CHUDOFF. I move to strike out the last word.

Mr. Chairman, I am not going to burden the committee by speaking for 5 minutes. Usually I have great difficulty when I come into the well of the House taking as many as 5 minutes. I have in this envelope the results of quite a bit of research on contempt of court, criminal contempt, civil contempt, contempt in the presence of the court, contempt outside the presence of the court, and the rights and privileges afforded a defendant who is charged with any of these violations.

I think we have listened to practically every lawyer in the House. I am very happy to have had the privilege of hearing them because it has been 25 years since I went to law school. Some of you know that I am a candidate for judge back in Philadelphia and I might be elected, and if I am, I will probably have some contempt cases to worry about. It is good to have my memory refreshed to the point where I can understand this problem.

What I want to talk about today is this. This is not a political problem. I think it is a local problem. I do not think there is a Member of this House, either in the Democratic Party or the Republican Party from the South who wants this bill in any way, shape, form or fashion; and I think it is a shame to have had to sit through the greater part of last week and all of this week and listen to speeches about jury trials and trials without jury, fair judges and honest judges and judges who will not listen and what a jury will do or will not do, when I know from my experience as a lawyer that nobody knows what a jury is going to do. I say to you that if the only issue were the question of a trial by jury, it would be well worth spending the time discussing it, but what is the use of kidding ourselves? You gentlemen from the South who have stood up on the floor of this House and so ably defended the Constitution and the right to jury trials in contempt cases know in your hearts that if this amendment should carry, and it will not carry, you will not vote for the bill anyway. So I do not know why we are making such a fuss about it. I think we have all heard all that we should hear about this. We know what it is all about, we know what the right to a jury trial is in criminal contempt. We know that there is no right to a jury trial in civil contempt except in certain specific acts of Congress. I think we ought to stop talking and vote on this amendment one way or the other, because if my friends in both parties from the South find that this amendment is carried they will vote against this bill, anyway.

Mr. Chairman, I want to vote against this amendment and vote against it as soon as possible.

Mr. MILLER of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the simple point made repeatedly and truthfully by the proponents of this legislation is that it creates no new substantive rights, and, of course, conversely creates no new wrongs.

Speaking solely to the question of the individual's right to vote to which I, of course, like everyone else wholeheartedly subscribe, the Attorney General may now proceed to indict, convict, and institutionalize anyone in this country who intimidates another in his right to vote or in any way obstructs or prevents that right. To do so is now a Federal crime within the penal statutes of our country and has been for a long, long time. But, of course, in such a proceeding the defendant is entitled to a jury trial which has not only been on the statutory books of our country for a long, long time but is in the Constitution of the United States. Also, today, any individual who is intimidated in the exercise of his right to vote or prevented from voting may sue the person responsible for money damages or may bring an injunction restraining that individual in his actions. But, of course in all such cases by statute for a long, long time the defendant is entitled to a jury trial.

Now through this legislation the Attorney General has stated that he wants new remedies by which he may reach the same defendant for the very same act and send him to the very same jail for the very same length of time, but in this new remedy he asks us to eliminate for the benefit of such defendants a jury trial. We are not here now talking of civil contempt or court orders requiring appearances or the production of documents or the invasion by the Government of new fields such as atomic energy, monopolies, Securities Exchange Commission, and so forth. We are talking of an old field concerning old rights and old wrongs long governed by our Constitution and statutory laws but which the Attorney General now wishes to preempt and circumvent through a new and novel arrangement in this field.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from New York [Mr. MILLER].

Mr. MILLER of New York. I thank the gentleman.

Mr. Chairman, as reasons for requesting this new and dangerous precedent, the Attorney General says its aim is preventive and not punitive. He wishes the authority to restrain the wrong before it occurs. If that is so, then he should be in support of this amendment, for with this amendment, the Attorney General may still secure a temporary injunction, a permanent injunction without any recourse to a jury trial. But only when it gets in the punitive field where the Attorney General brings into a United States courthouse a defendant charged with already having committed the act the Attorney General wished to prevent and starts to try him for his freedom, then and only then does this amendment apply, by simply securing to the defendant his right to trial by jury.

As another reason for asking for this permission to circumvent the present existing provisions of the penal law, the Attorney General says that a jury trial would cause unnecessary and perhaps fatal delay. Since this amendment does not apply to the proceedings relating to temporary or permanent injunction but relates only to the trial procedure of a defendant already charged with the crime, it is hard to see how the issue of delay is relevant. For depending on the type and nature of the defense entered in behalf of a defendant, who is there to say or how can it be proven that a trial without a jury takes less time than a trial with a jury? After the presentation of evidence, I have seen cases where judges take four times longer to make up their minds than does a jury in reach-

ing a verdict. But even if delay were a valid argument, it would be a mighty foreign argument to our system of government. When my constituents complain of the apparent delay and cumbersome aspects of our Government such as committee hearings, deliberation by both bodies, conference reports, President's signature, overriding the veto, Supreme Court interpretation of congressional action and so forth, I admit to them the cumbersome nature of our system of checks and balances as compared to the streamlined nature of totalitarian governments but that the very preservation of our free and democratic institution rests in this deliberate and preconceived propoundness and so does it also rest in the system of no penal incarceration without jury trial. Is the real reason, therefore, that it is felt but not openly alleged that in certain sections of our country, Americans who accept the responsibility of sworn oaths as jurors are not fairly and impartially discharging their obligations? Having sat through hearings on this legislation in the subcommittee a year ago and this year, it is my sincere belief that the record to this date does not warrant that conclusion. But in any event, by this very legislation we are creating a commission at great cost to the taxpayers which for the next 2 years will be in operation and in a position to study this very question. If at the conclusion of their study they report that this jury trial amendment effectedly sabotages the efforts of the Federal Government to guarantee voting rights, even I at that time might be willing to subscribe to such a drastic measure as the elimination of jury trials in this field like I have always been willing to yield certain inalienable rights in time of war or national emergency. Hoping then that it would not be a precedent for future Congresses applying similar legislation to different areas or groups on the whispered charges that Polish people cannot be depended upon to convict a Polish person, that Irishmen cannot be depended upon to convict an Irishman or that laboring men and women cannot be counted on to convict laboring men and women, but in this particular field at this particular time and in this hour of our country's history, I urge you not to destroy the constitutional and statutory rights of trial by jury belonging to some on the allegation that it is necessary in order to preserve the civil rights of others. With the adoption of this amendment, we can preserve both cherished rights.

Mr. PRESTON. 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. PRESTON. Mr. Chairman, on a recent television program millions of Americans heard Nikita Khrushchev, the boss of the Russian Communist Party, predict that our grandchildren would live under a government of Communist socialism.

Our reactions varied from amusement at such an apparently absurd prophesy to shock that the head of the godless Communist Party should have the effrontery to make such a ridiculous statement.

Sober second thought, however, leads me to the conclusion that perhaps this Soviet tyrant was better informed than we give him credit for. In fact, his brash prediction offers the suggestion at least that he has followed the hearings and the testimony on H. R. 6127 more closely than we thought.

It is readily conceivable that the astute masters of the Kremlin see in this iniquitous civil-rights bill an enormous stride in the United States toward the police state under which the oppressed people of Russia now exist.

Khrushchev's optimism about the adoption in this country of the Russian mode of government by tyranny is further explained when it is considered that this police-state legislation is not sponsored by a subversive group or organization, but by the President of the United States and the administration which he heads.

Let us examine briefly some of the broad provisions of this proposed law that may easily give credence to Khrushchev's bold prediction.

We see in this law the enormous grant of power to the executive branch of the Government. The power of freedom or jail vested in the chief law-enforcement officer of the executive branch of the Government.

The historic rights and duties of the States to protect their citizens is destroyed in one fell blow. And further, the rights of individual citizens and the protection of individual citizens afforded by the Constitution are thrown into the discard.

You men and women of this Congress, individuals of judgment and maturity, know full well that the enforcement of these sweeping provisions will require a horde of bureaucrats and Federal police that will be needed to ferret out every imaginary infraction of this proposed statute.

Under whatever innocuous name this force may officially be designated, its functions inevitably will be that of secret police.

Mr. Chairman, by this legislation we are inviting, if not directing, the establishment of an American gestapo to spy and snoop and terrorize American citizens in every village and hamlet in the 48 States.

Is it any wonder that Khrushchev predicts so confidently that the Socialist system under which his tyranny thrives will be established in this country in two generations?

If the wisdom and judgment and spirit of American fair play does not cause this body to reject overwhelmingly the oppressive proposals in this bill, we may see that sad day come to pass in our own time.

Another shocking similarity between this bill and the prevailing mode of government in Russia is the abandonment of our historic right of trial by jury. This bill substitutes justice by injunction for the precious right of trial by jury.

I invite your attention to the language of the bill which very skillfully determines that the citizens against whom these civil rights injunctions are issued shall not have the right of trial by jury. I say these provisions are wicked and deliberately malicious in stripping our citizens of this great judicial right.

It is shocking to think that the American people are being deprived of this right, not by some occupying army of a conquering force, not by some revolutionary junta that has seized power, and not even by our own military authority under some disrupting enemy attack.

This successful assault upon the right of our citizens to a trial by jury would be perpetrated by the elected Representatives of the American people in Congress assembled.

Can this be happening in the United States of America?

Can this be occurring in the Halls of the United States Capitol?

Are our people being stripped of the right of trial by jury by the Congress of the United States which has historically upheld and extended the rights of all Americans?

Many of you may recall a novel written by Sinclair Lewis many years ago which was entitled, "It Can't Happen Here." This book went on to trace the establishment of a dictatorship in our country. This tragic event was accomplished, of course, by zealous subversives.

Today we witness the solemn consideration in the Congress of legislation that opens the doors to the destruction of individual liberty, as surely as night follows day.

If an assault on our freedoms were being made by an outside power we would all be up in arms. Even today our servicemen are stationed in all parts of the world to protect our Nation against attack and to protect our country from the loss of our freedom that would be entailed by our conquest by a foreign power.

But in the face of our vigilance against outside attack, here today we are ourselves, elected representatives of the American people, perpetrating a blow against American freedom that the hordes of Communist Russia dare not attempt by military violence.

The very fact that we are considering this legislation: That it has been reported favorably by a powerful committee of this House demonstrates the sad lengths to which this body has already gone to strip our people of our liberty.

That we consider this measure is shocking and can only cause rejoicing among our enemies. That we should pass this legislation in the light of our own history is unthinkable.

I have noted that the committee which has considered civil rights legislation in the other House of the Congress was careful to include in its draft a provision that trial by jury would be preserved. I hardly have to point out that H. R. 6127, as reported, does not include such a safeguard.

In my opinion the fact that this legislation is impractical and unworkable is almost beside the point. The fact that such alien legislation can be favorably recommended for passage is the tragedy.

We have had experience with the Federal Government seeking to police the individual citizens of this country. Although the 18th amendment was passed by due constitutional process and had the force of the Constitution behind it, we all know that its enforcement by the Federal Government was an utter failure.

The citizens of this Republic would not stand for the Federal Government enforcing police measures against them that had historically been the province of State and local government.

We know how difficult it was to get convictions under this law when violators of the 18th amendment were prosecuted.

The 18th amendment, lawfully and constitutionally projected the machinery of Federal law enforcement into the States and towns and cities. It forbade the traffic in beverage alcohol. The police power of the Federal Government was restricted to this one phase of American life.

This civil-rights legislation, without the sanction of a constitutional amendment, goes much further in its invasion of the rights of American citizens.

The legal authorities who drafted this legislation undoubtedly had in mind the failure of national prohibition when they withdrew in this legislation the right of a victim of this law to be judged by a jury of his peers.

Most of us recall with dismay the widespread contempt for law and law enforcement that grew out of the attempt to impose national prohibition upon this country. Such police legislation was recognized to be beyond the powers delegated to the Federal Government. Therefore, the processes of amendment were sought and complied with to legalize national prohibition. Still it didn't work.

Now there are those who would enforce this unauthorized police power conceived in the name of civil rights by denying American citizens the right of trial by jury.

Mr. Chairman, I submit that today we are witnessing an ouslaught against American liberties that may well herald the change in our form of Government that Khrushchev so boldly predicted.

I say to you that we face tragedy such as this Nation has never experienced when judicial stupidity and legislative zeal unwittingly combine to become the strong arm of Communist Russia and thus accomplish the disruption and division of this Nation in a manner that the Communist Party could never achieve.

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

Mr. Chairman, I am glad to see the distinguished gentleman from New York [Mr. CELLER] on the floor as well as the distinguished gentleman from New York [Mr. KEATING]. I have something I would like to direct to their attention.

First of all I want to say I have great respect for the House Committee on the Judiciary, but having said that let me then say that this is not the first time in recent years that the committee has not been zealous in protecting the right of trial by jury. I would take you back 2 or 3 years ago to a bill that was brought to the floor of the House by Mr. CELLER and Mr. KEATING that would have provided that American citizens, having been in certain foreign countries, and having violated even a minor law, allegedly guilty of even a misdemeanor, could be extradited and returned to foreign countries for trial. A serviceman who had been discharged, a tourist who might have stolen some article or sold a ration book, could be extradited from the United States and tried in a foreign court.

It was my privilege to start the fight in the House on the rule on that bill. The distinguished gentleman from Georgia [Mr. DAVIS] and the distinguished gentleman from Texas [Mr. KILDAY] carried the brunt of the fight in opposition to the bill, and there were others, the gentleman from Wisconsin [Mr. SMITH] among others, but those gentlemen in particular performed a splendid service in the fight against the bill.

In the consideration of that bill I personally raised the question of whether these citizens, having been extradited, would be assured of a jury trial? And, of course, the answer is that they would not be assured of a jury trial. The gentlemen from New York would not say that these Americans would be assured of a jury trial. Why? Because in some foreign countries there is no jury trial for certain offenses, and in others there is no jury trial for any offense committed against the law.

What was the fate of that bill? The gentleman from Michigan [Mr. HOFFMAN], who was opposed to the bill, in an effort to obtain time on the floor, offered a motion to strike out the enacting clause. I take it he was seeking time, for I do not think he or anyone else in this House thought that such direct action as adoption of a motion to strike the enacting clause would prevail; but he offered the motion and this House by a vote of 228 to 68, a rollcall vote, adopted it. I think it is the only time in my 9 years in the House of Representatives that a bill has been killed by the process of striking the enacting clause. That is what you thought about the failure to provide a jury trial in that legislation of some 2 years ago.

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

Mr. GROSS. Yes, I am happy to yield to the gentleman from Mississippi.

Mr. COLMER. I would like again to call the attention of the House and the attention of the gentleman from Iowa to the fact that under present law these fifth-amendment pleaders are entitled to a jury trial.

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

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

Mr. FORRESTER. I would like to say to the gentleman that so far as the House Committee on the Judiciary is concerned, in connection with this particular bill the vote of the Members present on the jury amendment when it was offered in committee was 15 for the amendment and 11 against the amendment. The reason why the bill did not come out with the jury amendment is that 6 proxies were voted.

Mr. GROSS. Let me amend the statement I made at the start of my remarks when I said that not always in the past had the Judiciary Committee been too zealous in protecting the right of trial by jury. Let me say that some members of the Judiciary Committee have not been zealous in their efforts to protect the right of trial by jury no matter what statements they may have made in connection with this bill.

Mr. Chairman, trial by jury is a constitutional and sacred right in this country. This bill deals specifically with individual rights and the safeguards of the precious right of jury trial ought to be inserted. I support the amendment.

Mr. CELLER. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close at 6 o'clock.

Mr. SMITH of Virginia. Mr. Chairman, I thought we had agreed that certain Members who have been sitting here all day waiting to be heard on this amendment would have not less than 5 minutes. The gentleman's motion would abrogate that understanding.

Mr. CELLER. That would give over 2 hours of general debate, which would take in almost every Member and give him at least 4 minutes. Would that not be sufficient?

Mr. SMITH or Virginia. I wanted 5 minutes.

Mr. CELLER. I will yield my time to the gentleman.

Mr. SMITH of Virginia. I am not disposed to be quarrelsome about it.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close at 6 o'clock.

The CHAIRMAN (Mr. FORAND). Is there objection to the request of the gentleman from New York?

Mr. LONG. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close at 6 o'clock.

The motion was agreed to.

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

Mr. HUDDLESTON. Mr. Chairman, at the time that I spoke in the well of the House last Friday I had fully intended to introduce an amendment to strike section 121 of part III of this bill. As you well know, section 121 provides for certain injunctive powers for the Attorney General in cases in which some of the present civil-rights statutes are allegedly violated and authorizes the Attorney General to file suits in behalf of the United States and to apply for an injunction in those cases.

I am firmly convinced that this section will bring labor-management relations into the middle of politics. I am firmly convinced that this section not only applies to those subjects which have been commonly designated as civil rights but also applies to the various rights which are provided for in the Wagner Act and in the Labor-Management Relations Act of 1947. I am convinced that the right

to join a labor organization and the right to refrain from joining a labor organization, the right to engage in collective bargaining, and the right to refrain from engaging in collective bargaining are all rights which are covered by the term "equal protection of the laws" as it is spelled out in the Constitution and in the present civil-rights statutes.

However, because it might muddy the water, so to speak, in this case, if I were to offer this amendment, in view of the controversy which has developed over the jury trial amendment, I am not going to offer my amendment. But I do want to invite the attention of the Members of the House to the fact that I made the statement last Friday that who knows but that a year or so from now the same Members who are supporting this bill will be coming back in here begging the repeal of this very legislation. I commented last Friday that I would not be at all surprised if that happened. I am afraid it will happen and that next year I will be up here telling the many proponents of this legislation that "I told you so."

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, as you know, I happen to be the youngest Member of this House. I had the pleasure of growing up in these Halls. I have known many of the Members since boyhood and come to know many more personally since I came to Congress. I have a great, deep, and abiding affection for the many Members who are on the other side of this particular issue.

However, Mr. Chairman, I want to rise in opposition to this amendment, well knowing the strong feeling of my friends who take the other view. I first want to assure them that we approach this great moral and constitutional issue with no rancor in our hearts, and a sincere desire only to do right here and to carry out the Constitution. I happen to share with many of the Members of this House the honor of being a member of the bar, and I have listened to many distinguished Members of this House, and many able Members, tell us about the right of trial by jury. In my last remarks on this subject I showed that there is no constitutional right to a jury trial in cases arising under injunctive proceedings, contempt proceedings, in our courts as we know it today. Indeed, our forefathers at the time of the Constitution did not know of such a right, and accepted the fact of the court's power to act in such cases as contemplated by the bill before us, without intervention of a jury.

Indeed, the courts of this country have consistently and plainly pointed out that such a right is not present and that the Federal Constitution and most, if not all, State constitutions similar today make provision.

I want to try to get at this in the quickest way I can. This amendment will pull the heart and lungs and liver out of this bill.

You may say what you want about it, but the fact of the matter is this simple: Southern juries will not convict a man charged with contempt of court in cases contemplated by this particular piece of legislation. That is the reason we seek to avoid jury trial here.

I know that my friends and colleagues from the South will take issue with me on that, but what I am saying is not meant to be punitive toward the South—my remarks are not directed at the South—but it is merely recognition of a fact, a situation which happens to exist in our Nation today. Indeed, this bill applies to all parts of our dear land.

Mr. Chairman, we have a situation today where almost 100 years ago our Negro people achieved the right of citizenship with the passage of the 14th and 15th amendments. Today they are still waiting in some States for certain very basic rights and one which is the right to vote. I hope that we will see to it that this bill will pass so that they will achieve that right, so that they will achieve full citizenship and will not have to look to us in Congress in the future and say, "When are we Negro citizens to have this right accorded to us?"

Mr. Chairman, the last point I want to mention is the possible constitutionality of this bill if it becomes law with the jury trial amendment in it. I cite to you in that connection the case of *Michaelson* v. *United States* (266 U. S. 42) and in that case the Court used these words:

> "But it is contended that the statute materially interferes with the inherent power of the courts and is therefore invalid. That the power to punish for contempt is inherent in all courts, has been many times decided and may be regarded as settled law. It is essential to the administration of justice. The courts of the United States, when called into existence and vested with jurisdiction over any subject, at once become possessed of the power. So far as the inferior Federal courts are concerned, however, it is not beyond the authority of Congress (*Ex parte Robinson* (19 Wall. 505, 510–511); *Bessette* v. *W. B. Conkey Co.* (194 U. S. 324, 326)); but the attributes which inhere in that power and are inseparable from it can neither be abrogated nor rendered practically inoperative. That it may be regulated within limits not precisely defined may not be doubted. The statute now under review is of the latter character. It is of narrow scope, dealing with the single class where the act or thing constituting the contempt is also a crime in the ordinary sense. It does not interfere with the power to deal summarily with contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, and is in express terms carefully limited to the cases of contempt specifically defined. Neither do we think it purports to reach cases of failure or refusal to comply affirmatively with a decree—that is to do something which a decree commands—which may be enforced by coercive means or remedied by purely compensatory relief. If the reach of the statute had extended to the cases which are excluded a different and more serious question would arise."

What the court says here is that there is real doubt as to the constitutionality of statutes going any further than did the rather narrowly circumscribed legislation it considered then, the Clayton Act. The Court expressly indicated that if attempt were made to legislatively extend the right of trial by jury to cases of failure or refusal to comply affirmatively with a decree of the Court, as in cases arising under this bill, that such attempt would probably be unconstitutional.

This is in accord with the rule set forth in the State of Virginia where in *Carter's Case* (96 Va. 791, No. 32 SE 780), which is everywhere the leading case, the Supreme Court of Virginia held there that an attempt by the legislature to require jury trials for contempts was unconstitutional as violative of the doctrine of separation of powers.

The courts of Alabama, Arkansas, Florida, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, Tennesse, and Texas have all held no constitutional right to trial by jury exists in contempt cases.

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

The Chair recognizes the gentleman from Georgia [Mr. PILCHER].

Mr. PILCHER. Mr. Chairman, as I am not a lawyer, I had not intended to say anything on this jury trial amendment, because it is technical. But when my good friend the dear lady from Illinois [Mrs. CHURCH] and my good friend, Judge SAUND, from California, with whom I serve on a committee and for whom I have the highest regard, make such statements against my section of the country, about how we treat people, I feel that I should make some reply.

I do not believe there is a Member of this Congress who loves or has done more for the Negro than I have. I have nursed them when they were sick. I have carried them to the hospital and paid their bills without any hope of remuneration. I have worked them; I have them on my payrolls, some who have not done a lick of work for 5 years, old Negroes, and they draw their money every week, because they have been faithful.

My section of the country is the southwest portion of Georgia bordering on Florida and Alabama. The Negroes there have made more progress in the past 20 years than the white race made in 50. The Negroes are in better shape in my section today by far than I was when I was a boy, educationally, financially and otherwise.

There is not a Negro schoolchild in my section who does not get on a modern school bus every morning and go to school in a modern school. The assistant county agent of my county is a Negro, put on years ago when I was on the board of county commissioners. We have Negro 4–H Clubs, Negro Future Farmers, Negro Future Homemakers. What this bill is doing is only creating strife and hate. We had four classes of people in my section of the country a few years ago. We had good white people and good Negroes working together. We had sorry white people and sorry Negroes. But you are driving us into two groups, the white and the black.

There are thousands and thousands of good white people in the South just like me, hundreds of thousands of them, that have fought the battles of the Negroes for years, but you are putting us in a shape where we cannot help the Negro anymore. You are only going to hurt the person you are trying to help.

This is going to come about, as the gentleman from Illinois said, in an evolutionary way. It is going to take time. It is going to take patience.

Of course we believe in civil rights. There is not a Member in this House who believes in civil rights any more than I do, but a Gestapo under a political attorney general, Democrat or Republican, is not the answer.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, this is my first discussion of this bill. I rise particularly to call attention to the debate yesterday following the statement of the gentleman from Pennsylvania [Mr. WALTER], who had to leave because of work with the Committee on Un-American Activities.

The gentleman from New York [Mr. KEATING], in remarks that appear on page 9042 of the CONGRESSIONAL RECORD of June 13, 1957, listed a number of statutes providing a criminal remedy but where, at the same time, the Government was given the right to proceed by injunction. He mentioned the enforcement of the antitrust laws, the Atomic Energy Act, the Natural Gas Act, and various others.

Statutes authorizing the United States Goverment to seek injunctive relief are as follows:

Antitrust laws, restraining violation—by United States attorney, under direction Attorney General—title 15, United States Code, section 4, July 3, 1890.

Associations engaged in catching and marketing aquatic products restrained from violating order to cease and desist monopolizing trade—by Department of Justice—title 15, United States Code, section 522, June 25, 1934.

Association of producers of agricultural products from restraining trade—by Department of Justice—title 7, United States Code, section 292, February 18, 1922.

Atomic Energy Act, enjoining violation of act or regulation—by Atomic Energy Commission—by Attorney General—title 42, United States Code, section 1816, August 1, 1946.

Bridges over navigable waters, injunction to enforce removal of bridge violating act as to alteration of bridges—by Attorney General—title 33, United States Code, section 519, June 21, 1940.

Clayton Act, violation of enjoined—United States attorney, under direction of Attorney General—title 15, United States Code, section 25, October 15, 1914.

Electric utility companies, compliance with law enforced by injunctions—by Federal Power Commission—title 16, United States Code, section 825m, August 26, 1935.

False advertisements, dissemination enjoined—by Federal Trade Commission—title 15, United States Code, section 53, March 21, 1938.

Freight forwarders, enforcement of laws, orders, rules, and so forth, by injunctions—by Interstate Commerce Commission or Attorney General—title 49, United States Code, section 1017, May 16, 1942.

Fur Products Labeling Act, to enjoin violation—by Federal Trade Commission—title 15, United States Code, section 69g, August 8, 1951.

Enclosure of public lands, enjoining violation—by United States attorney—title 43, United States Code, section 1062, February 25, 1885.

Investment advisers, violations of statute, rules and regulations governing, enjoined—by Securities and Exchange Commission—title 15, United States Code, section 80b-9, August 22, 1940.

Gross misconduct or gross abuse of trust by investment companies, enjoined—by Securities and Exchange Commission—title 15, United States Code, section 80a-35, August 22, 1940.

Use of misleading name or title by investment company, enjoined—by Securities and Exchange Commission—title 15, United States Code, section 80a-34, August 22, 1940.

Violation of statute governing, or rules, regulations, or orders of SEC by investment companies, enjoined—by Securities and Exchange Commission—title 15, United States Code, section 80a-41, August 22, 1940.

Fair Labor Standards Act, enjoining of violations—by Administrator, Wage and Hour Division, Department of Labor, under direction of Attorney General, see title 29, United States Code, section 204b—title 29, United States Code, sections 216 (c), 217, June 25, 1938.

Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction—by United States attorney, see title 29, United States Code, section 921a—title 33, United States Code, section 921, March 4, 1927.

Import trade, prevention of restraint by injunction—by United States attorney, under direction of Attorney General—title 15, United States Code, section 9, August 27, 1894.

Wool products, enjoining violation of Labeling Act—by Federal Trade Commission—title 15, United States Code, section 68e, October 14, 1940.

Securities Act, actions to restrain violations—by Securities and Exchange Commission—title 15, United States Code, section 77t, May 27, 1933.

Securities Exchange Act, restraint of violations—by Securities and Exchange Commission—title 15, United States Code, section 78u, June 6, 1934.

Stockyards, injunction to enforce order of Secretary of Agriculture—by Attorney General—title 7, United States Code, section 216, August 15, 1921.

Submarine cables, to enjoin landing or operation—by the United States—title 47, United States Code, section 36, May 27, 1921.

Sugar quota, to restrain violations—by United States attorney under direction of Attorney General, see title 7, United States Code, section 608 (7), and title 7, United States Code, section 608a-6, May 9, 1934.

Water carriers in interstate and foreign commerce, injunctions for violations of orders of ICC—by ICC or Attorney General—title 49, United States Code, section 916, September 18, 1940.

Flammable Fabrics Act, to enjoin violations—by Federal Trade Commission—title 15, United States Code, section 1195, June 30, 1953.

National Housing Act, injunction against violation—by Attorney General—title 12, United States Code, section 1731b. This code citation was repealed.

Defense Production Act—title 50, United States Code, appendix 2109, July 31, 1951.

National Labor Relations Act (Taft-Hartley Act)—title 29, United States Code, section 160(L), June 23, 1947.

Rent Control Cases—title 50, United States Code, appendix 1896, March 30, 1949.

Federal Food, Drug, and Cosmetic Act—United States Code, title 21, section 332, June 25, 1938.

Trademark Infringement—United States Code, title 15, section 1116, July 5, 1946.

Rubber Act of 1948—title 50, United States Code, appendix 1933, March 31, 1948.

International Wheat Agreement Act—title 7, United States Code, section 1642, October 27, 1949.

Natural Gas Act—title 15, United States Code, section 1717s, June 21, 1938.

Perishable Agricultural Commodities Act—title 7, United States Code, section 499k, June 10, 1930.

Shipping Act of 1916—title 46, United States Code, section 828, September 7, 1916.

I call attention, in addition, to the large number of administrative tribunals created in the last few decades whose orders are enforced by the contempt powers of the courts.

The discussion of this jury-trial amendment, I think, has served to alert the Members of Congress to the growing tendency to use the extraordinary remedy of injunction and contempts of courts for the enforcement of the policies and programs of the Federal Government.

It may be that in this instance the criminal remedy, that is, punishment through prosecution for violation of a statute, is not adequate to enforce the 15th amendment, which of course is a part of the Constitution; and that this extraordinary remedy is the only effective way of accomplishing the objective of the 15th amendment. But let me warn those who want the easy way that if we extend government by injunction from this field to another field, pretty soon we will be living under a police state, and the protection of individual liberties, which are the very essence of our form of government, will be gone.

I suggest that a comprehensive survey be made of the use of these extraordinary remedies of injunction and the contempt powers of the courts to execute national policies where rights of the individual, constitutionally available to him in criminal and civil legal proceedings, do not exist.

Let us see when this trend began. The abuses which led to the Norris-LaGuardia Act were injunctions sought by individual citizens and corporations. In the instances cited by the gentleman from New York [Mr. KEATING], it is the Government itself using this unusual power of the sovereign in derogation of the rights of its citizens and circumventing

the protections of their liberties which we have built up at great cost over a long period of time.

In the labor field, National Labor Relations Board orders to cease and desist issued against employers are enforced by the decree and contempt proceedings of the circuit courts of appeal.

The Federal Trade Commission combats unfair trade practices with court injunctions. Many other recently created boards and commissions have been given similar authority by the Congress.

Does this mean that the historic method of compelling observance of national policy, in which inhere the protections of the Bill of Rights, is no longer efficient and workable in the complicated society of our time; or, does it mean that the proponents of the new activities which the Federal Government is increasingly undertaking are impatient at the delays and difficulties attending criminal and civil legal proceedings where alleged violators are guaranteed due process of law and, in criminal cases, the presumption of innocence and the requirement of admissible proof establishing guilt beyond a reasonable doubt as found by a jury of his peers?

All students of law know that chancery courts developed only because the common law had become so rigid and inflexible as to result in miscarriages of justice simply because no forms or procedures existed to grant relief. This gave rise to the unusual and extraordinary intervention of the King, which came to be exercised through his chancellor, in granting relief to individuals on their petition for equitable and just redress, which they were unable to obtain in the law courts. Thus was established the basic principle that no action in equity will lie where there is an adequate remedy at law.

Many equity cases have held that a crime will not be enjoined by an equity court because the punishment for the crime should be an adequate deterrent to the wrong sought to be prevented. Some courts have added a refinement to the principle of adequacy of the remedy of law in that the remedy at law must be as adequate as the remedy possible in an equity proceeding.

There is no question of the constitutional power of the Congress to authorize the Attorney General to commence injunction proceedings to enforce the 15th amendment or of the power of Congress to grant jurisdiction to the Federal courts to issue injunctions in this field. Whether the Congress should do so or not, in my judgment, should be determined as a matter of policy. In determining for myself this question of policy, I am guided by the basic principle of adequacy of existing legal remedies, that is to say, criminal prosecution, under sections 241 and 242 of title 18, United States Code, and civil suits for damages under section 1983 of title 42, United States Code.

The 15th amendment to the United States Constitution became effective March 30, 1870, and provided:

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

The basic laws Congress passed pursuant to the 15th amendment were adopted shortly thereafter.

For over 80 years, therefore, we have had on the books legislation in addition to the 15th amendment to the Constitution designed to prevent the denial of voting privileges for reasons of race, color or previous condition of servitude. Yet, the evidence is overwhelming that in many sections of the country Negroes, even today, are being deprived of the right to vote. One need not look further than the statistical section of the Congressional Directory to find that there were total votes cast in the congressional election of 1956 as low as 18,000 or 19,000 for some congressional districts where many congressional districts cast votes in excess of 200,000, or 10 times as much. In this connection, it should be remembered that Representatives in Congress, as the direct representatives of the people under article I, section 2, and the 14th amendment, section 2, each should represent approximately equal segments of our population.

There is, of course, other evidence before the Congress that the 15th amendment is not being observed, and that the amendment itself and the laws passed pursuant thereto have not been effective in the past and will not be effective in the future. Believing that the 15th amendment, which is just as much a part of our Constitution as the Bill of Rights, ought to be observed, it is my judgment that a case has been made for the intervention of the courts and their extraordinary remedy of injunction to prevent an integral part of our Constitution from being nullified.

I, therefore, intend to vote against the so-called jury-trial amendment.

The granting, however, of the power of injunction in this field for the first time in our history points up the necessity for taking stock of the distance we have traveled on the road of government by injunction and should give us warning that this unusual and autocratic remedy must not be lightly granted in the future. We in the Congress should scrutinize with extreme care representations by those advocating some new program by the Federal Government involving regulation of our citizens in which enforcement is sought through injunction rather than the traditional criminal and civil remedies in which constitutional guarantees of procedural rights are granted to defendants. This is particularly true where a mandatory injunction, as contrasted to a restraining order, is authorized.

As I view our philosophy of Government, we prohibit citizens from doing those things which are thought to be against the public interest, but in all other activities not so prohibited, the individual is free to do as he chooses. This is the reverse of a system of government where the citizen is ordered by his Government affirmatively to perform certain actions. The latter method is typical of totalitarianism and tyranny.

Because of the recent growth of the use of court injunctions and contempt prcoeedings for carrying out national policy, I believe a review of such special grants of authority should be made, including a reexamination of the basis for authorizing the injunctive remedy. Such a study would form a foundation for resisting further growth of government by summary proceedings and might possibly lead to repeal or modification of some such grants of authority in the past.

The CHAIRMAN. The Chair recognizes the gentlewoman from Georgia [Mrs. BLITCH].

Mrs. BLITCH. Mr. Chairman, I am appalled at the sectional attitude that has crept into this discussion of the use of the injunction power. This is a Federal law which is under discussion here today. This is a law that will apply equally to every State in the Union and to every individual in every State. I am not standing here to plead for the people I represent—I stand here to plead for all the people of the United States—everyone of them, every citizen—every citizen who has inherited the right to freedom that their forefathers—our forefathers fought and bled for. I ask you—I plead with you in voting for this, do not try to excuse yourselves for voting for this by saying you are condemning one section of the country, a section of the country which I happen to be a part of—and yet, a country whose spirit is so big that it can withstand even that kind of injustice. That is a little matter to us. But, the thing that so worries me is the fact that you are not realizing your responsibility to the people you represent wherever you may come from. I beg you—I beg you and I plead with you to realize that this bill will affect you and your constituents the same as it will affect me and my constituents.

Mr. JONAS. 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. JONAS. Mr. Chairman, there are many landmarks along the path men have traveled through the years in their search for liberty and in their struggle against oppressive government. Among these landmarks are: the Magna Carta of 1215, the Petition of Right of 1628, the English Bill of Rights of 1689, the Declaration of Independence of 1776, the American Bill of Rights of 1791.

Foremost among these basic rights men have won for themselves through centuries of struggle is the right to be tried by a jury whenever charged with the commission of a crime.

The passage of this legislation in its present form will deny defendants charged with its violation the protection of this safeguard against oppression.

I do not argue that defendants in contempt cases, where the United States is a party, are entitled to jury trials as otherwise specifically guaranteed by the sixth amendment to the Constitution. What I do say is that this legislation is so drawn that it undertakes to make acts,

which are crimes under the United States Criminal Code and for the violation of which no person could be denied a jury trial, matters of civil contempt for which jury trials are not provided.

By this tactic the legislation seeks to do indirectly what would be unconstitutional if attempted by direct means, namely to deny a jury trial to defendants who are charged with the commission of a crime.

I believe that every citizen should enjoy all the rights and privileges guaranteed him under the Constitution. I would never condone the act of any government—local, State, or Federal—that would deny him a single one of those rights. The right to vote is indeed one of those precious privileges, and I believe that every eligible voter should be protected in his right to cast that vote and to have it honestly counted. This is so fundamental that I do not see how anyone could deny it. The sole question is whether the proposed legislation provides the proper method of protecting those rights and privileges.

It seems to me that legislation which denies the equally precious right of trial by jury does as much violence to basic rights guaranteed by the same Constitution as the proponents seek to protect.

The pending amendment providing for a jury trial will not scuttle the bill as has been contended during the debate. It would not prevent or delay the issuance of an injunction. It would merely interpose the use of a jury in finding the facts following the alleged violation of any injunction that might be issued. It would prevent the un-American situation arising in which the Government, through appointed officials, is complainant, prosecutor, judge, and jury in the same action.

Let us not, in our zeal to protect some of the basic rights of our citizens, violate other and equally basic rights. Two wrongs do not make a right.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT of Pennsylvania. Mr. Chairman, perhaps one matter ought to be clarified for the record. I hope that the gentleman who introduced this amendment is here. I certainly have nothing critical to say of him, but I would like him to hear this. But, to make the record entirely clear, I think it ought to be stated publicly that the introduction of this amendment is not an action of the leadership on this side of the aisle, and so far as I have been able to ascertain by asking a great many questions of a number of people, the introduction by the Member involved was occasioned on his own initiative solely and without any notice—advance notice—to anyone else. I think the evidence will show that the support for this amendment will come very largely from the other side of the aisle. But, wherever it comes from, I certainly respect the integrity and the honesty of belief of Members who vote for the bill and the amendment, and of all those who vote against it. I hope in neither case will we rely on imputations of politics, but confine ourselves to facts. Among those facts are these: That in the State of Alabama, and we have heard some comments from our respected Members from that State, there are many counties where negroes simply do not vote and where there is very strong evidence to believe that they are actively discouraged from voting, and at the very least there is a certain amount of understanding in that county that no Negro will be registered and in other counties very few Negroes are permitted to register.

In Alabama only 10.3 percent of Negroes over 21 years old in the 1950 census were registered to vote.

In Blount County, Ala., there are 429 potential Negro voters, but not a single Negro has voter registration.

In Bullock County, there are 5,425 potential Negro voters, but only 6 Negroes are registered.

In Clay County, there are 1,010 potential Negro voters, as of 1950, but not one of them is registered.

In De Kalb County, there are 443 potential Negro voters, but none is registered.

In Jackson County, there are 1,242 potential Negro voters, but none is registered.

In Lowndes County, there are 6,512 potential Negro voters, but not a single Negro is registered.

In Marshall County, there are 605 potential Negro voters; not a single Negro is registered.

In Morgan County, there are 4,641 potential Negro voters; not a single Negro is registered.

In Tallapoosa County there are 5,083 potential Negro voters; not a single Negro is registered.

In Wilcox County there are 8,218 potential Negro voters; not a single Negro is registered.

Therefore, when I hear someone plead for the right of the citizens of that or of any other State, I would like to know whose rights they are advocating. Are they advocating the rights of those who would be sworn as a blue-ribbon jury of the voters? Or are they advocating the rights of those people who in many States cannot serve on juries because they are not registered voters and who, in turn, cannot become registered voters?

Therefore, seen in this light, it would seem to me that the trial-by-jury amendment, so-called, is a bogus issue. The proponents are not upholding the sacred rights of the accused, but their effort is to weaken and thwart the reasonable enforcement of the law in the traditional manner, and that is the only way in which effective enforcement is possible, because such an amendment would thwart the Government in its purpose which is to afford protection to the citizen in his right to vote.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the bill H. R. 6127 and all amendments thereto close not later than 6 o'clock p. m., on Monday next.

Mr. SMITH of Virginia. Mr. Chairman, reserving the right to object, I understand there is no objection to the request by the opponents of the bill.

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

There was no objection.

The Chair recognizes the gentleman from Illinois [Mr. NIMTZ].

(By unanimous consent, Mr. NIMTZ yielded his time to Mr. KEATING.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I would like to state clearly at this time my position with regards to proposed right-to-vote legislation, for my position on the matter, if understood, certainly would repudiate any thought that I am a narrowminded race baiter. I wish our committee had voted on a bill I could support. I tried to get the committee to report out a straight right-to-vote amendment to title 42 and stated that I would support it if it did not deny right of trial by jury, and did not preempt State laws and administrative remedies. Thus, I would support a simple right-to-vote bill amending existing title 42 without all the political implications and overtones inherent in this measure. I would also support a constitutional amendment to eliminat the poll tax.

Fundamentally, I believe that every American should have the right to vote, in a free and untrammeled atmosphere, and I consider this one of our fundamental rights. I do not consider it paramount to the right of trial by jury, or to the recognized rights of the States to establish election procedures as guaranteed by the reserved powers doctrine of the Constitution. Actually, it would have been very simple for the Judiciary Committee to have voted out a bill that met both of these objections. This could have been done by providing a trial by jury in contempt cases under the bill as was done in Norris-La Guardia for labor even though the United States is made a party to the suit by this bill, and also by remaining silent on the question of exhausting administrative remedies. But, instead of taking this realistic approach, this less controversial approach—admittedly this less spectacular approach—this approach that would offend few southerners, instead of this, the proponents have seen fit to place every Member of Congress in the position of having to choose between the civil right, and constitutional right to vote on the one hand and the civil and constitutionally protected right to a trial by jury and reserved powers doctrine on the other. This is the crux of the problem.

If I am to serve any purpose in this debate, I believe I should like to follow the route so magnificently paved by my distinguished colleagues, Mr. POFF, of Virginia, and Mr. HYDE, of Maryland—to attempt to get down to rock bottom, to simplify the issues here—for I am sure every Member desires to know exactly what the choices are and the effects and what the reasons for the jury trial amendment, really are.

First. What is the present posture of the law? It is very simple. And it is not controverted. Let us examine the law in two parts: First, the conspiracy

amendments and then the right-to-vote amendment. Under title 42 of the United States Code, section 1985—section 1980 of the revised statutes—provides for a civil remedy in damages brought by the person injured for conspiracies—which means more than one individual—who is acting under color of law in the following instances: First, where justice is obstructed; second, where an officer is prevented from doing his duty; third, where a person is deprived of his rights to equal protection of the laws and equal privileges under the law.

Thus, the present so-called conspiracy act, passed in 1871, provides for a cause of action for damages, in civil action, where a conspiracy occurs and where the person being complained against is acting under color of law—in any of the three enumerated instances. I hasten to add though, that other statutes make these same acts crimes and thus provide the United States, through the Attorney General with criminal process to protect the citizen aggrieved. This section is being amended by this bill.

Now, let us examine the other significant amended section under this bill—the right-to-vote section. Presently, title 42 of United States Code, section 1971—section 2004 of the Revised Statutes of the United States—is a criminal statute, providing for criminal action against individuals—as compared to more than one person in a conspiracy—who again, act under color of title to deprive a person of his right to vote in a discriminatory manner, that is because of race, color, or previous condition of servitude. Again, this is a criminal statute.

Thus, under the present law both sections being amended require that the act either sued for in civil action under the conspiracy section 1985 or prosecuted in a criminal action by the United States under section 1971 must be done under color of law, some State or Federal law. But, most significant, in all existing legislation a trial by jury is necessary.

Now let us examine the proposed amendments. They look simple, and they are so easily justified on the surface. But, are they justified upon a close examination—and, in particular, are they justified so far as they result in denial of trial by jury?

Part 111 of the bill amends the conspiracy section 1985 act by, first, providing that the same acts as are now subject to a civil suit by the person aggrieved may be also brought by the Attorney General in equity for special equitable relief; second, provides the district courts with jurisdiction to hear these cases, even without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law; third, adds words "about to engage" to existing law.

Part IV of the bill amends the right to vote—section 1917—section by, first, providing that the Attorney General, where he under the present law must bring a criminal action under this section, can now invoke equity jurisdiction; second, providing district courts with jurisdiction to hear these cases, without exhaustion of administrative or local remedies; third, providing that the person accused need not be acting under color of law; fourth, providing for a broader crime than discrimination by broadening the crime of denial of right to vote to include intimidation, threaten, coerce, or attempt to intimidate, threaten or coerce the right to vote.

Now we come to the crux of the matter. On the surface, the amendments as explained thus far seem somewhat harmless. But, examined in the light of the fact that any court of equity order issued under the proposed bill can be, and will be enforced by the further court power of contempt. Indirect contempt, which act would constitute a crime under State or Federal law. And, what is wrong with this? An examination of title 18, United States Code, section 3691, when contempt of course is punishable by fine or imprisonment, where this contempt is also a violation of Federal or State law, which it would be in every instance under this bill, the accused is guaranteed the right to demand a trial by jury, and with the exception of where the United States is a party to the suit. The latter exception thus denies the right of trial by jury in every case under this bill because the United States would always, obviously be a party to the suit. Thus, a seemingly harmless bill amending existing law, by principally changing the procedure from criminal to equity as in the case of the right-to-vote section and from civil action in damages, to equity action in case of the conspiracy statute, and by making the United States a party to the suit have brought about the apparently desired result of circumventing the right of trial by jury.

But as to this amendment, I am very much in favor of this amendment and feel that it is absolutely essential if we are to retain the constitutional guaranties which we have. I believe this is a fair and reasonable compromise that is being offered in this particular amendment. I previously reviewed some of the provisions that will still be in the bill even if the pending amendment providing trial by jury is adopted; and I want again to stress the fact that in my opinion it is a fair and reasonable compromise. It relieves Members of the dilemma of having to vote against the trial by jury in order to support the right to vote.

When this bill came to the subcommittee on the Judiciary and then to the full committee we were advised that the administration realized there were many weaknesses in the bill so far as the right to vote was concerned. Many of them will be cured by the adoption of this bill. If this trial by jury amendment is adopted it will apply only in criminal contempt cases; it does not apply in civil contempt cases. I for one want to see it adopted. I want to see the right to trial by jury preserved in America as well as the right to vote.

The only question or issue involved is, Are you willing at this time to make an offering as a sacrifice upon the altar of the right to vote the equally important constitutional right of trial by jury? That is the issue, as I see it.

Do you want to travel the precipitous path that is being suggested in this bill up to the summit, which we all hope to gain at some time of having everyone guaranteed the right to vote unrestricted, and then after we reach the summit and we are all there, the American people are prostrated as a result of having their constitutional lifeblood sapped by being denied the right of trial by jury.

As I started to say a while ago, there is no question but what the other provisions of the right-to-vote portions of the bill would remain intact. They will remain in the bill even though this amendment is adopted. It seems to me this is a fair and reasonable compromise on a matter which admittedly is a heated one, one that has been strenuously debated and as presented in the bill requires that a choice be made between the right to vote and the right to a jury trial. It gives you the right of a preliminary injunction, it provides for permanent injunction even under this proposed compromise.

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

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Florida.

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

There was no objection.

Mr. CRAMER. I thank the gentleman.

Mr. Chairman, this bill takes the existing statute, section 1985, title 42, which is at the present time a conspiracy statute, involving certain basic constitutional rights which are presently triable by a jury in a civil case, and it takes the second section, which is a criminal right to vote statute, section 1971, they take that section which is presently a criminal section and triable by jury, there is no question about it, and do so in order to get away admittedly from this requirement of going before jurors, not trusting jurors. I cannot believe myself that the people of this Nation would take the position that people who swear to uphold their oath as jurors will not do so in any section of the country—but be that as it may, in this instance it takes section 1971, a criminal statute, where the defendant has a constitutional right of trial by jury, and in order to get around the trial by jury the bill provides an equitable remedy, to be brought in the name of the United States, and the bill transposes from another section of the statutes, title 18, a procedural section, section 3691, adds it to these two existing statutes in which trial by jury is guaranteed to the people under our Constitution, and the denial of trial by jury results. How? Because the United States is made a party to a proceeding where otherwise the defendant would have a right to trial by jury. The compromise would retain the jury trial despite the fact that the United States is a party.

Let me bring another fact to your attention, and I ask you to consider this most seriously. By this legal legerdemain, by this sleight of hand, you take existing criminal statutes and bring

them under a civil procedure in equity, you take what presently would be a crime under which a person would be entitled to trial by jury and eliminate the jury trial for the same substantive offense because the United States is a party. I suggest this word of caution if you can do that, that same procedure and that same legislative manipulation can be applied to almost any criminal statute which involves any constitutional right, and nearly all criminal statutes do, and thus deny a right of trial by jury to the defendant although the same substantive set of facts exist and the same act has been committed.

Mr. FORRESTER. Mr. Chairman, I want to use this minute to reply to a statement made by the gentleman from Arizona [Mr. UDALL] when he said the burden was upon those who proposed this amendment to prove their case. The truth of it is that the burden is upon those who are sponsoring this bill to prove the case on account of the fact that as the law now stands all of these contempt cases are triable by a jury and have been triable by a jury since the Clayton Act and the Norris-LaGuardia Act.

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

Mr. LONG. Mr. Chairman, I ask unanimous consent to yield the time allotted to me to the gentleman from Georgia [Mr. FORRESTER].

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

There was no objection.

Mr. FORRESTER. I appreciate very much the gentleman yielding me this time.

In 1831 a judge by the name of Peck put a lawyer in jail for 18 hours and disbarred him for 18 months. President Jackson was so incensed that he had the man impeached and tried by the United States Senate. He was acquitted by the narrow margin of 22 to 21. Mr. Buchanan, a Senator at that time, and later President of the United States, was instrumental in passing the Judiciary Act of 1831 providing that all contempt cases should be tried by juries except where the offense was committed in the presence of the court or so near thereto as to obstruct justice, and Mr. Buchanan said that this will be the last time that Judge Peck or any other judge would trifle with a man's liberty and that Attorney Lawless would be the last victim of such tyranny. That this was the last time a judge would be accuser, judge, and executioner. Sad. Sad. I wish that Mr. Buchanan was living now and that President Andrew Jackson was living now, and could see that their own Government was asking for a right to deny the people of this country the sacred right of trial by jury in criminal contempts. How far is our Government going to destroy our liberties? How far will Congress permit it to be done?

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

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

There was no objection.

Mr. SIKES. Mr. Chairman, it is a preposterous thing that there should be questions of trial by jury in this legislation. Of course, trial by jury should be a part of the bill. It is inconceivable that the Department of Justice of the Government of the United States would sponsor legislation of this grave significance without the guaranty of personal rights and liberties provided by jury trial. Yet we find that great agency of government actually opposing trial by jury in the tremendous field of litigation opened by this measure. We live in strange times indeed.

The amendment to insure trial by jury should have the unanimous support of the House. Freedom and democracy are precious things. But they can be lost. They can be lost little by little in bills like this one. Failure to preserve the right of trial by jury can speed the process.

We have had outstanding debate—nearly 2 weeks of it. Much of that debate has centered around the amendment now before us. But not even the great ability of the debaters has obscured the clear necessity of trial by jury if this measure is not to become the tool of prejudice and the vehicle of bigotry. Persecution could become rampant under its terms.

I see no good in the measure before us. But without the safeguard of jury trial it becomes a much more evil thing. I urge the adoption of the amendment.

Mr. FISHER. 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 Texas?

There was no objection.

Mr. FISHER. Mr. Chairman, it seems almost incredible that there is any serious resistance to the pending jury trial amendment. Just think of it. Here we are in the 20th century and find people resisting one of the most cherished of all civil rights—that of trial by jury in cases where defendants are about to be sent to jail for an alleged violation.

It is now the law, by act of Congress, that if any laboring man is accused of violating an injunction growing out of any labor dispute, that laboring man cannot be forced to trial before any judge. He is entitled to a trial by a jury of his peers for alleged contempt of the court in regard to any alleged violation of that court order. But what about others who are not members of unions who are hailed before a Federal judge for contempt of a court injunction? Does he have that same privilege as does the union member? No, not unless this amendment is adopted.

Mr. Chairman, the progress of man through the long march of civilization has been marked by some outstanding landmarks. Among them have been the Ten Commandments, the Sermon on the Mount, St. Paul at Rome, the Magna Carta, the voyages of Columbus, the Declaration of Independence, and the establishment of our Constitution.

One of the most outstanding of these was the Magna Carta, because among other things it set the stage for the right of trial by jury in Anglo Saxon jurisprudence. The Bill of Rights was achieved later, and carried forward that right and made it more meaningful. Since that time in America and elsewhere around the world where the light of liberty has gained prominence, the right of trial by jury has been upheld as one of the most fundamental of all civil rights.

And yet today we see here in this Congress, here in this enlightened age, here in the 20th century, an assault being made upon that cherished civil right of our citizens.

It has been thoroughly developed here how by an ingenious gimmick the right of trial by jury in contempt cases will be taken away from our citizens, if this bill is approved. If an individual should seek an injunction against someone who attempts to prevent him from voting or from doing something of a different nature included in this measure, and if the injunction should be granted by a judge, and if a person against whom such injunction applies should be accused of doing some act in violation of that court order, then that person could be hailed into court and tried for contempt. But, except for the clever gimmick, that accused person would be allowed a jury trial on the question of fact as to whether his alleged conduct was actually violative or whether it actually occurred as charged.

But by this gimmick, he is not allowed such right. The gimmick is the provision in this bill allowing the Attorney General of the United States to be a party to all lawsuits involving grievances by those who claim their rights included in this bill are being violated. And where the United States is a party to such a proceeding, then under existing law no jury trial is allowed.

Mr. Chairman, at this point I wish to quote briefly from a recent editorial which appeared in the Evening Star on April 16:

> The bill provides that the Attorney General may seek injunctions against violations of civil rights. Defendants in contempt cases arising out of this provision would not be entitled to trial by jury. This is true even though the penalty might be a fine or a jail sentence. It is argued that this is not a new departure, since there are other instances, labor injunctions excepted, in which there is no right of trial by jury in criminal contempt cases to which the United States is a party. This is correct. But it does not follow that the practice is one which should be extended, perhaps widely extended, by the legislation now pending in Congress * * *
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> This, it seems to us, contemplates a radical and even dangerous projection of the Federal judicial power. In principle, why should not the defendants in civil-rights disputes be entitled to at least the same jury protection as defendants in labor disputes? If it is argued in the case of the former that the end justifies the means, an unpalatable doctrine in any circumstances, the fact is that experience has not yet shown the existence of such justification.

As I see it, it will not be an easy thing for a Member of Congress to explain away a vote against one of the most sacred and cherished of all civil rights—that of trial by jury when accused of an offense, civil or criminal, for which he may be imprisoned.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA of Minnesota. Mr. Chairman, this is the first time that I have spoken on this bill, which I have tried to follow generally in all of its debate. It is a disturbing bill to me, and this amendment is a very crucial one as far as my judgment is concerned as to what I shall do upon final passage. The reason I am concerned about it is that I, too, have been a victim of intolerance and bigotry, and I think I know some of both of those elements. But, I never urged or even thought that it was necessary that they pass a law that I might not be discriminated against through either bigotry or intolerance. I remember as a young man coming back from World War I when we had the great 18th amendment which became law shortly thereafter. And, I thought it was a good law, but I saw it live to become a tragedy to this country. Why? Because it made for so much disregard for law and order, and if such a bill as you have here is passed, if it does become law and unless it is administered most wisely and fairly, then you are going to have a further decline and a disruption of respect for law and order and that respect is so very necessary in this great country of ours. Mr. Chairman, I hope that in the judgment which you render upon this all-important amendment you will remember one thing also, the importance of trial by jury. Remember that the Communist who is in contempt of Congress, the Communist who is out to destroy the country we love so much is entitled under the Constitution to a trial by jury. But under this bill, if some judge is overzealous he may not treat some citizen of our country fairly and decide to send him to jail, or fine him, or both, without a trial by jury when the Communist who has violated the law is given the right of a trial by jury. Think seriously about it before you finally vote on this all-important issue.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. ROGERS].

Mr. ROGERS of Texas. Mr. Chairman, there has been much said on the floor today concerning the jury trial amendment to the effect that if it were adopted it would tear this bill to pieces. That leads us to the inevitable conclusion that the very purpose of this bill was to deny an American citizen the right of trial by jury.

Let us go on from there. Let us look back through the pages of history and see what happened during those periods when people were subjected to persecution. There were edicts handed down by individuals, not by juries. If we go back to the beginning of the Christian era, when Pontius Pilate did what he did to Christ, Christ did not have a jury. As we go on down through the ages, people who were persecuted were not given the right of a jury trial. That was the case under Hitler. That was the case under the Communists. That is the case under every form of dictatorship in the world today. They all refuse to give a man charged with crime the right to appear before a jury of his peers.

Yesterday I made a few remarks concerning double jeopardy and it was called to my attention that the Court had said at one time that punishment for contempt was not involved in double jeopardy. The Supreme Court has not held any such thing, and so far as the principle laid down in this bill is concerned, it has never been up before that Court to this time. But if this bill passes, you will create a situation where the constitutional right of a plea of double jeopardy will be lost to an American citizen. You will create a situation where a man may be tried not twice but 20 times for the same identical offense. Do not fool yourselves, because that is exactly what can happen. He may be acquitted by a jury of his peers in the morning and in the afternoon he could be tried for the same identical offense and sent to jail.

What do we mean by jeopardy? It is jeopardy of life and limb and the deprivation of his liberty Whether a man is convicted of an offense under a criminal statute and sent to jail or he is sent to jail by a judge in a contempt proceeding makes little difference so far as his life or limb or liberty is concerned. They have been jeopardized.

Mr. Chairman, I plead with you to look well before you adopt a bill that not only creates a situation which will subject a citizen to double jeopardy, but one also which shifts the burden of proof. In the morning when a man is tried for a crime the State must prove his guilt beyond a reasonable doubt. In the afternoon, the man who supposedly is presumed innocent until he is proven guilty must come into court and do what? Show cause why he should not be sent to jail for contempt. If that is the kind of democratic principle that this Nation is built upon, and the people in this Congress are going to put anything like that on the statute books, I do not believe this country could have survived this long and I do not believe that with legislation of this kind it can survive much longer. I hope you will consider well before you do such a thing.

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

Mr. WILLIAMS of Mississippi. Mr. Chairman, human freedom is on trial here today. Those who will, let them vote to deny American citizens the right to trial by jury; but let them also answer to themselves, their children and their children's children for this denial of a fundamental, sacred and basic civil right. If freedom in this great Nation is to be preserved for future generations of Americans, then fundamental concepts must be zealously guarded. We who are charged with directing the course of our Government, if we are to bequeath a legacy of freedom to our children, must be true to the principles of Americanism, and stand foursquare against those who would destroy or compromise those principles.

In a letter to Thomas Paine in 1789, Thomas Jefferson wrote:

> Trial by jury, I consider as the only anchor yet imagined by man, by which a government can be held to the principles of its Constitution.

Surely there is no one in this great body who would admit to a desire to destroy the Constitution of the United States of America—we are sworn to uphold and defend it against all enemies, whether foreign or domestic—yet many in this body either wittingly or unwittingly do contribute to its destruction.

Surely the record, by this time, is clearly obvious to anyone who takes the time and trouble to read it. Surely no one can deny conscientiously that this bill was cleverly drafted with the purpose in mind of by-passing the constitutional right of trial by jury in the cases arising under it. Can there be any doubt, after the speeches by the gentlewoman from Illinois [Mrs. CHURCH], the gentleman from Michigan [Mr. DINGELL], and others, that proponents of the bill had a complete lack of confidence in the integrity and sense of fair play of southern juries? Is this not a confession of lack of confidence in our time-honored jury system? Would the distinguished gentlewoman from Illinois [Mrs. CHURCH] publicly express such a lack of confidence in the integrity of juries drawn from the city of Brookfield, or Oak Park, Ill., in her own great State, where Negroes are not permitted to reside? Or would the distinguished gentleman from Michigan [Mr. DINGELL] be willing publicly to express a similar lack of confidence in the integrity of juries drawn from among the all-white suburbs of his great city of Detroit where the same conditions prevail, such as the cities of Dearborn and Owosso, where members of the Negro race are not permitted to remain after sundown? Would the distinguished minority leader, Mr. MARTIN, be willing publicly to express a similar lack of confidence in a jury drawn from the all-white towns of Massachusetts, including the city of Gloucester, where Negroes are not even able to purchase property? Would the distinguished minority leader express a similar lack of confidence in juries drawn from the city of Boston, where, in the district of our distinguished majority leader, Mr. MCCORMACK, a Negro was lynched on the streets by four white men in broad open daylight, following which neither he nor Mr. MCCORMACK raised their voices, not even in a whisper? Would these distinguished gentlemen, who are so intent on guaranteeing convictions of persons charged under this bill, assure us that the criminals who committed this dastardly crime will be convicted, or, as a matter of fact, even indicted?

No, Mr. Chairman, the subject matter of this legislation is so saturated with politics that even those who profess a deep belief in the right of the accused to

a trial by jury find themselves compromising those views in order to placate, pander, and inculcate the political support of racial minorities seeking special favors at the hands of the Federal Government.

That we should be here considering such a basic and fundamental matter as the right to trial by jury grieves me deeply. Have we so forgotten the lessons of history as to be oblivious to its teachings? Must we distinguish between the civil rights of citizens, so as to deny our citizens the enjoyment of one civil right in order to permit their enjoyment of another? Must we commit ourselves to reactionary policies in one field in order to guarantee liberal policies in another? Can not the two live together; and if not, why not?

Article III of the United States Constitution guarantees the accused of a right to a trial by jury. Amendments VI and VII further secure this right. Who are we, sitting in judgment under the heat of political pressure, to say that these Constitutional guaranties do not mean what they say? Surely we will not submit to a devious gimmick, such as is written into this bill, to abrogate those rights!

Mr. Chairman, in any criminal trial, and more especially in those fraught with emotion and hysteria, a jury must decide the facts if the ends of justice are to be met.

Recently, there have occured instances in litigation instigated by the Department of Justice which were obviously inspired by political considerations.

In Clinton, Tenn., the Department of Justice intervened in a case involving 16 persons charged with contempt of a Federal Court injunction. The Department asked to be made a party to the litigation. After public sentiment throughout the nation indicated that the persons charged should have a jury trial, the Department stated it was a good idea. In other words, Mr. Brownell, in the Clinton case, took a position directly contrary to the position he is taking with reference to this bill.

Even the judge in the Clinton case has confessed that his restraining order contained "unfortunate choice of language." What is to keep judges in the future from issuing restraining orders which include "unfortunate choice of language?" The right of trial by jury is the only method whereby such mistakes can be rectified by an impartial decision of a jury on the facts.

Incidentally, in the Clinton case, these people were cited for contempt in December, 1956, but they have not been brought to trial as of this date. Why?

The Justice Department is acquiring quite an unsavory record of enthusiastic prosecution of certain cases when there is lack of evidence. There is a very recent one—one currently under investigation by a committee of this body. The Justice Department preferred charges and secured a conspiracy indictment against a resident of the District of Columbia and a citizen of Kentucky. A politically appointed district attorney in Louisville, had to prosecute the case which apparently arose from the fact that the Small Business Administrator had a personal dislike for an individual. The judge threw the case out of court without even hearing the defendant's side because the Government failed wholly to make a case.

Although there was a jury in this instance, attention to the case is important because the Justice Department tried to prosecute for the sole reason, apparently, to placate an ambitious Federal bureaucrat.

What will happen if this bill becomes law? The Kentucky case will be multiplied thousands of times if the jury trial amendment is not adopted.

Innocent people will suffer endless harassment at the hands of ambitious Attorneys General. No one will be beyond the long arm of Federal persecution, and political, as well as personal freedom will soon disappear.

Mr. Chairman, the issue before the House is simply whether the Congress of the United States will surrender the rights of the people to an organized selfish-interest minority group; or whether it will stand on those deathless principles of human freedom which made this great Nation the world's citadel of liberty. Will we surrender the precious right of our citizens to trial by jury, or will we surrender to the pressure of momentary political expediency and reestablish the foundations of tyranny which prompted the original emigration to our shores of freedom-seeking people? Generations of Americans, yet unborn, await your reply.

Mr. Chairman, I ask unanimous consent that the time allotted to me may be used by the gentleman from Mississippi [Mr. ABERNETHY].

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. DIES].

Mr. WINSTEAD. Mr. Chairman, I ask unanimous consent that the time allotted to me may be used by the gentleman from Texas [Mr. DIES].

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

There was no objection.

Mr. DIES. Mr. Chairman, I hesitate to intrude myself upon the House at this late hour. I know you are weary with the protracted debate. But I regard this as one of the most serious issues that has confronted the House of Representatives during my 20 years of service in this great body.

From the beginning of this bill I have tried to determine for myself the reason for the opposition to the jury amendment. Certainly this is a drastic proceeding even with a jury amendment. No one can deny that. It is unprecedented, unprecedented in a field as delicate and explosive and difficult as the field of race relationship. With the jury amendment you are still giving tremendous power to the Attorney General of the United States. Then why do the advocates of this measure oppose so strongly the jury amendment? I think they have made that perfectly clear. They are opposed to it because they fear that southern juries will not convict. That is exactly what the Attorney General said quite frankly. In all of the pamphlets I have received from organizations supporting this measure they have denounced what they call the crippling amendment of a jury trial. Is not that about right? I am sure the other Members of the House will agree with me that the basis of this objection to the jury trial amendment is the fear that southern juries will not convict.

Is there any basis for that fear? The record is silent insofar as any testimony to show that any southern Federal jury has failed to convict anyone for violation of civil rights.

There is not any evidence in the record and I defy any Member of this House to stand on this floor and cite one jury trial where a southern jury refused or failed to do its duty in a civil-rights case. There is no such evidence, and therefore this committee made no attempt to collect any such evidence. The Attorney General stated that he had had some complaints about the violation of civil rights in the Southern States. If the Attorney General received the complaints, why did he not do his duty under the law, as it now exists? It was his duty to bring action under the criminal statutes against the persons who had deprived someone of their civil rights. All of the Federal courts were available to him. He had an opportunity. He had a positive duty to proceed against the guilty individual. Is there anything in the record that any member of the Committee on the Judiciary can point to that the Attorney General has ever acted under the laws that are now on the statute books? Who made the complaints? Where are the complaints? What became of the complaints? Were they pigeonholed in the Attorney General's office? Who is there who can truthfully or honestly say that southern juries will not do their duty in civil-rights cases? How are the juries selected in the Federal courts? They are selected by commissioners appointed by the Federal judges. They are often referred to as silk stocking juries. They come from substantial people in every community and they usually represent the business class of people. To indict the South without any evidence whatsoever seems to me is clear proof of prejudice against the Southern States. Who is the real minority in this fight? Is it the Negro or is it the South? Is it the South as a result of the propaganda that has been distributed for years and years throughout the eastern and western sections of this country? What is the cause of this? You would naturally assume that a committee as important as the Committee on the Judiciary would first want to ascertain whether there was any need for this kind of legislation. They would go to the statute books and they would say: What laws do we now have? And they would find that every State has

laws on their statute books. There are Federal statutes dealing with every aspect of civil rights. They would then conclude: Well, we certainly have ample laws. Now let us determine whether or not that law is being enforced. They would find out whether it is enforced and if it is not enforced, they would call the Attorney General and say: "Now, Mr. Attorney General, you say that you have received complaints and you distrust southern juries. Why have you not made a test of it? If there are counties in Alabama and Mississippi and certain other States where Negroes do not vote; what is the cause of it?" There is no evidence here that their failure to vote can be attributed to any violation of anyone's civil rights. Would it not be natural and reasonable that evidence would have been produced before the Committee on the Judiciary proving that you cannot trust southern juries? There is no such evidence in this record.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS. Mr. Chairman, I lament that one Member of this body embarked upon the Till case to justify taking from 170 million people the right to a trial by jury. In all sections of this Nation, at least in almost every section, we can find cases of violence. I have before me an article from a paper where two men were killed as guns blazed along the Alabama picket line of the United Mine Workers strike in Alabama. Six sticks of dynamite were found in the picket's car. Is that any reason to put those union representatives in jail without a trial by jury? Think of Cicero, Ill., not from where the distinguished lady, the gentlewoman from Illinois [Mrs. CHURCH] calls home. Have you found one southerner to get up on this floor and tell you to abolish the State of Illinois or to get up and say all people in and around Chicago are worthless, good-for-nothing hoodlums? I have not heard about it; have you heard the Southerners get up on this floor and say that because two white men killed a Negro on the streets of Boston, Mass., not long ago because he was walking along the street with a white woman, and the two white men killed him—lynched him on the streets of that great city, had you heard us say that law and order in Boston, Mass., had broken down?

I say to you we ought to be made of sterner stuff, sterner stuff.

In my part of the United States, South Carolina, you have not heard of people being denied voting rights. Some of you would take away from 170 million people this sacred right because of some little small isolated incident, going to take from them the precious right of trial by jury because it is expedient, because on your back now there is the whiplash of the NAACP. I say to you the records do not sustain such an allegation.

I call as witness one Justice Brennan. Mr. Justice Brennan of the Supreme Court had this to say in an American Bar Association regional meeting at Denver recently:

> Another nostrum is that, because jury trials take more time than trials before a judge without a jury, the easy answer is to get rid of jury trials.

As the distinguished gentleman from New York [Mr. MILLER] said, we have to pay the price.

The distinguished Justice continues:

> They pay the price, and willingly, of the imperfections, inefficiencies, and, if you please, greater expense of jury trials because they put such store upon the jury system as a guaranty of the preservation of their liberties.

Do not do this to yourself to punish us folks from my part of America.

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

Mr. ABERNETHY. Mr. Chairman, at the outset of my remarks I wish to personally express my thanks to Chairman Celler of the Judiciary Committee who has since the early days of this session endeavored to be very fair regarding this bill. I know he was under tremendous pressures from certain groups, politicians, and others, to ramrod the bill through this House and down the throats of the people of the South without even a hearing in the committee. We thank him for his courage; without which we would not have had as much as an opportunity to present our case to his great committee.

I have but one criticism to make of the manner in which this bill has been handled. I do not say it was deliberate, but we were sorely disappointed that the bill was assigned to a subcommittee on which there was not one Member who lived farther south than New Jersey. There were 4 Members from New York, 1 from Ohio, 1 from New Jersey, and 1 from Colorado. That seemed to us to be unfair. We have no complaint as to opportunity and time in presenting our case to the subcommittee. We would have felt much better, however, had the South, against whom the bill is directed, been assigned at least 1 seat on this very important subcommittee. I leave it to your own good consciences and sense of fair play to judge whether or not we were treated as you would want yourself to be.

I think this debate has been very good up until today. But today is a black one in the House of Representatives. Prejudice, the like of which I have never witnessed, has been revealed in the well of this House—prejudice against the South. Some of the words, the charges, the finger pointing and the indictments have been most unfortunate. If in order to remain in the House of Representatives I would be compelled to spew from my mouth the bitter venom about the North the like of which has been spewed upon the land of Dixie in the debates of today, then I would be pleased to surrender my commission, return to Mississippi and resume the life of a private citizen. In spite of some of the venom I have listened to today, I still have faith in the people of the North and I know those who have been berating the South do not speak the sentiment of northern people in general.

I would like to say for the benefit of the distinguished gentlewoman from Illinois [Mrs. CHURCH] who in my judgment made a very vicious speech against southern people, that it is much easier to get a conviction by a southern jury of a white man charged with a crime against a Negro than it is to get a conviction of a Negro in the District of Columbia charged with a crime against a white woman. Why, oh why, Mr. Chairman does the gentlewoman not raise her voice about that. Her own Chicago has come in for considerable debate on this bill. And it has also come in for considerable adverse publicity on the racial question. She might do well to take a look at her own backyard, her own hometown, before casting aspersions against the people of the South about whom she seems to know nothing and undoubtedly cares less.

We hear much about racial prejudice. Now we have a new type of racial prejudice—prejudice against the white people of the South. I hope that after the sun sets tonight you will return to your places of abode and attempt to throw it off. If you find yourself unable to do so, I am confident that the One who created you will assist if but asked.

The object of this bill is to circumvent southern people, to circumvent southern juries, get around them, to dodge and avoid them, even though they have never yet been once tried or tested on an issue of this kind, not one time. If that was not the object of the bill, the bill would not be here. The distinguished gentleman from Maryland [Mr. HYDE] the distinguished gentleman from Louisiana [Mr. WILLIS] and others have made that charge, and it is undenied. The Attorney General himself stated that is the reason the bill was sent here, the chairman of the committee said during the debate, and so did others, that the reason for the bill is because they cannot get a conviction from a southern jury. So the bill is designed to avoid a southern jury, to take away a right, a civil right if you please. Otherwise there is no objective to the bill. Your confidence in us, in our acceptance of an organized society, is so lacking. You insult us.

I do know of instances when you have tested and accepted the confidence and responsibility of southern people. When our democracy is threatened from outside, you do not hesitate to take our men into arms. I recall in 1943, when I came to the Congress, I lived in a hotel near the Capitol. After the dinner hour I would often find myself walking over to the Union Railway Station so that I might talk with some of the young men who poured through that station by the thousands every 24 hours headed for the bloody trenches of Africa and Europe. There was a constant shuffle all hours of the day and night of America's youth through that station en route to war and some to death. Most of those who passed through came out of the South. I spent many evenings in conversation with them while they awaited their trains.

They came from Texas, from Louisiana, Mississippi, Alabama, Carolina, Georgia, Virginia and Tennessee—from all sections of the South. From some I received letters after they had crossed the waters. Several requested that I send messages back to their families, telling them that they had passed through, were all right and so on.

One night I ran into a fine looking boy from my home district. He was about 6 feet tall, weighed maybe 190 pounds, was erect and very handsome. He was a fine young man. He had a premonition he would never see family or home again.

He said, "Mr. ABERNETHY, I am on my last march. If word should come back that I am never to return home alive, I want you to tell my daddy that I passed through this station with my head up ready to die for my country." He did not say he was ready to die for the South, or for the North. He said "My country."

In 3 weeks he was dead.

Well, you trusted him with a gun. You likewise trusted thousands of others from my State and thousands more from the South. Most of them are home now, thank God. For some reason some of you do not want to trust them, or me, with jury duty, or with the preservation of the peace and tranquility of our own communities. Why such a lack of confidence in us? You are trusting Poland, a Communist government, this very hour, with a hundred million dollars worth of American money and goods. That decision has just been reached in the Department of State.

You have trusted Tito, an undemocratic dictator, with about $2 billion worth of foreign aid with the expectation of his using it against Communist Russia. But some of you and Mr. Brownell and even Mr. Eisenhower will not even trust a southerner to serve on a jury. You say we will not do the right thing. That is a nice way of just saying we are dishonest and irresponsible. Why, our Government is even at this very hour trusting a Japanese court to try an American boy, but you will not trust a southern jury to do that.

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

Mr. SELDEN. Mr. Chairman, I ask unanimous consent that the time allotted to me may be used by the gentleman from Mississippi [Mr. ABERNETHY].

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

There was no objection.

Mr. ABERNETHY. Mr. Chairman, I thank my friend, the distinguished gentleman from Alabama.

Mr. Chairman, I am afraid we are about to take a very dangerous step here today. Yes, you will trust Gomulko; you will trust Tito. Your Government will trust the Japanese courts, but a southerner, who is willing to stand in blood up to his waist in defense of the democracy that you and I enjoy, you do not trust as a juror under oath. And, you have the effrontery to come into this well and tell us so. It hurts me deeply. It hurts my people, too. I am wondering if you are ashamed of the southern Members in this body who were sent here by these people whom you refuse to trust. Why do you pat us on the back, telling us we are good fellows? Why do you greet us so cheerfully every morning? Do you really mean it? How could you when you have so little confidence in the people who sent us here? With so little confidence in them how could you have any confidence in or respect for their Representatives in this body? It has put me to wondering, seriously.

Now, after you have abolished trial by jury there will be other steps to follow. Next it will be the elimination of the right of bail, and next the elimination of the right to be confronted by the witnesses, and to be informed of the charge. One by one, a little at a time, these rights, these great civil rights, will be whittled away. The dictators of Europe eliminated juries, too. A little at a time, men like Hitler took away other safeguards.

The minorities in this country should have more to fear from the elimination of a jury trial than any other segment of our population. Yet it is they who are taking the lead here today in removing this right. But of course they intend for it to be taken only from the people of the South. They may some day regret it.

I believe the Members of this House know that I am no religious or racial bigot. I believe they know that I hold the kindliest of feelings toward every Member of this House regardless of where he comes from and regardless of his religion or race. But let me remind my minority friends who are now leading the fight in this House for a bill to deny my people the right of a trial by jury, you had nothing to fear from the juries of Germany. It was Hitler's abolition of juries which led to the erection of two gruesome monuments, Buchenwald and Dachau.

Let us not in our emotion and zeal to please a few unthinking people, in order to gain their political favor, emulate the late Adolf Hitler by taking the first step toward abolition of the sacred right of trial by jury.

Mr. SELDEN. 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 Alabama?

There was no objection.

Mr. SELDEN. Mr. Chairman, I rise in support of the amendment guaranteeing the right of trial by jury.

The proponents of H. R. 6127 have stated throughout this debate that the right to trial by jury is not guaranteed by the Constitution in contempt cases. This statement, as far as civil contempt proceedings are concerned, is correct. But, when the power of injunction is used as an ultimate means of depriving persons of their liberty, without trial by jury, as is the obvious purpose of H. R. 6127, then the spirit, if not the letter, of the constitutional guarantee of jury trial would be violated. In any event, Congress in 1914 inserted in the Clayton Act a stipulation that whenever an act charged as contempt of court is of such character as to constitute a criminal offense under any statute of the United States, or under the laws of any State, the person accused should be tried by a jury if he so requests. Congress at the same time made an exception to this general rule which provides that the right to jury trial in contempt cases should not pertain to suits brought in the name of the United States. It is under that exception that the right to trial by jury will be denied if H. R. 6127 is enacted into law. This legislation does not give to individuals the right to file suit for alleged violations of their civil rights. Only the Federal Government is given that right under H. R. 6127. Therefore, since the Federal Government will constitute the plaintiff in all suits, the right to trial by jury is purposely wiped out by this ill-conceived legislation.

Those who oppose the trial by jury amendment have made statements during the present debate that might lead one to believe that southern juries convict only when it is expedient to do so. Such an implication cannot be supported by the vast preponderance of evidence.

I am quite certain, Mr. Chairman, that there have been miscarriages of justice under the jury system in my State. I am equally certain, however, that there have been similar miscarriages of justice in the States of every Member of this body. But, in spite of those miscarriages of justice under the jury system, would anyone on this floor advocate the abolition of trial by jury? I think not.

Mr. Chairman, while the advocates of H. R. 6127 evidently believe that the measure will correct a wrong, this legislation may well prove to be much more vicious than the wrong itself. I therefore urge this body to improve H. R. 6127 by adopting the amendment now under consideration.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, it is very difficult for a person who is not a lawyer to be sure of just what is right when making up his mind on an issue like this which is very important and with seemingly cogent and compelling arguments being presented on both sides of it.

I have listened long and hard during this debate. I certainly have no desire or disposition to deprive any person of any right that he has under our Constitution, and certainly not the right of trial by jury. So, at the outset, my general learning was to vote for this trial-by-jury amendment. But the more I have listened, the more I changed to the decision to vote against it.

When there are complicated legal and technical arguments, and equally able men of both parties, men who are real legal experts, men who know the facts better than I can know them, men of equal ability and stature, integrity and character, men whom all of us respect—and these experts come to exactly opposite conclusions, 180 degrees apart,

then an ordinary person like myself has got to try to reduce the technicalities to simpler terms, it seems to me, and make up his mind on them.

Certain facts seem to be clear. The first is this, that some civil rights are prescribed and granted under State and Federal statutes; but there are also certain civil rights that are guaranteed in the Federal Constitution. One is the right of every citizen to vote.

A second fact is that the constitutional right to vote is not being enjoyed by literally hundreds of thousands, if not millions, of our citizens. As to the reasons for that, I am not here trying to determine the blame. It is enough to point out that obviously their local agencies of justice and law and order have not succeeded in insuring to those citizens the right to vote that is guaranteed them in our Federal Constitution.

So it seems to me inescapable that the Federal Government has a responsibility and a duty to devise and take appropriate actions to prevent the denial to any citizen of the right to vote guaranteed him in the Federal Constitution. This bill is designed to accomplish that purpose.

Among other things the bill authorizes the Attorney General to bring action in Federal courts to enjoin and try to prevent violations of the constitutional right to vote. Any person who defies the court's order to stop such violations can be held in contempt of court and punished accordingly.

The hue and cr.· has been raised that this procedure authorized in the bill to insure to citizens their constitutional right to vote will deprive other citizens of the right to trial by jury, those accused of violating the court's order.

Now, if to protect one constitutional right, the right to vote, it were proposed that we take away another constitutional right, the right to trial by jury, I certainly could not go along. But it seems established that the right to trial by jury in contempt cases is not a constitutional right. It is not guaranteed in the Constitution of the Federal Government, as is the right to vote and the right to trial by jury in criminal cases. The constitution of at least one State, Oklahoma, I heard today, does guarantee the right of trial by jury in contempt cases. It is provided also in various statutes in some other States. But it is not a right guaranteed in the Federal Constitution.

Therefore, since the right to trial by jury in contempt cases is not guaranteed in the Federal Constitution, this bill does not take away any constitutional right. It is not convincing that in order to protect the unquestioned constitutional right to vote we must grant by statute rights to trial by jury where they do not now exist. The constitutional right to vote must be given precedence. Therefore, I shall vote against this amendment.

Mr. DOWDY. Mr. Chairman, we have today heard the American jury as being an evil thing by the gentleman from California [Mr. ROOSEVELT]. During this debate we have heard statements from both sides of the aisle by top members of the Judiciary Committee that they have no intention to hedge the right of trial by jury. Those statements are either honest or dishonest. If the statements were honest, they will adopt this jury trial amendment; if dishonest, they will oppose it. We are drawing near to the day of action, the hour of decision, the moment of truth.

It should be known to all of you I support this jury trial amendment. I want to make a few more remarks regarding that issue before the time it is voted on.

Prior to that, a while ago the gentleman from Illinois read a statement by the Speaker, leaving the impression that our Speaker is opposed to the jury trial. I have no authority to speak for him, and I guess he will speak for himself, but if he does not, I will not believe that the Speaker of the House is opposed to the jury trial.

Another thing that is pleasing to me is the fact that I do not have to here apologize for the district I have the honor to represent, as have the Members from Chicago and elsewhere. That sort of misconduct does not take place in our part of the Nation.

But to return to the pending amendment. The proposed government by injunction is bad enough, but taking away the jury trial is unthinkable.

It appears from the Attorney General's testimony in the hearings that he really wants this power because under the present statutes he must prove to a jury that the act complained of was willful, in order to get a conviction. This, it seems, he considers to be too burdensome and too difficult.

If Congress gives him the authority he asks, he would not have to prove anything. He can drag a private citizen or a public official into court on mere suspicion, for the measure provides that he can proceed against a person who is about to engage in any acts or practice which would give rise to cause of action.

Without evidence, merely on the basis of malicious misinformation provided by faceless informers, such as agents of some of the subversive organizations, the Attorney General would be able to get an injunction restraining any person or group that the informers merely suspect is about to do something, or about to attempt to do something.

Then, if either the persons named in the injunction, or other persons not parties to the action, should happen to commit an act of claimed discrimination, that might be construed as violating the injunction, whether innocently, inadvertently, unintentionally, or otherwise, they could be found guilty of contempt without trial by jury, and fined, or jailed, or both.

The gimmick is that the purpose of this bill is to deprive the American people of the right of trial by jury. The Attorney General and proponents of the bill have been so brazen in their statements about it that they cannot deny this bare statement of fact.

By such proceedings, State and local officials and ordinary citizens can be denied their fundamental constitutional rights of free speech, free press, free assembly, and trial by jury, and deprived of their liberty or property, or both, without due process of law.

Most amazing of all is the fact that the Attorney General seeks the right to act on behalf of individuals without their consent, or even without their knowledge. This procedure is so unethical that if a lawyer in private practice tried to get away with it, the court would disbar him for life.

When the Attorney General can haul a citizen into court, enjoin him because of what somebody thinks he is thinking, deprive him of his legal rights, convict him without due process, and subject him to criminal punishment for an alleged civil offense, we will have achieved the ultimate of absurdity and the height of tragedy.

Apparently, the elements who initiated and are demanding this so-called civil-rights legislation will stop at nothing, no matter how outrageous or how vicious to gain their ends. This is a brazen attempt to substitute government by men for government by law.

Before having made such a request of Congress, and before giving his testimony, the Attorney General should have pondered the inscription cut in granite on the front of the Justice Building, which reads:

> No free government can survive that is not based on the supremacy of law.

If anyone believes that the Attorney General can be trusted not to abuse such powers, then I can only say such person can only be naive to the extreme extent.

Even the chairman of the Judiciary Committee in his testimony before this committee, recognized the probability, or at least the possibility that he would have to come back to place bars across this power; and provide a jury trial. I say we should not take a chance on it. I say weld the bars in place right now.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. FLYNT].

Mr. FLYNT. Mr. Chairman, this amendment upon which we are about to vote is one of the most crucial amendments to come before this House during my service here. Early today I heard a very fine presentation of his side of this argument by the gentleman from California, in which he asked us not to turn back the clock. I want also to ask this House not to turn back the clock. Do not turn back the clock to the days of a tyrant named Hitler who sought not only to deny the right of trial by jury, but he sought to deny to millions of his countrymen who happened to be of a particular religious faith not only the right of trial by jury but the right to life itself, without a trial of any kind, with or without a jury. And his name is infamous today.

I do not want to see this House turn back the clock to the days of Judge Jeffreys, who often donned his black cap in the court of the Bloody Assizes and sentenced to death men whose only crime was to speak their own thoughts and their own minds and to speak out against

tyranny. I hope that this body will never turn back and deny to the American citizen those sacred rights which were written into our Bill of Rights and into the sixth amendment of our Constitution by the man whose likeness appears on the wall over my left shoulder, to your right, George Mason of Gunston Hall. He is the same George Mason who never gave up in his fight for the rights of the individual, and who never gave up his determined fight to have included in the basic instrument of government of our Nation the right of trial by jury and the other constitutional rights of free men. Without the sixth amendment, without the other nine amendments which go to make up our Bill of Rights, Mr. Chairman, it is highly possible that this country of ours would not have survived the tests which it has survived and under which our Nation and our people have prospered.

I ask you in complete humility and at the same time with all pride in the basic instrument of our Government, the Constitution of the United States, to join those of us who believe in the freedom of the individual, who believe in the American Bill of Rights contained in the first 10 amendments of our Constitution, to uphold the dignity of trial by jury, to uphold one of the most basic rights of man, and to vote for and adopt in this Committee of the Whole House the amendment now pending before this committee.

Both gentlemen from New York [Mr. CELLER and Mr. KEATING] have urged the rejection of this jury-trial amendment and given as justification for its rejection many pieces of legislation heretofore passed by this Congress which have authorized injunctive powers in enforcing such legislation. I have tried to review the legislative history of each of these pieces of legislation to which they have referred, and I find that the injunctive power contained therein was part of the original legislation of those particular subjects. That is not the case in civil-rights legislation. The injunction power is new.

To the best of the information which I have been able to gather this legislation, H. R. 6127, is the first time in the history of this body that the right of trial by jury is sought to be denied where it has heretofore existed beyond question.

The inclusion of broad powers of injunction in this amendment under existing civil-rights legislation is fraudulent, and it is a subterfuge to grant injunctive trials without benefit of jury in cases of criminal contempt. When an act presently criminal under our statutes is made the basis for an injunction, it becomes a criminal prosecution by whatever name it may be called. To deny the right of trial by jury on this or any other criminal prosecution is to reject the words, provisions, and the intent of amendment six of the Constitution of the United States, a part of the American Bill of Rights. Our Union of States might never have been formed into our compact of States under the Constitution without the inclusion of the Bill of Rights in that Constitution. It is doubtful that the required number of States would have ratified the Constitution without the assurance that the Bill of Rights would be added. No one can deny that one of the basic and most important provisions in the American Bill of Rights is the language of the sixth amendment, which is as clear as the English language can make it:

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

That portion of our Constitution, like many portions of it, should remain sacred and inviolate until the same authority that wrote it in shall write it out and that authority is two-thirds of both Houses of Congress and three-fourths of the States. It cannot be done by Congressional act alone within the language of our Constitution.

Let there be no destruction of our Constitution or deprivation of constitutional rights by subterfuge, device, or design. If this House sees fit to reject this jury-trial amendment, this will be one of the darkest days in the history of our Nation. It is unbelievable that American men and women who have read, observed and been a part of the history of our constitutional form of government will vote to reject the preservation of existing rights to trial by jury in criminal prosecution or quasi-criminal prosecution. I respectfully urge the adoption of the pending amendment.

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

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

Mr. SMITH of Mississippi. I yield.

Mr. COLMER. I would like to point out to the gentleman from New York who just spoke that John L. Lewis was entitled to a jury trial, but he elected to take his trial by a judge. He just bet on the wrong horse.

Mr. SMITH of Mississippi. I am glad the gentleman from New York has brought up this matter involving contempt powers and involving labor unions because in this whole question of jury trials I have been somewhat disappointed in some of my friends who fervently espouse, and properly so, the cause of labor in the halls of Congress. This great issue involving jury trials was primarily a labor issue down through the years. We have heard as the foremost citation of why a jury trial in a contempt case is not a constitutional right, the Supreme Court decision involving the great labor leader Eugene Debs before the turn of the century who was denied a jury trial. That was when the issue was first brought before the Nation. The issue became active again before World War I. Then it became a part of party politics. One of the great quotations that has been so often used on the other side of the aisle against the jury trial has been this statement of presidential candidate William Howard Taft defending the position of the Republican Party in opposition to jury trials in contempt cases. That idea was overridden by the country when the Clayton Act was passed in 1912. But, there were still abuses with regard to labor issues which came into focus in the twenties, and which reached a crisis in the late twenties. In the years that followed, bills were introduced up to 1931, and after years of agitation the Norris-LaGuardia Act was passed to provide a jury trial in labor disputes which was heretofore held unconstitutional or illegal. That was provided by law by vote of this Congress in 1932. The Norris-LaGuardia Act was passed because it was a matter of simple justice and this law having to do with labor, which today we regard as a part of the bill of rights of the American laboring man, was adopted by almost unanimous vote on this side of the aisle. I think only one Democrat opposed it. This overall issue of the jury trial is something that should be separated from the idea of civil-rights legislation. There is room for differences of opinion so far as the value of civil-rights legislation is concerned, but as to the jury trial there should be no differences of opinion.

Mr. O'HARA of Illinois. 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 Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Chairman, we are nearing the close of a debate that has gone on for many days. It is significant that the debate on civil rights has consumed much more legislative time than that which has been given to any other measure or any other subject by the House of Representatives of the Congress of the United States in the year 1957. In this is the proof that something has reached deeply into the conscience of the American people, who are now as they always have been, men and women of good intentions, good will and good hearts.

In good conscience we cannot divide our neighbors by any other rule than that of character and moral worth. We cannot live in the world of today, with its broadened horizons, by the concepts of a social order that once flourished but now is gone forever. For the wrongs that were done the Negro slaves brought for a profit to our shores we owe to their descendants full recognition of their dignity as neighbors and their rights as American citizens.

The amendment now under consideration is supported in most part by those who would not vote for the bill even if the amendment was adopted. A few Members who support the amendment seem to be confused in drawing a line between courts of law and courts of equity.

A court of equity is a court of conscience. It had its origin in ancient days

when subjects suffering from wrongs incapable of being remedied otherwise came to appeal to the conscience of the king or overlord. Thus courts of equity became a part of our administration of justice, as places to which citizens could come when suffering from wrongs for which there was no remedy in the law, to such redress in an appeal to conscience.

The issue here involved is certainly in the domain of conscience. That is, in good conscience we cannot stand idly on the sidelines when the right to vote is not accorded equally to all American citizens. As long as that continues there will be something weighing heavily on the national conscience. No remedy in existing law has been found. It would seem self-evident that this is exactly the place for equity, or conscience, to step in.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. ABBITT].

Mr. ABBITT. Mr. Chairman, it is inconceivable to me that this House, one of the greatest legislative bodies of all the world, would even consider legislation that would deprive a single American individual of the time-honored right of a trial by jury. I am not unmindful of the assertions by the proponents of this legislation that this is simply additional remedies on the equity side of the court and that, therefore, a party brought under its provisions is not entitled to a jury trial. If that was all that was involved, it would not be so bad, but we have here a bill which has provisions that I am convinced have never been enacted into law in an English-speaking country. It gives to the equity side of the court jurisdiction over criminal acts and then provides that a political hatchetman can step in and deprive an individual of a jury trial by simply bringing the action in the name of the United States of America.

I think perhaps you people would be interested to know that, as far as the records show, the first English-speaking man to be tried in the United States was tried by a jury upon his insistence and demand that, as an Englishman, he had such a right. Capt. John Smith, who was among the first settlers to embark on these shores in 1607, brought ashore in chains and as a prisoner relying upon the Magna Carta and the charter granted to the London Co. by Queen Elizabeth in 1606, demanded to be tried by a jury of his own peers. Under the provisions of this charter, he was entitled to a jury trial and it was granted him. From that day until this, American citizens have always understood that, in matters affecting their individual acts and matters affecting their rights and freedoms, they would have a right to a trial by jury of their own vicinage.

The first representative assembly in America met at Jamestown on August 9, 1619. That very assembly established the jury trial and representative government upon a lasting foundation in America. This bulwark of freedom came as a gift but once given our people have resisted forcefully later attempts to withdraw this right.

King George of England attempted to do to the American Colonies what this bill attempts to do to the American people. The American Revolution resulted from King George's abortive attempts and I say to you today that if you foist upon the American people this ill-conceived, ill-advised, detestable, outrageous, reprehensible, abominable legislation you may expect the American people to react as did their noble ancestors and throw off the chains of slavery and cast aside the people who attempted to enslave them and deprive them of their rights.

I pray to He who guides the destiny of the universe that this House will not at this late date by devious means deprive our people of that precious possession and right. I say to you that you are not fooling anyone. I am sure that the people of America know that it is a political legislative gimmick that is depriving them of this precious heritage and I say to you that an attempt was made only recently to deprive certain citizens of Tennessee of the right of trial by jury but the attempt was too late and the public pressure was so overwhelmingly against such dastardly action that even the Justice Department at the last minute admitted that the defendants were entitled to a jury trial.

I say to you in all candor, if this bill is passed in its present form, and I am not unrealistic enough to think that anything I might say will change it, it will be the blackest day for liberty and freedom in America in a century. It will set the Federal courts up as the administrator of the police powers of the State, the operator of the public schools of the localities with the possibility of the greatest judicial tyrants ever known to mankind. There will be no limitation upon their authority, power, or ability to intimidate and browbeat not only individual citizens but entire communities. Our people realize that it is well-nigh hopeless to appeal any case coming under this legislation to the Supreme Court of the United States as presently constituted.

I realize that the granting of the right of a trial by jury will not soften much of the obnoxiousness of this bill, but it will at least give our citizens the right of a public trial—yes, a trial before a jury of Americans picked by commissioners appointed by the Federal judge. It will be some deterrent upon certain segments of the Federal judiciary who are determined to change the habits, customs, and mores of an entire section of this great country. Even if a jury trial were granted, this bill would still be evil, immoral, liberty-destroying, and in violation of almost every concept of the American jurisprudence or our way of life.

In my opinion, this body should forthwith adopt an amendment referring this legislation to the Un-American Activities Committee for their study and consideration because never in all of my experience have I known of legislation that was more un-American or un-democratic.

The CHAIRMAN. The gentleman from Michigan [Mr. JOHANSEN] is recognized.

Mr. JOHANSEN. Mr. Chairman, I favor this amendment and also am in favor of the right to vote.

I yield back the balance of my time.

Mr. HILLINGS. Mr. Chairman, since I have already participated in debate on this bill, it is not necessary for me to further clarify my views. I am opposed to the jury-trial amendment and I favor the passage of the bill.

There is no place in modern-day America for laws and actions to prevent any of our citizens from voting because of race, creed, or color. I congratulate my distinguished colleagues on the Committee on the Judiciary who have worked and voted for civil-rights legislation, and I have been honored to join with them in this most important battle.

Great credit is also due President Eisenhower and Attorney General Brownell who have consistently urged enactment of civil-rights legislation by the Congress. It is my hope that we will be successful in enacting this legislation into law before the end of the present Congressional session.

Mr. ASHLEY. Mr. Chairman, the merits of this jury-trial amendment have been discussed at great length and from every possible point of view during each of the days that this civil-rights bill has been under consideration. There is little that anyone can now add to discussion of this proposal, and I take the floor only to comment briefly on the reasons why my own position on this amendment has changed.

Some weeks ago, when it became apparent that opposition to civil-rights legislation would be based—in large measure—on the alleged deprivation of the right to trial by jury, I presented a statement to the House Committee on Rules in which I suggested an amendment granting alleged violators of this civil-rights bill the right of trial by jury in cases involving criminal contempt.

In arriving at this suggestion, I was mindful of the fact that the constitutional guaranties of jury trial have never applied to cases brought in courts of equity—but only to cases brought in courts of law. Hence, I knew that this would be a marked departure from established legal procedure and, indeed, a significant extension of our constitutional and statutory provisions relating to the right to trial by jury.

The reason that I suggested this amendment nearly 5 weeks ago was essentially negative in character. It seemed to me at that time that the principal concern should be in compelling compliance with the provisions of this bill which seeks to protect the right to vote. Generally speaking, compliance to a court order can be achieved through civil contempt proceedings where the punishment is not punitive—but remedial in nature. It was my belief, when I suggested an amendment to allow jury trial in criminal contempt proceedings, that effective compliance—in fact, the only effective compliance possible—would be secured through the power of our Federal judges to punish for civil contempts of court. I say that my amendment was negative in character

because its main purpose was simply to prevent a more sweeping amendment—one granting right to jury trial in both civil and criminal contempt cases—which would leave it up to southern juries, for example, to protect the right of the Negro to vote in Federal elections.

What I overlooked, Mr. Chairman, was a provision of law which would, in effect, transform all violations of court orders arising under this bill into criminal-contempt violations. This provision of law provides that where the contempt involves an act which also violates either State or Federal criminal statutes, the defendant is entitled to a jury trial unless the United States is a party to the suit.

As I am sure the authors of this legislation will admit, the existence of this statutory provision presented a major problem. Certainly, it is true that defendants in the contemplated civil-rights suits under this bill would be entitled to a jury trial if it were not for the fact that the suits are to be instituted by the Attorney General. Proponents of the jury-trial amendment must, on their part, admit that the grant of right to a jury trial in all criminal-contempt cases arising under this legislation would actually mean that every case would result in jury trial.

Personally, I am convinced that enforcement of civil-rights legislation, and particularly the right to vote, can best be secured not by jury trial, but by means of court orders, together with the flexible authority of the court to compel compliance with such court orders. It is for this reason that I have alined myself with those in opposition to the amendment under consideration.

In closing, Mr. Chairman, let me simply say that the only real issue before us is the question of equality of citizenship. This issue cannot be disguised or camouflaged by dramatic gestures or stirring oratory. Nor can it be avoided by raising collateral questions such as the ones we have been considering.

If we believe in equality of citizenship for all Americans, then we must have the courage and the wisdom to secure the protection of these rights for all. This can best be accomplished, in my view, by enacting the bill before us as it is and by defeating the jury-trial and other crippling amendments.

The CHAIRMAN. The gentleman from Virginia [Mr. SMITH] is recognized for 3½ minutes.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may proceed for an additional 1½ minutes.

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

There was no objection.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. BARDEN. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Virginia.

Mr. MARTIN. Mr. Chairman, reserving the right to object, we have already heard called a second time the names of a number of Members. Are we going to get into the practice of going back to Members who did not answer when their names were first called?

The CHAIRMAN. The Chair is endeavoring to be fair insofar as the time has not elapsed.

Mr. MARTIN. But the practice of the House is that when a Member's name is called and he does not answer he has lost his time.

The CHAIRMAN. If the time has not elapsed the Chair intends to give everybody an opportunity to speak and recognize them if they are present.

Mr. MARTIN. The Chair may be fair, and I do not doubt that, but the Chair is not consistent with the regular rules of the House.

Mr. BARDEN. Mr. Chairman, I resent that statement for the Chairman. I think it is very much uncalled for.

Mr. MARTIN. Does not the gentleman think it is the truth?

The CHAIRMAN. The question is, Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Virginia.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, this shows what a nice, gentlemanly, kindly debate we have been having. Everybody has been so generous in yielding time that I have more than I can use and I have not enough breath to go round. I am grateful to see the House approaching the end of this very serious debate in such a fine spirit of good humor and good fellowship.

Mr. Chairman, I want to get down to the logic of this thing, and there is some underlying logic to it, notwithstanding all the other stuff that has been spread around here for the last 2 weeks.

This bill has been debated upon the premise and upon the assertion of those who favor the bill that it does not deprive anybody of any right to trial by jury that he now enjoys. That is what the debate has been all about. I challenge that statement, and I hope that anyone who follows me will undertake to disprove what I am going to say, and it has been said here frequently. A lot of Members did not hear it, but it has been said frequently, it is no secret.

At present the civil rights law consists of two parts. There is a criminal law by which a man for violation of civil rights may be indicted by a grand jury and tried by a petit jury. There is the civil damage suit in a separate statute. Under that he may bring his suit, if he is damaged under this civil action, and he will have a trial by jury. Under every civil-rights statute that exists today, civil or criminal, the party accused is entitled to trial by jury. Does anybody challenge that? I pause for a reply. Nobody can challenge it.

Why are we disturbed about the provision in this bill on page 10? If a man were accused of contempt of a Federal court today, and the thing with which he was accused is a crime, and the United States is not a party—keep that in mind, the United States is not a party—then he is entitled to a jury trial under section 3691 of title 18 of the Code, which is the United States Code. Does anybody challenge that statement? Of course not, because it is obviously the law and written in the books. So, if he was charged with one of these things that will arise under this act, if it is ever passed, he would today be entitled to a trial by jury.

These gentlemen have asserted and argued they are not by this bill depriving anybody of any right of trial by jury that he now enjoys. But he does enjoy the right of trial by jury for these very offenses, and is entitled to it today. If you pass this bill, the insertion of that clause on page 10, which tells the Attorney General to bring the suit in the name of the United States, the minute you do that you deprive him of his right of trial by jury for offenses under the civil-rights and criminal statutes. Does anybody deny that assertion? I again pause for an interruption. Of course, nobody denies that assertion because they cannot deny it. So, let us dispel this foolish claim that you are not depriving anybody of any right which he now enjoys, because the law is so simple and so plain that a man does not have to be a lawyer to understand it.

Then there has been a lot of discussion here concerning why give a man a jury trial in this instance. He does not have a right to trial by jury in a State for contempt. It has just been referred to a minute ago. I recall so many of these gentlemen who have gotten up here and said that the State does not give a man any right of trial by jury in contempt cases. I just want to show you what it does do. In the first case, we have the Norris-LaGuardia Act, and much has been said about it, which gave labor the right of trial by jury in contempt cases in so many words. I was here when that law was passed. I voted for that law. The two gentlemen from New York who are conducting this bill on the floor claim that it has been repealed. I cite you the latest expression of the Congress on that subject, which is found in section 3692 of title XVIII of the code, which gives labor not only the right to trial by jury in criminal cases but in every legal dispute over labor questions they have the right of trial by jury. The two distiguished gentlemen, my friends from New York, have claimed that the States do not give any right of trial by jury. It has just been referred to, but I want to nail it down. The State of New York, from which these two distinguished gentlemen come, in its code—and I hold it in my hand—section 882–a says:

SEC. 882–a. Contempt of injunction order to be tried by jury:

1. Notwithstanding any other provision of law, no person shall be punished either by fine or imprisonment for any alleged contempt arising out of any failure or refusal to obey any mandate of the court contained in or incidental to an injunction order granted by said court in any case involving or growing out of a labor dispute except after a trial by jury to which the defendant shall be entitled as a matter of right; provided,

however, that this section shall not apply to any alleged contempt of such an injunction order committed in the presence of the court.

Now, there is the law of New York. And, there are a lot of Members from New York who say they will not vote to give their constituents a jury trial in civil rights cases. I want to know how many gentlemen from New York are willing to repeal their own statute on the books giving to labor the right of trial by jury. Does anybody speak up? All right.

Now, that is the law of New York. How many of you want to go back to your constituents in any State of this Union and say that we, the Congress, have voted to give the right of trial by jury in labor disputes arising under the laws of the United States, but we refuse to give it to you, our own constituents, when you are charged with a violation of civil rights? How are you going to answer that question in the next campaign, my friends? I know you will be cajoled by your Republican leaders over there; you are being cajoled. It is being insisted that we do not even have the right of a motion to recommit so that you may be put on record, to soften the impact on what you are fixing to do. How many of you want to go home and explain to your constituents that you give labor the right of trial by jury but refuse it to your own people? Let us see what the States have done. The gentleman has contended that the States have not done anything about trial by jury, that they do not give a trial by jury.

I hate to have to stand up here and talk about things that some of you fellows do not want to hear. I know you do not want to hear them. You never want to hear any more that you have voted to refuse a jury trial to your own people and yet you have given that right to labor unions all over the United States. I know you do not want to hear that, but please keep quiet until I get through, because it will not be but a very few minutes.

New York has given the right to labor to a trial by jury. Here are other States that have the same kind of law on their statute books.

Colorado: I am looking at the distinguished gentleman from Colorado who is a member of the Committee on the Judiciary. I am shocked.

Idaho: Idaho gives the right to trial by jury in labor disputes. How about the members from Idaho?

Indiana: That is the State of a great leader in this House, the gentleman from Indiana [Mr. HALLECK]. His State gives labor the right to trial by jury in contempt cases. What has he got to say? How is he going to talk to his constituents when he goes home and has to say, "Yes, I gave that right to labor, but I refused to give it to you, to my own constituents."

Here is Louisiana. Of course, Louisiana is a good State and is standing by its rights now.

Maine: The little State of Maine up there. I doubt if we are going to get many votes for a trial by jury from the Members from the State of Maine. But what are you going to say to your people when you have given the right of trial by jury, through your State legislature, to labor in those cases, but you have refused it to your own citizens in civil-rights cases?

Massachusetts: Oh, Massachusetts. And I am looking at the distinguished gentleman, my old, longtime friend, with whom I have served so many years, the minority leader of this House, Mr. MARTIN. I want to know what Mr. MARTIN is going to say to his constituents when he goes back there and says that, "Like HOWARD SMITH, I was in the House in 1932 and I voted, as he did, to give labor the right of trial by jury, but I will not give it to you, my constituents."

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SMITH] has expired.

The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I find myself in that most unhappy situation that one finds one's self when one has to follow a speaker of the stature of my great and good friend, the distinguished gentleman from Virginia [Mr. SMITH].

At the outset, by reason of the fact that the geographical location of the members of the subcommittee has been mentioned, I would like to say that the minority did not set up the subcommittee. And notwithstanding the fact that we all happen to be north of the Ohio River, with one exception, I should like to say that I lived in one of the great Southern States for approximately 4 years after I was graduated from Ohio State University, and in that great southern State I made the first money with which I paid the debt that I incurred in going to my State university.

I have tried to be free from prejudice in this matter, Mr. Chairman, from the time that it came to our subcommittee until today and I shall try to be free from prejudice until I cast my final vote on the passage of the bill.

I am opposed to the amendment under the conditions we face today which would write into this bill provisions for a jury trial after one has been cited for contempt of court. I hope that we can all be tolerant down through the years so that by education, by understanding, by determined gradualism, and by following the golden mean we may achieve the goal that every person in this country who is qualified to vote may exercise the right, which means so much in our representative Republic.

I have no desire for the extremes of troops or orders or causes of action that may bring us and our traditions into disrepute, but I do think that the record shows that we should move forward with the trend of the times, as they are evidencing themselves all over the world.

I noticed how my great friend from Virginia, Judge SMITH, called the roll of the States which made mandatory jury trials in citations for contempt in labor disputes. I am sure you noted that he did not call the name of Ohio and he did not call the names of some 36 States.

I should like to ask Judge SMITH, my great and esteemed colleague, this question: Since he has laid so much stress on this position, would he agree to an amendment providing for a jury trial in State courts in labor cases where it is not now granted?

Mr. SMITH of Virginia. The answer is "yes."

Mr. MCCULLOCH. In all State courts?

Mr. SMITH of Virginia. I could vote in only one State, but I would vote in Virginia, where I have my franchise.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, my beloved and distinguished friend from Virginia called the roll of States. There is one State he did not call, that of his own, Virginia. Perhaps there was a good reason for his failure. I find upon inquiry that an attempt to require jury trial in contempt cases was ruled unconstitutional by Virginia's Supreme Court of Appeals.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield.

Mr. SMITH of Virginia. Perhaps the gentleman would be good enough to put a reference to that case in his remarks.

Mr. MARTIN. I shall be very glad to do that.

Mr. Chairman, the Republican National Convention endorsed a platform which specifically pledged the Republicans to this legislation. It did more than that. It specifically named the legislation that it supported and this resolution conforms to the pledge. This legislation was supported in the campaign by President Eisenhower, and he is against this amendment because he knows that the amendment would nullify the purposes of the bill.

Mr. Chairman, I now yield the balance of my time to the gentleman from New York [Mr. KEATING].

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Chairman, it is rather curious that we are confronted at all by this amendment. I have looked up the debate last year when this question was before us, and I find that there was, during that long debate, only two references at any time to this question of a jury trial. One was by the gentleman from Virginia [Mr. TUCK] who made the statement in the CONGRESSIONAL RECORD, volume 102, part 9, page 12950 that under these procedures citizens would be deprived of the basic right to trial by jury. And following him, our good friend, the gentleman from Virginia [Mr. SMITH] referred to this statement reiterating that a man would be deprived of a jury trial under this bill. That is all that took place in this last Congress when we passed a bill which was similar to this. We never heard anything more about this question of a jury trial. No amendment such as that before us was ever offered.

Able lawyers serve not only on the committee which prepared the bill, but extremely able lawyers like our friends, the two I have mentioned from Virginia, were here, alert to this problem. Literally dozens of amendments were disposed of, but we never heard a peep about jury trial, except as I have stated. It was not until a few months ago, when an excellent lawyer, one of the Members of the other body opposed to this legislation, devised the theory that in this bill we were seeking to take away some right which exists. That has been ballooned into a really serious effort to defeat this bill by amendment.

Mr. Chairman, I want to say 1 or 2 words about the basis of this legislation and the motives behind it, because it has been alleged here that the purpose, the very purpose of this bill, was to take away the right to a jury trial. It has been said that that was the reason why this civil remedy was added to already existing criminal law remedies under which a jury trial would be held.

Let us look at the practical situation we are facing here today as dealt with in this legislation. Suppose we have a State statute which provides that applicants to register to vote must be able to read and write a section of the Constitution. Let us suppose that in some particular county where the population is 26,000 whites and 14,000 Negroes, the registrar of voters in his administration of this law has been doing it in such a way that the result is that there are 9,000 whites and 100 Negroes registered to vote. Suppose this has resulted from the fact that he has required less than 10 percent of the white applicants to demonstrate their ability to read and write a section of the Constitution, but has required every Negro applicant to do so. As a result, very few Negroes have been able to satisfy him.

Now what are these people to do to gain the right to vote? They can sue for damages under the present law. But that will not give them the right to vote. They can sue for an injunction under present law, but it costs money to go to court and usually those who cannot afford to go to court are the ones involved in these cases. And sometimes they just do not dare to bring an action.

Under present law this registrar can be prosecuted criminally, but that will not get the applicant the vote. And who is this registrar, after all? He is not what we ordinarily think of as a criminal. He is very likely to be a senior citizen of his community, perhaps living his last years on his pay as registrar. In most cases, he has merely done as he has been told.

Criminal prosecution is simply not the way in most instances to go about the enforcement of the law in this area. The thing Congress can and should do to meet this situation is to authorize the Federal Government to step in to see to it that all qualified voters are allowed to go to the polls before they are prevented from doing so. That is what this legislation seeks to do. It seeks to restrain the act of keeping them off the rolls rather than to prosecute criminally for keeping them off after the act has been done.

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

Mr. KEATING. I cannot yield at the moment.

The remedy provided by this bill is a civil suit for an injunction. If this were the first time that this had been done there might be some merit to the position taken by the proponents of this amendment. I have no objection, in fact, I think it would be a salutary thing for the Judiciary Committee to consider the granting of jury trials in all contempt cases under all the Federal statutes that we have. I would be opposed to it for reasons which I will point out. But I would understand that approach to this problem.

Today we have many parallels to this legislation. Again and again under various Federal statutes a person who does a wrongful act can be proceeded against criminally by the United States Government and at the same time, or as an alternative, the Government can bring an injunction suit to stop him from doing this. He has a trial. If after that trial the court issues an order and then he defies that order he is in contempt and is proceeded against as such. If he is proceeded against criminally he has a jury trial. If he is proceeded against by injunction suit and then defies the order of the court he is tried by the court without a jury.

For instance, in the Securities and Exchange Act if a company is swindling investors through some shady deal the Government can step in and prosecute those people criminally. Then they have a jury trial. Likewise the Government in an action brought by the Attorney General can sue to restrain these acts and then if the people continue to commit these acts they are tried for contempt of the court. Then they have no right to a jury trial.

It is made a crime, indeed a capital offense in some instances, to violate the Atomic Energy Act, but right in the same act it is provided that the Government can, if it elects so to do, proceed against one who threatens to violate the act by civil suit for an injunction rather than criminally and it can bring this proceeding to stop them from engaging in the acts or practices which also constitute a crime. In the one case there is a jury trial, in the other no jury trial.

Under the Interstate Commerce Act it is illegal for a railroad to give an undue preference to one shipper over another. If the railroad does that, it can be proceeded against criminally and they are entitled to a jury trial. If they are tried by a court in a civil action for an injunction and then defy the order of the court they are proceeded against in a contempt proceeding without a jury.

There are numbers of other similar cases. This bill does nothing new. It simply permits the Government to make use of the most effective remedy available to protect the constitutional right to vote.

It sets up no gestapo. It makes no despot of the Attorney General. The accused is accorded every Constitutional protection. Every proceeding will be conducted as all court proceedings are conducted and must be conducted, or they will be set aside on appeal.

Finally, there is a principle involved here which extends far beyond the issues in this legislation. I view this proposal embodied in this amendment as a calculated attack on the integrity and power of our courts. The courts must have the power to enforce their decrees. Take that power away and we are on the road to anarchy.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for an additional 1½ minutes.

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

There was no objection.

Mr. CELLER. Mr. Chairman, the right to trial by jury is one Americans cherish and should be vigorously safeguarded. But trial by jury is not provided by the Constitution for contempt of court. All this oratory about the noble right of trial by jury is irrelevant. This bill does not even mention the words "trial by jury."

We seek to protect the right to vote and other constitutional rights for individuals, too long deprived of those rights, a deprivation that cannot be permitted to continue. The ends of justice will not be served, if in an effort to insure a jury trial for those who flouted a court order, both the authority of the courts and the right to vote are destroyed.

There has been some extravagant, almost irresponsible, talk about the looseness of procedure and arbitrary conduct on the part of the judges issuing injunctions. Let me say, and I support what I am going to say by decisions, the accused must be advised of charges, he must have the aid of counsel, have the right to call witnesses, have the right of cross examination in all cases where the individual is tried for the violation of an injunction order. There is protection against double jeopardy—*Bradley* v. *United States* (318 U. S.). There is protection against self incrimination—Gompers against Buck Stove Co. There must be adequate notice and opportunity to defend and to be heard—Blackmer against United States. There must be a speedy and public trial—Cook against United States. There must be protection against cruel and undue punishment. The contemnor is presumed to be innocent and he must be proven guilty beyond all reasonable doubt, and the burden in that regard is upon the Government. I again cite *Gompers* v. *Buck Stove Company* (221 U. S. 418). These are the cases reviewable on the law and on the facts and the reviewing authority are most careful and cautious in this type of case.

Thus, every constitutional safeguard is thrown around the defendant in a proceeding for violation of a court order.

We have heard much about labor. It is interesting to note that the American

Federation of Labor and the Congress of Industrial Organizations have this to say about the bill:

> The proposed legislation, it is argued, would deprive citizens of the cherished right of trial by jury. We in organized labor are particularly sensitive to this issue and have, therefore, given the matter our serious consideration.
>
> It is our considered judgment that the present practices with respect to jury trials are not impaired by any provision of H. R. 6127. We believe that the issue is raised for the purpose of defeating the very objective of the legislation, namely, the protection of voting and other rights of all persons.

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

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

Mr. TELLER. I thank the gentleman from New York. The gentleman from Virginia [Mr. SMITH] made a charge of inconsistency against those from New York who would vote against the right to trial by jury.

The gentleman from Virginia declined to yield for the purpose of correction, and I should like to point out that we are not being inconsistent in voting against the jury trial proposal because our court of appeals has construed our anti-injunction act not to apply to any case in which the Government is the plaintiff. Moreover, section 876 (a), applying to labor injunction cases only, applies where a private party is the party-plaintiff and never applies when the union objective is illegal. And, I might say this is true for every other State that has a little Norris-LaGuardia Act, such as New Jersey and Massachusetts. It only applies where a private party is plaintiff and never where the Government is party plaintiff, and this is not inconsistent on our part.

There is no situation, moreover, in Federal law where trial by jury exists in contempt cases arising out of proceedings where the Government is the plaintiff. There is no trial by jury in injunction proceedings under the Taft-Hartley Act where a union or an employer is enjoined from committing an unfair labor practice. In other words, the Norris Act is amended by the Taft-Hartley Act so as to withdraw the right to trial by jury because the Government, as in the civil-rights bill, is the party plaintiff. I deny the charge of inconsistency made by the gentleman from Virginia [Mr. SMITH]. The inconsistency is his.

Mr. RAY. 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 New York?

There was no objection.

Mr. RAY. Mr. Chairman, the issue raised by this jury-trial amendment can be reduced to simple terms and it can, and I think it should, be decided upon layman's reasoning, rather than upon lawyer's reasoning.

Clearly, the Congress has the power to adopt the jury-trial amendment. Equally clear, in my mind, is the proposition that a jury trial has seldom been provided for those accused of disobeying an injunction issued by a court. The problem, therefore, is simply a question of judgment. Under all the circumstances, is it wise to adopt the amendment? In my judgment it is.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. KEENEY].

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

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

The Committee divided and the tellers reported that there were—ayes 167, noes 199.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

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. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, had come to no resolution thereon.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

PROGRAM FOR NEXT WEEK

Mr. ARENDS. 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 Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, may I ask the majority leader if he will kindly advise us as to the program for next week?

Mr. McCORMACK. On Monday there will be the continuation of the civil rights bill, under an agreement that there will be a vote on the bill and all amendments thereto not later than 6 o'clock. Also on Monday there will be the call of the Consent Calendar.

For Tuesday and the balance of the week there will be first, on Tuesday, the call of the Private Calendar. Then the following bills will be taken up:

H. R. 7221, the conference report on the third supplemental appropriation bill for 1957.

H. R. 8090, the public works appropriation bill for 1958.

H. R. 7125, the Excise Taxes, Technical Changes Act of 1957.

H. R. 6974, to extend the Agricultural Trade Development and Assistance Act.

S. 469, relating to the termination of Federal supervision of the Klamath Indians.

H. R. 7168, the Federal Construction Contract Procedures Act.

H. R. 3753, an Agricultural bill relating to loans to homesteaders and desert-land entrymen.

House Concurrence Resolution 172, relating to a survey of the growth and expansion of the District of Columbia.

H. R. 72, relating to guardians and gratuities with reference to veterans.

I make the usual reservation that any further program will be announced later and that conference reports may be brought up at any time.

Mr. ARENDS. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

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

There was no objection.

DOMINICAN REPUBLIC

Mr. REECE of Tennessee. 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 Tennessee?

There was no objection.

Mr. REECE of Tennessee. Mr. Speaker, on June 11, 1957, I arose in the House to criticize some of the recent attacks which have been made against our good neighbor and ally, the Dominican Republic. In particular, I criticized the succor and encouragement given to Dominican revolutionaries by my distinguished colleague from Oregon.

My primary interest in this controversy is centered around the recent documented warnings that the Communists are making significant inroads in attempting to secure control of the governments of some of our Caribbean neighbors. The State Department after an exhaustive study, has printed a booklet warning of the imminent danger brought about by the ever-increasing infiltration of Communists into positions of authority in certain Caribbean countries. The gentleman from Oregon is a new Member of Congress and he is perhaps unfamiliar with the machinations of the Communist conspiracy particularly with regard to its mode of operations in areas of instability. The State Department reports that this problem is most acute in Cuba and Haiti due to the internal turmoil and relative lack of control by the central governments in those countries. I must remind the gentleman from Oregon that the Dominican Republic is contiguous to both of these countries and that all three lay athwart

the strategic approaches to the southeastern United States and the Panama Canal.

I do not desire to indulge in a personal exchange with the distinguished gentleman, but rather I would like to call the attention of the House to the elementary facts in which this entire situation should be viewed.

What is the status of our relationship with the Dominican Republic? Whether the gentleman from Oregon likes it or not, the Dominican Republic has granted to the United States, free of charge, a guided missile base and a radar base essential to the national security of the United States. In surrendering their sovereign territory for essential American installations, the Dominican Republic has acted in a generous spirit of complete cooperation. The record is clear that under the leadership of Trujillo the Dominican Republic has given the United States the fullest cooperation in bilateral and international relations. In addition to being a stanch ally they have not been the beneficiary of large loans or grants and as such, it cannot be said that we have bought their friendship and this fact has been demonstrated again and again. On the basis of the present and past political and diplomatic relations between the United States and the Dominican Republic, the most cordial and friendly intercourse is justified.

If the gentleman from Oregon will study the Latin American political arena, he will discover that there are many friendly governments of which he personally might not approve. I dare say that no Member of Congress would be in favor of terminating our relationships with these Latin American countries because the gentleman from Oregon personally disapproves of their governments. I strongly suggest that the gentleman from Oregon should discard the sensational approach and assume a sober and responsible attitude toward the conduct of United States foreign affairs in our Inter-American relationships. The course of action suggested by my distinguished colleague from Oregon would be disastrous toward our continued maintenance of friendly relations with our neighbors which is essential to our mutually beneficial inter-American defense system. Our Department of State has great responsibility for maintaining good relations with our neighbors and allies in Latin America for such relations are essential to our national security. I cannot sit idly by without bringing to the attention of the House the responsibility of Congress to encourage and assist the executive branch of the Government in its endeavors to preserve our alliances and thus ultimately safeguard our national security.

I want to close with a little bit of advice to the distinguished gentleman from Oregon. I need not remind him that he is a Member of Congress and a Representative of the American people and as such he possesses a high office and a high responsibility. In the conduct of foreign affairs with other nations, irresponsibility may have grave consequences. As a Member of Congress, I strongly suggest that the gentleman from Oregon cannot be a revolutionary or incite revolution against our Latin American neighbors for the sole reason that the distinguished gentleman is not in accord with their governments. Before the gentleman became a Member of Congress, we passed a law making it a crime to advocate the violent overthrow of the Government of the United States. I and the great majority of the Members of Congress strongly favored such legislation. If it is illegal to advocate the overthrow of our Government, then is it not reprehensible to advocate revolution in a friendly neighboring country?

We have a right to choose our form of Government and a duty to protect it. The nations of Latin America have the same right and we have a duty to respect that right, whether or not the gentleman from Oregon likes it. As a strong believer in inter-American cooperation and harmony, I say that the gentleman is irresponsible in his statement linking the tyranny of communism with the governments of those Latin American countries which have most vigorously fought the Red conspiracy. I would like to apologize to our good neighbors for the reckless statements made on the floor of this House.

DOMESTIC MINING INDUSTRY

Mr. DIXON. 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 Utah?

There was no objection.

Mr. DIXON. Once again, Mr. Speaker, I feel it is my duty to call to the attention of this House the deplorable condition of our domestic mining industry and to point out the unfair manner in which American citizens are being forced to compete with foreign metals producers. This unfair competition which exists to the detriment of our own domestic mines will continue until imports are regulated.

When we allow our domestic metals to compete freely on the domestic market with the same metals produced anywhere else in the world, we are in fact pitting the wage, living, and economic standing of our American miners against some of the cheapest labor in the world.

We cannot allow 10- and 15-cent-per-hour labor in Asian countries to erase our domestic mine production. This is the labor that is competing against $16 and $18 per day American miners. How long can our mines remain open in the face of this type of competition?

The answer to that question is that many of our mines have not remained open. Many have shut down, the miners have moved away and found other employment. Some of these pits fill with water and fall into almost irreparable states of disrepair. In some instances it would take years to get some of them back into production.

This spectre of mine closure is not something that those of us from the mining States have conjured up from a mystical crystal ball. It is a very real fact.

I think many of you will be startled to learn that in my own State, Utah, the records of the State tax commission indicate that in 1947 there were 21 mines producing lead-zinc ore. The latest figures—1955—indicate there were only 9 of the 21 still in operation. It is highly possible that even more mines have shut down in the period since 1955.

These statistics show that in 9 years in Utah 12 mines have ceased operation—more than half of our producing lead-zinc mines have closed their shafts.

We have lost nearly half of the experienced miners employed in this industry. The Utah Department of Employment Security listed as employed in lead-zinc mining in Utah in 1947 3,000 men. By 1956 this figure had dropped to 1,732.

These are something more than mere figures. They represent to me a human tragedy of breadwinners out of work, moving from their homes and hometowns to seek new employment. Translate these statistics into the insecurity and struggle they mean for hundreds of American families and you can glimpse a sad picture.

The lead-zinc industry is sick and it needs our help. How can these operators and miners compete with 10 cents per hour labor in Asia or 21 pesos per day Mexican labor?

Technical reports now available to the Congress plus the testimony of numerous American mining engineers show that a high grade miner in India is paid from 12 to 15 cents per hour for a 12-hour day. In some instances the pay ranges in some mining activities as little as 11 or 12 cents per day for inexperienced miners and women. Women in India for example receive as little as 10 cents per day for mining manganese and in Korea a good day's wages for a miner is a cup of rice.

In South America wage standards are higher. Nevertheless miners in Bolivia are paid wages ranging from $1 to $1.50 per day. In Mexico a highly efficient miner, and I might add parenthetically, a very lucky one, might be paid as high as $3 per day although the average daily wage was only $1.68 in 1956.

A report recently published by the Tri-State Lead Producers Association graphically illustrates the wage differential. In 1956 the Tri-State Association estimated that the typical wage structure of a given company would reflect a payment of something over $2.09 per hour for an American lead-zinc miner. This figure includes indirect hourly wage benefits such as pensions, hospitalization, vacation pay, etc. This company had experienced an increase of 35 percent in its wage scale since 1950.

The same company can operate its mines in Mexico and pay the Mexican miner the average pay of 21 pesos per day or the equivalent of about $1.68 in United States coin. This averages out at about 21 cents per hour. This is the equivalent of 10 percent of the United States miner's pay.

This illustrates the fact that by moving next door to Mexico a lead-zinc producer can cut labor costs 90 percent. If he purchased a mine in Korea he could

save even more and his profits would be greatly compounded. In the meantime, what happens to our own industry? In the event of a war or emergency that would curtail or cut our foreign supplies our Nation would suffer seriously, perhaps disastrously.

I firmly contend that we cannot afford, as a matter of self preservation, to become more dependent upon foreign metals suppliers than we are now. As a matter of fact, perhaps some of you may think we are already too dependent upon foreign producers after hearing some of the following metals statistics: Prof. Hollis W. Barber, of the University of Illinois, published in 1953 his book titled "Foreign Policies of the United States," in which he states:

> Each M–47 tank demands 1,915 pounds of chromium, 100 percent of which is imported; 520 pounds of nickel, 99 percent of which is imported; 100 pounds of tin, 100 percent of which is imported; 6,512 pounds of bauxite (alumimum ore), 65 percent of which is imported.

The United States Bureau of Mines estimates that in 1955 42 percent of our total consumption of zinc was imported. In 1956 their estimate of zinc imports is 45 percent. The Bureau estimates that our imports of lead for 1955 and 1956 averaged approximately 35 percent and 34 percent respectively, of the total amount consumed.

A historical review of the tungsten situation as it pertains to imports shows that since 1925 the United States has been able to supply from domestic production approximately one-half of the amount actually consumed by American industry. This was generally the case until 1952. Since that time the Bureau of Mines reported to me that most of our domestic production has gone into the stockpiling program of strategic metals and most of the tungsten consumed by industry has been derived from foreign sources.

These figures provide us food for thought and should act as a slowing brake for those who would have us speed toward low or no metals tariffs or excise taxes which can ultimately result only in the wreckage of a significant segment of our own mining industry.

These foreign operators seldom use mechanical equipment. The reason is not that they cannot afford it, as it is because mechanical equipment, as efficient and fast as it is, cannot begin to compete with labor that can be bought for 10 to 15 cents per day or even per hour. Much of this foreign mining is accomplished by hand shoveling with the most primitive tools.

Metals produced in this fashion under the conditions described are in competition with the same metals produced in such States as Utah, Colorado, Kansas, Wyoming, Nevada, and others, where miners receive wages commensurate with the rest of our economy.

The net effect of this type of competition has been the abandonment and closure of many American mines. If this trend continues, there will surely come a day when this Nation will regret the fact that we put our crucial metals eggs in the basket of foreign supplers. The shifting winds of international politics cannot blow so constant as to insure us these sources of supply in perpetuity.

Our domestic industry needs not only protection in the form of tariffs and/or excise taxes, but it desperately needs a forward looking exploration and development program.

A paradoxical situation exists in the fact that during the years of World War II and during the Korean war in the years 1950–53 when our Government desperately needed domestic lead-zinc production and when these producers could have made substantial profits had the market sought its natural level, the Government imposed price ceilings for both metals. These producers helped the Government and now they look to us for protection from foreign competitors so that in times of stress they will again be able to supply the needs for our American defense. They are not asking for a dole or a handout or for subsidies. They are asking us for protection from the sort of labor I have described.

A fair question at this point would be, "What has caused our domestic mines to become noncompetitive on the world market with foreign producers?" I can answer that query by citing for you some figures that have been supplied to me by my friend Miles P. Romney, manager of the Utah Mining Association. Mr. Romney reports that in 1947 the base wage per day for a lead-zinc miner in Utah was $9.42. This figure does not include indirect wage benefits such as vacation, pension, or hospitalization. In January of this year the base pay in Utah was $15.96, an increase since 1947 of 69 percent. An operator could purchase 100 pounds of blasting powder in 1947 for $13.16. In January of this year the same amount of powder cost $18.70, an increase of 42 percent. The mine operators could purchase cold rolled steel plates for $3.60 per pound in 1947 and the estimated price per pound in January 1957 was $6.12, an increase of 70 percent. Dimension timbers were purchased for $68 per 1,000 board feet in 1947 and cost in January of this year $107, an increase of 57 percent. In addition, their smelter costs, freight charges, and other operational costs have greatly increased while the price for their metals has drastically dropped due to competition with foreign metals under existing conditions.

In a few days, gentlemen, we will have before us and our committees for consideration, the administration's metals policy in legislative form. The substance of this policy was released to the Congress last week by Secretary Seaton. Many of our mine operators and miners have grave fears that this minerals program will meet with delays here on the Hill. I sincerely hope this is not the case.

A few days ago, I had a prominent mining man say, "We have been waiting for such a program for a long time. I hope that Congress will not fail us in this session. We have operated with losses as long as we can." If this minerals policy is not enacted speedily and before adjournment, I can only conclude that the majority party—the Democratic Party—does not want a program that will help our mining industry. I appeal to them to push this program through the Congress as rapidly as possible.

EQUAL RIGHTS LEGISLATION

Mr. MAY. 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 Connecticut?

There was no objection.

Mr. MAY. Mr. Speaker, over the past 2 weeks we have been debating the civil-rights bill in the 85th Congress. For some period of time now, there has been a great deal of interest in this bill and in previous, similar bills dealing with civil rights, on the part of the people in my congressional district—the First District of Connecticut.

There is no doubt in my mind that the present bill, as backed by the administration, is the type of legislation my constituents desire. I have discussed this at great length with a good cross section of the people in my district, both during the election campaign of last fall and since then. I say that now is the time to act. This bill must be passed without crippling amendments that will weaken the basic fiber of this important legislation. This will be an important step forward in the elimination of second-class citizenship, in whatever areas it may occur.

The assertion and preservation of equal Constitutional rights and liberties for every American is a moral duty incumbent upon the Members of this Congress. The prompt passage of this civil-rights bill is the rightful discharge of that duty.

FLAG DAY CEREMONIES AT THE STONEY RIDGE SCHOOLHOUSE

Mr. ZABLOCKI. 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 Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, at 4:30 this afternoon at the Stoney Hill Schoolhouse, near Fredonia, Wis., the National Fraternal Flag Day Foundation will commemorate the 180th anniversary of the adoption of the flag of the United States of America by the Continental Congress, and the 72d anniversary of the institution of Flag Day.

The observance of Flag Day was originated at the Stoney Hill Schoolhouse on June 14, 1885, for the purpose of awakening greater devotion to our flag and to the Republic for which it stands in the hearts of the American people.

I believe it is appropriate that we pause today in our deliberations and join with the people gathered at the Stoney Hill Schoolhouse in proclaiming our allegiance to our flag and our adherence to the democratic principles of our great Nation .

At this point I would like to read into the RECORD the proclamation of Flag Day

1957 issued by the President of the United States of America:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, A PROCLAMATION

Whereas June 14, 1957, marks the 180th anniversary of the adoption by the Continental Congress of the flag of the United States of America; and

Whereas this banner has become the symbol of our freedom and unity as a nation, our way of life as a people, and the principles which have guided us throughout our history, and

Whereas we have adopted the custom of observing June 14 each year with ceremonies designed to commemorate the birth of our flag and to demonstrate our gratitude for the blessings we enjoy as American citizens; and

Whereas the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), has designated June 14 of each year as Flag Day and has requested the President to issue annually a proclamation calling for its observance:

Now, therefore, I Dwight D. Eisenhower, President of the United States of America, do hereby call upon the appropriate officials of the Federal Government, and State and local officials, to arrange for the display of the flag of our Republic on all public buildings on Flag Day, June 14, 1957; and I urge the people to display our colors at their homes or other suitable places on that day, and to recall whenever they see the flag the privileges and responsibilities of citizenship symbolized by the Stars and Stripes.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this 31st day of May in the year of our Lord 1957, and of the Independence of the United States of America the 181st.

DWIGHT D. EISENHOWER.

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

The National Fraternal Flag Day Foundation, composed of representatives from various fraternal organizations, is working toward establishing a national shrine at the Stoney Hill School House. Their patriotic efforts should receive the wholehearted support of Americans from coast to coast.

In commending the National Fraternal Flag Day Foundation for their constructive endeavors, I would like to read into the RECORD the list of the foundation's officers and of the various fraternal organizations which they represent. The list reads as follows:

Mr. Fred A. Johnson, honorary chairman of the board, Royal League, Chicago, Ill.

Mr. Norton J. Williams, chairman of the board emeritus, Equitable Reserve Association, Neenah, Wis.

Mr. Joseph F. Walsh, president emeritus, Catholic Knights of Wisconsin, Milwaukee, Wis.

Mr. Alex O. Benz, president, Aid Association for Lutherans, Appleton, Wis.

Mr. August Springob, vice president, Catholic Family Life Insurance, Milwaukee, Wis.

Mr. Julius P. Michalski, secretary Polish Association of America, Milwaukee, Wis.

Mr. Albert Pawlak, treasurer, Federation Life Insurance of America, Milwaukee, Wis.

Board of directors: Mr. Alex O. Benz, Mr. Joseph F. Walsh, Mr. Jullus P. Michalski, Mr. R. L. Blodgett, National Mutual Benefit, Madison, Wis.; Mr. Elmer Anderson, Scandinavian American Fraternity, Eau Claire, Wis.; Mr. August Springob, Mr. Albert Pawlak, Mr. R. Gordon Pope, Equitable Reserve Association; Mr. E. E. Bertram, Aid Association for Lutherans; Miss Pearl Bohm, Royal Neighbors of America; Miss Lillian Sharen, Degree of Honor Protective Association; Mrs. Glady Podkomorski, Polish National Alliance; Mr. Harry E. Bertram, general council.

Mr. Speaker, I sincerely hope that the efforts of this group of patriotic citizens will be supported by our people in every State and Territory of the Union.

THE CURE FOR ECONOMIC ILLS OF DISTRESSED AREAS

Mr. LANE. 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 Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, as a pioneer for legislation for assistance and redevelopment for distressed areas, I am convinced that we must blaze a new trail in order to solve the paradox of declining economies in scattered areas that become more pronounced during an era of national prosperity.

No matter how prosperous the United States may be at any given time, there will always be some areas where the old industrial patterns are breaking up, while the ones to replace them have not yet been found.

On May 25, 1954, I called attention to this problem by asking support of my bill, H. R. 9137, originally titled "The Industrial Development Act of 1954."

In it I proposed the formula to define labor-surplus areas that would be eligible for assistance.

My bill was based on the concept that local communities unaided are in no position to handle the job of economic redevelopment with their own limited resources.

It further specified that a separate agency of the Federal Government should be established with authority to advance loans to help distressed areas to build small modern plants that would encourage growth industries to fill the economic void.

Local redevelopment committees would retain initiative and control.

These committees on their own have already accomplished much.

It is obvious from their practical experience, however, that they cannot modernize their industrial pattern to the extent that is required.

They will be fortunate if a large and diversified corporation decides to build a branch in their locality, but such a decision will be that of the corporation rather than the community.

Labor-surplus areas cannot sit back and wait for chance to solve their problems.

Neither can they depend upon a halfway program of filling up ancient and obsolete mill buildings with shoestring industrial ventures that hope to exploit the labor surplus.

It is not enough for these communities to acquire industries that will put their unemployed back to work at severely depressed wages that barely meet the legal minimum.

This is not economic recovery in the full and genuine meaning of the term and in relation to the level of economic activity throughout the Nation. This is only partial recovery that does not meet the needs of economic transition.

Most of these so-called distressed areas, because they were one-industry communities that failed to diversify or to keep up with economic progress, have to make the big leap from the past to the progressive present. Old factories, filled up with industrial odds and ends, will arrest the decline and give a false flush of recovery but they will not cure the basic ailment.

We must build new plants or die.

That is the objective of communities that realistically face up to the problem.

As the New York Herald Tribune business and financial editor stated in his column of April 26, 1957:

> Most economists are agreed on the fact that the principal prop supporting America's historic prosperity is the reinvestment, annually, in new plants and equipment, by the Nation's privately owned corporations.

But what about those scattered areas where there has been little research and little or no industrial construction for a third of a century or more?

Modern industry, interpreting this as a lack of initiative for which the community is not mainly responsible, cannot be blamed if it is not attracted to such areas.

As old industries die or move away, the communities that are burdened with with these ancient plants must assume the initiative in a big way.

They must build new plants in order to move forward into modern competition.

But they cannot do the job alone.

An area-redevelopment bill, providing a well-rounded and cohesive solution to this problem, should be passed at this session.

Legislation along this line is inevitable.

Because it will be largely self-supporting—on a revolving loan basis—I believe that we should decide now to come to the aid of those communities needing our help.

As the original advocate of such legislation, I strongly urge its enactment, for I am convinced, more than ever before, that this is the only fully effective way to restore labor-surplus areas to sound economic health.

THE GIRARD CASE

Mr. BOW. 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 Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, Robert Dechert, General Counsel of Defense, was recently quoted as saying that the actions of Sp3c. William Girard in

carrying out his duty assignment was "such a complete departure from his duty that he could not have been considered on duty." As usually happens when a storm breaks over a bureaucrat who has made an unseemly remark, he promptly claimed he was misquoted.

Having examined his testimony to the Subcommittee of the Senate Armed Services Committee, however, I believe he was quoted correctly. It was part of the pattern of conditioning the American people to an acceptance of the premise that Girard was guilty of some crime. This trial and conviction started with the joint statement of Secretary Dulles and Secretary Wilson confirming the decision to surrender Girard to the Japanese authorities for trial. Subsequent leakage of adverse claims is calculated to bolster the conclusions in the statement. It is obvious that the purpose is twofold—to cover up the fact that the Japanese put something over on the State Department when the agreement was made, and that the Defense Department erred in its handling of the Girard case.

General Counsel Dechert has in my opinion failed to carry out his responsibilities. If he has no regard for the rights of our servicemen he should resign. In his position he should be a bulwark of protection to servicemen, not their public prosecutor. Furthermore, as a lawyer he should know enough to keep silent about the details of a case that is pending or will be pending in a court. He violates the ethics of his profession.

The absurdity of this new principle to determine when a man is on duty is apparent to all. If a serviceman exceeds the probable actions required by his duty assignment then he is no longer to be considered on duty. Must a soldier now cogitate over the probable result to him before discharging an order—that is determine if it might not subject him to trial in a foreign court? Is the military going to say further that when a man exceeds his instructions, then he is not on duty and cannot be court-martialed for his actions?

I need hardly remind you that the damage to the morale of our troops by the actions of the executive departments in the Girard case is incalculable and irreparable. There has been some hint of deterioration in the morale of our forces abroad because of the status-of-forces agreements, but now that it is demonstrated that our Government will not protect its soldiers on duty, the situation will grow increasingly worse.

AMERICAN ENTERPRISER HERSCHEL MILLS DUNCAN

The SPEAKER. Under previous order of the House, the gentlemen from Texas [Mr. PATMAN] is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, the recent untimely passing of Herschel Mills Duncan, of Houston, Tex., was a tremendous shock to all of us who knew him. I should like at this time to extend to his widow and other members of his family heartfelt sympathy in their great loss.

Mankind is indebted much more than it is inclined to admit to a relatively few restless spirits that are born among us each generation. These are the uncommon men who furnish the added power by which we go forward. To their character, industry, courage, ingenuity, pride, and humility we owe much of the progress we make. Our own great country spawns but few of them each decade.

Such a man was Kentucky-born Herschel Mills Duncan. He was not a scholar or a scientist but an American businessman. Testimony to his stature and character remains behind in the spirit of the institution which he created and among the people who comprise it.

Herschel Duncan was universally recognized as a man who made a phenomenal success from a meager beginning. He built the Duncan Coffee Co. from a two man team into a great organization among those in the Southwest today. His is the story of the small-business man in every respect.

But it is the character of the forces at work within him as he was achieving that success that compel us to honor him today.

At first he worked for an uncle who was in the coffee business. Because of a fierce pride and a conviction that he could do anything that anyone else had done, as an ambitious young man in 1918 he started his business in his uncle's abandoned plant with a pair of overalls and a few dollars capital raised from various people on the promise that their investment would be repaid with an attractive rate of return.

Mr. Duncan was a man of many contrasts. He felt that man must fight—even if only with his own conscience—just to be sure of following the right course. He was restless. The complacent idea that all was well was disturbing to him. He was most sure that it was not. He was convinced that nothing was constant except change. He made an effort to enjoy personally the wealth which his industry and drive had created but could only find genuine pleasure in concerning himself with the problems of his people.

And although his permanent concern was for his own people, he was concerned also for the local banker, the local businessman, and the communities where he sold his coffee. Because of his fierce pride, he exerted great energy to assure that his product had no peer on the market.

His life was spent in the pull and haul of economic tides; in meeting payrolls; in standing up to the emery wheel of competition; in meeting emergencies; in lending and helping; and in concerning himself with the welfare of the people who followed him into that adventure. Those fights which he won, he laughed about; those fights which he lost, he also laughed about.

Truly, all who loved him agree that he has earned the assurance of rest inherent in the epitaph he chose for himself: "To die, to sleep; To sleep! Perchance to dream."

I would also like to include as a part of my remarks an article about the enterprising characteristics of Mr. Duncan. It appeared in the Preview of Texas, May 1951. In that article Mr. Duncan was featured as the "Man of the Month."

The article follows:

MAN OF THE MONTH: COFFEE KING H. M. DUNCAN

In 1907, a hulking, 18-year-old laborer at the Cheek-Neal Coffee Co. plant at 1200 Carr on Houston's north side drew his first week's salary check—$9.

He took his check to a store down the street a block, cashed it, bought two pairs of overalls, then went back to work.

This incident of 44 years ago was a forecast of the life and success of Coffee King Herschel Mills Duncan.

Ever since then, he's been working at—and plowing his profits back into—the hard, speculative, fast-moving, interesting coffee business.

Three times when many others went broke and dropped out of the tough competition in this field due to factors they couldn't control, lusty, lone-wolf Herschel Duncan grabbed economic trouble by its throat and made it build him bigger, serve him better, than good times.

This month with a typically lusty and definite zip, Herschel Duncan is setting his now huge and rich coffee company on a new course.

He's offering the investing public its first chance to get aboard his profitable Duncan Coffee Co., sixth largest coffee roaster in the Nation and overlord of the retail coffee market in Texas, Louisiana, Arkansas, Oklahoma, and part of New Mexico.

He's put on the counter 150,000 shares of non-voting, class A common convertible stock at $9 per share with a 60-cent minimum dividend promised before the other 350,000 shares of common convertible or the 500,000 shares of common stock (family-owned and carrying voting power) can get their returns.

His reasons for doing this are various. Largely, they grow out of the present-day tax policies of the Federal Government.

The preferred 6-percent-plus return backed by Duncan Coffee's $25 million sales of last year, its ever-expanding retail activities, and the sound organization built over the past 33 years, gave the stock offering a pleasing blue-chip appearance to many investors.

With this new policy in effect but with his finger still firmly on his booming baby's pulse, 62-year-old Herschel Duncan is now preparing to retire.

"I guess I have bought more coffee than any living man," he said "I've sent hundreds of men into Latin America to buy coffee and check on statistics, weather, crops, and so on.

"But I've never been to any coffee-growing country except Mexico.

"Now that I'm going to have some time, I believe I'll visit 'em all."

If he does, his staff won't be surprised if a telegram comes back: "Just bought $3 million Santos 2's" (coffee grade). Or maybe simply: "Just bought Rio de Janeiro. Very pretty place."

Mr. Duncan, it may be fairly inferred, is a doer. And when he does things, he does them in a big way.

As it has to many another, misfortune gave Mr. Duncan his first boot toward success—and several other nudges since then.

A grandson of the noted Scotch educator, Dr. John Green Duncan, and son of a daughter of the wealthy, landowning Neal family of Kentucky, Herschel Duncan was born and raised on his family's Kentucky tobacco plantation. He entered the University of Kentucky at Lexington at 17 with $1,800 in his poke that he had saved from selling calves and pigs.

That would have been enough money easily to see him through to a college degree, for he already had skipped several requirements by

taking special examinations and was breezing through his studies.

But he heard an older student bragging about a "clean up" at the racetrack in Lexington, winning $200 on a $2 bet. A few days later, Mr. Duncan had some high-priced expert knowledge of racetrack betting, but his $1,800 was gone.

"I was just too damned proud to tell my folks what happened or to take a job washing dishes and earn my way through the rest of the university course," he growled.

"So I quit and came to Houston. My uncle, J. W. Neal, was here and I thought I could get a job."

Mr. Duncan now spends a million dollars a year huckstering Admiration, Maryland Club, and his other fine coffees and teas. But when he came to Houston, his financial condition was such that he sat up overnight in a chaircar.

And when he drew that first $9 from working a week as a laborer for his uncle's Cheek-Neal firm, he needed those two pair of overalls to work in.

Mr. Duncan doesn't think it at all remarketable that his firm today is rated as being worth in excess of $9 million and that the whole coffee world tips its hat in admiration.

"I haven't been successful like, say, Mr. Jesse Jones," he said, "but I have worked hard—and I've been very fortunate."

In 1918, the Cheek-Neal company moved from its old location at 1200 Carr to a new plant. In its old location, it abandoned old roasters, furnaces, and other such heavy, obsolete equipment—leaving almost a whole coffee plant. But who in their right mind would move into such a plant, Cheek-Neal officials reasoned.

Mr. Duncan then was superintendent of the Cheek-Neal plant, had a fine job, was married to the former Miss Linnie Dunn, and they had started a handsome family of four youngsters. It would have been the easy way for Mr. Duncan to refuse to hear opportunity beating a tattoo on his skull. If he had, there would have been no 500 employees of Duncan Coffee Co. today, no $250,000 annual Christmas bonus for them, no orchids flown in from the Philippines to every Dallas housewife last month who bought a pound of Maryland Club coffee, just one of many sensational promotions by Duncan.

But Mr. Duncan couldn't stand the chance. He resigned from his Cheek-Neal job, leased the old plant, worked out a quick deal with the Government to use part of the plant as a warehouse for World War I flour which financed his start, then swung into the coffee business with all his lusty, hard-hitting power.

A month later, J. W. Neal drove past the home of Lester Bland, Mr. Duncan's good friend and Mr. Neal's efficient secretary. He saw Mr. Duncan's car parked there, reasoned correctly that Mr. Bland was helping his nephew out with his business-beginning paperwork.

"Next day, I was fired," said Mr. Bland.

"I was over at Herschel's house before dawn. He said: 'Well, I don't know how two can live on what we can make, but come on to work. We'll manage somehow.' "

Looking at Mr. Duncan in his handsomely furnished office on Carr Street today and thinking back on the stories told of him as a millionaire socialite, it is hard to realize he is the same man who came to work at 5 a. m., fired his own furnaces, and roasted his own coffee in the mornings, then went out in a model T Ford in the afternoons and sold that coffee, pound by pound, to his first customers.

Yet, that's actually what happened.

"I made my first sale across the street there to Weinberg's Grocery—$2.62 worth of coffee on August 12, 1918," said Mr. Duncan. "The store is still there—and they still are our good and valued customers."

Today the company markets 38 million pounds a year and Admiration is far and away Texas' largest seller.

Mr. Duncan hit a rising market. Prices were zooming including those of coffee. He had to either sell shares in his new company, or borrow. He went to the Union National and the board, with William Rice taking a lead, made him a $50,000 capital loan.

"We've made money every year we've been in business—we've never been forced to borrow since then," said Mr. Duncan.

In 1921, Mr. Duncan faced his first real opportunity to go busted. Prices tumbled terrifically. Coffee dropped from 62 to 22 cents a pound on grocers' shelves.

"I set my price a nickel a pound below everybody else's and cleared out my expensive stocks, repurchased at lower figures, cut prices some more, and rode the market right on down," he recalled.

This misfortune (to the rest of the coffee world) actually gave Duncan Coffee Co. its big start.

The depression in 1930–33 gave it its expansion. Cheek-Neal and its Maxwell House products had been sold by J. O. Cheek and Mr. Duncan's uncle, Mr. Neal, to General Foods for $42,500,000. The coffee world was badly shaken up—here and in the financially panicky coffee countries. It was an ideal time to pull in your horns, but Mr. Duncan didn't see it that way.

"Good salesmen were walking the street or taking jobs as janitors, and merchants were begging for any sort of service and credit they could get," he said. "Instead of laying off people, we decided to put them on and expand. We've still got exclusive accounts that we sold in those days, and we've got many a fine salesman who went with us then and is still doing a good job for us."

Next crisis was posed by World War II. The Government put on a 75-percent rationing program, but left it up for grabs among coffee men as to who got what share of the 75 percent of the business permitted. Mr. Duncan hit for Washington in a hurry, got a list of all persons holding coffee importing licenses on which the rationing was based, wound up increasing his volume when the rest of the industry was rationed.

"Boy, did the competition boil and holler," he said with that grim satisfaction that comes particularly to a successful lone-wolf operator.

The postwar period, the development into top executives of his sons-in-laws, Malcom Cummings, sales manager, and Paul Taft, production manager, and his son, Mills Duncan, Jr., as chief in the vital San Antonio area, set the stage for the stock issue and Mr. Duncan's thoughts of retirement.

Will he retire?

Well, last month his coffee-sharp eye caught a flutter in the world coffee market that spotted to him a new "position" as a buyer assumed by the A. & P. Tea Co. which Mr. Duncan unblushingly rates as second only to Duncan as "smartest" in the coffee field.

"Bill Busse (his chief statistician, buyer and interpreter) and I got into a room with only a long-distance telephone and in 2 days we had bought $3 million worth of coffee from all 11 producing countries," said Mr. Duncan.

"Turned out we were right. Prices went up right after that."

Having dealt with all sorts of governments in the Latin American countries, Mr. Duncan is acutely politics-conscious. He is quietly influential in both Austin and Washington, although his loyalty to his friend, Coke Stevenson, set him back slightly in both places when LYNDON JOHNSON nosed out Coke for United States Senator. As do most business executives, he feels the United States is headed hellbent into socialism.

"Used to be that when a Government man came out here to the office to look at the books, we'd get all excited," he said testily. "Now there's one of the so-and-so's here all the time, always prowling around looking for something wrong and never finding it. But they don't bother us."

Few things can bother Herschel Mills Duncan for long. He is so charged with restless, high-powered energy that worrying is just too tame an occupation to keep him busy. He's got to do something else.

When he works, he hits the ground running at 5 a. m., begins telephoning his men long before most executives have even thought of getting up. When he plays, he may suddenly have an idea which might sell more Maryland Club, Bright & Early, or Admiration—or perhaps save a bit of their cost. Right off, play stops. He buttonholes whomever is nearest or handiest to the telephone—and off they go. Quite naturally, his sons-in-law feel like their wartime combat assignment in the Navy were restful.

The Duncans maintain a farm at Alief, a bayshore home at Bayshore Terrace near the Yacht Club, rank high in every social field.

They are proud of the overalls-to-riches achievement of Herschel Duncan and his younger brother, Charlie, who in 1921 quit a fine job as a bank cashier in Kentucky to become a shipping clerk under his brother in the coffee business.

The international flavor of their activities, the hazards, the constantly expanding sales, the rigors of handling a packaged food product to please critical housewives—all these make the game as well as the return pleasing.

As for Mr. Duncan, he seems to be able to rise to any occasion—maybe, even, retirement, although the odds are harder against him on that than they were that long-ago day when he went to the Kentucky racetrack.

In 1925, the Salesmanship Club was Houston's most noted soundingboard and gathering spot.

They put on the gridiron dinners of that period, entertained visiting celebrities, and otherwise kept the town and the members on their toes. One day the club had a large group of honored guests. Members were identifying themselves and their companies.

Multimillionaire coffee king, J. Robert Neal, operator then of the world's mightiest coffee firm, stood up, and said: "J. Robert Neal, Maxwell House Coffee, good to the last drop."

Up bounced Herschel Duncan, operator of a small, struggling local coffee plant: "Herschel Duncan, Admiration Coffee, even our last drop is good."

CASE OF SP3C. WILLIAM S. GIRARD

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the following is a resolution by the city council of the city of Lowell, Mass., regarding the case of Sp3c. William C. Girard.

CITY OF LOWELL, MASS.,
OFFICE OF THE CITY CLERK,
June 12, 1957.

HON. EDITH NOURSE ROGERS,
House of Representatives,
Washington, D. C.

DEAR MRS. ROGERS: At the regular meeting of the Lowell city council held on Tuesday, June 11, 1957, the following motion by

Councillor George B. Murphy, Jr., was unanimously adopted:

"That the city council go on record as protesting to the State Department, the Department of Defense and the President of the United States of the turning over to the Japanese authorities for trial the case of Sp3c. William S. Girard."

Will you kindly see that the city council's protest is forwarded on to the proper authorities.

With best wishes, I remain,

Respectfully,

WILLIAM H. SULLIVAN,
City Clerk
(For the City Council.)

Mr. Speaker, the following is a telegram I have received from the William P. Connery Jr. Post, No. 6, of the American Legion, of Lynn, Mass.:

LYNN, MASS., *June 13, 1957.*

Congresswoman EDITH NOURSE ROGERS,
House Office Building,
Washington, D. C.:

At a regular meeting of William P. Connery Jr. Post, No. 6, American Legion, Essex County's largest veterans organization, held on June 13, 1957, it was voted to urgently request that you take drastic action to keep airman Girard out of Japanese courts and protect his rights as a member of the United States Armed Forces. Our members did not fight at Guadalcanal and Iwo Jima to give Japan jurisdiction over our Armed Forces.

THOMAS H. DRISCOLL,
Americanism officer, William P. Connery Jr. Post No. 6, American Legion.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. MCINTOSH, for June 17–June 21, inclusive, on account of subcommittee hearings in San Francisco of the Committee on Un-American Activities.

Mr. COUDERT (at request of Mr. MARTIN), for an indefinite period, on account of illness.

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. PATMAN, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. SIKES, for 30 minutes on Tuesday next.

Mr. THOMPSON of New Jersey, for 1 hour on Tuesday next.

Mrs. ROGERS of Massachusetts, for 5 minutes on Monday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. SHUFORD and to include an address by Mr. ALEXANDER.

Mr. PATMAN in three instances and to include extraneous matter.

Mr. JARMAN.

Mr. REUSS and to include extraneous matter.

Mr. HOLLAND and to include extraneous matter.

Mr. MCFALL in two instances and to include extraneous matter.

Mr. HÉBERT and to include extraneous matter.

Mr. FEIGHAN and to include extraneous matter.

Mr. LANE.

Mrs. CHURCH to revise and extend remarks made in the Committee of the Whole and to include extraneous matter.

Mr. FLOOD (at the request of Mr. JONES of Missouri) and to include extraneous matter.

ADJOURNMENT

Mr. JONES of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p. m.) under its previous order, the House adjourned until Monday, June 17, 1957, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

951. Under clause 2 of rule XXIV, a letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled "A bill to amend titles 10, 14, and 32, United States Code, to codify recent military law, and to correct errors" was taken from the Speaker's table and referred to the Committee on the Judiciary.

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 on Interior and Insular Affairs. H. R. 7708. A bill to amend section 6 of the act approved July 10, 1890 (26 Stat. 222), relating to the admission into the Union of the State of Wyoming by providing for the use of public lands granted to said State for the purpose of construction, reconstruction, repair, renovation, furnishing, equipment, or other permanent improvement of public buildings at the capital of said State; without amendment (Rept. No. 569). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARDEN: Committee on Education and Labor. H. R. 7540. A bill to amend Public Law 815, 81st Congress, relating to school construction in federally affected areas, to make its provisions applicable to Wake Island; without amendment (Rept. No. 570). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Joint Committee on Atomic Energy. H. R. 7992. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; with amendment (Rept. No. 571). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUGUST H. ANDRESEN:

H. R. 8152. A bill to authorize a special milk program, a veterans and Armed Forces dair/ products program, and an accelerated brucellosis eradication program; to the Committee on Agriculture.

By Mr. BARRETT:

H. R. 8153. A bill to authorize the Secretary of the Army to lease to the city of Philadelphia, Pa., certain piers and other facilities of the United States located in such city; to the Committee on Armed Services.

By Mr. BROOMFIELD:

H. R. 8154. A bill to amend title II of the Social Security Act so as to permit the State of Michigan to provide for the extension of the insurance system established by such title to service performed by certain policemen and firemen in such State; to the Committee on Ways and Means.

By Mr. COOLEY:

H. R. 8155. A bill to assist the United States cotton textile industry in regaining its equitable share of the world market; to the Committee on Agriculture.

H. R. 8156. A bill to amend the Agricultural Trade Development and Assistance Act of 1954; to the Committee on Agriculture.

By Mr. DORN of New York:

H. R. 8157. A bill to permit the flying of the flag of the United States for 24 hours of each day at certain places; to the Committee on the Judiciary.

By Mr. FLOOD:

H. R. 8158. A bill to encourage the establishment of voluntary pension plans by self-employed individuals; to the Committee on Ways and Means.

H. R. 8159. A bill to authorize the sale of five coal-burning Liberty-type vessels to Belgium or its citizens for use in the exportation of anthracite coal from Philadelphia to ports in Belgium and The Netherlands; to the Committee on Merchant Marine and Fisheries.

By Mr. GRANT:

H. R. 8160. A bill authorizing a survey of the Tensaw River, Ala., in the interest of navigation and allied purposes; to the Committee on Public Works.

By Mrs. KNUTSON:

H. R. 8161. A bill to revive and reenact the act of December 21, 1950, authorizing the construction, maintenance, and operation of a toll bridge across the Rainy River, at or near Baudette, Minn.; to the Committee on Public Works.

By Mr. MAILLIARD:

H. R. 8162. A bill to amend section 302 of the Defense Production Act of 1950 to authorize loans to certain public agencies directly connected with activities essential to the national defense; to the Committee on Banking and Currency.

By Mr. PILLION:

H. R. 8163. A bill to amend title II of the Social Security Act to include New York among the States which may obtain social security coverage, under State agreement, for State and local policemen and firemen; to the Committee on Ways and Means.

By Mr. PRESTON:

H. R. 8164. A bill to amend title II of the Social Security Act so as to permit the State of Georgia to provide for the extension of the insurance system established by such title to service performed by certain policemen and firemen in such State; to the Committee on Ways and Means.

By Mr. ULLMAN:

H. R. 8165. A bill to provide for the construction of minimum basic recreation facilities in the Owyhee Reservoir area, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

H. R. 8166. A bill to make the evaluation of recreational benefits resulting from the construction of any flood control, navigation, or reclamation project an integral part of project planning, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LONG:

H. R. 8167. A bill to provide for the payment of claims for supplies and services furnished the irregular, or guerrilla, forces of

the former Commonwealth of the Philippines during World War II; to the Committee on the Judiciary.

By Mr. SILER:

H. R. 8168. A bill to provide that the provisions of the Natural Gas Act shall not apply to the sale of natural gas, as an incident of its production and gathering, by an independent producer not engaged in the interstate transmission of natural gas; to bring under Federal Power Commission jurisdiction direct sales of natural gas made by natural gas companies; and to prevent below-cost sales of natural gas in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WITHROW:

H. R. 8169. A bill to amend the Watershed Protection and Flood Prevention Act with respect to measures for erosion control; to the Committee on Agriculture.

By Mr. BERRY:

H. R. 8170. A bill to provide authority to make payments for all damages and losses suffered by those displaced by the acquisition of property required for or affected by the construction of navigation, flood control, or related water development projects under the jurisdiction of the Department of the Army; to the Committee on Public Works.

By Mr. MAGNUSON:

H. R. 8171. A bill to authorize the Secretary of the Army to sell certain lands at the McNary lock and dam project, Oregon and Washington, to the port of Walla Walla, Wash.; to the Committee on Public Works.

By Mr. MERROW:

H. R. 8172. A bill to provide that active military or naval service performed during the period beginning on November 12, 1918, and ending on July 2, 1921, by any individual who served in Germany or Russia during that period shall be deemed to be World War I service for the purposes of all laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. TOLLEFSON:

H. R. 8173. A bill to authorize the Secretary of Commerce to sell war-built vessels and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HOSMER:

H. J. Res. 369. Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval of items in general appropriation bills; to the Committee on the Judiciary.

By Mr. McCORMACK:

H. J. Res. 370. Joint resolution to extend the time limit for the Secretary of Commerce to sell certain war-built vessels for utilization on essential trade routes 3 and 4; to the Committee on Merchant Marine and Fisheries.

By Mr. MOORE:

H. J. Res. 371. Joint resolution providing for the revision of the Status of Forces Agreement and certain other treaties and international agreements, or the withdrawal of the United States from such treaties and agreements, so that foreign countries will not have criminal jurisdiction over American Armed Forces personnel stationed within their boundaries; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:

H. J. Res. 372. Joint resolution to establish a Lincoln Sesquicentennial Commission; to the Committee on the Judiciary.

By Mr. PATMAN:

H. Con. Res. 188. Concurrent resolution authorizing the printing as a House document of the document entitled "Congress and the Monopoly Problem; 56 Years of Antitrust Development, 1900–1956"; to the Committee on House Administration.

By Mr. DAWSON of Illinois:

H. Res. 278. Resolution authorizing the printing of additional copies of the report on intergovernmental relations; to the Committee on House Administration.

By Mr. TEAGUE of Texas:

H. Res. 279. Resolution to provide funds for the investigations and studies made by the Committee on Veterans' Affairs pursuant to House Resolution 64 and House Resolution 65; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H. R. 8174. A bill for the relief of Giuseppe Berlicchi; to the Committee on the Judiciary.

H. R. 8175. A bill for the relief of Maria Proscia; to the Committee on the Judiciary.

By Mr. BARTLETT:

H. R. 8176. A bill for the relief of Yannoula (Gianoula) M. Lapa; to the Committee on the Judiciary.

By Mrs. BOLTON:

H. R. 8177. A bill for the relief of Angelos Vlasios Patsis; to the Committee on the Judiciary.

H. R. 8178. A bill for the relief of Comdr. Cook Cleland; to the Committee on the Judiciary.

By Mr. BURNS of Hawaii:

H. R. 8179. A bill for the relief of Rufo Hermano Ganir; to the Committee on the Judiciary.

H. R. 8180. A bill for the relief of Mrs. Kin Kogawara; to the Committee on the Judiciary.

By Mr. DELLAY:

H. R. 8181. A bill for the relief of Mrs. Rosalie Pasqua Lima; to the Committee on the Judiciary.

By Mr. DOYLE:

H. R. 8182. A bill for the relief of Ingeborg Stromeier Wilkes; to the Committee on the Judiciary.

By Mr. HOSMER:

H. R. 8183. A bill for the relief of Mrs. Anna (Borbat) Borbatova; to the Committee on the Judiciary.

By Mr. KING:

H. R. 8184. A bill for the relief of Mr. and Mrs. Robert B. Hall; to the Committee on the Judiciary.

By Mr. TOLLEFSON:

H. R. 8185. A bill for the relief of Beatrice Ozolins; to the Committee on the Judiciary.

By Mrs. CHURCH:

H. Res. 280. Resolution providing for sending the bill and accompanying papers on H. R. 8136, a bill for the relief of L. Balkin Builder, Inc., to the United States Court of Claims; 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:

281. By Mr. ADAIR: Petition of Mrs. Robert J. Johnson and members of the Epworth Methodist Church of Bluffton, Ind., favoring the passage of legislation to prohibit the transportation of alcoholic beverage advertising in interstate commerce, and its broadcasting over the air; to the Committee on Interstate and Foreign Commerce.

282. By Mr. HOEVEN: Resolution of the Board of Supervisors and Board of Social Welfare, Plymouth County, Iowa, protesting the Federal ban on old-age assistance payments to persons domiciled in a county-operated home; to the Committee on Ways and Means.

283. By Mr. SMITH of Wisconsin: Resolution of the Veterans of Foreign Wars, Junker-Ball Post 1865, of Kenosha, Wis., unanimously expressing opposition to our Government entering into status of forces agreements giving jurisdiction over American servicemen to the vagaries of foreign justice and foreign courts and specifically expressing opposition to the release to Japanese courts of Army Sp3c. William S. Girard, which was passed unanimously at a regular meeting of the Veterans of Foreign Wars, Junker-Ball Post 1865, Kenosha, Wis., on June 5, 1957; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Importation of Foreign Oil

EXTENSION OF REMARKS
OF
HON. JOHN JARMAN
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 14, 1957

Mr. JARMAN. Mr. Speaker, the ability of the United States to develop intelligently its great natural resources has played the major role in this Nation's survival and victories in the great wars of this century. Success in these conflicts preserved our unique political freedoms.

In no field of industrial development has this talent manifested itself with greater force than in the dynamic progress of the oil and gas industry of this Nation in time of war or peace. This industry and its advancements in exploration and development have been and will be of vital significance, not only to the oil-producing States, but to the entire Nation, for oil and gas today account for 70 percent of the energy consumed by the United States. It must be obvious that nothing could be more important to the adequate national defense of this country than the continued healthy development of this industry and the guaranty of a continued source of domestic oil at all times.

It was recognized by the President of the United States and a Special Cabinet Committee in 1955 that the importation of foreign oil, above the 1954 ratio of 1 barrel for every 10 produced domestically, could threaten the national security by retarding future exploration, discovery, and production of oil and its derivative products within the continental boundaries of the United States. The Congress, in this same year, by the inclusion of the Defense Amendment to the Trade Agreements Extension Act, provided the Chief Executive with a power to prevent such a danger from occurring. Despite this legislative and executive recognition of the seriousness of the problem, the menace has contin-