Home: 2312 S. Chilton Street; Office: Federal Building, Tyler, Tex.

Ben H. Rice, Jr., judge; born Marlin, Tex.; bachelor of laws, University of Texas, 1913; master of laws, 1914; admitted to Texas Bar, 1913; assistant county attorney, Falls County, Tex., 3 years; city attorney, Marlin, 9 years; elected chief justice 10th Court of Civil Appeals, 1940; Federal judge western district of Texas since 1950. Address: Federal Court House, San Antonio.

Robert E. Thomason, judge; born Shelbyville, Tenn.; B. S., Southwestern University, Georgetown, Tex., 1898; bachelor of laws, University of Texas, 1900; began practice of law, Gainesville, Tex., 1900; district attorney, Gainesville, 1902–6; practiced at El Paso, Tex.; since 1912; member Texas House of Representatives, 1917–21; speaker of house, 1920–21; mayor of El Paso, 1927–31; member 72d to 80th Congress, 1931–47, 16th Texas district; United States district judge, western district, Texas. Address: 1918 North Stanton Street; Office: Federal Building, El Paso, Tex.

Joe McDonald Ingraham, judge; born Pawnee County, Okla. Admitted to Oklahoma bar, 1927, District of Columbia bar, 1927, Texas bar, 1928; practiced in Stroud, Okla., 1927–28, Fort Worth, 1928–35; Houston, 1935–54; served as member United States House of Representatives, 1934–48; associate justice, Texas Supreme Court, 1936, 1938, 1940; judge, United States District Court, Southern District, Texas, 1954. Secretary Tarrant Co., representative executive committee, 1930–35, chairman, Harris Co., 1946–53, member Texas State executive commission, 1952—; presidential elector, 1932, alternate delegate national convention, 1940, delegate, 1948, 1952. Served as lieutenant colonel, United States Army Air Force, 1942–46. Member American Houston Bar Association, Texas State bar, S. A. R. (president, Texas, 1937–38.) American Legion. Club: Army and Navy Association (president, 1950). Home: 2341 Sunset Boulevard, Houston 5; Office: Post Office Building, Houston 2.

VIRGINIA

John Paul, judge; born Harrisonburg, Va.; graduate, Virginia Military Institute, Lexington, 1903; bachelor of laws, University of Virginia, 1906; admitted to Virginia bar, 1906, and practiced at Harrisonburg; member, Virginia State Senate, 1912–16, 1919–22; member, 67th Congress (1921–23), 7th Virginia District; special assistant to United States Attorney General, 1924–25; United States district attorney, western Virginia district, 1929–31. United States district judge since January 1932. Served as captain, Field Artillery, United States Army, 1917–19 with American Expeditionary Forces, May 1918–19. Member, Raven Society (University of Virginia), Kappa Alpha, Phi Delta Phi, Phi Beta Kappa. Home: R. F. D., Dayton, Va. Address: Federal Building, Harrisonburg, Va.

Alfred Dickinson Barksdale, judge; born Halifax, Va., educated Cluster Springs Academy, 1907–08; Virginia Military Institute, 1908–11, bachelor of science; University of Virginia, 1912–15, bachelor of laws; admitted to Virginia bar, August 13, 1915, and began practice in Lynchburg; judge, Sixth Judicial Circuit of Virginia, 1938–40; judge, United States District Court, Western District of Virginia, since January 1940. Member, Virginia Senate, 1924, 1926, 1927. Served as captain, 116th Infantry, United States Army with American Expeditionary Forces, World War I. Decorated Distinguished Service Cross, Chevalier Legion of Honor, Croix de Guerre. Trustee, Hollins College. Member, board of visitors, University of Virginia; member Lynchburg (Va.), State and American bar associations; Kappa Alpha, Phi Delta Phi, Phi Beta Kappa. Home: 2001 Link Road; Office: Post Office Box 877, Lynchburg, Va.

Albert B. Bryan, judge; born Alexandria, Va., bachelor of laws, University of Virginia, 1921; admitted to Virginia bar, 1921; practiced in Alexandria, 1921–47; city attorney, Alexandria, 1926–28; commonwealth's attorney, 1928–47; United States district judge, eastern district of Virginia, 1947—. Member, State board of corrections, Virginia, 1943–45; member, board of law examiners, 1944–47; member American, Virginia bar associations; American Law Institute; Phi Kappa Sigma, Phi Delta Phi. Home: 2826 King Street, Alexandria, Va. Office: United States Courthouse, Alexandria; also Norfolk, Va.

SENATE

WEDNESDAY, JULY 10, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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

Almighty and most merciful Father, whose power and whose love eternally work together for the protection and enrichment of Thy children, give us grace this day to live by faith in things unseen—the faith that Thou dost rule the world in truth and righteousness, the faith in the final coronation of Thy loving purposes for mankind, unfolding even in the social convulsions of these tense times, the faith that will make us calm and courageous in the face of risks and threats and dangers which will meet us in the faithful doing of our duty. Rid us, we beseech Thee, of all vain anxieties and paralyzing fears, and give us cheerful and buoyant spirits and abiding peace in seeking and following Thy will. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Tuesday, July 9, 1957, was approved, and its reading was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Ratchford, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of David W. Edeen, to be postmaster at American Lake, Wash., which nominating messages were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6814. An act to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products; and

H. R. 8594. An act to authorize the Honorable ALBERT P. MORANO, Member of Congress, to accept and wear the award of the Cross of Commander of the Royal Order of the Phoenix conferred upon him by His Majesty the King of the Hellenes.

THE CIVIL RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, I have been following as closely as any other Member of the Senate the debate which has been taking place on the motion made by the distinguished minority leader [Mr. KNOWLAND]. It seems to me that the discussion thus far has produced two things:

First, a climate of reason within which the Senate can reach a meaningful conclusion.

Second, the need for some technical studies which can be used as a framework of reference.

In this instance, the Senate is operating without the benefit of a committee report, our normal source for reference material. Therefore, I am having some intensive studies made by some of the members of my staff, on some of the issues which have been raised by the discussions in the Senate.

I think we need basic information on the cases which have been decided under section 1985 of title 42 of the United States Code. That has reference, Mr. President, to part III of the bill.

I think we need basic information on the extent to which court decisions have already made law in the field of civil rights.

I wish to commend the Members of the Senate for the very high level of discussion which has taken place up to now. I appeal to them to continue in a spirit of reason and persuasion. I have no doubt that when action on this subject is completed, every citizen will have a right to be proud of the conduct of this great body.

ANNOUNCEMENT OF VISIT TO THE SENATE ON JULY 11 BY THE PRIME MINISTER OF PAKISTAN

Mr. JOHNSON of Texas. Mr. President, I should like to make an announcement in connection with the visit to the United States of the Prime Minister of Pakistan. By agreement with the minority leader and the Presiding Officer, at 3 o'clock on tomorrow, July 11, the Prime Minister will visit the Senate, and will be requested to make an address to the Senate at that time.

In this connection, Mr. President, I wish to say that the visit of Pakistan's Prime Minister, Husseyn S. Suhrawardy, to this country is a welcome occasion.

Pakistan is a nation which has a record of remarkable achievement under great difficulties. Its struggles to main-

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tain itself have earned the respect of the world.

I ask unanimous consent that a very fine editorial from the Washington Post and Times Herald on Mr. Suhrawardy's visit be printed in the RECORD.

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

PAKISTAN'S LEADER

In the 10 years since the partition of the Indo-Pakistan subcontinent, the role of Pakistan has been particularly difficult. This is a manufactured nation, divided into 2 sections 1,200 miles apart; the western portion has most of the area and the eastern has the great bulk of the population. Pakistan has experienced many of the economic woes of India and others besides, and the fact that it has been held together as an entity and emerged as a Western-oriented republic is no mean accomplishment.

Much of the credit for this accomplishment must be ascribed to the caliber of Pakistan's leadership—buttressed, one must mention, by considerable American aid. Perhaps the dominant figure in Pakistan has been that of Gen. Iskander Mirza, who first as Governor General and now as President has been a sort of symbol of the often elusive stability democratic forces have sought. Since last September Pakistan has found an additional kind of leadership in the skilled political performance of the Prime Minister, Husseyn S. Suhrawardy, who is an honored guest in Washington this week.

Mr. Suhrawardy is less a personal leader than an extremely accomplished politician. Schooled in what is now East Bengal, he brought to his national office the arts of persuasion and compromise. His Awami League Party holds only 11 of 80 seats in the National Assembly; yet he has consistently won support for his foreign and defense policies, and he has a sort of Rooseveltian flair for taking issues to the people. Mr. Suhrawardy has dedicated himself to the holding of general elections next March—Pakistan's first nationwide balloting, as contrasted with state elections and the indirect selection of constituent assemblies. In the April issue of Foreign Affairs Mr. Suhrawardy had some trenchant words about his goals:

"Warning voices sometimes tell me that Pakistan is not ready for the democratic process. I can only reply that then Pakistan is not ready at all; for there is no alternative way of bringing about rapport between authority and people, no other avenue to national fulfillment * * * Dictatorship would not combat corruption; it would erect corruption into principle * * * Politics is essential for the cohesion of the state and * * * the politicians are its servitors."

This is a useful and pragmatic political philosophy for an infant nation. Doubtless foreign affairs, rather than Pakistan domestic problems, will dominate the discussions between Mr. Suhrawardy and President Eisenhower and Secretary Dulles. Among the subjects, probably, will be the Middle East and the Baghdad and SEATO pacts, to which Pakistan lends strength; China, toward which Pakistan's leaders have exhibited more realism than the State Department; Arab-Asian influence in the United Nations; and Pakistan's relations with India. Mr. Suhrawardy has exercised real restraint over the festering Kashmir issue. The greatest contribution to stability in Pakistan, and India as well, would be some sort of compromise over Kashmir. Despite the past disappointments, there is still the hope that a formula can be evolved which will have a sympathetic response in New Delhi, and perhaps Mr. Suhrawardy's visit here can be fruitful to that end.

COMPARATIVE SUMMARY OF LEGISLATIVE ACTIVITIES OF THE SENATE IN THE 80TH THROUGH THE 85TH CONGRESSES

Mr. JOHNSON of Texas. Mr. President, I am submitting for the RECORD a comparative summary of the legislative activities of the Senate in the 80th through the 85th Congresses, through July 8 in the first session.

This summary includes a list of 26 more important bills—other than appropriations—upon which the Senate has acted during the first session of the 85th Congress. These measures were not selected in an effort to downgrade other legislation, but merely in an effort to set forth a representative compilation which would be available to those who may be interested.

I am well aware of the fact that reasonable men can differ in their judgment of a Senate. It is possible—by using various standards—to decide that a legislative body has both a very good and a very poor record.

It is my personal feeling that a Senate should be judged on the basis of what it has accomplished—rather than on the basis of what it has not done. By the standard of achievement, I think my colleagues—on both sides of the aisle—are entitled to congratulations.

The record of this Senate thus far can stand comparison with any other Senate in modern times.

I am aware of the fact that there is still much that the Senate must do. But I do not believe this session has reached the physical limits of achievement.

There is every reason to believe that this Senate will make responsible, constructive decisions on a number of legislative items before the end of the session.

Of course, we shall not satisfy everybody. No legislative body in the world could possibly act upon all the items which everyone considers most urgent and very pressing.

But even though we have disagreed on many items—and are disagreeing sharply upon one right now—a spirit of cooperation and reason has prevailed among all Members of the Senate. Every Member has played a significant role in shaping a legislative record of real accomplishment.

The Senate Appropriations Committee has acted with its usual efficiency and speed; and for its fine work a great deal of credit goes to the distinguished President pro tempore of the Senate, the chairman of the Appropriations Committee, the senior Senator from Arizona [Mr. HAYDEN]. I express to him my deep gratitude for the very fine leadership he has given that great committee.

There are only three major appropriation bills for the fiscal year 1958 which we have not received—Public Works, which on yesterday was marked up by the subcommittee; Mutual Security, which awaits action in the other body on the authorization act; and, of course, the first supplemental appropriation bill, which comes up after all the other appropriation bills have been passed. These are substantially on schedule in their progress through the committee.

Mr. President, in a Senate so evenly divided, progress is possible only when both parties are willing to cooperate in the transaction of business. I wish to express my gratitude to the distinguished minority leader, the senior Senator from California [Mr. KNOWLAND]; to the distinguished deputy minority leader, the Senator from Illinois [Mr. DIRKSEN]; and to all the ranking majority and minority members of the committees, for their complete cooperation in the achievements we have accomplished to date.

The summary which I am submitting is a real tribute to the cooperation which has taken place among all the Members.

Mr. President, I ask unanimous consent that the summary be printed at this point in the RECORD, as a part of my remarks.

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

Senate legislative activity through July 8

	80th Cong., 1st sess.	81st Cong., 1st sess.	82d Cong., 1st sess.	83d Cong., 1st sess.	84th Cong., 1st sess.	85th Cong., 1st sess.
Days in session	110	114	104	103	88	92
Hours	600:55	668:17	557:45	576:13	426:20	506:16
Total measures passed by Senate	454	599	485	475	711	602
Senate bills	166	233	186	231	348	339
House bills	158	232	161	129	244	93
Senate joint resolutions	32	17	9	15	15	15
House joint resolutions	22	20	12	10	10	25
Senate concurrent resolutions	7	25	16	15	16	18
House concurrent resolutions	9	10	10	10	9	17
Senate resolutions	60	62	91	80	69	95
Public laws	162	160	73	105	134	84
Confirmations	25,915	47,834	21,142	21,388	36,748	36,002

The statistical summary, above, provides a brief review of the legislative activity of the Senate through July 8 of each Congress beginning with the 80th through the 85th.

Through July 8 the Senate has passed 602 measures, among which the following represent 26 of the more important bills acted on:

1. Middle East resolution: Authorizes the President to undertake economic and military cooperation with any nation or group of nations in the general area of the Middle East to strengthen the defense of their national independence. Public Law 7, approved March 9, 1957.

2. Foreign aid: Authorizes $3.6 billion for military, economic, and technical assistance to friendly nations; establishes a Development Loan Fund to be operated as a special unit within the International Cooperation Administration to make loans to promote the economic development of less developed countries; authorizes military assistance and defense support for a 2-year period instead of 1; and authorizes, for the first time, a program of malaria eradication to be financed out of technical cooperation and special assistance funds.

3. Housing Act of 1957: Authorizes $1.7 billion housing program; lowers downpayments on FHA sales housing and urban-renewal housing programs; and increases by $650 million FNMA's total borrowing authority under its secondary market operations which will permit FNMA to buy more FHA and GI mortgages from private lenders to ease the tight money market.

4. International Atomic Energy Agency: Establishes an International Atomic Energy Agency to advance the peacetime uses of atomic energy and to develop methods for its application to industry, agriculture, and medicine. Ratified June 18, 1957.

5. Hells Canyon: Authorizes Federal construction of Hells Canyon high-dam project on the Snake River in Idaho for hydroelectric power development and flood control.

6. Fryingpan-Arkansas: Authorizes Federal construction of Fryingpan-Arkansas project in Colorado, for reclamation, power, flood control and recreation.

7. Financial Institutions Act: Revises and modernizes all Federal laws governing national banks, savings and loan associations, and credit unions.

8. Deferred grazing program: Requires the Secretary of Agriculture to establish a 5-year program in the drought areas under which farmers and ranchers will receive payments for deferred grazing in disaster counties at rates equal to the fair rental value of their land during periods of adequate rainfall. Public Law 25, approved April 25, 1957.

9. Agricultural Trade Development Act: Extends to June 30, 1958, the Agricultural Trade Development and Assistance Act; increases to $4 billion (from $3 billion) the amount of surplus commodities for sale, and to $800 million (from $500 million) the amount for famine relief; and permits barter transactions with the European satellite nations but prohibits barter transactions with the U. S. S. R., with Communist China, or with any of the areas dominated or controlled by the Communist regime in China.

10. Export-Import Bank Act: Extends for 5 years to June 30, 1963, the loan authority of the Export-Import Bank. Public Law 55, approved June 17, 1957.

11. Small-business loan authority: Increases by $80 million (bringing to a total of $445 million) the lending authority of Small Business Administration. Public Law 4, approved February 11, 1957.

12. FNMA: Increases the borrowing authority of FNMA by $500 million to $1.6 billion to relieve the shortage of funds for home loans. Public Law 10, approved March 27, 1957.

13. FNMA: Increases by $50 million the present special assistance authorization of $200 million available to FNMA to purchase military housing and selected home mortgages.

14. Reorganization Plan No. 1: Abolishes Reconstruction Finance Corporation and transfers its functions to HHFA, GSA, SBA, and Secretary of Treasury. Effective June 30, 1957.

15. Airways Modernization Board: Establishes Airways Modernization Board to develop, test and evaluate systems and devices to meet the need for efficient control of civilian and military planes.

16. Social-security grants: Changes formula for computing social-security grants to States for medical and public assistance recipients to provide for more equitable distribution.

17. Excise-corporate income taxes: Extends to July 1, 1958, the present 52 percent corporate income tax, and the existing rates of excise taxes on alcoholic beverages, cigarettes, automobiles and parts and accessories.

Public Law 12, approved March 29, 1957.

18. Atomic reactors: Authorizes agreements for construction of atomic reactors in West Berlin.

Public Law 14, approved April 12, 1957.

19. Former Presidents: Provides $25,000 yearly allowance, clerical assistance, franking privilege, and $10,000 annuity for widows of Presidents.

20. Budget estimates: Requires Federal budget estimates to be submitted on annual accrued expenditure basis, rather than for expenditures in future fiscal years as is done at present.

21. Universal Military Training and Service Act: Extends to July 1, 1959, the President's authority to induct doctors, dentists, and other allied specialists into the Armed Forces with reserve commissions.

Public Law 62, approved June 27, 1957.

22. Anglo-American agreement: Approves amendment to the Anglo-American financial agreement to permit postponement of payments on the United States loan to the United Kingdom.

Public Law 21, approved April 20, 1957.

23. Extra long staple cotton: Fixes price-support for 1957 crop of extra long staple cotton at the 1956 level of 75 percent of parity.

Public Law 28, approved April 25, 1957.

24. Poultry inspections: Provides for compulsory inspection of poultry and poultry products. This compulsory inspection has long been in effect for meat and meat products.

25. Veterans Benefits Act of 1957: Consolidates and makes uniform laws governing compensation, pensions, medical and burial benefits administered by VA.

26. Executive agreements: Requires the Secretary of State to transmit to the Senate, within 60 days after execution, all international agreements other than treaties.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, it is my understanding that, under the order entered on yesterday, there will be the usual morning hour for the transaction of routine business, with a 3-minute limitation on statements.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF LAW RELATING TO MINING LEASES ON CERTAIN INDIAN AND FEDERAL LANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the law relating to mining leases on Indian lands and Federal lands within Indian reservations (with an accompanying paper); to the Committee on Interior and Insular Affairs.

GRANTING ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

GRANTING TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

Two letters in the nature of petitions from the American Meteorological Society, of Boston, Mass., signed by Kenneth C. Spengler, executive secretary, and the New York University, of New York, N. Y., signed by Serge A. Korff, professor of physics, praying for the enactment of legislation to establish a geophysical institute in the Hawaiian Islands; to the Committee on Appropriations.

A resolution adopted at the 171st annual conference of the Church of the Brethren, held at Richmond, Va., favoring the enactment of legislation to revise the immigration laws, in order to admit more refugees into the United States; to the Committee on the Judiciary.

RESOLUTION OF SERTOMA CLUB, KANSAS CITY, KANS.

Mr. CARLSON. Mr. President, at a recent meeting of the Sertoma Club in Kansas City, Kans., they unanimously adopted a resolution urging that every consideration be given to a reduction in individual and corporate income taxes.

I ask unanimous consent that the resolution submitted by their secretary, Charles O. Couts, be printed in the RECORD, and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION IN SUPPORT OF H. R. 6452

THE SERTOMA CLUB OF KANSAS CITY,
Kansas City, Kans.

Hon. FRANK CARLSON,
United States Senator,
Washington, D. C.:

Whereas the steeply progressive individual income tax rates which are clearly discriminatory, unfair, and unreasonable tend to destroy individual initiative to produce, accumulate, and invest; and

Whereas the corporate tax rates severely restrict the normal flow of funds into capital investment, so necessary for producing jobs for the citizens who are entering our labor force each year; and

Whereas a serious threat exists to our free enterprise system, our standard of living, and the stability of our employment, unless Federal spending is by the exercise of economies by Congress and the administration, and Federal revenues reduced through tax reduction: Now, therefore, be it

Resolved, That the Congress of the United States undertake immediate steps to guard against such an economic situation, by enacting into law a realistic program of forward scheduling of tax reductions for all income taxpayers as contained in the provisions of H. R. 6452 introduced by the Honorable ANTONI J. SADLAK, of Connecticut, a member of the Ways and Means Committee, on March 28, 1957;

It is believed that the steady growth of the economy and the population justify such reductions, and at the same time permit the balancing of the budget, with reduction in the national debt;

Furthermore, that this resolution, properly inscribed, be forwarded to the Congressional delegation.

Signed this 2d day of July 1957.

CHARLES O. COUTS,
Secretary.

THE GOVERNORS CONFERENCE OF 1957—RESOLUTIONS

Mr. CARLSON. Mr. President, the 49th annual governors conference was held recently in Williamsburg, Va. The distinguished Governor of Virginia, the Honorable Thomas B. Stanley, was not only chairman of the conference, but also the host governor.

The Council of State Governments has been fortunate in having as its executive director for many years Frank Bane, who has devoted his time and efforts in behalf of good government.

I have had an opportunity to visit with a number of people who were in attendance at the conference, and all spoke highly of the outstanding program arranged, and the true southern hospitality of the Old Dominion State of Virginia.

As there are 24 ex-governors serving in the United States Senate at the present time, I know that getting reports from a governors conference bring back many pleasant memories. The present Members of the Senate who have served as governors are:

GEORGE D. AIKEN, of Vermont; FRANK A. BARRETT, of Wyoming; JOHN W. BRICKER, of Ohio; STYLES BRIDGES, of New Hampshire; HARRY FLOOD BYRD, of Virginia; FRANK CARLSON, of Kansas; THEODORE FRANCIS GREEN, of Rhode Island; BOURKE B. HICKENLOOPER, of Iowa; SPESSARD L. HOLLAND, of Florida; OLIN JOHNSTON, of South Carolina; ROBERT S. KERR, of Oklahoma; WILLIAM LANGER, of North Dakota; FRANK J. LAUSCHE, of Ohio; EDWARD MARTIN, of Pennsylvania; MATTHEW M. NEELY, of West Virginia; JOHN O. PASTORE, of Rhode Island; FREDERICK G. PAYNE, of Maine; RICHARD RUSSELL, of Georgia; LEVERETT SALTONSTALL, of Massachusetts; ANDREW F. SCHOEPPEL, of Kansas; KERR W. SCOTT, of North Carolina; HERMAN E. TALMADGE, of Georgia; STROM THURMOND, of South Carolina, and EDWARD J. THYE, of Minnesota.

It was my privilege to serve as chairman of the governors conference in 1950, which was held at White Sulphur Springs, W. Va., and I can truly state it was one of the gratifying experiences of my public service. This year the conference elected the Honorable William G. Stratton, Governor of Illinois, as chairman for the ensuing year.

This session of the governors conference, as has every other session, adopted resolutions dealing with current problems affecting Federal-State relations. This year President Eisenhower personally appeared before the conference, and discussed and recommended that the conference join with the Federal administration in creating a joint committee to study and examine the possibility of clarifying functions which can be performed more effectively by particular levels of government, and the allocation of resources in relation to these functions. This committee is now being formed.

Those of us who have served in both the executive and legislative capacities of Federal and State Governments realize the need for a study of the problems of government which not only overlap, but which are becoming more complex as time goes on.

Resolutions were approved at the conference on highway safety, national security and many other subjects of vital interest.

I ask unanimous consent that the resolutions adopted at the governors conference be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

FEDERAL-STATE RELATIONS

Whereas the governors' conference has devoted extensive discussion over many years to the problems of achieving a sound relationship among Federal, State, and local governments; and

Whereas this conference has indicated on many occasions the need for clarifying functions which can be performed more effectively by particular levels of government and the allocation of resources in relation to these functions; and

Whereas the President of the United States, addressing the 49th annual governors' conference in Williamsburg, Va., recommended that this conference join with the Federal administration in creating a joint committee to examine this entire area and develop definite and specific programs for action: Now, therefore, be it

Resolved by the 49th annual meeting of the governors' conference, That the chairman of the executive committee be authorized to appoint a special committee to work with appropriate Federal officials appointed by the President from the executive branch to develop ways and means of attaining a sound relationship of functions and finances between the Federal Government and the States and to formulate definite proposals to these ends.

HIGHWAY SAFETY

Whereas during the first year of its operation, the governors' conference committee on highway safety has provided all of the States valuable information and assistance in the development of effective programs for the reduction of death and injury on public highways; and

Whereas as a direct result of this effort, many important forward strides already have been made in traffic safety legislation, administration, and enforcement; and

Whereas despite these encouraging gains, there still is a most urgent need to reduce the carnage on streets and highways which, unless checked, will claim half a million lives during the next decade: Now, therefore, be it

Resolved by the 49th annual meeting of the governors' conference, That the committee on highway safety be continued in existence, with the request that it also seek to develop recommendations for legislation requiring safety design features to be incorporated as standard equipment an all new automobiles; and be it further

Resolved, That this conference express appreciation to the committee for its fruitful work in this vital field, and pledge continued cooperation and support during the next year.

NATIONAL SECURITY

Whereas the Federal Bureau of Investigation has, over the years, earned a reputation for vigorous protection of the Nation's security; and

Whereas through its efforts the activities of many enemies of this country have been exposed and brought to a halt: Now, therefore, be it

Resolved, That the 49th annual meeting of the Governors' Conference bring to the attention of the various branches of our Government, our collective concern that the effectiveness of the Federal Bureau of Investigation will be continued and preserved and our hope that all possible avenues will be explored to protect the security of our Nation, while affording to its citizens all possible personal protection consistent with that security.

ARMED FORCES PAY

Whereas the Military Establishment is desperately in need of a means for attracting and retaining persons with scientific, professional, combat leadership, and management skills necessary to maintain a deterrent power; and

Whereas the Armed Forces do not presently have the means to compete for trained personnel urgently needed for the defense of this country, and a significant factor in their inability to do so is the inadequacy of the present compensation practices now in use; and

Whereas the proposed changes in the military pay structure are based on merit rather than longevity, will bring military pay more in line with the pay standards of industry and will offer greater reenlistment incentive for highly trained personnel: Now, therefore, be it

Resolved, That the 49th annual meeting of the Governors' Conference urge the Congress of the United States to take favorable action to revise the existing pay structure now in use in the Armed Forces, along the lines proposed by the Cordiner committee.

NATIONAL GUARD

The Department of the Army of the United States has instructed the National Guard commanders of the various States to carry on vigorous recruitment of young men for the new 6-month training program of the National Guard. This 6-month training program is an important modification of the draft law and procedure for building up the reserve strength of our Armed Forces.

The National Guard commanders have actively promoted the enlistment of young men into the guard for the 6-month program. Moreover, there exists a firm requirement for the construction of almost 1,000 additional Army National Guard armories to meet the demands of this needed training program.

On the other hand, the indicated amounts of money that are being made available for National Guard training and Army National Guard armories will fall considerably short of the minimum needs if we are to maintain the adequate strength of the Army National Guard and if we are to build sufficient armories for the training program.

Accordingly, the 49th annual meeting of the Governors' Conference strongly urges that adequate funds be appropriated by the Congress to meet the minimum Army National Guard training and armory requirements.

THEODORE ROOSEVELT

By a happy coincidence, 1958 will be the centennial year of the birth of an outstanding President of the United States and also the 50th anniversary of the convening by him of the first meeting of the Governors' Conference at the White House in 1908.

Accordingly, the 49th annual meeting of the Governors' Conference takes cognizance of the Theodore Roosevelt Centennial Commission, created pursuant to Public Law 183 of the 84th Congress, and to congratulate the Commission for its excellent work in commemorating the birth of a great American.

AIR POLLUTION

The Governor's Conference recognizes the great importance of air-pollution control,

particularly in metropolitan areas, and the need for a more intensive attack to be made on this problem.

Many air pollution problems affect large regions and they are often by their nature interstate in character. This does not mean that the Federal Government should assume jurisdiction, but rather that the States should by interstate action accomplish effective controls with the assistance of the Federal Government.

The 49th annual meeting of the Governors' Conference, therefore, requests that a committee be appointed to study the problem of air pollution, with the assistance of the staff of the Council of State Governments, and to report its conclusions to the States as to ways and means of developing an effective program on an interstate basis.

CIVIL DEFENSE—STATE GUARDS

The 49th annual meeting of the Governors' Conference reaffirms the recommendations in the 1956 report of its special committee on civil defense and again calls the attention of the Congress to this report in view of the inadequacy of the present Federal Civil Defense Act. The Governors' Conference also approves the 1957 report of said committee, which recommends that, in order to be prepared for a possible war emergency, all State governments should establish lines of succession for the executive branch of State governments and should develop plans for the assignment of State employees, facilities and equipment in case of attack.

In addition, as a parallel measure for improving the States' defense forces and for strengthening the Nation's ability to survive an enemy attack, the Governors' Conference urges that aid be available to State defense forces which the States have been authorized to organize and maintain, in addition to their National Guards, by Public Law 364 of the 84th Congress, approved August 11, 1955.

INTEREST RATES

As a result of expanded requirements, the State governments, the local governments and school districts are being pressed to make unprecedented capital expenditures. These accelerated needs for funds have resulted in the issuance of billions of dollars in bonds. These bonds have been floated at higher and higher interest rates, thus increasing amortization costs.

Therefore, the 49th annual meeting of the Governors' Conference suggests that the President of the United States and the Congress take cognizance of this additional burden on the taxpayers of America with a view to alleviating this burden.

GUESTS

The governors' conference is greatly indebted to the President of the United States and to the many members of his official family who have participated so fully and cooperatively in this 49th annual meeting.

APPRECIATION

The 49th annual meeting of the governors' conference is deeply appreciative of the gracious Virginia hospitality that has been extended to all the governors and their parties by the people of Virginia. Especially are we indebted to Governor and Mrs. Stanley and their aids and the members of the host committee for such unstinting devotion to our every need—this is truly a memorable meeting in the Old Dominion.

To the many donors of interesting gifts we express our thanks. We salute the magnificent contribution by the Virginia State Police and General Motors Corp. in providing us with not only efficient, but most comfortable, transportation, and services. The college of William and Mary and Vice Adm. Alvin D. Chandler, its president, have been most helpful to us in providing meeting facilities and in putting the new Phi Beta Kappa Memorial Hall entirely at our disposal.

We have been greatly impressed with the quality of reporting afforded by members of the press, radio, and television; and the telephone and telegraph companies have done nobly in supplying all needed equipment and personnel. For their outstanding leadership during the past year, we wish to express our sincere thanks to Governor Stanley, chairman, and all the members of the executive committee.

COLONIAL WILLIAMSBURG

The 49th annual meeting of the governors' conference wishes to express its gratitude to Mr. Winthrop Rockefeller, chairman of the board of Colonial Williamsburg, and to each one of the staff members of Colonial Williamsburg for the unsparing efforts to make our stay in historic Williamsburg a pleasant one.

We are grateful to Mr. and Mrs. John D. Rockefeller, Jr., for providing us with such a wonderful Knights of the Golden Horseshoe dinner and festival.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MORSE, from the Committee on the District of Columbia, with amendments:

S. 1908. A bill to amend the District of Columbia Hospital Center Act in order to extend the time and increase the authorization for appropriations for the purposes of such act, and to provide that grants under such act may be made to certain organizations organized to construct and operate hospital facilities in the District of Columbia (Rept. No. 601).

By Mr. GREEN, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 36. Concurrent resolution authorizing the appointment of 4 Members each of the 2 Houses to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India (Rept. No. 604).

By Mr. GREEN, from the Committee on Foreign Relations, with an amendment:

S. J. Res. 85. Joint resolution to amend the act of Congress approved August 7, 1935 (Public Law 253), concerning United States contributions to the International Council of Scientific Unions and certain associated unions (Rept. No. 602).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, with amendments:

S. 2120. A bill to authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the lower Rio Grande rehabilitation project, Texas, Mercedes division (Rept. No. 603).

PARTICIPATION IN INTERPARLIAMENTARY UNION

Mr. GREEN. Mr. President, from the Committee on Foreign Relations, I report an original bill to amend the act of June 28, 1935, entitled "An act to authorize participation by the United States in the Interparliamentary Union," and I submit a report (No. 600) thereon.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar.

The bill (S. 2515) to amend the act of June 28, 1935, entitled "An act to authorize participation by the United States in the Interparliamentary Union," was read twice by its title and placed on the calendar.

APPOINTMENT OF MEMBERS TO ATTEND GENERAL MEETING OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION IN INDIA

Mr. GREEN, from the Committee on Foreign Relations, reported an original resolution (S. Res. 160) authorizing the appointment of four Members of the Senate to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India, and submitted a report (No. 604) thereon; which resolution was placed on the calendar, as follows:

Resolved, That the Vice President is authorized to appoint four Members of the Senate to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India on the invitation of the Indian branch of the association and to designate the chairman of the delegation. The expenses incurred by the members of the delegation and staff appointed for the purpose of carrying out this resolution shall not exceed $15,000 and shall be reimbursed to them from the contingent fund of the Senate upon submission of vouchers approved by the chairman of the delegation.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports were submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce:

Henry Kearns, of California, to be an Assistant Secretary of Commerce, vice H. C. McClellan, resigned; and

Charles Pierce, of Washington, to be Assistant Director of the Coast and Geodetic Survey, vice Robert W. Knox.

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

Executive D, 85th Congress, 1st session, Treaty of Friendship, Commerce, and Navigation between the United States and the Republic of Korea; without reservation (Ex. Rept. No. 5).

Executive L, 85th Congress, 1st session, protocol amending the International Sugar Agreement of 1953; without reservation (Ex. Rept. No. 6).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAVEZ:

S. 2511. A bill for the relief of Maria Garcia Aliaga; to the Committee on the Judiciary.

By Mr. MURRAY (for himself and Mr. MANSFIELD):

S. 2512. A bill to provide compensation to the Crow Tribe of Indians for certain ceded lands embraced within and otherwise required in connection with the Huntley reclamation project, Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LANGER:

S. 2513. A bill for the relief of Sophie Gumuchdjian (also known as Sophie Calji); to the Committee on the Judiciary.

By Mr. THYE:

S. 2514. A bill to continue the election of two county committees for certain counties; to the Committee on Agriculture and Forestry.

By Mr. GREEN:

S. 2515. A bill to amend the act of June 28, 1935, entitled "An act to authorize participation by the United States in the Inter-

parliamentary Union"; placed on the calendar.

(See the remarks of Mr. GREEN when he reported the above bill, which appear under the heading "Reports of Committees.")

By Mr. BEALL:

S. 2516. A bill to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia; to the Committee on the District of Columbia.

By Mr. WATKINS (for himself, Mr. GOLDWATER, and Mr. ALLOTT):

S. 2517. A bill to amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. WATKINS when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON of South Carolina (by request):

S. 2518. A bill to promote the interests of national defense through the advancement of the scientific and professional research and development program of the Department of Defense, to improve the management and administration of the activities of such department, and for other purposes; to the Committee on Post Office and Civil Service.

RESOLUTION

Mr. GREEN, from the Committee on Foreign Relations, reported an original resolution (S. Res. 160) authorizing the appointment of four Members of the Senate to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India, which was placed on the calendar.

(See resolution printed in full when reported by Mr. GREEN, which appears under the heading "Reports of Committees.")

TECHNICAL CHANGES IN FEDERAL EXCISE-TAX LAWS — AMENDMENTS

Mr. KERR. Mr. President, I submit amendments, intended to be proposed by me to the bill (H. R. 7125) to make technical changes in the Federal excise-tax laws, and for other purposes. I ask unanimous consent that a statement, prepared by me relating to the amendments, be printed in the RECORD.

The PRESIDENT pro tempore. The amendments will be received, printed, and referred to the Committee on Finance and, without objection, the statement will be printed in the RECORD.

The statement presented by Mr. KERR is as follows:

STATEMENT BY SENATOR KERR

The Federal-Aid Highway Act of 1956 launched a big new roadbuilding program, and also established a trust fund with which to finance the program.

Among the taxes earmarked for this trust fund was a new tax of $1.50 per thousand pounds on any motor vehicle having a taxable gross weight of more than 26,000 pounds.

As is frequently the case, the practical application of this measure has indicated the need for clarifying amendments which will assure the carrying out of Congressional intent and correct apparent inequities.

It would appear that these amendments properly should be considered in conjunction with a variety of other excise-tax amendments contained in H. R. 7125, a bill which has passed the House and referred to the Senate Committee on Finance. H. R. 7125, known as the Excise Tax Technical Changes Act of 1957, provides for comprehensive revision of the technical and administrative provisions of the Internal Revenue Code of 1954 relating to Federal excise taxes.

The amendments which I am submitting are intended as additions to H. R. 7125. Aside from the necessary clerical amendments, the proposed amendments are four in number.

The first amendment is designed to assure that the tax of $1.50 per thousand pounds on motor vehicles having a taxable gross weight of more than 26,000 pounds is not applied to motor vehicles having an actual gross weight of less than 26,000 pounds.

Under the terms of the statute, the Internal Revenue Service was given broad authority to use "formulas or other methods for determining the taxable gross weight of vehicles by classes, specifications, or otherwise."

In promulgating its regulations, Internal Revenue Service elected to classify motor vehicles according to their empty weight, with each empty weight category assigned a taxable gross weight. Generally speaking, the result has been satisfactory, but in a couple of cases the result is inequitable and, I believe, contrary to the intent of Congress.

The first case involves motor vehicles which never have an actual gross weight of 26,000 pounds or more but which, by virtue of their empty weight, fall within one of the stipulated taxable categories.

It certainly was my intention, and I believe the intention of virtually everyone who had anything to do with this tax, that we were drawing a line at 26,000 pounds, with vehicles above that weight to pay the tax, and with no such tax against vehicles below that weight.

Therefore, one of the proposed amendments would add a new subsection to section 4483 of the Internal Revenue Code of 1954 to make it clear that no tax shall be assessed against any motor vehicle which does not exceed an actual gross weight of 26,000 pounds.

A second amendment is designed to correct an oversight in the statute. The due date for the annual tax with respect to a motor vehicle already in service is July 31. The law provides for prorating the tax with regard to any vehicle put into service for the first time after that date, as follows:

"If in any year the first use of the highway motor vehicle is after July 31, the tax shall be reckoned proportionately from the first day of the month in which such use occurs and including the 30th day of June following."

However, the law makes no provision for a credit or refund with respect to a vehicle which is permanently removed from service after the tax. In other words, the tax is prorated on a vehicle coming in, but not on a vehicle going out.

Thus, 24 hours after the tax is paid, a vehicle could be destroyed by fire or other means, and the tax payment is completely lost, and a new tax must be paid on the vehicle which replaces it. The result is double taxation and this should be corrected by a refund provision in the law covering vehicles which are destroyed or otherwise permanently removed from service.

To correct this situation, I am proposing an amendment which would add a new section to the Internal Revenue Code of 1954 providing that when a vehicle on which the tax has been paid is destroyed or otherwise permanently removed from service, a refund shall be allowed. Such refund shall be reckoned proportionately from the first day of the month following destruction or permanent removal from service to and including the 30th day of June following.

The third proposed amendment is designed to give the taxpayer the option of paying the tax in quarterly installments.

On July 31 each year the tax must be paid on each and every taxable vehicle owned by an individual or company. It is a substantial sum in every case, and in the case of a good-sized fleet it can run into thousands of dollars.

The trucking industry has asked the Internal Revenue Service to permit the taxpayer the option of paying this annual bill in quarterly installments much in the same manner of the income tax. It is my understanding that the Internal Revenue Service does not feel that it has the power to authorize this under the law as it now stands.

Therefore, my third proposed amendment would add a new section to the Internal Revenue Code of 1954 to authorize the payment of this tax in four equal quarterly installments.

The fourth proposed amendment is designed to correct inequitable application of the tax in the case of two specific classes of trucks used in the transportation of household goods and automobiles.

I explained earlier that under the regulations now in effect the empty weight of a vehicle determines whether a vehicle is taxable and the degree to which it is taxed. Each empty weight category is assigned a gross weight figure upon which the tax of $1.50 per 1,000 pounds must be paid.

This method has proved satisfactory, generally speaking, but has resulted in serious injustice to motor carriers of new automobiles and household goods. These two types of motor carriers, representing distinct and substantial segments of the trucking industry are penalized under the schedule, since the maximum loads they can carry are significantly below the gross weight categories to which they are assigned by virtue of their empty weight.

The gross-weight assignments in the tax schedule are based upon general freight averages. Both household goods and automobiles are low density freight, taking up a lot of space relative to weight. Thus, a trailer load of either household goods or automobiles weighs much less than a trailer load of the general run of freight. Under the existing schedule, however, they are required to pay the tax on the same gross weight basis as the carrier of general freight.

The great bulk of automobiles transported over the highways are carried by motor carriers which transport no other type of freight. The same is true with respect to transportation of household goods. For this reason, plus the fact that both types of carriers use distinctive and easily recognized types of trailers, they properly could be and should be placed in a special category and assigned gross weights more nearly in line with their actual operations.

Therefore, the fourth proposed amendment would add the following language to section 4482 (b) of the Internal Revenue Code of 1954: "Such regulations shall prescribe separate classifications for highway motor vehicles used exclusively in combination with semitrailers equipped with furniture van or automobile transporter bodies."

The four amendments that are proposed have very little significance from the standpoint of revenue. If any revenue is lost, it will be very small. Moreover, it will be revenue that never was intended to be collected and which was therefore not included in the advance estimates of revenue when the legislation was enacted.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by uanimous consent, addresses, editorials, articles, etc., were

ordered to be printed in the RECORD, as follows:

By Mr. CAPEHART:

Address delivered by him on July 5, 1957, at the launching of the *Philip Sporn*.

Editorial entitled "It Is Not Ours To Keep," published in the Easley (S. C.) Progress of July 2, 1957, relating to proposal for the return of assets seized from aliens.

By Mr. RUSSELL:

Transcript of interview with him on CBS News and Public Affairs Hour, Monday, July 8, 1957.

GRACE GOODHUE COOLIDGE

Mr. CASE of South Dakota. Mr. President, I desire to speak a few words in tribute to the memory of Mrs. Grace Goodhue Coolidge. The people of South Dakota, and particularly the people of my home community, at Custer, in the Black Hills of South Dakota, remember Mrs. Coolidge as a very gracious, friendly person. It was just 30 years ago this summer that the Coolidges came to South Dakota planning to stay for perhaps 2 weeks, but they remained all summer.

The State game lodge at which they lived while they were in Custer State Park became known as the summer White House of 1927.

The personalities of the Coolidges impressed themselves deeply upon the people of my home town and county.

They attended church in the little community church at Hermosa.

The stream where Mr. Coolidge fished had been known as Squaw Creek, but after the visit of the Coolidges, the State legislature changed the name of it to Grace Coolidge Creek, and it is so known today.

The name of Sheep Mountain, one of the large mountains in Custer State Park, was changed to Mount Coolidge.

Mrs. Coolidge entered into the life of the community during the 3 months which the Coolidges spent in our area. She was the person of honor at the dedication of a great community building there, built by the Custer Women's Civic Club. The people of the community remember her for many kindnesses and courtesies.

It was also typical of the personality of this lady that she was quick to remember the friendships established during those years. Some weeks ago, when Mrs. Coolidge's sickness became known, my wife was talking with Mrs. Norbeck, the widow of the late Senator Peter Norbeck. Mrs. Norbeck said to Mrs. Case, "I always owe Mrs. Coolidge a letter, for whenever I write her, she writes her reply the same day the letter is received."

So the people of my own community and the people of South Dakota would, I am sure, want me to join in the tributes which have been paid to the memory of this gracious lady who, 30 years ago this summer, was our neighbor.

HERVE J. L'HEUREUX

Mr. COTTON. Mr. President, it is with sorrow and distress that I call the attention of the Senate to the death of Herve J. L'Heureux, which occurred yesterday afternoon.

Mr. L'Heureux is known to many Members of the Senate. He served for some years as Chief of the Visa Office of the Department of State, and in that capacity he gained the high regard, respect, and affection of many Members of this body.

Mr. L'Heureux's life has been peculiarly associated with the Senate. He came to Washington from Manchester, N. H., on the patronage of the late Senator George H. Moses. At that time I was here as a clerk of Senator Moses' committee. Together, Mr. L'Heureux and I attended George Washington University Law School, while serving as attachés of this body.

He entered the Foreign Service in 1927, and in the 30 years following he became one of the most useful, skillful, and highly regarded of our Foreign Service officers.

He was serving before his death as consul general at Montreal, with the personal rank of minister. He was also widely known as the originator of the Pray for Peace Movement, which he proposed first in 1948.

His nomination for the rank of career minister was submitted to the Senate by the President on July 3, 1957, and was reported to the Senate yesterday by the Committee on Foreign Relations. Had the parliamentary situation been different, or had Mr. L'Heureux lived a few days more, his nomination to that rank would have been confirmed. It was a rank he fully deserved because of his long years of outstanding service.

Mr. President, while I would not suggest precipitate action, I suggest that the Senate confirm Mr. L'Heureux's nomination posthumously for the position which the President and the Secretary of State desired to confer on him, although they knew he was at that time on his deathbed. Such a tribute would be well deserved. If it can be done without establishing an unfortunate precedent, I hope it will be.

I take this opportunity to express my own profound sorrow at the death of a classmate, associate, and friend for many years from my State. I know if my colleague the senior Senator from New Hampshire [Mr. BRIDGES] were here today, he would certainly join me in these expressions. Other Senators, too, will join me in expressing deep and sincere sympathy to the members of Mr. L'Heureux's family.

CHOICE BY PRESIDENT EISENHOWER OF NEWPORT, R. I., AS BASE FOR HIS 1957 VACATION

Mr. PASTORE. Mr. President, Rhode Island rejoices in the word that President Eisenhower has chosen historic Newport as the base for his 1957 vacation. Our State is happy to welcome the first citizen of the United States to what is probably the first summer resort of America. Since 1725 the charms of the Rhode Island shore have lured those who seek rest and recreation in these festive months of the year. More than 400 miles of coastline dotted with sparkling beaches, unexcelled fishing and yachting, and the fresh water favorite spots of fishermen have grown all the more enticing with the centuries.

At Coaster's Harbor Island, our President will be in the central point of pleasure and of history as well. In Newport is the Old State House. Nearby is America's oldest synagogue, and now a national shrine. It is symbolic of our charter of 1663—"To hold forth a lively experiment that a most flourishing State may stand and best be maintained with full liberty in religious concernments."

Great names of American history come alive in Rhode Island's climate: Roger Williams, Gilbert Stuart, Ezek Hopkins, Oliver Hazard Perry, Nathaniel Greene.

The citizen of Gettysburg will live anew the stories of the revolution, and he will be living in the very heart of the naval installations of Narragansett Bay which are the pride of our State as well as of our Nation.

Newport, which played host to our first President, George Washington, will have a hearty welcome for our present President. May his stay with us be happy and may his days of diversion add to his health and strength against the truly heavy burdens of the Presidency.

Rhode Island welcomes President Eisenhower.

FINANCIAL POLICIES OF ADMINISTRATION

Mr. BUSH. Mr. President, during the discussion on the Senate floor relating to the investigation by the Senate Finance Committee into the policies of the Federal Reserve Board, as supported by the Treasury, attempts have been made to convince the Senate that the Wall Street Journal has been sympathetic with those who attack the policies of the Federal Reserve Board and the Treasury. I have watched the editorials in the Wall Street Journal affecting this matter, and I fail to understand how anyone could conclude that the Wall Street Journal had been in any way sympathetic with the advocates of loose money, but, rather, I conclude, from what I have read in the Wall Street Journal, that the publication strongly backs the advocates of sound money.

In today's issue of the Wall Street Journal there is an editorial entitled "The New Inflation." The editorial deals with the thought expressed by the attackers of the present policy that there is some kind of new inflation, or a new kind of inflation abroad in this land. The purpose of the editorial is to show that there is nothing new so far as inflation is concerned. The editorial shows that what the money managers are dealing with is not basically a new form of inflationary potential; it is an ancient one. The editorial concludes by pointing out that if there is criticism of the money managers' policies, it is not that they are too harsh, as the political inflationists contend, but that they may be too lenient.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD at this point in my remarks.

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

[From the Wall Street Journal of July 7, 1957]

THE NEW INFLATION

Is the United States facing a new kind of inflation?

This question is rapidly blossoming into both a political and economic controversy. It keeps cropping up in the Senate Finance Committee's study of monetary policy. It is discussed by economic commentators. It underlies yet another probe which Senator KEFAUVER is about to undertake.

The political answer given by Senators KEFAUVER, KERR and others is that we are indeed facing a new kind of inflation for which the administration's and the Federal Reserve's current fiscal and monetary policies are the wrong remedy. In this view, the threatened inflation is characterized by price rises even in the absence of maximum demand; consequently the attempts to hold down demand by restraining credit miss the point.

Economically this is not a very serious argument. Whatever the demand for some goods, the demand for credit continues intense and this is the cause of the so-called high interest rates. It is not at all difficult to imagine what the inflationary impact would be if the Federal Reserve, as these politicians apparently want, were to pump up the money supply to the point that cheap money would be available to all and sundry.

An economically more sophisticated aspect of the controversy turns on whether the Government or the constant succession of wage increases is the prime source of the inflationary pressures. The cost-push theorists pin the main responsibility on the latter. The money supply, they note, has expanded only slightly in recent years, whereas wage rates have gone up considerably, outrunning productivity gains.

Unquestionably the constant advance of wage rates, reflecting both what is for practical purposes a "full employment" economy and the monopoly power of organized labor to enforce its demands, constitute a continual upward pressure on prices. Unquestionably such a spiral can be an inflationary influence.

But rising wages and prices are not automatically or by definition inflation. Unless there is inflation in the money supply the spiral cannot continue indefinitely; it will reach the ceiling of the money available.

So we get back to the money supply. It is true it has been expanding only modestly compared to earlier periods, but it grew tremendously under the inflationary policies of the war and initial postwar years. Consequently it is now a much greater money supply and even a "modest" expansion of it—say, 2 percent a year—could be too much to keep the inflationary dangers adequately checked.

For our part, we do not know that the present inflationary dangers are as great as some people fear. But we do know that it is nonsense to talk of inflation as though it were something that could somehow be divorced from the money supply. What the money managers are dealing with is not basically a "new" form of inflationary potential; it is the ancient one.

And if there is criticism of the money managers' policies it is not that they are too harsh, as the political inflationists contend, but that they may be too lenient.

MISSOURI RIVER BASIN DEVELOPMENT PROGRAM

Mr. YOUNG. Mr. President, for the past 10 years the Missouri River Basin has been experiencing a long dreamed of development of its resources.

Construction has gone forward on most of its key multiple-purpose dams under the Pick-Sloan plan. Since the inception of this plan, there has seemed to be substantial agreement in the basin as to the use of these vast water resources. Now it would appear that at least some interests in the valley are seeking to destroy the whole concept which made possible the development of this basin.

A recent editorial in the Omaha World-Herald is in point. I have always contended, and so stated in Senate committee hearings, that Garrison Dam would be a net loss to North Dakota if we were not able to secure a sizable irrigation project to compensate us for the more than 550,000 acres of good land lost because of the Garrison Reservoir.

Mr. President, editorials have appeared recently in the Bismarck Tribune and the Minot Daily News, both North Dakota newspapers, which very ably express the deep concern of all the people of North Dakota as a result of the editorial in the Omaha World-Herald. I ask unanimous consent that these two fine editorials be printed in the body of the RECORD as a part of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Bismarck Tribune of July 6, 1957]

WATER DISPUTE IS IN THE OPEN

An editorial masquerading as a news story in the Omaha World-Herald may be the first salvo in a downriver fight to keep North Dakota and South Dakota from getting their fair share of the benefits from the Missouri River Basin development program.

It may signal the breakup of basin unity to bring this vast plan into being and may also help reinstigate the longstanding fight between river navigation interests on the one hand and reclamation interests on the other.

For North Dakota, South Dakota, Montana and any other States interested in irrigation and power for the many, as opposed to navigation subsidy for the few, it may also serve as a summons to stand together against predatory downriver interests.

Some weeks ago this newspaper warned editorially that a fight over Missouri River waters appeared to be in the making. It regretted the breakup of basin unity, and alerted upriver interests to the need to be prepared to defend themselves.

At that time the occasion for the alarm came from the Mississippi Valley Association, an organization which declares itself interested in all phases of river development but whose master is navigation.

Now the Omaha newspaper has launched the attack against irrigation and upriver States openly, questioning the feasibility of the Garrison diversion project in North Dakota with misleading statements calculated to arouse opposition where it is not understood.

It concludes its editorial-news story thusly:

"Other basin States are likely to raise objections to the project. Some are almost sure to question the practicability of such a costly diversion of water onto poor and mediocre soil in a latitude where the growing season is short."

This is the first serious indication that downriver States are considering repudiation of the agreement that was reached in 1944, when all States of the basin agreed to a sharing of water.

The terms of this agreement were simple. Below Sioux City, the needs of flood control and navigation were to be supplied. Above Sioux City, the needs of irrigation and municipal water were to be met. Hydroelectric power was to be generated at every dam where it was economical to do so.

Exhaustive studies of the river showed that there is enough water, if it is carefully stored and controlled, to provide for both navigation and irrigation. In order to get construction underway, both navigation and irrigation interests agreed to share the water supply.

Garrison Reservoir is built and filling. Oahe Reservoir will soon begin to fill. Mainstem storage of floodwater and main-stem control capable of giving the entire river flow to navigation is essentially complete.

And so, having gotten almost all they want out of the basin program, downriver navigation interests apparently are ready to repudiate their agreement and attempt to deprive the rest of the basin of its share of the benefits.

From the beginning, North Dakota has fought harder for river development than any of the other basin States.

It has given more to the program. Some 566,000 acres of productive, taxpaying North Dakota land have been given over to flooding by Garrison and Oahe Reservoirs.

South Dakota also has given heavily of its good land for the reservoirs above Oahe, Fort Randall, and Gavins Point Dams.

Are we now to learn that we have given half a million acres of good land just so that a few barges can be floated up and down the Missouri River for the personal profit of a few?

If, now that the Missouri River is harnessed so that it may serve fully the demands of navigation but nothing else, our one-time downriver friends desert us, we will have gained little here from Missouri River development.

But we will have a clearer understanding of the sort of people we joined in partnership back in 1944.

The Missouri Basin program was designed as a multipurpose program, intended to serve the entire basin and assist in the development of all the natural resources of this region.

The Congress of the United States did not spend billions of dollars in this basin to assist navigation only.

The Omaha newspaper has done a disservice in its distorted presentation of misinformation with respect to the upper basin portion of the program. It may have done a service, however, in bringing this opposition into the open, so the rest of the basin can know what confronts it.

If a few barge owners are more influential, and their right to water is more sacred than that of hundreds of thousands of people, now is the time to find it out.

With a multi-billion-dollar investment tied up in engineering works to control and conserve the Missouri River, it would be tragic indeed to see our longstanding interstate partnership break up merely because the navigation interests now have everything they want.

[From the Minot (N. Dak.) Daily News of July 6, 1957]

OMAHA WOULD WELSH

There has been something of a tradition of the West that anyone rating as a man, made his "word as good as his bond."

And that became a part of the heritage of communities and States.

Verbal or written, an agreement was something that was sacred to the extent that could never be broken.

The West regarded a man who broke an agreement as not fit company for man or beast.

Thirteen years ago the States in the Missouri River Basin entered into an agreement, blessed with the approval of Congress.

It was officially known as the Pick-Sloan plan for the Missouri Basin. Differences of the Corps of Engineers and the Bureau of Reclamation were adjusted. The two organizations were ordered to come forth with a unified plan, which was approved.

In that plan the South was to get flood control which had over the years cost Omaha, Kansas City and wide rural areas millions of dollars.

Navigation was also to benefit.

Flood control has been achieved 100 percent and navigation has been given the benefit of millions of acre-feet of water from Fort Peck and Garrison Reservoirs. There is every reason to believe navigation will benefit still further when reservoirs are completely filled.

For taking 566,000 acres of land from the tax rolls, much of which was rich river bottom, North Dakota was to have water for 1 million acres of farmland, plus municipal water for 41 communities.

South Dakota was in much the same category.

The power from all Missouri River dams would be utilized over a wide area. Garrison power is not for exclusive use in North Dakota. Far from it. As of today, there is a considerable flow of kilowatts across State lines.

In other words, the Garrison Dam would very easily be placed in the liability column by North Dakota except for irrigation and municipal water supply. Construction money went to out-of-State contractors and to a large extent the labor supply came from elsewhere.

Why recite facts well known in Minot, Sioux Falls, Omaha, and Kansas City?

Well, after having attained the objectives craved by Omaha and Kansas City, a movement has been started at Omaha, by the Omaha World-Herald to defeat North Dakota irrigation.

While Omaha is the headquarters of the Corps of Engineers for the Missouri Basin, it is unthinkable that this organization would become a party to violation of an agreement after one party has received its benefits in full and the other party has made great essential contributions and received no benefits.

The World-Herald contends the diversion will damage river navigation, divert water from power production, and cost a lot of money.

The World-Herald predicts "other Basin States are likely to raise objection to the project. Some are almost sure to question the practicability of such a costly diversion of water onto poor and mediocre soil in a latitude where the growing season is short."

Farmers of North Dakota, who raise hard, red spring wheat on the soil termed "poor and mediocre," to upgrade quality of winter wheat raised farther south in order that it can be made into a marketable product, will smile broadly at the slander that comes from ignorance.

It develops that Garrison diversion is a better project for flood control, navigation, and irrigation than were waters to be taken at Fort Peck.

The public has been advised time and again from the platform, through the press, and over radio that large-size benefits came with Garrison, including:

1. Cost $134 million less to build.
2. Cost $700,000 less each year to operate.
3. Save 500,000 acre-feet of water each year (17 percent) for additional power and navigation uses.
4. Use 100 million kilowatt-hours less electrical energy for pumping each year.
5. Generate 90 million kilowatt-hours per year more power when generating facilities are installed in power drops along the main diversion canal.

The News refuses to believe the Omaha paper speaks for any appreciable segment of downstream people. By and large we believe downstream folks are honorable and prize the fact their word is as good as their bond; that an agreement once made will never be broken—after one party has received everything and the other has sacrificed everything.

Members of Congress are well aware of the 1944 agreement which developed the Pick-Sloan pact.

It is well for friends of irrigation to realize that there is much to be done—in defending what has already been accomplished and securing congressional approval of the project report in the form of construction appropriations at the appropriate time.

It is no time to believe we can rest on laurels.

North Dakota has contributed more in educational and promotional work for the Missouri River development than any other single State.

And it is realized that the Missouri-Souris Projects Association has been the sparkplug in the promotional work. This organization is entitled to full support for the work that lies ahead.

FEDERAL ASSISTANCE TOWARD BILLBOARD CONTROL ALONG INTERSTATE HIGHWAY SYSTEM

Mr. NEUBERGER. Mr. President, on May 23, 1957, the Public Roads Subcommittee of the Committee on Public Works reported to the full committee an amended version of S. 963, the bill which I introduced to provide Federal assistance toward a measure of billboard control along the new 41,000-mile limited-access Interstate Highway System which the Congress authorized last year. In the coming months, highway departments all over the Nation will be going forward with acquisition of new rights-of-way, planning and engineering of the new roads, and actual construction of many projects. These new highways could and should provide millions of city-dwelling American travelers by car or by bus with a new view of America—mountains and prairies, farms and forests, the spectacular and the commonplace, but in any case, the land as it is today, before the roads are built. But if we fail to act in this 85th Congress, to offer some protection for the roadsides along this new interstate highway network, it will instead become a concrete spider web delivering a captive audience to the billboard industry.

Mr. President, I hope that the important debate in which the Senate is now engaged, and in which we shall be engaged for some time, will not prevent action during this session by the full Committee on Public Works, and by the Senate itself, on S. 963. We owe this protection to the traveling public on whom we have levied new taxes to pay for the Interstate Highway System. The Subcommittee on Public Roads, under the able and effective leadership of the junior Senator from Tennessee [Mr. GORE], held very extensive hearings and worked diligently to develop a formula for Federal assistance to roadside control by the States which would meet all objections except the complete, last-ditch opposition of the billboard industry itself.

Let me describe briefly how S. 963, as reported by the subcommittee, deals with the issues which have been raised by the drumbeaters of the opposition without any regard for the actual terms of the bill.

First. The phony States rights argument. This is the hoariest of all objections. It is invariably raised, by a sort of automatic reflex action, against any Federal proposal by those who want no regulation at all, Federal or State. Actually, under S. 963 the Federal Government could not act at all to control billboards. Only the individual States can act, which is exactly what the opponents say should be the case. All the Federal Government would do is to offer an additional three-quarter percent, above the 90 percent which it already contributes to the interstate highways, toward the cost of those highway projects with respect to which an individual State agrees to provide certain roadside protection, including billboard control.

Second. Advertising of off-highway facilities for travelers. The subcommittee has recognized that there is a legitimate interest, both on the part of highway travelers themselves and on the part of operators of motels, tourist resorts, garages, restaurants, and other facilities for travelers, in making information about these facilities available along the highway. In many instances, the new interstate highways will be relocated away from the roads along which these existing businesses have grown up. Their owners naturally want to be able to draw travelers from the new highways. From the point of view of the travelers, such information is in a different category from the familiar billboards advertising brand names of beer, automobiles, gasoline, tires, cigarettes, and other commercial products.

The subcommittee has made provision for permitting, on a proportion of the total highway mileage, informational signs concerning off-highway facilities of specific interest to highway travelers, subject to adequate standards of governing location, size, and other characteristics. Presumably such informational signs would be located within the last few miles before the exits from the limited-access highways.

Other objections are based on the destruction of valuable income and property interests of the billboard advertising industry itself and of farmers and other landowners. As to the latter, S. 963 does not affect their rights in any way. If a State wishes to exercise its power to prohibit the erection of signboards on land adjoining new highways, it can do so before the passage of S. 963 just as well as after its passage. If a State wishes to acquire advertising-control easements along with highway rights-of-way—which of course have little value before a road is built—it can do so now just as well as after passage of S. 963. S. 963 confers no authority on States that they do not have today.

BILLBOARD INDUSTRY WILL SURVIVE

As to the billboard industry itself, S. 963 does not restrict or limit it in any way as far as the hundreds and thou-

sands of miles of the present primary and secondary road systems are concerned. They are not within the terms of the bill. Professionals as they are in the arts of advertising and propaganda, the billboard lobbyists have pictured the destruction of their industry. What is actually at stake is whether or not they are to be handed, by the travelers and highway taxpayers themselves, a tremendous bonanza in the form of 41,000 miles of new roadside along what will be the greatest channels of traffic and travel in the Nation.

Mr. President, it would be unreasonable to expect the billboard industry to abandon the hope for such a bonanza voluntarily, without a fight. They have not done so. I shall place in the RECORD some recent press comments on their efforts. However, the Congress can recognize that in this fight, the billboard industry unquestionably opposes the desire of the vast majority of individual, unorganized Americans, who have no selfish interest in this legislation save the desire to see their own country from their own highways, uncluttered by the blatant aggressions of billboard salesmanship. Mr. President, even the Eisenhower administration, which constantly reiterates its devotion both to budgetary savings and to States' functions, favors the roadside protection provisions of S. 963. I ask unanimous consent that the section of the report of the Secretary of Commerce to the chairman of the Committee on Public Works which deals with these provisions of S. 963 be printed in the RECORD at this point.

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

JUNE 28, 1957.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This is in reply to your letter of June 20, 1957 requesting the views of this Department with respect to S. 963 (committee print, May 24, 1957), a bill

"To provide for the control of certain advertising on federally owned or controlled lands adjacent to the National System of Interstate and Defense Highways, and to encourage such control on other lands adjacent to such National System."

Title I of the bill entitled, "Control of Advertising," declares it to be in the public interest to encourage and assist the States in regulating the use and improvement of areas adjacent to the National System of Interstate and Defense Highways for safeguarding public travel, promoting interstate commerce, protecting the public investment, and preserving scenic beauty and points or shrines of historical significance, and directs the Secretary of Commerce to prepare and publish recommended standards for the regulation and control of signs within 660 feet of the paved surface of the main traveled roadway by limiting such signs to specified categories. The Secretary of Commerce would be authorized to enter into agreements with any State for the purpose of carrying out such policy with respect to any projects, or parts of projects when approved by him. The Federal share payable on account of any project, or parts of any project when approved by the Secretary exclusive of main bridges and tunnels, would be increased three-fourths of 1 percent of the total cost thereof if such an agreement between the Secretary and a State is entered into for a project prior to July 1, 1960, or prior to the end of the 2-year period following execution of the project agreement, whichever is later. Costs incurred in carrying out any such agreement would not be included in the Federal share payable on account of the project. The Secretary of Commerce would be required to provide for application of the standards established to federally owned or controlled lands on which the Interstate System is located.

This Department is in accord with the objectives of title I of the bill. As I stated in my testimony before your committee on March 18, 1957, we are convinced that Federal legislation for the control of advertising along the interstate system is necessary if the objective of the Federal Government to provide a system making for safe and relaxed driving and pleasing appearance is to be achieved. We are also convinced that the legislation which we submitted to the Congress on that date will accomplish this objective most effectively. In view of the fact, however, that such legislation has not been introduced in the Congress, this Department would not interpose any objection to the enactment of legislation containing provisions similar to those of title I of the bill.

In this connection, we call attention to the fact that title I provides for the application of controls on a project-by-project basis rather than on a statewide basis. This, of course, leaves the States free to choose the particular projects with respect to which they wish to apply the standards of the Secretary of Commerce and receive the additional three-fourths of 1 percent. They would be free, if they so chose, to restrict the application of the standards to a single project. We think that title I would be much more effective if it provided for the control of advertising on a statewide rather than project-by-project basis.

Mr. NEUBERGER. In conclusion, Mr. President, I also ask unanimous consent to have printed in the RECORD several short articles and editorials commenting on the opposition of the billboard lobby to S. 963, from the Christian Science Monitor of June 15, 1957, and the Washington Post and Times Herald of June 12 and June 23, 1957, followed by an excellent article from the Post of July 4, 1957, by Mr. Carroll Kilpatrick, called Sign Curb Bill Stalls in Congress. I hope and trust the Congress will disprove this ominous headline.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor of June 15, 1957]

CURB ON HIGHWAY BILLBOARDS SHRINKS

The quiet work of the lobbyists is defeating the efforts to ban billboards on the new highway system to be built with close to $40 billion of the taxpayers' money.

A bill to ban billboards has been approved by the Congress committee, but it is a watered-down version, providing that the Federal Government shall pay 90.75 percent of the total cost of a highway instead of 90 percent if a State agrees to keep billboards off a Federal highway project.

It's the old story of small groups of organized people against big groups of unorganized people. The outdoor advertising industry has its effective lobby, the oil companies want to fight their sales wars with big signs along the highways, the building trades and sign painters want to cash in on this new bonanza. And they have been working on individual Senators.

On the other side are the automobile associations, the garden clubs, sportsmen, and Audubon societies—and the vast majority of Americans. But they are ridiculed as esthetes for wanting to keep the new highways clear of unsightly signs. And Congress shows every sign of kowtowing to the organized lobbyists.

[From the Washington Post and Times Herald of June 12, 1957]

HIGHWAY EYEWASH

A pat argument used by Members of Congress opposed to billboard controls is that only esthetes—or, as one Senator so nobly puts it, "ass-thetes"—are concerned about turning the new 41,000 miles of Federal highway into a garish jungle of billboards and neon-lit hotdog eateries. Yet among the chief opponents of unregulated billboards are highway engineers—hardly known as an arty-arty group—who rightly point to certain safety hazards posed by confusing signs on a speedway. We further suspect that many a motorist whose closest approach to the fine arts is watching a wrestling match will take loud offense if he sees more soapflake placards than sunsets on his first vacation tour on the new highways.

Yet the sensible billboard bill proposed by Senators NEUBERGER and GORE is presently buried in the Senate Public Works Committee. This bill would provide an additional three-fourths of 1 percent in Federal highway funds to States agreeing to meet certain roadside standards. Participation is optional, hence it is hard to see how any objections based on States rights can be raised. The most vigorous opposition to this moderate measure comes from the groups who stand to profit by plastering the new highways with their advertising.

[From the Washington Post and Times Herald of June 23, 1957]

PASTEPOT PARADISE

It is becoming painfully obvious that the billboard lobby may win its battle by default. A moderate bill to limit roadside eyesores on the new 41,000-mile Federal highway system is currently bottled up in the Senate Public Works Committee and may never emerge for a vote. The bill provides that States agreeing to place some controls on billboards would get an additional three-quarters of 1 percent in Federal highway funds; participation would be optional. Clearly the voters have a right to know which Senators approve this sensible bill, and which Senators are indifferent to opening the highways to an endless ribbon of honkey-tonk and hucksterism. If the committee fails to report out a billboard bill, it will be interpreted—rightly or wrongly—as a shameful surrender to a lobby with a vested interest in glutting the roadway with toothpaste and hair-oil signs.

[From the Washington Post and Times Herald of July 4, 1957]

SIGN CURB BILL STALLS IN CONGRESS

(By Carroll Kilpatrick)

Advocates of Federal action to keep the 41,000-mile Interstate Highway System free of unsightly billboards say they must win their fight this year or face almost insurmountable difficulties—but they acknowledge that at the moment the billboard lobby has the upper hand.

Senator RICHARD L. NEUBERGER, Democrat, Oregon, author of the pending control bill, says it is a matter of an organized and effective minority against an unorganized and ineffective majority.

He is convinced that the overwhelming majority of the American people want the new Interstate System, which will cost more than $25 billion, kept free of unnecessary advertising signs. Public opinion polls support his contention.

But lined up against the Neuberger bill are some powerful business and labor groups, who know how to bring pressure on Congress.

"It's a difficult lobby to cope with," NEUBERGER says, "because it works both sides of the street—labor on some Senators and business on others."

Senator ALBERT GORE, Democrat, Tennessee, chairman of the Senate Public Works Subcommittee on Roads, says it is necessary to take action on the billboard bill promptly or it may be too late.

"The expense of billboard control would be very much larger later and the political difficulties more severe than they now are—and they are already rather severe," GORE says.

His subcommittee approved the Neuberger bill in May—after attaching, without discussion, an amendment by Senator FRANCIS CASE, Republican, South Dakota, to add 7,000 miles to the Interstate System.

Some persons have charged that the Case move was designed to kill the Neuberger bill. GORE denies this. NEUBERGER says he is not opposed to the Case proposal but thinks it has no business in his bill. In this year of economy, Congress is hardly likely to approve an addition to the already mammoth-sized highway bill.

Since the subcommittee reported the combined bills, the full committee has sat on them. Chairman DENNIS CHAVEZ, Democrat, New Mexico, denies that he is trying to bottle up the billboard measure. He says he may call a committee meeting sometime soon.

But unless he acts promptly the billboard measure will stand no chance in Congress this year. The House has been waiting on the Senate.

When Congress passed last year the bill providing for the Interstate System it was unable to agree on a billboard control measure, and left the problem entirely to the States. Two or three States have reasonably effective control, but the majority do not.

Antibillboard enthusiasts contend that the States will never take proper action unless prodded by the Federal Government, which is putting up 90 percent of the money for construction of the Interstate System.

Under last year's bill, the Federal Government is authorized to set all kinds of regulations and standards for bridges, curvature of the road, tunnels, access rights, width, etc., but the billboard supporters say it would be an invasion of States' rights for Uncle Sam to say there should be no billboards.

The Neuberger bill provides only that States which agree to limit highway advertising will receive a Federal contribution of 90¾ percent of the cost instead of 90 percent. The bill does not automatically ban billboard advertising; it says that States which agree to the standards set by the Secretary of Commerce will receive a larger Federal contribution on that part of the Interstate System covered by the agreement.

A State could agree to control advertising signs on part of a highway but not on another part. NEUBERGER admits that his measure as approved by the subcommittee is a weak one, but he says it was the best possible under the circumstances.

Highway advertising interests have drummed up much of the Congressional mail against the Neuberger measure. It has come in two batches, the first during the subcommittee hearings on the bill and the second in the last few days.

The anticontrol mail, according to NEUBERGER, has been from motor court operators, labor unions, farmers, outdoor-advertising firms, roadside businesses, and States rights advocates.

Supporters of the legislation include garden clubs, the National Federation of Women's Clubs, the Audubon Society, roadside councils, and the general public.

A. J. Mulholland, Jr., of Kalamazoo, Mich., wrote NEUBERGER 3 critical letters on May 31: 1 on his personal stationery, 1 on his stationery as city commissioner, and 1 on the stationery of the Mulholland Advertising Co.

Among the witnesses who testified against the bill were representatives of the American Motor Hotel Association, the Pennsylvania Hotels Association, the Advertising Federation of America, the National Outdoor Advertising Bureau, Inc., the Central Outdoor Advertising Co., Inc., the Brotherhood of Painters, Decorators, Paperhangers of America, AFL-CIO, the International Union of Sign Painters, Kansas City local, and the Roadside Business Association.

Former Senator Scott Lucas, Democrat, of Illinois, representing the Roadside Business Association, has led the attack on the bill in Washington. "The legislation by the States which will inevitably be necessary in order for the States to indicate that they wish to adopt the Federal standards, and the litigation which is inevitably the result of that type of legislation will consume years," he told the Public Roads Subcommittee.

"You will be faced with the double specter of a slowly moving (highway) program and the concomitant increases in costs which flow from those delays."

Neither GORE nor NEUBERGER has any idea how much money has been spent by the billboard lobby. It is perhaps more effective because it works primarily from back home rather than in Washington.

CHAVEZ put the Congressional dilemma in these words: "There's no question but that people want to clear up the highways, but it's hard to tell a farmer he can't put a billboard on his farm."

NEUBERGER thinks that if a few roads are billboard free the public will react with so much enthusiasm that it will be much easier to enforce antibillboard bans on additional mileage.

"Once the public sees how much difference it makes it will back effective control legislation," he says.

"In the short time we've been on this continent we've botched up more scenery than anyone else ever did. Switzerland built an enormous tourist industry because it knew people came to look at the scenery, and so it protected the scenery. It has complete control of road signs.

"It's now or never in this country for the Interstate System. Once the signboard operators come in and acquire rights to land we are sunk. We've got to act this year."

THE CONTEMPT TRIAL OF JOHN KASPER AT CLINTON, TENN.

Mr. STENNIS. Mr. President, in the morning hour and not as a speech on the pending question, the motion of the Senator from California [Mr. KNOWLAND], regarding the so-called civil-rights bill, I wish very briefly to refer to the proceedings in the Federal court before Federal District Judge Robert L. Taylor, wherein, among others, a man by the name of John Kasper is being tried for contempt.

This man Kasper is quoted in the press as having made a very bitter attack on the judge of that court. I am not trying to pass judgment on that case, except that I wish to point out such action is a direct contempt of court, if the alleged facts are true. It is certainly not the kind of contempt we are arguing about in the debate on the civil-rights bill. It is not the kind of contempt for which I shall urge there should be a jury trial. So far as I know, no opponent of this so-called civil-rights bill would limit the power of the court to punish summarily for direct contempt.

If the facts be accurate, I have no patience with, and certainly disapprove of, such conduct as this man is now engaging in by denouncing the court.

If I correctly understand the facts, this man is not interested in a solution of the school problem; he is not connected with the local school; and, personally, I know we do not need him or those of his stripe to help us out in our school matters and our school problems. I believe that is pretty much the sentiment of others concerned about our schools.

I point these facts out not to denounce this man, since I do not know the exact facts, but to make a clear distinction between this kind of case and the kind of activity in this field of litigation and in the school question, on the one hand, and, on the other hand, the position of our local people in the various communities, who really build the schools and who carry them on, and the trustees of those schools, who are confronted with the problem of maintenance of the public schools.

It is not this kind of contempt that Kasper seems to be guilty of to which I refer or to which any of us refer, I think, in our discussions of the highly important matter which confronts the Senate, and it is most important that this difference be emphasized.

Mr. ERVIN. Mr. President, as a part of the morning hour and not as a part of the debate on the pending question, the motion of the Senator from California [Mr. KNOWLAND], I should like to make an additional observation about the so-called Clinton, Tenn., case now pending before Judge Taylor and a jury in the district court at Knoxville, Tenn.

I am rather surprised to read or to hear every day that it will be necessary for the jury to convict all the people involved in that case if the Senate is to be satisfied that southern juries will convict guilty persons in civil-rights cases.

In an effort to put some limitations upon prosecutions for contempt for alleged violations of injunctions, there have been rules established by the Government to prescribe procedure in contempt cases of that nature in the Federal courts. The rules provide, among other things, that a person who is not a party to the proceeding in which the injunction was issued cannot be convicted of contempt unless he knew that the injunction was in force and unless he acted in concert with the party who was named in the injunction.

The point involved in this case, so far as the 15 persons other than Kasper are concerned, is, among other things, whether they were acting in concert with Kasper. If they were not acting in concert with Kasper, they cannot be convicted under the Federal rule.

All I know about the merits of the case is what I read in the newspapers; and, if what I read in the newspapers is correct, many of the acts alleged to have been committed by the 15 people occurred after Kasper had left that section of the country and, in my judgment, if that be true, they cannot be convicted,

rightly, of acting in concert with Kasper.

It is a peculiar thing that anybody should advance the notion that, notwithstanding the fact that everybody charged with criminal contempt is presumed to be innocent and cannot be convicted unless the Government establishes guilt beyond a reasonable doubt by testimony, the acquittal of any southerners in any case of contempt demonstrates that southern juries will not convict guilty persons in civil-rights cases.

Mr. DOUGLAS. Mr. President, I wish to commend the Senator from Mississippi [Mr. STENNIS] for the characteristically fine statement which he has made. In the arguments which he has advanced, the Senator from Mississippi has always conducted himself on the very highest level, with not the slightest appeal to passion or prejudice, and with the complete bearing of a gentleman.

While many of us disagree at times with the points of view which the Senator from Mississippi advances, and disagree with him on the bill now being discussed, I wish to affirm publicly what I have frequently said privately; namely, that there is no more just or generous or finer gentleman in public life than the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Illinois.

Mr. WILEY. Mr. President, I like this attitude of mind. Long ago the prophet said, "Come, let us reason together." Perhaps, following that process, we can settle not only the question now before the Senate, but perhaps some other questions.

Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin.

THE INFLATIONARY, DANGEROUS NATURAL GAS BILL

Mr. WILEY. Mr. President, I wish to take a few moments of the time of the Senate to discuss what I think is a very dangerous condition; namely the inflationary situation. There are many causes. The increase of $6 a ton by the steel companies will add impetus to the inflationary trend. But I wish to speak from another angle.

Mr. President, 30 million American consumers were dealt a severe blow yesterday. The House Committee on Interstate and Foreign Commerce, by a vote of 15 to 13, unfortunately approved the gas rate increase bill. This bill is designed to eliminate effective regulation over gas going into interstate pipelines.

The legislative battle now shifts to the House Rules Committee, and thereafter will go to the floor of the House of Representatives.

My purpose in speaking today is once more to sound the alert to the American people.

In connection with the gas bill, there may be diversionary tactics. We may be diverted by the civil rights bill, and by other matters, so that we lose sight of one of the great dangers to our economic health.

Once more I wish to caution the American people the gas rate bill is undoubtedly the most inflationary single piece of legislation coming up for active voting in this first session of the 85th Congress.

Unfortunately, the American people to date, because of their preoccupation with other problems, have failed to recognize this danger.

Of course, the lobbying and propaganda forces of the natural gas industry have been concentrating 365 days a year on passing this proposed legislation. But, by contrast, there is not a single force in the United States which has devoted concentrated and continued attention to opposing this inflationary bill. The organization of mayors of the various cities and few consumer organizations have been able to give to this problem only the spottiest attention. As a result, the evil gas bill may win by default, unless the consumers of this country rise up and demand that it be defeated.

Let me point out that the American dollar is already losing more and more of its purchasing power. On the first day of every month, when 30 million consumers receive their gas rate utility bills, the consumers are going to find, if this inflationary bill shall be enacted, that their dollar will have lost still more purchasing power. So the time to act is now. This gas rate increase bill should not win by default. It must be defeated. The bill must be defeated, because its impact upon the inflationary cycle would be most dangerous to our economic health.

FUNERAL SERVICES FOR SAMUEL P. GRIFFIN

Mr. JOHNSON of Texas. Mr. President, at 10 o'clock tomorrow morning there will be funeral services for the late Samuel P. Griffin, Assistant Doorkeeper of the Senate.

Mr. Griffin had been a Senate employee for more than 40 years. Many of the doorkeepers and employees of the Senate have asked me to make this announcement for the information of Senators.

DISARMAMENT AND COMMUNISM

Mr. CURTIS. Mr. President, I wish to speak on the subject of disarmament. It is true that recent press dispatches indicate that the current disarmament discussions may bog down. Nevertheless, the basic factors involved are of such importance to the long range welfare of our country that I feel duty bound to speak my convictions. I am disturbed over trends, and the actions taken by some of the representatives of our country who appear to be speaking for us in reference to disarmament. I am disturbed by the utterances of others who appear to support those actions.

The Communist threat of world domination is either true or it is nonexistent.

The long record of broken promises on the part of the Soviets is either true or it is false.

The accounts of Soviet outrages and butchery in Hungary are either true or they are false. Soviet threats in the Middle East are either genuine or they are not.

The accounts of slaughter of tens of thousands of Chinese by the Chinese Communists are either true or they are false.

Mr. President, we could go on at some length raising questions about the record of the Communists. I do not believe the answers to the questions that I have raised are debatable. The Communist conspiracy stands indicted before humanity as a cruel, aggressive, war making, murderous clique, seeking to dominate the world.

Mr. President, in support of the answers to questions I have raised I wish to have printed in the CONGRESSIONAL RECORD at this point an article dated July 3, 1957, by that great protector of our security J. Edgar Hoover, Director, Federal Bureau of Investigation, on the present day menace of communism. Also, I include some of the excerpts from the publication of the Committee To Investigate Un-American Activities of the House of Representatives dealing with the activities of the Communists in Hungary and China, and, lastly, excerpts from statements made by our distinguished minority leader, the Senator from California [Mr. KNOWLAND], in which the broken promises of Russia are tabulated up to the date of May 26, 1955.

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

"KO" RED MENACE—IT'S EVERYBODY'S JOB

(EDITOR'S NOTE.—Victor Riesel is enjoying the Independence Day holiday. His guest columnist today is FBI Chief Hoover)

(By John Edgar Hoover, Director, Federal Bureau of Investigation)

WASHINGTON, D. C., July 3.—Men risked their lives to secure the freedom which we enjoy in this Republic. They did so deliberately and with full understanding of exactly what they risked. A wise leader had warned them as they emphasized their revolt against tyranny by signing the Declaration: "We must all hang together, or assuredly we shall all hang separately."

With each stroke of the pen, every man present knowingly put his life in jeopardy. Those men took the chance which gained us our freedom, yet no one knew better than the Founding Fathers that the winning of freedom was only a first step. They knew that the problem of maintaining freedom is complex and demanding and they dedicated themselves to its maintenance.

No one recognized more clearly than those early Americans that only by personal accountability could freedom be retained uncorrupted. The concept of government which they projected was based upon individual responsibility. That concept proclaims today, as it did then, "Freedom depends on you. You are accountable."

Public apathy is the sure way to national suicide—to death of individual freedom. Public apathy enabled Hitler's fifth columns to prepare Europe for each Nazi coup. Public apathy allowed the Communists to penetrate and make satellites of once free countries, and it is at present enabling them to honeycomb and weaken the structure of freedom in the remaining countries.

There is today a terrifying apathy on the part of Americans toward the deadliest danger which this Nation has ever faced. Some of that apathy is deliberately induced by elements which desire you to believe that the Communist Party, U. S. A., no longer represents a threat to America. You hear that domestic communism is reduced in

numbers, that it is divided, split, shattered. You read the proclamation of well-meaning, uninformed individuals who, from their mountain of ignorance, maintain Americans are too worried over domestic communism. They charge that citizens who consider the misguided aberrations of a handful of persons to be a danger to our security are mistaken.

The facts indicate the contrary. The Communist Party in the United States is not out of business. It is not dead. It is not even dormant. It is, however, well on its way to achieving its current objectives—which is to make you believe that it is shattered, ineffective, and dying.

When it has fully achieved this objective, it will then proceed inflexibly toward its final goal. And let no one for a moment forget that the Communist Party, U. S. A., is part and parcel of an international conspiracy whose goal is conquest of the world.

The Communist conspiracy will not halt its forward march by itself. It must be halted. We have succeeded for a brief moment in throwing alien-inspired domestic Communists off balance. We must keep them off balance. We must expose them. We must not let them regain the desperately sought cloak of repectability behind which protection they wrought such infinite damage to American security.

Is the Communist Party, U. S. A., small in numbers? So, likewise, it was in Russia when freedom died in that unhappy land. The informed do not measure the strength of the Communist conspiracy in numbers, but by the areas where it finds its support and by its ability to influence, to pull strings, and to wield control.

The United States today is the major bulwark of freedom. We who are aware of the many insidious moves to destroy that bulwark cannot be apathetic. We know the character of the Communist Party. We know it to be an active, effective adjunct of the international Communist conspiracy, and that those who try to minimize its danger either are uninformed or have a deadly ax to grind.

But apathy toward the danger of communism is not the only threat to freedom today. We have been apathetic in other areas. We have not held ourselves accountable. We have allowed men to get by with small violations of the law, and those small violations have suddenly become large violations. The record reflects a high of 2,563,150 major crimes committed during the year 1956. This is 13.3 percent above 1955 and the first total above the 2,500,000 mark.

And what are we doing about it? No one knows better than readers of this column what can happen when public apathy allows the development of a climate where the criminal mob can flourish. The war with the mob must not be left to one man to fight, or even a few men.

A President of the United States summed up the individual's responsibility in a message to Congress:

"It is the duty of a citizen not only to observe the law but to let it be known that he is opposed to its violation."

SYNOPSIS

Two leaders of the Hungarian revolution who are now in the United States testified before the staff of the Committee on Un-American Activities on March 20, 1957.

The witnesses, Sandor Kiss and Janos Horvath, fled from Hungary to escape arrest after Red army reinforcements crushed the uprising last November. Mr. Kiss is secretary general, and Mr. Horvath a member, of the executive committee of the newly formed Hungarian Revolutionary Council, comprised mainly of Hungarian freedom fighters.

Mr. Kiss and Mr. Horvath, both officials of the last free Hungarian Government, declared that Hungary today is in the grip of a "reign of terror imposed by the Red army and reconstituted Hungarian security troops."

"The present situation in Hungary is one of terror, of people being taken to prison and torture chambers and being executed virtually without a hearing," Mr. Horvath declared.

In addition, he said, the number of unemployed has risen to around 350,000 and many of these are actually starving. Mr. Horvath estimated "conservatively" that between forty and fifty thousand Hungarians had been deported to the Soviet Union after the suppression of the revolution.

Mr. Kiss estimated that between fifteen and twenty thousand people were killed in the uprising, in contrast to the official report of only 1,800 deaths.

"Most of these," Mr. Kiss added, "were people who gave themselves up with the understanding that they might be pardoned and then were ruthlessly murdered by the Hungarian Government and the Soviets."

"In the town of Miskolc in the northwestern part of Hungary," he said, "56 people were summarily executed for participation in the revolution. In nearby Eger, 23 were executed." The toll in some other towns, he said, included 17 in Salgotarjan; 19 in Pesterzsebet; 20 in the Bakony Forest, one of the resistance centers; and 11 in the mining district of Komlo. Similar executions were carried out in almost every town and village throughout the country by the Red army, he declared.

Most of the casualties of the fighting, Mr. Horvath declared, were "peaceful bystanders." Between five and six hundred people, he said, were killed in a period of a half hour as they watched a battle before the Parliament building in Budapest. Among them were a number of children.

"Actually," Mr. Kiss stated, "it is an error to consider the uprising and subsequent Soviet intervention an internal affair. In reality it was a 'Soviet-Hungarian war.'" He continued:

"On the 23d of October in a matter of 3 hours Hungary won its freedom. Ninety-nine percent of the people agreed that communism and Soviet domination must be ended * * * The heroism of the youth worked a modern miracle. The Hungarian people took up the fight and in 5 days from October 24 to 29 they conquered the Soviet Army that was arrayed against them."

Mr. Kiss and Mr. Horvath stated that the Soviets were originally prepared to recognize the regime established by Imre Nagy and decided to invade Hungary only when the "vacillation and inactivity of the U. N." indicated that they could do so without risking reprisal from the rest of the world.

"If the U. N. had succeeded in sending an observer team into Hungary and had championed the cause of the Hungarians, this would have been of great benefit because it would have meant that the U. N. and the Western World recognized Hungary's right to self-government, freedom and independence," Mr. Kiss declared.

The Hungarians today feel that the free countries of the world betrayed them, Mr. Horvath declared. "This is the feeling of the Hungarian people. That I want to emphasize."

Mr. Kiss asserted that it would have been "an extremely valuable step" if the United States and western governments had severed diplomatic relations with the Soviet Union and satellite nations upon the invasion of Hungary by the Red army.

"It is ironic," Mr. Horvath continued, "that fear of the Soviet Union is much greater outside of Hungary than inside the country.

"The Hungarian people themselves are not afraid of the Soviet Union but as you reach the border this feeling becomes progressively more intense. In other words, the fear of the Soviets seems much greater here in the West than it does in the countries behind the Iron Curtain."

The witnesses reported that despite the repressive measures imposed upon the Hungarians by the Soviets and puppet Kadar regime, the people of Hungary have not lost their hope.

Mr. Kiss concluded: "The quest for freedom and liberty has become a religion in Hungary. The people say that it is better to die than to live under such conditions. They are ready to do so."

SYNOPSIS OF TESTIMONY FEBRUARY 1, 1957

Dr. Chiu-Yuan Hu is an adviser to the Chinese mission of the General Assembly of the United Nations. He is a professor of modern history at the National University in Formosa. His testimony is based on an extensive system of contacts which he has been able to maintain with sources of information inside of Red China. Highlights of Dr. Hu's testimony follow:

That the Chinese Communists have physically exterminated 20 million human beings since they took over the mainland of China in 1948; that some 25 million more Chinese are in prison, brainwashing schools, or in slave-labor camps; that Chinese youth from kindergarten to the university are being taught to hate America by what is known as the three-look movement—look to America with hatred; look to America with contempt; look to America with superiority.

Dr. Hu also ridiculed the claim, often advanced by advocates of recognition of Red China, that the Communists had established "effective control" over the mainland. He said that the Chinese Reds themselves in their radio broadcasts, as well as printed material, quote statistics on hundreds of thousands of counterrevolutionary bandits" having been exterminated. Dr. Hu testified that this could only mean that there are military operations, guerrilla warfare, and widespread resistance in extensive areas throughout China.

Dr. Hu also testified that the annual export of narcotics from Red China is steadily increasing and is estimated at 1,500 tons for 1956. This tremendous amount of narcotics is sold all over the world, and the money realized is immediately converted within the same country into subversive channels, thus effectively removing from police detection the sources of funds used by local Communists.

Dr. Hu also ridiculed as wishful thinking the notion that the Chinese Red leadership might, at some time in the future, follow the example of Tito. He stated that all the leading Chinese Communists had been trained in Moscow and that the Chinese Communist Party is the only Communist Party which has never had a schism, split, or any serious deviation from the line as laid down by the Kremlin.

Dr. Hu estimated that there were some 50,000 Soviet advisers, technicians, and experts in Communist China today helping the Reds develop their industrialization and militarization programs. He also said that the Soviets had an iron grip on strategic resources, including oil and uranium in the provinces of Sinkiang, Mongolia, and Manchuria, and that Manchuria is being developed by Russia and Red China into a gigantic military buildup area for future use against South Korea and Japan.

Dr. Hu also testified that several billion dollars of American property invested in churches, hospitals, schools, and missions had all been seized by the Chinese Reds and converted to Communist use.

Dr. Hu concluded his testimony by warning Americans against the danger and fallacy of "coexistence with the Moscow gangsters." He also stated that admission of Red China to the United Nations, or United States recognition of Red China would mean the death knell of anti-Communist resist-

ance on the part of 500 million Chinese who historically and traditionally have been friendly to this country. Dr. Hu laid the blame for the loss of China to the Communists on "pseudo experts on the Far East" in this country.

RUSSIA'S RECORD: 52 AGREEMENTS, 50 BROKEN

"For the past quarter of a century the Soviet Union has violated 50 out of 52 international agreements," into which it has entered, warned Senator WILLIAM F. KNOWLAND, Republican, of California, in addresses made May 20 and May 16 in New York and Cleveland, Ohio.

"It would be the height of folly to let down our guard and allow the neutralization of our allies," he told the United States Conference of Mayors meeting in New York. He said that in view of the Russian record of violating international commitments, "one would have to be naive indeed to believe that the leopard has changed its spots."

In addressing the Cleveland Engineering Society, Senator KNOWLAND referred to a long list of treaties and agreements involving the United States and nearly every country in Europe and Asia, and dating back to the early 1930's.

MANY TREATIES BROKEN BY RUSSIA SINCE WORLD WAR II

"Among the treaties and agreements concluded with and broken by the Soviet Union since World War II are: Yalta Agreement; Potsdam Agreement, armistice agreement relating to the function of the Allied Control Commission in Hungary, Bulgaria, and Rumania; peace treaties with Hungary, Bulgaria, and Rumania; Cairo declaration, reaffirmed at Potsdam and subscribed to by the Soviet Union; the Soviet-Iranian Treaty of Friendship of 1921; Declaration of Teheran; Potsdam declaration defining terms for Japanese surrender; and the Sino-Soviet treaty and agreements of August 14, 1945."

The only two agreements kept by Russia involved its promise to enter the fighting against Japan in World War II—2 days after the United States dropped the first atom bomb on Japan, and the agreement to permit western allies aerial corridors to Berlin.

The magazine, U. S. News & World Report of May 20, 1955, observed that "If history is a guide, the chances are 25 to 1 that any agreement reached will be violated by the Soviet Union. Those odds favoring a violation go up to almost a sure thing if it appears to Russia that there is more to be gained than to be lost by violating the agreement." The magazine stated that an analysis of past treaties and agreement with Russia shows:

"Since 1933, on major issues, United States and Russia have come together in 3,400 meetings.

"In these meetings, negotiators have spoken 106.5 million words.

"All this talk has led to 52 major agreements.

"Of these: Russians have broken 50 agreements."

U. S. News & World Report showed that on issue by issue, talks with Russia had the following results:

"Control of atomic weapons: 8 years of talks, about 200 meetings. No results.

"Unifying Germany: 11 years of talks, about 1,200 meetings. No results.

"Lend-lease settlement: 7 years of talks, 85 meetings. No results.

"Disarmament: 7 years of talks, more than 100 meetings. No results.

"World peace: 8 years of talks, about 1,400 meetings. No results.

"Austrian Treaty: 9 years of talks, nearly 400 meetings. Agreement."

Senator KNOWLAND called attention to a House Foreign Affairs Committee report of August 25, 1950, entitled "Background Information on the Soviet Union in International Relations."

The House report lists seven agreements dealing with Austria made between 1945 and 1950 by the Soviet Union and the western allies. All of these agreements have been violated.

The same report, for example, also lists 14 agreements and treaties made between Russia and the western allies since 1944. Each agreement has been violated.

Mr. CURTIS. Just why then is the United States sitting down to discuss disarmament with such a group? Are we basing our actions on the belief that this time Communist Russia will keep her promises and abide by whatever treaty she may enter into? If it is our belief that Russia will live up to her agreements what then is a reasonable explanation of her past record?

What price do we pay for our mistakes if we rely on the Russian Communists to live up to their agreement and they fail to do so? Such an error could mean not only the defeat of the United States but disaster to civilization of peoples remaining free today.

Are we proceeding with the question of disarmament knowing that the Russian Communists are not truthful and that they do not live up to their commitments, but, nevertheless, believing that we can develop a rascal-proof system of inspection? I am not prepared to say that such a system of inspection can or cannot be perfected. I merely point out that if we should attempt it and fail, the results would be disastrous.

The question that arises, suppose the system of an inspection is effective and workable and that the Russian Communists do stop testing and building atomic and nuclear weapons and the United States, in turn, likewise stops the testing and building of atomic and nuclear weapons, what then?

It means then that communism and the free world are pitted against each other on the basis of hordes of manpower and conventional weapons. To be explicit, it means that the Russian Communists then have the advantage.

It is the predominance of the United States in these superior and advanced weapons that restrains the Russian Communists today. It is this superiority in weapons which gives to America, and to the fine men who must fight for her, a chance to win. Mr. President, if the course charted by those who would lead us into a disarmament commitment with Soviet Russia were to succeed, we would end up surrendering our advantage and being at a disadvantage in a contest with the most unholy, ungodly, cruel, and inhuman conspiracy that ever existed upon the earth.

Mr. President, I have much faith in the patriotism and inherent wisdom of the American people. In times of great danger they can sense what is right. I believe that they exercised such wisdom in reference to an issue put up to them in 1956.

An able and distinguished candidate for the Presidency of the United States advocated the ending of the testing of atomic and nuclear weapons. The rank and file of the American people are not scientifically trained. Yet they knew that this was striking a blow at the security of our country. The people knew that it would be foolish to manufacture rifles and never test them to see whether or not they would shoot, or that it would be foolish to manufacture airplanes and never test the engines. In other words, a ban on the testing of these superior weapons means the discarding of their manufacture and eliminating their readiness for the protection of our country. The American people knew that such a proposal would lead to the United States abandoning and surrendering its advantage in this contest for human liberty. The proposal advanced by this candidate was rejected by millions and millions of Americans. It was rejected by mothers and fathers whose sons would have to fight for this country if war comes. They did not want America's modern weapons to be discarded and our advantage given to those forces in the world which do not value human life and whose superior weapons constitute limitless hordes of manpower and conventional weapons.

By what right and upon what basis is the decision so recently made by the American people on this vital issue abandoned at this time?

By my foregoing remarks I do not mean to indicate that I believe the ultimate solution to the problems of mankind rests with brute force, weapons of destruction, and armaments. I reject that thesis. I believe the ultimate solution of the problems of mankind, both collectively and individually, will be reached only by a spiritual regeneration of the hearts and minds of all people and their leaders. In other words, our hope lies in the spreading of Christianity to all the earth. This is the ultimate goal that we must strive for if we would save ourselves from the burdens of armaments. Reliance upon an agreement with an evil conspirator with her record of barbarism and broken promises does not cause us to move any closer to the noble objective for which we strive. But, it can destroy the strength that we need to survive until that day comes.

Mr. President, I have grave doubts that the proposals for disarmament, including the cessation of testing weapons, has the support of America's leaders in the atomic field, the leaders among our military, or those who know communism best. I sincerely hope that this foolish course will be abandoned before we reach a point where we must go forward to fatal error.

FLOOD DISASTERS IN MINNESOTA

Mr. HUMPHREY. Mr. President, since the flood disasters in Minnesota began in the middle of June, the Governor of Minnesota and I have been doing everything possible to bring about coordinated, incisive action on the part of the Department of Agriculture to deal with the situation.

On Monday of this week, following a detailed tour of the flooded areas, I wrote to Secretary of Agriculture Benson requesting that his State USDA Disaster Committee meet for the first time to consider how best to deal with the very serious problems caused by the floods and heavy rains.

I was pleased to be informed last night that the State committee did meet yes-

terday, and that perhaps we are going to have some action at last.

At the same time, I have requested the Secretary of Agriculture to act on six specific programs for the relief of farm families badly hurt by the disaster. They are the following:

First. Immediate action in the northwestern flood area permitting farmers to ease emergency feed situation by grazing on soil-bank acres or taking hay from these acres, without penalizing the farmers who placed the acres in the soil bank by withdrawing their soil-bank payments. This would cost the Federal Government no money, and ought to be expedited this week while the hay crop is ripe for harvest.

Second. Urgent action to extend the emergency designation by the Secretary of Agriculture to all counties requested by the Governor of Minnesota, permitting FHA 3-percent emergency loans under Public Law 38. At week's end, only 4 counties had been designated, of the original 13 requested by Governor Freeman.

Third. Immediate action under title III, section 301, of Public Law 480, to make available Government-owned feed from Commodity Credit Corporation stocks. Also, immediate action under section 2 (D) of Public Law 38 to subsidize farmers in their hay needs for foundation herds of cattle to the extent of $7.50 per ton.

Fourth. A special ACP program to give payments to flooded-out farmers to restore the productivity of their land through conservation practices such as deep tillage, summer fallow, and green cover. Following the Missouri River floods, affected farmers received from $5 to $6 per acre under a similar program.

Fifth. Action to increase the intensity of the soil-conservation service programs in the counties which have suffered severe soil erosion and soil damage from the recent floods, particularly in the basin of the Redwood River.

Sixth. A liberal interpretation of the Public Law 38 regulations to permit the extension of 3-percent loans over a longer period than 12 to 18 months. The real credit needs of farmers in the area would be met by a 3-year repayment program. At the minimum, the regular 5-percent program should be liberalized to permit farmers already heavily in debt to survive this disastrous year, and to work their way back to a solvent position over the next 5 years.

Mr. President, this morning a telegram was delivered to me from the Governor of Minnesota indicating the request which he has made to the Secretary of Agriculture for immediate action along these lines. I ask unanimous consent to have printed at this point in the RECORD a telegram from the Honorable Orville L. Freeman, Governor of Minnesota.

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

ST. PAUL, MINN.,
July 9, 1957.

HON. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.:

Following night letter sent to Benson tonight. The following counties have been designated as disaster areas pursuant to the provisions of Public Law 38, 81st Congress, as amended: Lyon, Yellow Medicine, Brown, Redwood; additional counties have been recommended for certification as disaster areas: Blue Earth, Nicollet, Lesueur, Sibley, Carver, Renville, Chippewa, Kandiyohi, Pipestone, Swift, Clearwater, Polk, Pennington, Red Lake, Kittson, Roseau, Marshall, Lincoln, Lac Qui Parle. I request that the following additional counties in Minnesota: Scott, Wright, Anoka, Beltrami, Stearns, Dakota be also certified as disaster areas. The following kinds of assistance within your authority are imperative for the agricultural producers involved:

1. Provisions for economic disaster loans:

(a) Direct loans, which, I'm informed, under section 2b of Public Law 115, 83d Congress, be made by the Department for an extended period of time at not more than 3 percent interest.

(b) Special emergency loans under Public Law 38. I would call to your attention reports from the Minnesota commissioner of banks which indicate that Minnesota banks have curtailed the availability of local credit services because of FHA insistence on the obtaining of prime security. This serves to limit rather than increase the amount of credit available to farmers.

2. Acreage conservation payments should be made for inundated and eroded acreage in the affected areas in Minnesota. These payments should cover removal of debris, gravel, repairing of private drainage facilities, green cover, and summer fallowing.

3. Review of Federal legislation leads us to the opinion that direct grants can be made. I am informed that such grants were made in the State of Missouri in 1951 and I request that such grants be made now to farmers in Minnesota.

4. Under the provision of the Soil Bank Act, I hereby request that Minnesota farmers be permitted to graze soil bank acreage and furthermore, that soil bank payments not be reduced because of such action. If you so desire, the State of Minnesota will be happy to work out a coordinated program whereby public authorities supervise and collect the hay and forage on soil bank acres and distribute them where needed.

I've been concerned about the apparent lack of coordination among Federal agricultural agencies in Minnesota during this emergency situation. Many complaints have been made to my office relative to confusing statements as to what benefits are available and what help the farmers can expect. For this reason, I have asked the State director of the farm home administration, his assistant and his chief counsel, together with the State chairman of the agricultural conservation and stabilization administration to meet with me in my office at 9 on Friday morning, July 12. I understand that Mr. Kermit Hansen, Federal Director of the FHA, is in Minnesota and I would appreciate your asking him to attend this meeting. I would appreciate by return wire your response to these questions so that they can be discussed at this meeting.

ORVILLE L. FREEMAN,
Governor of Minnesota.

Mr. HUMPHREY. Mr. President, this morning I formally requested the Secretary of Agriculture to take immediate action to relieve an emergency feed situation in the northwestern counties of the State of Minnesota. I am hopeful that the Secretary will act on this request, for it will cost the taxpayers nothing and will speedily ease the feed situation in those counties. I ask unanimous consent to have printed at this point in the RECORD my letter to Secretary Benson, dated July 10, 1957.

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

JULY 10, 1957.

The Honorable EZRA TAFT BENSON,
Secretary of Agriculture, Department of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: In a telephone conversation yesterday with the coordinator of your emergency feed program, Mr. James Browning, the emergency feed situation existing in the basin of the Clearwater and Lost Rivers and Ruffy Brook in northwestern Minnesota was brought to his attention. This area of five counties—Red Lake, Pennington, Polk, Clearwater, and Marshall—is suffering a severe feed shortage which can be at least partially met if there is action taken during the next 5 or 6 days to use the existing feed available on soil-bank acres fortunate enough to have been on higher and better-drained ground than most of the countryside.

Specifically, farm leaders in the area have requested, in a resolution unanimously passed by some 300 farm leaders of the area on Friday evening, July 5, 1957, that permission be granted to permit the taking of hay or the pasturing of livestock on soil-bank reserve acres—without the loss of $6 per acre to the farmer owning the acreage.

My suggestion is that some official agency, perhaps the local ASC committees, be permitted under Public Law 875 to oversee the harvesting of the hay on these soil-bank acres in the cited area, and its distribution to farmers who are suffering a critical shortage of feed and funds. If the hay standing on these acres is to be useful for animal consumption, it will have to be cut within the next several days, according to the estimates of farm leaders in the area.

I make this suggestion today, hoping that a decision might be made to proceed with the harvesting of those hay stocks this week, even before the State USDA Disaster Committee meets with farm leaders in the area on July 17.

Sincerely yours,

HUBERT H. HUMPHREY.

VISIT BY SENATOR HUMPHREY TO THE NEAR EAST AND AFRICA

Mr. HUMPHREY. Mr. President, since I returned from a visit to the Middle East in my capacity as chairman of the Senate Subcommittee on the Near East and Africa, I have prepared for publication several articles containing some of my impressions. One of these articles has just appeared in the new magazine Western World. The article is entitled "A Chance To Save the Middle East."

I ask unanimous consent that the text of this article be printed at this point in my remarks.

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

A CHANCE TO SAVE THE MIDDLE EAST

(By Senator HUBERT H. HUMPHREY) [1]

The outcome of the crisis in Jordan gives the United States an opportunity to embark

[1] Mr. HUMPHREY is a member of the powerful Senate Foreign Relations Committee, chairman of the Special Committee on Disarmament, chairman of the Foreign Relations Subcommittee on Far Eastern and African Affairs. He served as a delegate to the U. N. at the last meeting of the General Assembly. He has just returned from a fact-finding tour of the Middle East as an official representative of the Foreign Relations Committee.

upon a policy which, if wisely developed in cooperation with other North Atlantic Treaty Organization countries, has a chance of saving the Middle East—without further war, without further loss of essential oil supplies, and without any impairment of the State of Israel.

This policy will include the practical application of the vaguely worded Eisenhower doctrine offering United States military protection for anti-Communist purposes and economic aid to those Middle Eastern governments which ask for them. This doctrine—it should never be forgotten—is merely another local extension of the Truman doctrine of giving aid to countries menaced by Communist violence or subversion. The Jordan crisis enabled the United States administration to demonstrate that the United States still has both the will and strength to act to protect her vital interests. Sending the Sixth Fleet was no empty threat. I am convinced that this lesson has not been lost upon the Russians.

But military moves do not add to policy. In the Middle East, the United States is seeking to promote nothing but peace and the people's material development. In this task we do not have the handicap of historic domination over Arab peoples with which Britain and France, however justly or unjustly, are burdened.

Of course, one of the tragedies of recent months was the fact that the United States, in my judgment, shares responsibility for the unhappy Suez debacle. A properly functioning NATO might previously have evolved a common policy or at least have eliminated that element of surprise which was a chief cause of the sudden shattering of mutual confidence among NATO countries. That must never happen again.

In the development of a new Middle Eastern policy, the United States should nevertheless rely as much as possible upon other NATO countries, particularly upon Greece, Italy, and West Germany which have not lost credit with the Arab peoples. There should always be consultation and if possible coordination.

We should also utilize the resources of the United Nations wherever possible, and in giving economic aid, rely as much as possible upon private agencies.

CONDITIONS FOR STABILITY

Before the Suez seizure, CARE, that great, benevolent organization, was feeding every day no less than 3 million Egyptians. Now that number has dropped to a bare 100,000. Yet the U. N. continues to feed, at a daily cost per person of 27 American cents, almost a million Arab refugees. Of this sum the United States alone pays 75 to 80 percent.

An increased amount of outside aid, including food and medicaments, of private business investment and a regional development plan, plus a wise and prudent application of the Eisenhower doctrine—these together offer some promise of a stabilized Middle East.

I am not overlooking or minimizing the difficulties. I recognize that President Nasser of Egypt dislikes the West and distrusts America. He is apparently oblivious of the Soviet danger. He still nourishes his ambition of making Egypt the nucleus of a united Arab Empire extending from the Atlantic to the Indian Ocean. Peace demands that these dreams and ambitions either be renounced by Nasser or be thwarted. It appears that present policy is promoting the isolation of Nasser and the shrinkage of his influence. Both have already occurred in all Arab countries with the exception of Syria and Yemen. Hence the bitterness with which Nasser expressed to me personally his opposition to the Eisenhower doctrine and the Bagdad Pact, both of which he considers a limitation on his full freedom of action.

But his strong words did not alarm me overly. For Nasser is more vulnerable than his apparent victory in the Suez Canal affair led many to assume. His weakest spot is Egypt's undeveloped economy and incredible poverty.

EGYPTIANS RESTLESS

The Egyptians, even the Egyptian masses, are no longer quite so passive as they were. For they have heard Nasser's promises of a better life. They expect him to produce it. Unless he starts to deliver in the near future, he could expect internal troubles.

Moreover, I came away from a 3-hour interview with Nasser convinced that he would like to modernize Egypt, provided in the process he can both keep his personal position and further his dream of Pan-Arabism. But Nasser cannot expect a poverty-stricken Egypt to usurp Arab leadership from such comparatively rich countries as Iraq, Lebanon and Saudi Arabia after his defeat by Israel. To stage a comeback he desperately needs money—and progress at home.

Where can he get money? Possibly, of course, from Russia. But so far the Russians have given him little and I suspect they now consider him as a rather poor horse in any international race. Yet unless they speedily come to his assistance, Nasser must seek funds where he can get them. Already he is allowing British business interests to return quietly to some of their old positions. Responsible and reasonable operation of the Suez Canal is the price of any new aid from the West, as well as needed and satisfactory canal revenues. Therefore, I have the impression that Nasser will act reasonably provided he can do so without making public acknowledgment of his concession. Defeat by Israel—make no mistake—has cost him some of his previous high prestige with the other Arab governments. It has also facilitated the American policy of keeping him isolated so long as he, with his Syrian and Yemenite allies, persists in pursuing his anti-Western, pro-Soviet policy. And never forget that his (discovered) practice of using his military attachés in other Arab capitals as agents to overturn the local government has cost him official disfavor in Libya, Lebanon, and Jordan.

It therefore seems to me that Nasser can no longer successfully block a wise and generous policy of which American military protection and economic aid are the spearheads. These policies are encouraging Arab leaders to take a stand and resist not only communism but also Nasserism.

But what about Israel? Clearly, no Western or United States policy can hope to succeed anywhere in the area if the Arab-Israeli feud is permitted to explode into a third armed conflict. How in all fairness can such a new conflict be prevented?

Perhaps it cannot. But I have returned to Washington from my recent quick trip to four Middle Eastern countries more optimistic than when I left it. For I think I begin to see certain elements of what might be called not a real peace of course, but a truce of convenience. This, if it comes about, will be based upon certain new factors.

RESPECT FOR ISRAEL

The first new factor is the increased respect for Israel as the direct result of that country's blitz victory over Egyptian armies equipped with the best Russia could provide. If it dared to defy the other Arabs, Lebanon would long since have made peace with the Israelis, Iraq and Saudi Arabia will—perhaps must—maintain theoretical hostility to Israel, but even they seem for the first time ready to admit the political existence of that country. Syria and Egypt remain outwardly obdurate but both are weak—as is now apparent. Furthermore Nasser now gives indications of being less obstinate on certain issues relating to Israel's Egyptian relations, such as the Gulf of Aquaba and use of the Suez Canal.

And Israel is a strong, going state. This year it expects to welcome another hundred thousand Jewish immigrants, most of them not Oriental Jews of medieval outlook, but highly educated and efficient citizens from places like Poland. Premier Ben Gurion said to me:

"I suppose you think our greatest problem is Arab hostility. It is not. Our greatest problem is providing a living for all the new immigrants. But we shall do it."

To an American liberal, Israel is a marvelous country. A place without rich or poor, a free democracy. I spoke with a young Jew recently arrived from Yugoslavia:

"Here for the first time in my life," he said, "I feel like a whole person. Back in Yugoslavia, I disliked the monarchists because they were anti-Semitic. And I hated the subsequent Communist dictatorship. But here * * * wonderful."

Curiously enough, Israel has been kept in its present state of high efficiency precisely by those Arab pressures which were intended to destroy it as a nation. If, as Guy Wint wrote in the June number of Western World, Israel should become a "new sparta," (which I feel she will not) the Arabs alone will be responsible. Some of them are beginning to realize this. Here may lie the beginning of a truce of convenience that with time can become peace or even cooperation.

CONDITIONS FOR TRUCE

What are the conditions? In my opinion, something like these:

First, the United States, Britain, and France should renew the declaration of 1950 guaranteeing existing frontiers except so far as they may be modified by peaceful negotiation.

Second, they should support the UN Truce Supervision Commission in its efforts to prevent further embittering frontier incidents. I would also recommend the creation of a UN Good Offices Commission to seek any areas of cooperation.

The other NATO countries, along with other nations, should, with the United States, then create a Middle East Development Administration, perhaps tied in with the European common market and a new Mediterranean trade area. This development organization should not aid single countries but groups of countries, including both Arabs and Israelis. I have the impression that, despite past Arab objections, a beginning can soon be made on river control. Water is the life of the Middle East. If a beginning is made with Jordan water, other steps will follow.

The next concern should be the Arab refugees. Here Israel should take the initiative and announce that it will welcome back a certain number of the Arabs now rotting in camps along the borders, and compensate others, provided at the same time the Arab governments agree to resettle the remainder in Arab countries with American and UN help. Once Israel makes a reasonable offer, then it will be up to the Arabs. If they still insist on maintaining the camps as festering sores precisely because they are sores, then I as a United States Senator shall urge my Government privately and discreetly to let the Arab governments know that the United States will cease contributing to the refugees' upkeep and let the Arab governments look after them after a certain date. I certainly trust I shall never have to do this, but it might be necessary.

EGYPT RESIGNED TO ISRAEL TRAFFIC

But what of today's other "insoluble" differences? I refer particularly to the disputes over Israel's use of the Suez Canal and the Gulf of Aqaba. My impression is that the Arabs are resigned to seeing Israeli ships use the gulf and Israeli cargoes (if not ships) pass through the canal provided they are not

expected to make public acknowledgment of any change in their basic opposition. If the Israelis should send a test ship through the canal under their own flag, I dare hope that neither side will use violence and that the issue can be brought to the World Court for a decision. I did gain the impression from my visit with Nasser, that the Suez issue could and would be met peaceably.

If all this seems optimistic, please note that by the time I left Israel two or three tankers carrying Iranian oil had docked at Elath on the Gulf of Aqaba. The Iranians have said they would sell no oil to Israel (and perhaps they did not) and the Saudis had boasted that they would stop shipments. But there were the tankers. Others will follow—provided, as I said, that no Arab leader is asked publicly to swallow his previous boasts or to back down or explain.

All these little facts make me hopeful of a coming relaxation of Middle Eastern tensions. For I am convinced that a combination of firmness backed by military strength, generous economic aid and understandable face saving may accomplish what will look like a miracle.

To be sure, it may not. To most westerners, there is something baffling in the Arabs' passionate preference for nourishing a grudge rather than accepting a settlement from which they can only benefit. Why have the Syrians been perversely ready to forego the benefits of larger crops through irrigation rather than share the waters of Jordan with Israelis? Why are Arabs generally still indignant against westerners whose imperialism was only the reversal of former Arab and Asian conquests of parts of Europe? Why do they persist in the kind of anti-Israel policy which may end by driving the exasperated Israelis into exactly the type of territorial conquest which the Arabs claim most to fear—and lack the power to prevent?

Foreigners in Egypt offer an explanation in the form of an anecdote.

A scorpion, wishing to cross the Nile River and unable to swim, asked a passing frog for a ride.

"Certainly not," said the frog. "If I take you on my back you will sting me to death."

"No," said the scorpion, "for if I did you would drown and I should drown with you."

"True," agreed the frog. "Get on my back and here we go across."

But in the middle of the Nile the scorpion suddenly stung the frog.

"Why did you do that?" cried the unhappy frog. "Now I shall sink and you will go down with me. You are not logical."

"True," gulped the sinking scorpion, "but this is the Middle East."

That indeed is the way it has been. But things are changing. If we can avoid war and continue our restraining influence and tangible benefits, there is some hope of a more logical development.

Mr. HUMPHREY. Mr. President, I also prepared a series of four short articles concerning Israel. I ask unanimous consent that these, too, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ISRAEL: MIRACULOUS LAND OF COURAGE AND CONVICTION

(Following is the first of a series of four articles by Senator HUBERT H. HUMPHREY, Democrat, Minnesota, describing his impressions and observations during a tour of Israel as part of a foreign relations study mission into the Middle East.)

(By HUBERT H. HUMPHREY, United States Senator)

In one of the oldest areas of the world in terms of history, it is quite an experience to find perhaps the most youthful spirit of the 20th century. That is the paradox of Israel today. Israel is a country rich in tradition. Every mile of its land is like a chapter of ancient history. Yet, it is today a nation filled with dreams of tomorrow, motivated, strengthened and sustained by a centuries-old culture and faith.

Israel is a political and economic oasis in the Middle Eastern desert of feudalism, economic imbalance, and grave social inequities. Indeed, there is a most remarkable spirit of national unity in the State of Israel. There is a sense of pride in national accomplishments and confidence in the national ability to meet whatever the future may hold.

Among my many vivid impressions of Israel, etched deepest in my memory perhaps is the evident spirit of youth. Every place you see children, and in every walk of life young people are taking a decisive and important role. Coupled with the enthusiasm of youth, one notices the strength and steadiness of those who have found early maturity by the shouldering of responsibility.

In Israel the attention is upon people and water, rather than upon privilege and oil.

The Israelis have proven themselves skilled conservationists and excellent farmers. They have turned rock into soil, barren hills into forests. Water is regarded as a precious resource. There is an overall comprehensive nationwide plan to obtain maximum utilization of water resources. Pipeline construction, small dams, and well-drilling operations are pressed forward, particularly in the southern part of the country. Irrigation makes possible as many as three crops a year in some agricultural areas. The land is fertile and productive, when the life-giving water is made available.

I was tremendously impressed with what I saw—the terracing, the tree planting, the orchards, and the fields of grain. Upper and lower Galilee are very productive areas, and particularly beautiful. The hills of Judea are again being made fertile and productive.

One gets the feeling in Israel that everything is possible.

When the long-established Hebrew university was cut off from Israel by the armistice agreement of 1949, thereby leaving the Hebrew university in Old Jerusalem on the Jordanian side of the border, the Israelis determined to build a new university. Yes, a new Hebrew university is now under construction in the suburbs of New Jerusalem. It has a beautiful location, and will be one of the great centers of learning and culture in the Middle East. To those Americans who are the friends of Hebrew university, may I say that to see it is to be proud and pleased with the good work.

And then there is the new Hadassah Hospital, under construction on a towering hill overlooking the valley into the city of New Jerusalem. It is like a sentinel guarding the health and well-being of the people. Hadassah Hospital will be one of the greatest medical centers in all of Europe and Asia. It is well under construction. Knowing how much work and energy the ladies of Hadassah in the United States have given to raising funds for construction of the hospital, it made me feel warm and happy to see this magnificent health facility becoming a reality. It will be staffed with well-trained doctors, nurses, and technicians, giving medical care not only to those who need hospitalization but out-patient service as well.

I visited the new port of Elath. I saw the construction of the 8-inch pipeline from Elath to Beersheba—the building of docks and improvements in the harbor—yes, and the oil tank field at the head of the pipeline. I saw a freighter in the port from Africa. The day before there had been another oil tanker from Iran.

Elath has grown from a community of around 200 to 2,000 in the last 2 years—and is expanding rapidly. Everywhere there is building—homes, new roads, water, and modern sanitary facilities.

Israel plans to build two more pipelines—a 16-inch and a 32-inch line. Her problem is capital. The French have indicated an interest. Surely in light of the uncertainty of the Suez Canal, alternative facilities for the shipment of oil to Mediterranean ports for western Europe should be assured.

I saw the copper refinery which is being constructed near the site of the copper mines of King Solomon. This processing plant when completed will produce copper that will find a ready market in Europe, greatly strengthening Israel's economy.

It has taken vision and courage to make the necessary investment, and it takes imagination and great faith, plus physical stamina, just to build this copper processing plant. One can hardly comprehend the magnitude of the problems involved—the transportation of the necessary building materials, the recruitment of skilled labor, the incredible engineering problems in the construction of this modern refining facility.

But the Israelis are doing it—just as they have accomplished everything else they have undertaken.

Israel will need more capital if she is to continue her program of progress and development. But above all, she needs faith from people outside of Israel.

The people of Israel are convinced they have a great future. They already have a memorable history. What Israel needs now is the dedication and faith of her friends.

ISRAEL AND UNITED STATES HAVE MUCH IN COMMON

(The second in a series of four articles)

The spirit and story of 20th century Israel is reminiscent in many ways of the old American West.

One finds the same easy informality, the same feeling of self-reliance, and the same kind of courage and daring by which a pioneer people lives. Yes, even the topography reminds an American of our own west.

I covered Israel from the Lebanon border on the north to the Gulf of Aqaba in the south, and from the Mediterranean to the Jordanian border in the east. Even the remote area around the port of Elath is much like our own southwestern desert.

An American can feel very much at home in Israel—that is, an American who loves adventure, and who realizes that our own great country was once a little nation wedged between the sea and wilderness.

America and Israel have much in common. Both countries had to fight for independence. Both had powerful forces for many years alined against them. The people of both countries had to conquer a wilderness. Each people learned to sacrifice, and to share. In both nations, there is a spirit of equality which lends dignity to labor and strengthens the drive toward achievement and progress.

Is it any wonder, therefore, that Americans are sympathetic to the State of Israel? We Americans like people who dedicate their energies to building, creating, and developing the physical and human resources. We like people who can face adversity without fear. To be frank about it, we like people who are willing to stand up and fight for their rights. And, indeed, we have a high regard and respect for people who have learned and practiced the art of self-government—who believe in democratic institutions and principles. This is why there is a strong friendship between the United States and Israel.

Much of the dedication and drive and spirit of confidence so evident everywhere in Israel is exemplified in Prime Minister Ben-Gurion. In my earlier article, I commented on the spirit of youth so evident in Israel. That youthful spirit is not the exclusive possession of the young, as I quick-

ly found when I met and talked with the Prime Minister.

It was my privilege to have a 2-hour-long visit with this great leader. He is a student of history—a scholar in his own right. He speaks nine different languages—he is a student of law—he is a talented orator—and skilled in the democratic processes of parliamentary government. Yet with it all he has humility befitting a great leader. Ben-Gurion typifies his country: He is rugged, courageous, imaginative. Ben-Gurion seems to combine some of the qualities and characteristics of Andrew Jackson and Franklin D. Roosevelt, with a noticeable dash of Harry Truman. Seasoned by maturity and experience, he too is young in heart.

In that engaging 2-hour visit with Ben-Gurion, not once did he turn his attention and mind to the past. He spoke only of the present and the future. He spent little time on Israel's foreign troubles. His mind seemed concentrated upon Israel's internal development. He spoke of the great responsibility which would be Israel's this coming year in providing homes and jobs for better than a hundred thousand new immigrants. In fact, I gathered from my visit with Ben-Gurion that the task of absorbing a new stream of immigrants, rather than relations with Arab neighbors, may turn out to be the most crucial problem facing Israel.

Ben-Gurion spoke imaginatively and vigorously about Israel's growing economy, and particularly about plans for development of the Negev. There is no doubt in his mind that that great southern desert can be made productive through irrigation. In fact, it must be, if Israel is to absorb the increased population and its stream of immigrants. Ben-Gurion effectively dramatized the need for a great increase in agricultural and industrial production. Israel, he said, needs two things badly—tillable land and capital.

Israel is applying modern methods, both in political and economic problems that it faces. She is in tune with the times. It has always amazed me that Israel has been able to preserve representative government in these pressing and trying times. Others of lesser faith and moral stamina might have yielded to the temptations of political dictatorship.

A people and a government that have demonstrated their capacity not only to preserve but to develop representative government, to make new opportunities for people from many lands—such people and government are worthy of our confidence, friendship, and assistance.

Israel Welcomes Immigrants From 70 Nations

(The third in a series of four articles)

The population problem in this miraculous little country of Israel is not only one of numbers. It is also one of variety.

Most of the increase in Israeli population has come from immigraton, and the immigrants come from 70 countries. Slightly less than one-half of the people of Israel are from oriental backgrounds, slightly more than one-half from Europe. Their sheer numbers have made the task of resettlement an impressive social and economic challenge. This challenge has been met with astonishing success attributable partly to the spirit of the people themselves—their determination to get it done—and partly to imaginative yet prudent economic planning and development.

The immigration rate decreased substantially during 1953, but began increasing again 2½ years ago, first from North Africa and more recently from Eastern Europe. It is now estimated Israel will have over 100,000 new immigrants in 1957.

The problem of providing housing, subsistence, and jobs for these people is one that might stump people of less faith, or leaders of less determination. Fortunately, the current immigrants have a high proportion of skilled workers and technicians. But there are a great many of them, and capital to provide new jobs is limited.

The social, political, and cultural problems of immigration are even more complicated than the economic. The immigrants have ranged all the way from highly educated professional people from Western Europe to impoverished illiterates from the Orient. Hebrew is the official language, but not all the immigrants speak it. The variety of languages in this country is enormous. It will be a long time before this problem is wholly resolved. Yet, in the light of its complexity, great progress has been made.

But what about the Israel economic system? It can be described as a mixture of private enterprise, institutional ownership supported by contributions and assistance from outside sources, and indeed, substantial holdings of the Israeli labor movement known as the Histadrut.

Israel has the highest per capita income of any country in the area. And while Israel is regarded as a high labor-cost country there is tremendous effort being made by both labor and management to increase productivity. Vocational training schools are being established, and education is emphasized in every aspect of the Government's program.

Israel's policy is to establish a healthy balance between industry and agriculture. The Government encourages industrial development, and welcomes foreign investment. There has been a remarkable expansion of industry and a spectacular increase and growth in agriculture.

The National Jewish Fund has done a great job in buying up the land, reclaiming it, and then, in cooperation with the Government, settling people on the improved land. Liberal agricultural credit is extended to the new settlers. The United States and the United Nations technical assistance programs, along with the Israeli Government itself, the Jewish Agency, and the National Jewish Fund are sponsoring programs to increase agricultural productivity. The results are spectacularly impressive.

From surrounding hilltops in northern Israel I had explained to me what was being done through the Hulah project—the draining of swampland, the reclaiming of fertile farmland, and the harnessing of available water for irrigation purposes. It is the vision to tackle such undertakings that is remaking this land, and molding it to the needs of the Israeli people.

Israel Dependable Ally for Forces of Freedom in World

(The fourth and final in a series of articles)

Israel is a friend of the United States. There can be no doubt about this. She is a natural ally.

Without any formal treaty of alliance, we have in the people and Government of Israel a loyal and brave ally. This unwritten alliance is based upon mutual understanding and respect.

Our interests are closely alined.

Israel is not only anti-Communist, but she is profreedom. She is anti-Communist because many of her people already know what it has meant to live under dictatorship in other lands. She is anti-Communist because of her religious faith and cultural tradition. She is profreedom because the people of Israel are individualistic; the prophets of old taught them the meaning of human dignity. The history of Israel is one of fighting against oppression, seeking liberation and emancipation. Besides that, the people of Israel know and have proven that freedom affords the best opportunity for a productive society and general happiness.

The Israelis are prepared to defend that freedom. They have developed the strength in both economic and military terms to defend themselves. I am convinced that Israel now has the respect of her neighbors. But the people and leadership of Israel do not want to spend their resources and time on military matters; they seek to release themselves from the burden of patrolling the borders and paying the heavy costs of military equipment.

While Israel's army is the best in the Middle East, it should not be forgotten that their regular and standing army is, indeed, a very small one. The secret of Israel's military strength is her reserves, and the quick and efficient mobilization of those trained reserves. The young men and women of Israel are all trained to defend their country. And defend it they have and will, because they believe in it. It is their country. It belongs to the people. It is their hope for today, and their promise for tomorrow.

I saw and felt this spirit during the Independence Day parade in Tel-Aviv. Units of the Israeli armed forces passed us in review. There was no doubt as to the high morale, the strength, the health, and the vigor of these men and women. Added was the display of the Russian-made equipment that the Israelis captured from the Egyptians in the recent Sinai campaign. There was thunderous applause from better than 500,000 people who lined the parade route in Tel-Aviv. The Israelis are proud of their army, navy, and air force—and their record of valor and heroism.

But the people of Israel are not militarists; they seek to live in peace with their neighbors. They seek to find the answers to Arab-Israeli difficulties. Those difficulties include the adjustment of boundaries and borders, the Arab refugees, the boycott by the Arab nations of the Israeli commerce, and the denial to Israel by Egypt of use of the Suez Canal. There are other problems, but these are the main ones.

I talked to Prime Minister Ben-Gurion quite frankly about all these problems, and I found him understanding and longing for their solution.

He was not intransigent or obstinate on the refugee question. He is perfectly willing that Israel shall take back into its borders some of the refugees—and, indeed, already has—but he made it quite clear that it would be impossible to take them all back. To do so would threaten the very security of the state. He further indicated the desire of Israel to compensate those who had lost their lands. But he made it quite clear that most of the Arab refugees left Israel not because they were driven out, but because their leaders asked them to leave with the promise that the Israelis would be driven into the sea—and then the Arabs could come back and not only have their old lands, but more that would be taken away from the Israelis.

Of course, those Arab plans did not work out. The Israelis won the war, and the refugees were out of the country. This is not to say that there were no attacks upon Arabs, because there were by some of the extremist groups. However, the government of Israel had asked the Arabs to remain. Those that did stay live in peace within Israel today.

The question now, of course, is not just who was right or wrong. The point is that a solution must be found. There are elements that could lead to a solution; if the United States and the United Nations keep pressing for an answer—and that we ought to do.

The settlement of the Arab refugee problem must be given priority on the world's agenda.

The fact is that the Arab States have for 10 years used the Palestinian refugees as political hostages, in their struggle with

Israel. As a matter of concerted policy, these people have been kept penned up in the camps in conditions of wretched hopelessness in order to embarrass Israel before the eyes of the world. While Arab delegates in the United Nations have condemned the plight of their brothers in the refugee camps, nothing has been done to assist them lest political leverage over Israel be lost.

Human lives cannot be left to remain as mere political pawns; world opinion must force dispersal and resettlement of these refugees one way or another.

But above all else, my tour has reaffirmed my own deep conviction that the only realistic basis for any effective American policy toward the Middle East must rest first of all on the firm assumption that Israel is an integral part of the region—and there to stay.

Mr. HUMPHREY. Finally, Mr. President, as I have stressed on other occasions, I was deeply impressed on my Middle Eastern tour with the role which food and fiber can play in the development of our foreign policy. I have prepared an article entitled "Food for Freedom," which summarizes my views on this matter. I ask unanimous consent that this article also be printed at this point in my remarks.

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

FOOD FOR FREEDOM

(By Senator HUBERT H. HUMPHREY)

Food and fiber is a great potential force for freedom in the world today, an influential instrument with which we are blessed in abundance if we are only wise enough to use it for building toward friendship and peace.

That conclusion is inescapable after my tour of Italy, Egypt, Lebanon, Israel, Greece, and Spain.

Food is the common denominator of international life.

Lack of adequate food is the underlying factor in many of the economic and political problems bringing trouble to this area of the world.

The answer is in our hands. It rests in our own abundance, and our potential to produce in even more abundance if we have the vision and imagination to use it constructively for human good.

From my own personal observations, I am convinced that Government policy has been far too shortsighted about how powerful a factor sharing of our abundance of food and fiber can be in our foreign relations. A disservice has been done the American people by creating the impression our abundance was just an unwanted headache, a problem instead of a blessing.

We need to do an about face. We need to look upon our great agricultural production and productive capacity as a source of strength in the world scene. Instead of telling farm families to quit producing—or forcing them to do so by deliberately depressing farm prices and income to seek scarcity as a cold economic answer to a human problem—we as a nation should say "Thank God" for the farmers who have kept us from the deprivation and hunger facing vast areas of the world. We should see that our farm people are properly rewarded for making available to our Nation not only the means of visibly expressing our humanitarian concern for fellow mankind everywhere—but also giving us a tremendous bargaining power in the growing economic warfare against Communist Russia.

American food and fiber is vital to the very existence of millions of undernourished people—and the brightest ray of hope for building stronger economies and greater political stability in most of the countries I visited.

I wish every Minnesota farmer who has been told he must drastically cut down his production could have walked with me through the Palestinian refugee camps in Lebanon, the orphanages in Greece, or among the masses of unemployed huddled in shanty towns in Spain. I wish they could have seen the young hands outstretched for food, and heard the appeals for milk from haggard and worried mothers.

I wish they could have seen the warmth of spontaneous welcome, when interpreters explained I was from the United States, and from the State of Minnesota which was sending them some of its surplus dry milk.

I wish our farmers could have been with me in Italy to hear our own Embassy officials flatly declare that our country's most effective weapon against communism in that area had been the distribution of American food directly to the people by our church and other voluntary agencies.

I wish, too, they could have been along to hear Spanish officials explain how they had been trying in vain to buy 500,000 tons of wheat from America and now faced bread rationing as a result of our inaction. I wish all of you could have heard that story repeated in Israel, Greece, and other lands.

But most of all I wish someone could have been along to give me a better answer than I could provide to this question I encountered at every turn:

How can a great Nation like the United States justify spending a billion dollars paying farmers not to produce, and yet quibble about paying them to produce for our friends and allies who so urgently need that food?

No one who has walked in the midst of mass want and deprivation as I did, could ever face the American farmers and talk about surplus.

Believe me, there is no surplus—unless it is a surplus of people who need the life-giving benefits of the blessings of food we have in our possession to bestow.

It isn't a question of just a gigantic giveaway.

Most of the food and fiber can be marketed for foreign currencies, if we expand and extend Public Law 480. Countries want to buy—but they lack American dollars.

We have uses for foreign currencies to finance economic development loans to other countries, to pay our own obligations abroad, for military procurement, and for many other purposes. We can do more for peace by using such funds obtained with American food to finance vocational education, for example, than we can by just shipping guns or handing over American dollars.

We can use our foods to form the foundation of an entire new foreign and economic trade policy for American business and industry—and achieve many of our foreign policy objectives at less cost.

We have had lots of lipservice to trade, not aid, but little concrete action. One of the objectives of our foreign policy has been to encourage American business and industry to invest abroad, to use its know-how to help build economies of other free countries—and to keep the Soviet orbit from making neutral countries dependent on them for industrial products.

Our business firms tell us they have problems borrowing foreign currencies for capital investments and operating expenses abroad. Why doesn't it make good sense to earmark a part of the funds received from sale of American farm products for loans to American business enterprises with branches or affiliates abroad?

Such a policy serves dual purposes: It broadens America's economic and trade influence in the world, and it throws the support of American business and industry behind a farm program based on abundance instead of scarcity.

I talked with American businessmen abroad, and with more since my return. They would welcome such a plan, and would vigorously support expansion of farm marketing for foreign currencies.

In effect, we would be turning our farm abundance, beyond our domestic needs and normal dollar exports, into a big revolving loan fund to finance most of our foreign-aid operations as well as American business expansion abroad. We would be loaning the money, and drawing interest on it, instead of giving outright dollar grants. The dollars we as a nation invested to create such a program would be going to American producers of farm products, but the benefits would be shared by everyone, at home and abroad.

On the humanitarian side, beyond food sales, we can and should do more to support the work of our great church and philanthropic agencies, such as CARE in their private people-to-people relief activities abroad through sharing part of our food abundance. It is a good investment in friendship, for it is people to people, instead of government to government. It can carry the message of America's real humanitarian spirit into areas where we might shun too much dealing with a government in power. But governments come and go, while the people remain.

Whether we give or sell our food abundance, let's not cheapen it by labeling it surplus, calling it a problem, and advertising to the world that we really do not care about hungry people; we just want to get rid of something we do not want.

Even Russia is smarter than that. After we had refused to sell Egypt any of our wheat, despite all our talk about surplus, they turned to Russia. At first, Moscow said they doubted they could do it; they needed all the wheat they had. Then they came back to the Egyptians saying, in effect, "Here, we haven't much, but we will share it with you." They sent a shipload or so of wheat, and ballyhooed it into a major propaganda victory.

We have allies overseas who we are depending upon, under NATO, to hold the line of freedom in event of another all-out war. Yet these are in food-deficit countries, where armies would collapse without continuing supplies of food from abroad. Our military commanders told us that weapons, not food, would have to take shipping priority in event of war, and both would risk submarine attacks.

It seems sensible to start thinking and planning about emergency food depots in which adequate reserves can be stored abroad, for ourselves and for our allies.

Everywhere you turn—among diplomats, among military leaders, among businessmen, among social and welfare workers—the answer comes back the same: food. Food can be a vital key to success or failure in our foreign relations.

Are we recognizing that fact at home?

CALL OF THE ROLL

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDENT pro tempore. If there be no further morning business——

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Carlson	Curtis
Allott	Carroll	Dirksen
Anderson	Case, N. J.	Douglas
Barrett	Chavez	Dworshak
Bricker	Church	Eastland
Bush	Clark	Ellender
Capehart	Cotton	Ervin

Flanders	Lausche	Schoeppel
Goldwater	Magnuson	Smathers
Green	Mansfield	Smith, Maine
Hayden	Martin, Iowa	Smith, N. J.
Hill	McClellan	Sparkman
Holland	McNamara	Stennis
Hruska	Morse	Symington
Ives	Morton	Talmadge
Jenner	Mundt	Thurmond
Johnson, Tex.	Murray	Thye
Johnston, S. C.	Neuberger	Watkins
Kefauver	Pastore	Wiley
Kerr	Potter	Williams
Kuchel	Revercomb	Yarborough
Langer	Robertson	Young

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Oklahoma [Mr. MONRONEY], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Georgia [Mr. RUSSELL], and the Senator from North Carolina [Mr. SCOTT] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Maryland [Mr. BUTLER], the Senator from New York [Mr. JAVITS], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from California [Mr. KNOWLAND] are absent on official business.

The Senator from Connecticut [Mr. PURTELL] is necessarily absent.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business attending the funeral of Mrs. Grace Coolidge as the personal representative of the President of the United States.

The Senator from Maryland [Mr. BEALL], the Senator from South Dakota [Mr. CASE], and the Senator from Kentucky [Mr. COOPER] are detained on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nevada [Mr. MALONE], and the Senator from Pennsylvania [Mr. MARTIN] are detained on official business attending hearings conducted by the Committee on Finance.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Sixty-six Senators having answered to their names, a quorum is present.

Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, before the Senator from Alabama is recognized, I want all Senators to know that the morning hour is about to be concluded, in case they wish to make insertions in the RECORD.

CONSTRUCTION OF CERTAIN WORKS OF IMPROVEMENT IN THE NIAGARA RIVER FOR POWER AND OTHER PURPOSES

The PRESIDING OFFICER. Is there further morning business? If not, the Chair lays before the Senate the unfinished business, which the clerk will state by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2406) to authorize the construction of certain works of improvement in the Niagara River for power and other purposes.

CIVIL RIGHTS

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California that the Senate proceed to the consideration of H. R. 6127, a bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Let the Senate be in order, so that the Senator from Alabama may be heard. Let everyone take his seat and refrain from audible conversation.

The Chair recognizes the Senator from Alabama.

Mr. SPARKMAN. Mr. President, while the question at present before the Senate is the motion to take up the bill, the debate revolves around proposed legislation which is extreme in form, harsh in purpose, and destructive in its ominous implications.

There is no device in American politics which so quickly divides friends and embitters debate. No other subject finds Senators so willing to damage one right to improve another, so willing to tamper with traditional rights in their emotional attacks on supposed wrongs.

I categorically oppose all provisions of the bill at issue. Yet if I were to choose any single feature of the bill which will do more damage than any other to the structure of government in this country, I would name at once the strange new provisions for injunction proceedings, with provision for criminal penalty under contempt proceedings without the benefit of a jury trial.

Of all the dangers in this bill, perhaps this is the least clearly understood. It has implications which go far beyond the purpose stated, and far beyond any intention of some of its supporters.

Some of those who have lent their aid to this bill apparently fail to understand how this legislation would cancel out a long history of bitter struggle to curb summary trial as a means of law enforcement in this country.

I shall list my objections to this injunction provision. As we all know, it would permit Federal agents to come into Federal courts, and obtain injunctions against county registrars, against school boards, or against any official standing in the way of the current administration policy.

It would permit a complete short-circuiting of longstanding and well-understood law.

This bill represents bad law: Bad, because it is rank subterfuge. Bad, because it uses doctrines developed for other purposes and perverts them to this cause in order to evade the American defendant's right to trial by jury.

The bill is bad because it will not do what its proponents claim it is intended to do. It is bad because it will have many dangerous effects that its authors have not foreseen.

The bill would not make for increased Negro voting. More Negroes will be at the polls as their general level of education rises under our present State-administered school systems. To try to force general registration will only disrupt the registration and voting process.

The bill would not solve any existing problems. Today we face no problem that has not been with us, in essence, since colonial days. No matter what extreme measures of law we pass here, these problems will not be solved in the immediate future. Their solution would be delayed, not facilitated, by this bill.

Instead, the more pressure is exerted to work radical political changes in the South, the more damage will be done to the political fabric of the South, or of any other section, and indeed of the whole Nation.

The law is a closely woven structure, and if we consciously vote to damage certain rights, we may later find that unconsciously we have voted away other rights of a quite different sort.

In debating this great issue, we would do well to remember the history of the jury as a legal concept and as an instrument of justice. Its growth parallels the rise of the law from a morass of medieval superstition and physical torture.

On the other hand, we must remember the history of the injunction, backed by the power of the court to make findings of fact and to convict without the benefit of a jury. This device, I shall demonstrate, made its appearance in modern form as a legal weapon of despotic English kings, frustrated in their attempts to secure unjust convictions of their political enemies in the regular courts.

The injunction was hammered out by the infamous Court of Star Chamber, and, about 1720, it began to creep into the usage of the common law courts.

It was part of the monumental struggle between the 18th century English kings and Parliament. The kings dreamed of the sway and prerogative enjoyed by their Stuart predecessors; Parliament fought to retain the rights won from the throne in the Glorious Revolution of 1688.

The jury, according to modern historians, stems from the medieval idea of trial by compurgators.

A defendant could be subjected to trial by mortal combat. Or he could be forced to undergo trial by ordeal.

Or he could take a third choice. He could recruit as many of his friends and neighbors as possible to come into court to swear to his virtue and character. The court's decision depended on who had the most character witnesses, the defendant or the plaintiff.

Because of this curious custom, in the early days there was confusion between what we now call the jury and what we now call the witnesses. In many cases, in medieval trials, these were the same people.

But gradually, as England began to develop the foundations of its mighty traditions of justice, the concept of an

independent accusing body, not a part of the court, began to take hold.

The accusing jury became the forerunner of the grand jury of our law. It was instituted by King Henry II in 1166.

Henry II required that in every county "12 men of every hundred, and 4 men of every township had to swear to make true answer to the question whether any man is reputed to have been guilty of murder, robbery, larceny, or of harboring criminals since the king's coronation. Those who were thus accused must go through the ordeal—that is, trial by the ordeal of fire or water—and even if successful there, that is to say, though the judgment of God is in their favor, they must abjure the realm."

This accusing jury preceded by nearly two centuries the petit jury, according to the historian, Walter Clark. Clark frowns upon the old tradition that jury trial comes from Magna Carta. Through an extensive reading of early records, he concludes that the grand jury is, as we have said, almost a century older than the rights given in Magna Carta, and the petit jury a century or so more recent.

Sir James Stevens, in his History of the Criminal Law, says this:

> The steps by which the jury ceased to be witnesses and became judges of the evidence given by others, cannot now be traced without an amount of labor out of proportion to the value of the result. * * * Trial by jury as we know it now was well established, at least so far as civil cases were concerned, in all its essential features, in the middle of the 15th century.

The institution had acquired its essential features, then, before the end of the Middle Ages.

Another legal historian, Macclachlan, uses these words:

> Introduced originally as a matter of favor and indulgence, the jury thus gained growth with advancing civilization, gradually supperseded the more ancient and barbarous customs of trial by battle, ordeal and wager of law, until it became both in civil and criminal cases, the ordinary mode of determining facts for judicial purposes.

Although it is difficult to give precise dates to the evolutionary stages of any concept so involved as this, it is nonetheless clear that the jury system in the modern sense was well established by the 17th century. The first colonists to America brought this institution with them, and made it the cornerstone of their legal systems.

In the following century, when German kings appeared on the English throne, bringing German ideas with them, a new phase in the ancient struggle between Crown and Parliament ensued.

The kings began to use, through their courts, a weapon developed with great effect by the star chamber of the Stuarts. Star chamber, hated and feared by the people of England, had been abolished in 1641, but the memory of its ruthlessness remained.

It is only after 1720 that we find examples of summary trial in which the judge himself convicted on grounds that his own order had been disobeyed or that his own dignity had been violated.

If this change in usage had a sharp effect in Britain, it was doubly sharp in the American colonies, which had been developing their own parallel institutions for generations.

Suddenly to be served with notice that the King's judges would and could avoid juries in cases of political necessity had an electric effect upon the colonies. The motive was all too clear. In cases touching political issues, let alone the ordinary run of court cases, the uncertainties of the juries' disposition was manifest. It represented an undependable element in the efficient and centralized system of rule that George I, George II, and George III envisioned.

There is no need to recite the history of the American Revolution in this chamber, but I shall note that the unrestrained use of injunctions and summary trials became one of the most powerful issues that impelled the colonists toward revolt.

We can summarize the matter in this way:

The jury was one of the fundamental institutions in the eight centuries during which our concept of justice evolved. The jury became a symbol of the emergence of law from medieval brutality and superstition.

On the other hand, the injunction began its modern career as the instrument of an ambitious and despotic throne, and in English history it has a fatal association with Star Chamber procedures. It was revived when later English kings began looking for the means to tighten their rules.

The injunction and summary trial, as much as any other course, led to the American Revolution. It is not by accident that the word "jury" appears through all the fundamental documents of our Nation.

The Declaration of Independence sets out reasons for the American revolt. Among these reasons, it charged:

The King "has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation."

The specific acts of false legislation are listed, and among them we see these:

> Depriving us, in many cases, of the benefits of trial by jury;
>
> Abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;
>
> Taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments * * *.

This ringing accusation was the summation of a whole catalog of wrongs; one of the chief wrongs there represented was the use of the king's courts to solve the king's political problems through indiscriminate orders and summary trials.

When the Revolution was won at last, the men who drafted the Constitution remembered the jury issue.

Let me remind Senators of article III, section 2, of the Constitution, which reads in part:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The Bill of Rights has something to say on this matter. The Bill of Rights seems to be largely neglected in this debate, so I shall take the liberty of reading selected passages:

> Article V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.
>
> Article 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."
>
> Article VII: "In suits at common law, where the value in controversy shall exceed $20 dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law."

Here stands our basic definition of justice. These words have largely been lost in the efforts of some to construct a legal mechanism to enforce the administration's policy.

These words were born in a revolution. Let us never forget why they were put into the Constitution.

As American law has developed, the concept of jury trial has collided more than once with the arbitrary use of injunction proceedings. This is a history of great complexity that I shall go into later.

It suffices for now that I have outlined the sources of the jury and the sources of the injunction. As we talk about these things, let us remember what their ancestry has been, and what each has represented throughout the history of our legal tradition. One has stood for justice under the law; the other for tyrannical evasion of the common law. One has representative government by law; the other, government by men. Ours from the very beginning has been a government by law. Certainly we should avoid most carefully every effort tending to make it a government by men.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I am glad to yield.

Mr. DOUGLAS. I am trying to understand the argument of my good friend, the Senator from Alabama. I should like to ask whether he is taking the position that there should be a jury trial in civil contempt cases, as well as in criminal contempt cases.

Mr. SPARKMAN. I intend to develop that point later on; but let me say that I fully recognize the established fact that there are certain contempt cases which are properly handled by the judge. I shall develop that point further in my argument.

Mr. DOUGLAS. Everyone has agreed that contempt cases in the presence of

the court or derogatory comments about the judge should not be subject to jury trial.

Mr. SPARKMAN. That is correct.

Mr. DOUGLAS. My question is somewhat broader than that. Suppose injunctions issued by a court are disobeyed by a citizen, the enjoined person can always purge himself by conforming to the injunction which has been granted. Is the Senator from Alabama saying that there should be prior jury trials in those cases?

Mr. SPARKMAN. The Senator asked a question to which it is difficult to respond with a general answer, but let me say what my opinion is. I certainly except them from any general answer I will try to give. The narrower range of cases that deal with interfering with the conduct of the court proceedings themselves, such as an offense committed in the presence of the court, or near enough to interfere with the carrying on of the court, or the disobedience on the part of an officer of the court or of a party or of a witness before the court in a case then pending, since those particular cases have to do with the conduct of the court's business. But, generally speaking, this is the rule that is laid down: Where facts are to be determined, a jury ought to determine them. The business of the court is to decide and interpret the law, and not try the facts, unless the defendant is willing to have the judge do that. Running all through our Constitution and all through our legal texture is the rule that facts ought to be determined by juries and not by judges, unless a defendant is willing to have a judge determine the facts.

Mr. DOUGLAS. Mr. President, will the Senator yield for another question?

Mr. SPARKMAN. Yes.

Mr. DOUGLAS. As the Senator from Alabama is aware, there are some 28 already existing Federal statutes whose enforcement powers are identical with those outlined in the pending measure. Would the Senator say that in all of those existing statutes there should be a provision for jury trial on all matters of fact?

Mr. SPARKMAN. I will say to the Senator from Illinois that those different statutes have been added to our laws from time to time. I shall discuss them a little later in my remarks; but simply because a bad departure has already been made is no justification for going further in that direction.

Mr. DOUGLAS. No.

Mr. SPARKMAN. As a matter of fact, I think we have gone entirely too far. I believe we would have been better off if we had adhered to the good old rule our forefathers accepted—that is, to confine to a very narrow field cases in which contempt proceedings should lie, along the lines I suggested a few moments ago.

Mr. DOUGLAS. If the Senator from Alabama is saying there should be jury trials in virtually all cases of contempt which might arise under this bill, if it is enacted into law, must he not logically also say there should be similar jury trials under all other statutes where the remedy is identical? Why jury trials in this case, when in 28 other cases there is no such provision?

Mr. SPARKMAN. Had I been present when any of those statutes were proposed and the question had been presented as to whether or not a man should be denied the right of trial by jury, I certainly would have voted to preserve the right of trial by jury, regardless of what offense was involved.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. SPARKMAN. Yes.

M. DOUGLAS. If an amendment is offered to provide for jury trials in such cases, should it not, by logic, be broad enough to provide jury trials in all contempt cases?

Mr. SPARKMAN. We are not legislating on the whole Code of the United States at the present time. I should like to see each statute examined on its own merits. I do not have any one of them in mind. I do know when the Clayton Act was originally considered this question was strongly debated in the Senate. I do know when, later on, the Norris-La G ardia Act was enacted it specifically contained a provision for jury trials in labor disputes. The question has been before the Congress many, many different times. If the Congress has in the past erroneously extended injunction procedures beyond the narrow field where I stated a few moments ago they ought to be applied, that certainly does not justify our going further in the wrong direction at this time.

Mr. DOUGLAS. Would the Senator suggest offering an amendment, which he apparently is advocating, which would provide jury trials in the case of the other 28 statutes?

Mr. SPARKMAN. Personally, I am not offering the amendment. As the Senator knows, the very able, fine constitutional lawyer, the distinguished Senator from Wyoming [Mr. O'MAHONEY], will offer the amendment. It seems to me the question of the Senator from Illinois might be addressed to the Senator from Wyoming; but the Senator from Illinois knows that we are dealing here with one specific type of legislation. Certainly, I should think it would be no place to offer a coverall amendment, trying to cover the entire Code of the United States. I personally would be glad if the Judiciary Committee would make a study of the matter to see if we have gone so far that we ought to retrace our steps.

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

Mr. SPARKMAN. I yield.

Mr. ERVIN. I will ask the able and distinguished Senator from Alabama if the patron saint of the party to which he and our beloved friend from Illinois and I belong, namely, Thomas Jefferson, did not always advocate that cases of all kinds should be tried by juries, regardless of whether they originated at the common law or in equity.

Mr. SPARKMAN. I think the Senator is correct. I have just read three provisions of the Bill of Rights. First, the guaranty of the right of trial by jury is contained in the Constitution itself. Then I read three different instances in the Bill of Rights where the guaranty of the right of trial by jury in all cases involving $20 and more is repeated over and over and over again. I suppose it was felt there would be a lot of small cases that would involve less than $20, and those cases were exempted from the right of trial by jury; but the Constitution, not once, not twice, not 3 times, but 4 times, states that every person shall have the right of trial by jury, and the only exceptions are military offenses and cases where the amount involved is less than $20.

Mr. ERVIN. Mr. President, will the Senator yield further?

Mr. SPARKMAN. I should like to say one word more before I get away from that subject? Let us always remember, too, that the Constitution of the United States would never have been adopted if it had not contained the provisions of the first 10 amendments. That was a foregone conclusion. It was agreed to. We know that Jefferson, Madison, and many of the other great statesmen of that day waged a vigorous campaign in order to convince the people of the several States that the Bill of Rights would be agreed to and would perfect the Constitution. The Constitution was imperfect because it did not contain such guaranties.

Another noticeable thing, which I do not believe is true about any other provision in the Bill of Rights, is that the right of trial by jury is stressed 3 different times in 3 different articles. I do not think that is true of any other single provision in the Bill of Rights.

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

Mr. SPARKMAN. I yield.

Mr. ROBERTSON. Did the junior Senator from Virginia understand his colleague from Illinois to say there are 28 Federal statutes that abolish jury trials in criminal cases?

Mr. SPARKMAN. There are 28 instances in the code which provide for contempt proceedings.

Mr. DOUGLAS. There are 28 statutes in which the legal remedy is provided through the injunctive process, and when the injunction is violated the judge sitting in equity can decide what enforcement procedures shall be adopted. Those statutes have been put into the RECORD time and time again.

Mr. ERVIN. Mr. President, I ask unanimous consent that the able and distinguished Senator from Alabama [Mr. SPARKMAN] be permitted to yield to me for the purpose of making a statement, without the Senator from Alabama losing the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. ERVIN. I should like to make this observation with respect to the 28 statutes mentioned: When Attorney General Brownell testified before the Subcommittee on Constitutional Rights and said there were 28 such statutes, I made the statement, in substance, to Attorney General Brownell, "I challenge you and every lawyer in the Department of Justice to point out a single one of those statutes which bears any substantial similarity to the civil-rights bill

which you are advocating that Congress should adopt."

I will state that that challenge was never met by the Attorney General or any of the lawyers in the Department of Justice, and that as a result I had to sit down and read those 28 statutes. Not wishing to rest solely on my perusal of them, I called upon the Library of Congress for an analysis of them.

I will say that not a single one of those statutes bears any substantial resemblance to the civil-rights bill. With the exception of 2 or 3 of them, they are statutes which authorize the United States, or some Federal officer or agency, to sue in equity for the vindication or enforcement of some right belonging to the Federal Government in its capacity as a sovereign nation. The ones which are exceptions to that rule merely substitute the injunctive process under such acts as the Workmen's Compensation Act and the Longshoremen's Act, for what we lawyers would call a common law execution.

In other words, in the 2 or 3 exceptional cases it is provided that after the appropriate board had made a money award, instead of issuing an execution to sell the property——

Mr. SPARKMAN. May I suggest to the Senator that the award is made after a hearing?

Mr. ERVIN. Yes. Instead of selling the property under a common law execution to enforce the judgment, there is merely an order that the judgment be paid.

The only one of these statutes in respect to which the Attorney General himself undertook to accept my challenge was the antitrust law. The antitrust law is undoubtedly a statute enacted by Congress for the benefit of the general public, and is not a statute, like the civil-rights bill would be, which would allow the Federal Government, for the first time in our history, to enter into the wholesale bringing of suits for the vindication of the personal and political rights of individuals.

There is one further thing I should like to say with reference to this subject. I agree with the Senator from Alabama in the observation he stresses, that this bill ought never to be passed because there is no reason in the world why Congress should give loaded legal dice to Government lawyers and allow them to prosecute cases against citizens on a preferential procedural basis. If there ought to be any distinction in matters of procedure, the distinction ought to be made in behalf of the weak citizens and not in behalf of the powerful government, which has all the Nation's legal and financial might on its side.

I also say to the Senator from Alabama that I will never vote to give the Government the right to make out cases by loaded legal dice against any individual. I would support a measure which would provide in these cases and all other equitable cases what has been done by the Constitution and the codes of many States, including my own State of North Carolina; that is, guarantee every person the right to a trial by jury of all issues of fact in all civil cases, regardless of whether they are suits arising at common law or suits in equity.

I thank the Senator.

Mr. SPARKMAN. Giving the defendant, of course, the right to waive that procedure.

Mr. ERVIN. That is correct. The defendant should be given the privilege to waive it, but he should have the right to demand it.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to make a brief statement in reply to the Senator from North Carolina, without the Senator from Alabama's losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Mr. President, our good friend, the Senator from North Carolina, has said that the remedy provided in the bill being discussed is different from the other remedies, because the other 28 statutes address themselves to different subjects. Of course they address themselves to different subjects, but the method of enforcement which they provide is identical with the method provided in this bill, namely, that the legal representatives of the Government may go to the Federal courts, sitting in equity, and, if the courts approve, obtain injunctions restraining individuals and groups from committing acts in violation of the law. And if such injunctions are violated, and if the violation is persisted in, and is not removed by compliance, then whatever penalties are inflicted are inflicted by the judge without a trial by jury.

My only reason for bringing this point forward, since I had not intended to enter into this discussion at any length, is simply to indicate that this procedure is not something new which is being introduced into American jurisprudence. It is the time-honored method of proceeding in equity, and also the method which has been adopted over and over and over again by the Congress of the United States.

That is why I wanted to ask my good friend, the Senator from Alabama, whom I love as I do a brother, though he may not welcome that display of affection, whether he is proposing that there should be provided a trial by jury merely in these civil-rights cases, or whether he is going to be consistent and say the right to trial by jury should be accorded in all cases of contempt. I submit that, upon examination, the only logical thing for him to say is that we should abolish the present procedures and substitute a trial by jury in all cases of contempt.

If we were to do that, we would throw the legal system of the United States into a complete tailspin.

Mr. ROBERTSON. Mr. President, will the Senator from Alabama yield to me, with the understanding that he will not lose the floor?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia, with the understanding that he will not lose the floor?

Mr. SPARKMAN. Mr. President, I shall be glad to yield to the Senator from Virginia, but as I understand, the Senator wishes to do more than ask a question. Therefore, I ask unanimous consent that I may yield to the Senator from Virginia without losing the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and, without objection, the Senator from Alabama yields to the Senator from Virginia for a statement.

Mr. ROBERTSON. Mr. President, I wish to say first, for the benefit of our distinguished colleague, the Senator from Illinois, that he has gotten outside of his special field, which is economics. He is now in the legal field, where, unfortunately, he has gone overboard. He is trying to present to us the theory that acts of the Congress, all of which relate to property, are no different from a bill which relates to criminal penalties. That is the issue.

It is true that in the antitrust laws there could be a penalty for violation. Seldom, in recent years, has it been enforced. But such laws deal primarily with property. Congress, in the antitrust laws as applied to labor unions, in the Norris-La Guardia Act, specifically provided that there should be a jury trial.

Everyone who is familiar with this bill knows that section 3 deals with so-called civil rights, aside from the right to vote, as they are specified either by statute or court decisions. Such provisions carry criminal penalties with them. Everyone knows that. Most of them are enacted by State laws which carry criminal penalties.

As pointed out by the distinguished Senator from North Carolina, a man might be subjected to double jeopardy. Under the terms of this bill he could be taken into a court of equity, a fine could be imposed upon him, and he would still be subject to the criminal penalty in the State court, or in a court under Federal jurisdiction, after indictment.

The Senator from North Carolina said something about setting up a strawman. Our distinguished colleague from Illinois has set up a strawman. He says, "If you are going to raise any question about the denial of jury trial under this bill in criminal cases, why do you not prohibit punishment in a court of equity for contempt which occurs in the presence of the court?"

I ask my distinguished friend from Alabama if it is not true that from time immemorial, under the common law of Great Britain, which became the common law of the Colonies, and still is our common law, except where changed by statute, there was a distinction between courts of law and courts of equity. Is it not a fact that one could not get into a court of equity if he had an adequate remedy at law?

Mr. SPARKMAN. Not only was that true, but it is true today. I suppose it is true in every State today.

Mr. ROBERTSON. Were not courts of equity set up primarily for the protection of property rights?

Mr. SPARKMAN. The Senator is correct.

Mr. ROBERTSON. And to enjoin irreparable damages to property rights, and things of that kind.

Mr. SPARKMAN. I would make the description a little broader than that.

Mr. ROBERTSON. Title to property is also involved.

Mr. SPARKMAN. The purpose was to provide a remedy where no remedy was provided in courts of law.

Mr. ROBERTSON. Exactly.

Mr. SPARKMAN. As was brought out yesterday, it was described as the operation of the King's conscience in the adjustment or wrongs between persons, with respect to which no remedy could be found in a court of law.

Mr. ROBERTSON. Is it not a fact that in Magna Carta, the first copy of which was wrested from King John at Runneymede in 1215, and in all subsequent magna cartas—and there were 3 of them—as well as in the statutes before the first settlement at Jamestown in 1607, there had been provisions for jury trials?

Mr. SPARKMAN. I may say to the Senator from Virginia that prior to his coming into the Chamber I had discussed the beginning of the jury system. As a matter of fact, the grand jury system preceded even the Magna Carta, in another way.

Mr. ROBERTSON. Because the nobles could not be indicted except by a jury of their peers—that is, other nobles. King John ignored that principle. The nobles wanted to have continued the system under which they could not be indicted except by their peers. Now every man is a king, as our late colleague from Louisiana, Senator Huey Long, used to say. So a peer is anyone who has the right of citizenship.

From the time before the days of King John, in 1215, down to the present time, all English-speaking people have cherished the right of trial by jury. We have held to the principle that if a contempt in a court of equity occurs in the presence of the judge, in order that justice may proceed, the judge may inflict summary punishment. Is that not a fact?

Mr. SPARKMAN. Yes. That principle is not limited to a court of equity.

Mr. ROBERTSON. But that is where it started. It is true of any court. That was recognized by the Constitutional Convention. It is recognized in all our State constitutions. And yet our distinguished colleague from Illinois says, "If you want to be consistent, do not stop at gagging over extending the right to trial by jury to criminal cases, but wipe out all procedures under which a judge can inflict a penalty."

I say that that is arguing against established jurisprudence, dating back to the time before we had a country. Is that not correct?

Mr. SPARKMAN. I think the Senator is correct. I was about to check my friend from Illinois with respect to one expression which he used a while ago. He referred to the practice in question as a well-established and time-honored practice. As a matter of fact, it is not.

There has been a struggle, as I brought out a while ago, and as I intend to develop further as I go along, ever since the tyrannical kings of Britain, to try to get this principle established. That was a great factor in our revolution. The practice complained of had been imposed on the Colonies to such an extent that our people insisted that before they would agree to the Constitution of the United States they must be assured that there would be written into it a bill of rights, in which there occurs not once, but in three different places, the guaranty of the right of trial by jury.

Mr. DOUGLAS rose.

Mr. SPARKMAN. Before I yield to my friend from Illinois again, I wish to say that I appreciate the compliment he paid me.

Mr. DOUGLAS. I hope it will not prove embarrassing.

Mr. SPARKMAN. It is not embarrassing. I welcome the friendship of the Senator from Illinois.

I remind the distinguished Senator from Illinois that he holds a commission today as a colonel in the Confederate Air Force; and I had the honor of presenting that commission to him. [Laughter.]

Mr. DOUGLAS. Mr. President, will the Senator yield to me with the understanding that he will not lose his right to the floor?

Mr. SPARKMAN. I yield.

Mr. DOUGLAS. Since the competence of the testimony of the Senator from Illinois as regards the 28 statutes referred to has been questioned, I think I should read into the RECORD at this point a list of the 28 statutes which authorize injunctive relief by the United States Government to prevent crime.

Antitrust laws, restraining violation (by United States attorney, under direction Attorney, General) (15 U. S. C. 4).

Associations engaged in catching and marketing aquatic products restrained from violating order to cease and desist monopolizing trade (by Department of Justice) (15 U. S. C. 522).

Association of producers of agricultural products from restraining trade (by Department of Justice) (7 U. S. C. 292).

Atomic Energy Act, enjoining violation of act or regulation (by Atomic Energy Commission) (by Attorney General) (42 U. S. C. 1816).

That is an extremely important act.

Bridges over navigable waters, injunction to enforce removal of bridge violating act as to alteration of bridges (by Attorney General) (33 U. S. C. 519).

Clayton Act, violation of enjoined (United States attorney, under direction of Attorney General) (15 U. S. C. 25).

That is an extremely important provision.

Electric utility companies, compliance with law enforced by injunctions (by Federal Power Commission) (16 U. S. C. 825m).

False advertisements, dissemination enjoined (by Federal Trade Commission) (15 U. S. C. 53).

Freight forwarders, enforcement of laws, orders, rules, etc., by injunctions (by Interstate Commerce Commission or Attorney General) (49 U. S. C. 1017).

Fur Products Labeling Act, to enjoin violation (by Federal Trade Commission) (15 U. S. C. 69g).

Enclosure of public lands, enjoining violation (by United States attorney) (43 U. S. C. 1062).

Investment advisers, violations of statute, rules, and regulations governing, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80b-9).

Gross misconduct or gross abuse of trust by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-35).

Use of misleading name or title by investment company, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-34).

Violation of statute governing, or rules, regulations, or orders of SEC by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-41).

Another which is extremely important is—

Fair Labor Standards Act, enjoining of violations (by Administrator, Wage and Hour Division, Department of Labor, under direction of Attorney General, see 29 U. S. C. (204b)) (29 U. S. C. 216 (c), 217).

Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction (by United States attorney, see 29 U. S. C. 921a) (33 U. S. C. 921).

Import trade, prevention of restraint by injunction (by United States attorney, under direction of Attorney General) (15 U. S. C. 9).

Wool products, enjoining violation of Labeling Act (by Federal Trade Commission) (15 U. S. C. 68e).

Securities Act, actions to restrain violations (by Securities and Exchange Commission) (15 U. S. C. 77t).

Securities Exchange Act, restraint of violations (by Securities and Exchange Commission) (15 U. S. C. 78u).

Stockyards, injunction to enforce order of Secretary of Agriculture (by Attorney General) (7 U. S. C. 216).

Submarine cables, to enjoin landing or operation (by the United States) (47 U. S. C. 36).

Sugar quota, to restrain violations (by United States attorney under direction of Attorney General, see 7 U. S. C. 608 (7)) (7 U. S. C. 608a-6).

That act is extremely important to Louisiana, Colorado, Nebraska, Wyoming, and other States, as well as to consumers.

Water carriers in interstate and foreign commerce, injunctions for violations of orders of ICC (by ICC or Attorney General) (49 U. S. C. 916).

Flammable Fabrics Act, to enjoin violations (by Federal Trade Commission) (15 U. S. C. 1195).

National Housing Act, injunction against violation (by Attorney General) (12 U. S. C. 1731b).

Mr. President, I ask unanimous consent that the list, which I have taken from the testimony of Attorney General Brownell, be printed in the RECORD at this point in my remarks.

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

Mr. BROWNELL. So do I.

Senator ERVIN. And my objection to part 3 and part 4 of these amendments is that they take and pervert the use of equity from its accustomed filed in order to deprive American citizens of their constitutional rights of indictment by grand juries, of trial by jury, and of the right to confront and cross-examine their accusers.

Mr. BROWNELL. You may be interested to know, Senator, that if you take that position, you will be in favor of repealing 28 different laws that are already on the books, statutes which authorize injunctive relief by the United States Government in these cases to prevent crimes.

Now let me read them off, there are 28 of them:

"Antitrust laws, restraining violation (by United States attorney, under direction of Attorney General) (15 U. S. C. 4).

"Associations engaged in catching and marketing aquatic products restained from violating order to cease and desist monopolizing trade (by Department of Justice) (15 U. S. C. 522).

"Association of producers of agricultural products from restraining trade (by Department of Justice) (7 U. S. C. 292).

"Atomic Energy Act, enjoining violation of act or regulation (by Atomic Energy Commission) (by Attorney General) (42 U. S. C. 1816).

"Bridges over navigable waters, injunction to enforce removal of bridge violating act as to alteration of bridges (by Attorney General) (33 U. S. C. 519).

"Clayton Act, violation of enjoined (United States attorney, under direction of Attorney General) (15 U. S. C. 25).

"Electric utility companies, compliance with law enforced by injunctions (by Federal Power Commission) (16 U. S. C. 825m).

"False advertisements, dissemination enjoined (by Federal Trade Commission) (15 U. S. C. 53).

"Freight forwarders, enforcement of laws, orders, rules, etc., by injunctions (by Interstate Commerce Commission or Attorney General) (49 U. S. C. 1017).

"Fur Products Labeling Act, to enjoin violation (by Federal Trade Commission) (15 U. S. C. 69g).

"Enclosure of public lands, enjoining violation (by U. S. attorney) (43 U. S. C. 1062).

"Investment advisers, violations of statute, rules and regulations governing, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80b–9).

"Gross misconduct or gross abuse of trust by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a–35).

"Use of misleading name or title by investment company, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a–34).

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"Flammable Fabrics Act, to enjoin violations (by Federal Trade Commission) (15 U. S. C. 1195).

"National Housing Act, injunction against violation (by Attorney General) (12 U. S. C. 1731b)."

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

Mr. SPARKMAN. I yield.

Mr. ROBERTSON. All those statutes deal primarily with property rights.

Mr. DOUGLAS. The Fair Labor Standards Act deals with individuals.

Mr. ROBERTSON. If a man is accused of violating it in a criminal way, he gets a trial by jury. If an employer pays an improper wage and he is brought before the court on a criminal warrant, he may have a trial by jury.

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

Mr. SPARKMAN. I yield.

Mr. ERVIN. Mr. President, I ask the Senator from Alabama to yield without his losing the floor so that I may make a reply to the distinguished Senator from Illinois.

The PRESIDING OFFICER. Without objection the Senator from North Carolina may proceed.

Mr. ERVIN. Under the Fair Labor Standards Act the rights given to individuals are enforceable in trials by jury in the Federal courts. A person charged with a willful violation of the Fair Labor Standards Act has the right to trial by jury in the Federal court. That statute is unlike the bill in two respects.

In the first place, there is a provision in the Fair Labor Standards Act which expressly prohibits the Administrator from suing in equity to get an injunction to restrain violations of the act for the benefit of an individual.

In the second place, the Fair Labor Standards Act does have one provision which allows the Administrator to sue for wages due an individual if no issue of law is involved. However, the provision states that such a suit cannot be brought except at the written request of the individual. Under the civil-rights bill, the Attorney General may sue without the consent of the individual, and even against the will of the individual.

It seems to me that if there is any civil right which everyone ought to respect and honor under all circumstances, it is the civil right of an adult individual, in the full possession of his mental faculties, not to be involved in a lawsuit in the capacity of a supposed beneficiary without his consent or against his will.

Mr. SPARKMAN. Not only without his consent, but even without his knowledge.

Mr. ERVIN. Yes. Every one of the statutes mentioned by the Senator from Illinois, with the exception of those that substitute the injunctive process for common law execution, are statutes applying to rights belonging to the United States in its capacity as a sovereign Nation, not to the rights of an individual. I will say to the Senator, too, that I will support a statute which will give everyone the right to a trial by jury in all of those cases, and in every other equity case, because I think individuals are entitled to it.

Mr. SPARKMAN. When facts are involved.

Mr. ERVIN. Yes.

Mr. LAUSCHE. Mr. President, will the Senator yield so that I may ask a question of the Senator from North Carolina?

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senator from Ohio may ask a question of the Senator from North Carolina, and that the Senator from North Carolina may reply, without my losing the floor.

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

Mr. LAUSCHE. Mr. President, I should like to know whether the Senator from North Carolina, or anyone else, has made an analysis of the 28 statutes, to ascertain whether basically there was a time when courts of equity did exercise jurisdiction because of the nature of the wrong. I look at the enumeration in the House report, and find that in a number of instances there are aspects of nuisances being in existence.

Mr. ERVIN. That is particularly true of the statute, for example, involving the construction of bridges over navigable streams. The United States has jurisdiction over navigable streams, and that statute, therefore, prevents the erection of bridges over navigable streams without the consent of the United States.

Mr. LAUSCHE. It would be extremely helpful and interesting to learn how many of the 28 statutes deal with actions which originally and genuinely were in law and never in equity in England.

Mr. ERVIN. I would say that most of the statutes deal with newly created rights belonging to the United States in its capacity as a sovereign Nation. None of the 28 statutes antedate 1887, when, as I recall, the Interstate Commerce Commission Act was passed. That was the first of such acts. Since then other acts have been passed, pursuant to the request of Government attorneys that they be given special procedural advantages over private citizens.

Mr. LAUSCHE. I also observe, from a rather cursory examination of the list, that in a number of instances the Federal Government, in attempting to give protection to the citizen in his working rights and to business organizations in their efforts to operate, had them voluntarily come within the provisions of the law and then exercise the power of injunction to enforce compliance. I have not analyzed them, but it would be very interesting to have such an analysis made.

Mr. ERVIN. Mr. President, I will say to the distinguished Senator from Ohio that I have had an analysis prepared by the American Law Division of the Library of Congress, which I shall put into the RECORD later. However, I will say, from studying these statutes myself, that not one of them bears any more resemblance to the civil-rights bills than any homely face bears to the beauteous countenance of Miss America.

Mr. LAUSCHE. Frankly, my approach to the problem is that when the Constitution declares we shall have courts of law and courts of equity, the Founding Fathers contemplated that to those respective courts shall be assigned various actions which historically in England were assigned, respectively, to courts of equity and courts of law.

If that be true, we have had possibly 28 departures from that practice. It may be, upon examination, that we would find in the list of 28 statutes some which could justifiably have gone into a court of equity, and some not.

Mr. ERVIN. That is true. For example, the one which refers to public lands, could fall into the first category because the protection of property rights historically belongs to a court of equity. The Senator from Ohio is eminently correct when he says that the Founding Fathers, when drafting the Constitution, in making reference to equity, contemplated that equity jurisdiction should be exercised in the same general area in which it then operated.

Mr. LAUSCHE. I thank the Senator.

Mr. SPARKMAN. The list to which the Senator from Ohio has referred, and which was placed in the RECORD by the Senator from Illinois [Mr. DOUGLAS], is to be found at pages 62 and 63 of the Senate hearings.

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

Mr. SPARKMAN. I shall be happy to yield in a moment.

I may say to the Senator from Ohio that one thing to remember about the 28 statutes is that some of them do not come into effect unless or until the defendant has already had an opportunity to have his case heard. Some of them parallel the right to jury actions.

The Senator from North Carolina pointed out a few moments ago 2 or 3 different situations in which the defendant has a right to go into Federal court and have a trial by jury on the facts involved.

So I think it would be necessary to make a rather careful study of all 28 statutes to determine which are analogous. But, regardless of that, my argument is that we have departed too far already from proper procedure, and that this bill represents bad practice; it is a bad precedent to set. Because a mistake has already been made, we should not get farther off the track.

The Founding Fathers, who wrote the fundamental instrument of government under which we live today, took pains to point out that they were rebelling against the King because he had sought to change the system of the courts. He had sought to impose his will upon the people through insisting on the rights of the King, through the changing of the judges, through the changing of the established courts, and by denying the right of trial by jury. The latter was one of the great causes which justified the colonists in resorting to war. They said so in the Declaration of Independence.

When the Constitution was drafted there was written into it article III, section 2, guaranteeing the right of trial by jury in the case of all crimes except in cases of impeachment. But the people were not satisfied. They said the right was not stressed strongly enough. So an agreement was made to submit 10 amendments to the first session of Congress. Those 10 amendments were adopted before the people accepted the present charter of our Government, the Constitution.

Of the 10 amendments, 3 guarantee the right of trial by jury in all cases of crime, and in civil actions except where the amount of money involved is less than $20. That is the extent to which the writers of the Constitution went to make certain that the right of trial by jury would be preserved in our Government.

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

Mr. SPARKMAN. I yield.

Mr. CARROLL. I should like to propound a few questions to either the distinguished Senator from Alabama or the distinguished Senator from North Carolina.

Mr. SPARKMAN. In order to protect my position, the Senator's questions will have to be addressed to me, unless he obtains unanimous consent to address them to the Senator from North Carolina.

Mr. CARROLL. Mr. President, I ask unanimous consent that, without losing his right to the floor, the distinguished Senator from Alabama may yield to me so that I may propound questions to the distinguished Senator from North Carolina.

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

Mr. CARROLL. I ask these questions in all good faith, because as the debate has progressed, the questions have occurred to me.

Is it not true that the Federal Government has the power of injunction irrespective of statutes? For example, there is no Federal statute with reference to segregation. There is a Supreme Court decision. Cannot that decision, which is now effective and is the law of the land, be enforced by a private individual in any State simply by his going into a Federal district court and asking the court to enjoin those who interfere with that right?

Mr. ERVIN. I do not understand the Senator's question in the light of the premise concerning the Federal Government. The Senator started with a statement concerning the Federal Government and ended with a question about a private individual.

Mr. CARROLL. I have reference to a private individual going into a Federal court, seeking injunctive relief.

Mr. ERVIN. Under the existing civil-rights statutes, a private individual has the right to go into a Federal court to seek injunctive relief, but when he does so the defendant has the right, in the event he is charged with contempt of court, to two important benefits under sections 402 and 3691 of title 42 of the United States Code.

First, he has the right to trial by jury before he can be punished for contempt, because every violation or deprivation of civil rights is a crime under some Federal law.

Second, he has the benefit of the limited punishment provision under those statutes. He cannot be imprisoned for more than 6 months or compelled to pay a fine to the Federal Government of more than $1,000. If this civil-rights bill were passed, he would be deprived of the benefit of both of those rights.

Instead of being subject to imprisonment for only 6 months, he could be sent to prison for years. The Federal courts have upheld sentences for as much as 4 years in cases not covered by these two statutes. How many more years he could be imprisoned, no one knows, because the Federal courts have said that the only limitation on punishment in a case not coming under those two sections is the nebulous and vague prohibition of the eighth amendment prohibiting excessive fines and cruel and unusual punishment.

Mr. CARROLL. I desire to bring my questions down to specific cases. I will ask a specific question relating to a current example, namely, the case in Clinton, Tenn., which arose, as I understand, under the Supreme Court school integration decision. There is no statute on integration, but the Supreme Court of the United States, interpreting the Constitution, rendered such a decision. Arising therefrom is the Clinton case in Tennessee.

Let us see how this case arose. A private person went into a Federal court and asked the court to enter an injunction, and the court did so. Was not that injunction order based primarily on the Supreme Court decision?

Mr. ERVIN. There are civil-rights statutes which give a private individual the right to bring a suit for injunctive relief whenever he is denied the equal protection of the laws.

Until May 1954, the Supreme Court of the United States, State courts, the President, Congress, and the State legislatures said that the States had a right to segregate their children in the public schools on the basis of race. Therefore, for the 86 years next preceding May 1954, the Constitution permitted segregation in the public schools on the basis of race, according to the interpretation placed on it by the Supreme Court. In May 1954, the Supreme Court repudiated, on the basis of sociology and psychology, the holdings which had been made under the 14th amendment throughout the preceding 86 years, a period, incidentally, which was longer than that which elapsed between the ratification of the original Constitution and the adoption of the 14th amendment.

After the decision of 1954 became effective, the statutes giving an individual the right to go into a Federal court to prevent, by injunctive relief, any denial of the equal protection of the laws clause became applicable to the school cases.

Mr. SPARKMAN. As a matter of fact, I think the Senator from Colorado is in error in his understanding. In Clinton, Tenn., the board of trustees voted to integrate the schools, and it was in the effort of integration that the defendants in the present cases created disturbances.

Mr. CARROLL. The Senator from Colorado is not in error, because that is the point he wanted to make. It was a private person that went into the Federal court to seek relief.

Mr. SPARKMAN. The school board voted for it; and in the effort to carry out

the integration, there was a disturbance; and in that connection the defendants were arrested.

Mr. ERVIN. Let me state my understanding of what happened in the Clinton, Tenn., case. First, I should like to say that the Federal Government has no legal right in a school-integration case, under exisitng law.

In the Clinton, Tenn., case, the parents of certain colored children brought a suit against the school board of Clinton, to compel the admission of their children to the Clinton school. The court issued an injunction, ordering the school board to admit those children to the school; and they were admitted to the school by the school board pursuant to that injunction.

Mr. SPARKMAN. That is correct.

Mr. CARROLL. What was the basis of the injunction?

Mr. ERVIN. The basis of the injunction was that the children——

Mr. CARROLL. I ask what was the basis in law, not in fact. Was not the basis of the injunction the Supreme Court decision?

Mr. ERVIN. The basis of the injunction was the Supreme Court decision of May 1954, repudiating the rule which had prevailed during the preceding 86 years and holding to the contrary that the equal protection of the laws clause of the 14th amendment forbids segregation in public schools on the basis of race.

Mr. CARROLL. That is the point I was trying to make. The basis of the injunction was a judicial decision—which, as we lawyers know, is one of the ways of making laws, whether we agree with that or not. The courts by their decisions make laws; and the Congress makes laws by statute. This court practice has come down through the common law, following what we call the doctrine of stare decisis.

Mr. ERVIN. No; the Supreme Court decision is a repudiation of the doctrine of stare decisis.

Mr. SPARKMAN. Yes; a complete repudiation.

Mr. CARROLL. I understand that is the Senator's position. Of course, the Supreme Court desegregation decision overruled the decision in the case of Plessy against Ferguson, which had been the rule since 1856.

But my point is that the Supreme Court interpretation—whether or not you agree with it—gave rise to a right on the part of an individual or group of individuals to go into a Federal Court and obtain injunctive relief. They did so, and they got it—recently in Tennessee.

Mr. ERVIN. I will say to the distinguished Senator that the individuals were able to go into the Federal court and obtain relief on the theory that they had been denied the equal protection of the laws, under the 14th amendment. There were several statutes which gave them that power and conferred upon the Federal court jurisdiction to try cases of that nature.

Let me say that I disagree with the Senator in one respect. It is not the function of the courts to make laws. The lawmaking power of the Nation is vested in the Congress; and whenever the Supreme Court undertakes to make law, it is usurping the power of the Congress, and is exercising a power denied to it by the very Constitution which it professes to interpret.

Mr. CARROLL. Let me say to my friend, the Senator from North Carolina, that I do not want to debate that point now. I wish to follow through on the question of injunctive relief.

The situation in Clinton, Tenn., as I understand it, is that one man, who has violated the Federal court's injunction, has been sentenced, and I think he is out on appeal.

Mr. ERVIN. And the sentence imposed on him has been affirmed by the circuit court, and now he has appealed to the Supreme Court.

Mr. CARROLL. Therefore, we have the injunctive power, under the equity power of a Federal court, stemming from the civil-rights statutes, which in turn stem from a Supreme Court decision. The power has been exercised in this new field, if we wish to put it in that category.

But there is another category; a sweeping injunction was issued against perhaps the whole county, and some say against the whole State. That trial is underway now—a jury trial. Why? Because it involves some facts. Am I correct in my premise there? Is that a jury trial, based on the injunction?

Mr. ERVIN. Regardless of the origin of the matter, I agree with the Senator that under existing law, private individuals can go into Federal court and sue to obtain the admission of their children to a public school, when such children are allegedly barred from the school because of race.

I agree with the Senator that contempt charges arising in the Clinton, Tenn., case as now being heard in the United States District Court at Knoxville, and that a jury has been impaneled to try the case.

Mr. CARROLL. A jury has been impaneled to try what? To try a question of fact as to whether those persons knowingly violated the court's injunction.

Mr. ERVIN. That is correct.

Mr. CARROLL. Is that not the basic issue?

Mr. ERVIN. The jury has been impaneled to try two issues of fact. As the distinguished Senator from Colorado knows, some years ago there was a great deal of abuse of the contempt processes, particularly against newspapers which criticized court decisions. Under the Federal rules which have been developed in recent years, a person cannot be punished for contempt of court unless he was a party to the action in which the injunction was originally issued, or unless, as the distinguished Senator says, he has knowledge of the existence of the injunction. Furthermore, the Federal rule provides that he must not only have knowledge of the injunction, but he must act in concert with the party against whom the injunction was directed. So we have those two questions of fact.

As I understand it, the reason why there is a right of trial by jury in the Clinton case is the fact that under sections 402 and 3691 of title 42 of the United States Code, the contemptuous acts alleged against the defendants are acts which are also crimes.

Mr. CARROLL. And also in violation of State criminal statutes.

Mr. ERVIN. Yes.

Mr. CARROLL. Mr. President, I wish to thank both Senators for their answers to my questions. Their answers help me to clear my own thinking about this matter.

If the Senator from Alabama will permit me to do so, I wish to leave the matter of segregation for a moment, and to consider the right to vote.

Mr. ERVIN. Let me say that the only reason why the action at Clinton, Tenn., was brought originally by private persons against the school board—and, of course, Kasper was later brought into it—and the only reason why the Federal Government is involved at all is that traditionally, when one is prosecuted for criminal contempt of an order of a Federal court, it has been customary in times past for the prosecution to be conducted in the name of the Federal Government. That is the only reason why the Federal Government is in the Clinton, Tenn., case. Until this civil-rights bill is passed—if it is passed—the Federal Government will have no legal right of itself to go into these school cases.

Mr. CARROLL. I shall discuss that in a moment, because I think now we are getting down to the nub of these matters.

Actually, then, we have a situation where, by the exercise of a constitutional right, an individual sought an injunction; and that injunction—whether rightly or wrongly issued—was violated; and it was issued by a Federal court, in connection with a civil right.

As a result of the violation of that injunction—I do not know what the specific facts are, but they must be very clear to the court—the Federal court, in the exercise of its jurisdiction, imposed punishment of 1 year in jail, as I recall. Let me say that my information is gathered from the newspapers; and, therefore, I presume my information is reasonably reliable, but I cannot vouch for its entire accuracy.

But now we have a different situation. We have the same defendant, but with a larger group of persons, in a proceeding where facts must be determined. In this case, I think, under the Constitution they have a right to a trial by jury.

Now we come to what is really the crux of the whole discussion today. We have talked about a private individual in a segregation case having the right to go into Federal court.

What we now see, as I read the Judiciary Committee hearings—and I want the distinguished Senator from North Carolina to correct me if I am in error, because I read very carefully his very skillful—and I use that word in a very fine sense—and penetrating cross-examination of Attorney General Brownell: As I understand the whole matter, stated briefly it is that the Federal Government is now attempting to add to its powers the power to intervene and to institute

suit on behalf of the individual under the injunctive process, rather than to leave it to the private individual to institute suit on his own behalf.

Mr. ERVIN. And in order that the Federal Government may evade the two benefits which the defendants otherwise would have under sections 402 and 3691 of title 42 of the United States Code.

Mr. SPARKMAN. In other words, the right of trial by a jury and the limitation on the punishment.

Mr. CARROLL. I must say that whatever may be the right of trial by jury—regardless of what rights the Congress would give the Attorney General—the individual is still protected by the same constitutional safeguards that are being applied in Tennessee today—namely, that in certain cases where there is a question of fact there must be a right of trial by jury.

Under certain factual situations, they must have a right to trial by jury. A June 24, 1957 Supreme Court dissenting decision by Justice Brennan in the Times Book Shop case, which had to do with the obscenity statute of New York, argued in behalf of jury trials in certain equity causes. The majority opinion in this case is very important but I shall not discuss it at this time.

I should like to mention one more thing. Returning now to the right to vote, that is a right that has been recognized by Supreme Court decisions as a basic constitutional right also; is it not?

Mr. ERVIN. No; at least, I would not go that far. The Constitution of the United States has two provisions with reference to the right to vote. The first is contained in article I, in its relation to the qualifications of persons who are permitted to vote for Members of Congress. The other is contained in the 17th amendment and has reference to persons who can vote for Members of the Senate. These two constitutional provisions provide, in virtually identical language, that in order to have the right to vote for a Member of the House of Representatives or a Senator, a person must possess the qualifications prescribed for electors of the most numerous branch of the State legislature in the State in which he resides. This being true, the Constitution of the United States gives to the States the rights to prescribe qualifications of voters for candidates for the House of Representatives and the Senate, subject to two limitations. The first is the limitation of the 15th amendment, that the States cannot deny or abridge the right of any man to vote because of race, color, or previous condition of servitude. The other is the amendment on women's suffrage, the 19th amendment, which provides that the States shall not deny or abridge the right of any citizen to vote on account of sex.

Mr. CARROLL. May I put the question more simply? In the South or anywhere else in the Nation can any citizen go into a Federal court and ask for injunctive relief to protect him in his right to vote?

Mr. ERVIN. He can, after he has applied to the State authorities and has gone through his administrative remedies in that regard. When he has exhausted those remedies, he can go into a Federal court and sue individually for injunctive relief.

Mr. CARROLL. To protect his constitutional right?

Mr. ERVIN. Yes. In that case the statutory right of a trial by jury and the statutory limitation of punishment would apply in contempt cases.

Mr. CARROLL. The decision of Exparte Yarborough, which goes back to 1883, discusses article I of the Constitution. Just as the distinguished Senator from North Carolina has indicated, the case says that it is a fundamental and basic constitutional right. Therefore, from the remarks of the distinguished Senator from North Carolina, I assume he is saying that a citizen would have the right to injunctive relief if he exhausted his remedies in the State court.

Mr. ERVIN. I think the Senator from Colorado and I are in complete agreement thus far on what the law is at the present time.

Mr. CARROLL. Another question then arises. By virtue of numbers of Supreme Court decisions, interpreting the Constitution and the rights arising under the Constitution that is basic and fundamental—the right to vote—having exhausted his remedy in the State court, a private individual would have a right to go into a Federal court. Having the right to go into a Federal court, is it not true that the Federal court could exercise its equity power and enjoin, restrain, or give mandatory injunction?

Mr. ERVIN. The Federal court could exercise its power to restrain the State officials from denying the right of a person to vote on account of race or sex.

Mr. CARROLL. That would be so if there was issued an injunctive order, either restraining or mandatory. If that question resolved itself upon a question of fact, of course the individual going into court would have to make a showing, as the distinguished Senator from North Carolina so ably pointed out in committee. Most of such cases are ex parte hearings, but the party would have to make an affidavit, and the judge might say, "We will have a hearing on the merits right away." If the person enjoined violated the injunction, he would be subject to the penalty of the court and could be put in jail.

Mr. ERVIN. But he would have the benefit of the two statutory rights.

Mr. CARROLL. Where there is a violation of an injunction order which conflicts with or includes a State criminal statute, I think, under the Constitution, individuals are entitled to jury trials. Would the Senator not agree with that statement?

Mr. ERVIN. I would say that is my personal interpretation of the Constitution. But others interpret it differently. Those backing the bill think they can get around the constitutional right of trial by jury by resorting to equity proceedings. If the constitutional right of trial by jury can be bypassed by resorting to equity proceedings in civil-rights cases, then the constitutional right of trial by jury can be bypassed in all other cases by equity proceedings and the solemn constitutional guaranties of the right of trial by jury converted into empty phrases expressed in idle and ironic words.

Mr. CARROLL. I appreciate the patience of the distinguished Senator from Alabama, but I should like to ask just one or two more questions on this point. It seems to me this concerns again the right to vote. I put this question again, just as I put the question on segregation. What the Attorney General seeks to do is enlarge the power of the Federal Government to intervene in behalf of an individual or a State official or a group of individuals to guarantee the right to vote. The Federal Government seeks to enlarge and broaden its powers to move into this field.

Mr. ERVIN. The Attorney General seeks to obtain for himself complete authority over this proposed law, which he can use for the benefit of some people and refuse to use for the benefit of other people in like circumstances, and which he can use against some supposed offenders and refuse to use against other supposed offenders in like circumstances. The Attorney General has stated he wants the proposed law so he can avoid the right of trial by jury. That is what he frankly admits. He puts it in more polite language. He says juries may be reluctant to convict.

Mr. CARROLL. I think the Senator from North Carolina agrees with me that the purpose of the legislation is to provide the United States Government, through the Attorney General, injunctive powers which it does not now possess on the right-to-vote issue. Is that not true?

Mr. ERVIN. The purpose is to give that right, not to the United States but to the Attorney General.

Mr. CARROLL. He is an official of the United States. Is it not true the power of the Federal Government is sought to be enlarged?

Mr. ERVIN. I would say the Attorney General is seeking to enlarge his own power to the point where he will have private possession of a public law. If the civil-rights bill is passed, nobody in the United States can have anything to do with putting it into effect except the Attorney General. The bill seeks to give him complete authority over the proposed law. The Attorney General says, in effect, that the reason he wants the civil-rights law is that if he is required to establish allegations in civil-rights cases by the oral testimony of cross-examined witnesses to the satisfaction of a jury he might lose some of the cases he would like to win.

Mr. CARROLL. I will say to the Senator from Alabama that I do not wish to argue this question. I am not going to argue the Attorney General's case. I merely wanted to clarify the RECORD.

I shall conclude with a statement and an observation. It seems to me that in the two cases we have been discussing, as in all civil-rights cases, where the power exists, the individual himself, with certain limitations, may go into Federal court and gain the protection of the Federal court. An injunction can be issued, and if there is a violation a penalty can be imposed. Where the issue

is clear, and the penalty is clear, a sentence or a fine can be imposed immediately. Where there is a question of fact which involves the statute, a jury trial must constitutionally be given.

If that is true, there is nothing this Congress can do to broaden the power of the Attorney General, except to give him the right to intervene, which he does not now have. We can legislate, but we cannot change the basic constitutional concepts. That is something I leave for the Senator to think about.

This debate has been stimulating my thinking. I am deeply grateful to the distinguished Senator from Alabama and the distinguished Senator from North Carolina for permitting me to participate.

Mr. SPARKMAN. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator permit me to make one other observation?

Mr. SPARKMAN. Yes.

Mr. ERVIN. I will say to the distinguished Senator from Colorado that I think he and I are in accord on the law. We probably express it differently, but in substance we agree.

I agree with the Senator. I do not think we can circumvent the Constitution by any such process. But there are a lot of people who do, though. The Attorney General thinks he can, and that is why he wants this bill.

I will say two other things. As the distinguished Senator from Colorado knows, part III is far broader than simply the right to vote. It would cover every field in which a State is authorized either to act or to legislate under the clause of subsection 3 relating to the equal protection of the laws.

Another thing of importance is that this bill would empower the Attorney General, in any suit brought by him under it, automatically to nullify State laws prescribing remedies. I think that is as drastic as anything could be.

Mr. CARROLL. I will say to the Senator that I want the RECORD to be clear. While I have not defended the Attorney General in this matter, I have merely attempted to bring into focus two important points.

I do not deny the validity of the position of the Attorney General. But I may not go all the way with him. In either event I do not want to find myself in a position where I would be foreclosed; where somebody would have an opportunity to say, "You did not say that the other day; you are changing your position." In my own mind I am not so much alarmed about extending the injunctive process to the Attorney General concerning the right-to-vote issue, because I think there are constitutional safeguards which can protect citizens of Colorado or the South or the North, East or the West. There are certain additional powers we can give to the Attorney General, without depriving or taking away any constitutional rights.

I thank the Senator from Alabama.

Mr. SPARKMAN. I thank the Senator from Colorado and the Senator from North Carolina for the very fine and helpful discussion they have had.

Let me say that my own individual thinking is that since the right of trial by jury is safeguarded by the Constitution, why should we enact a piece of legislation which seeks to take away that right? There is one danger involved, and that is that the construction might be put upon the bill that it is an exercise of equity, and trial by jury would not be empowered.

Certainly, in my opinion, to give to the Attorney General of the United States a dictatorial power, without the right of intervention of a jury trial, would be preposterous.

I hope the Senator from Colorado will keep in mind something the Senator from North Carolina kept saying over and over, namely, that the passage of the bill would not mean giving this power merely to the United States Government, but would mean giving it to the Attorney General in person. It is a power to be given to a person. The Attorney General would have the right to act or not to act. He would become the sole controller of what is done.

Mr. CARROLL. May I say something further, if the Senator will yield?

Mr. SPARKMAN. Yes; I yield to the Senator from Colorado.

Mr. CARROLL. We must always remember that we should be chary and wary of placing too much power in the hands of any individual or in the hands of the Government itself. But there is always a balancing power. We have the Federal judges, who come from Southern States. I read the biography of the judge now sitting on the case in Tennessee. He comes from a southern family with a long and distinguished history. That judge understands the people of his area. That is one check.

There is another check. Whenever any Federal judge abuses his discretion and does not accord the people of the area their constitutional rights, a check is provided—the right of appeal.

We have a further check on the Attorney General. If he goes too far we can always impeach him. I realize that this is difficult to accomplish, but these checks and balances, I believe, can be brought into focus, and I think the point is well illustrated by what is going on in Tennessee today.

Mr. SPARKMAN. I hope the Senator from Colorado will never arrive at such a point that, regardless of what he thinks of the judges, he is willing to place in their hands the trial of facts in any case. Our forebears were not willing to do that.

I know Federal judges who are my close personal friends. I would risk anything with them, but, at the same time, the time-honored tradition of our system of justice is that a man who is accused of some criminal act is entitled to have a jury of his peers pass upon it. It is not referred to one man, but there must be a composite of the whole jury. There is a tremendous difference there.

By the way, because so much of my time has been taken, I am not going to read today, but I hope sometime in the course of this debate perhaps to speak again and to read at that time, an article which quotes a great many of our very finest people, the leaders back in the early days of our Government, great judges themselves, who expressed their implicit confidence in the jury system as being a superior system to any other system ever evolved.

Mr. CARROLL. If the Senator will yield further, I should like to say to him that I fully subscribe to that viewpoint. I have full confidence in the jury system. We in Colorado have such confidence in the jury system that there is a constant effort to improve it. In recent years women jurors are playing an important part in our jury system. We do not even permit the judges in the State courts to comment on the evidence in jury trials.

Mr. SPARKMAN. I hope the Senator will keep in mind that I have been trying to point out the grave danger of the tendency to get away from jury trials. It is not important only in regard to this case.

As a matter of fact, the president of the American Bar Association, who spoke in Texas a few days ago, felt called upon to make some comment on the matter. I am sorry I do not have the clipping here, but perhaps the Senator observed the article in the newspaper. The distinguished Senator from North Carolina, I believe, made reference to it on Monday. It can be found in the CONGRESSIONAL RECORD.

The president of the American Bar Association, who comes from a northern State—Pennsylvania, I believe—called attention to an apparent concerted drive in this country to lessen the utilization of the jury system, and he condemned it strongly. He gave good reasons why the jury system should be sustained.

I remember that old saying we were taught in the law school, dating back, I guess, to the days of Coke:

> It were better that 99 guilty should go free than that 1 innocent should be punished.

The jury system sometimes will make mistakes, undoubtedly, we believe, but it is the best system that has been found yet.

By the way, I should like to say also that while people talk about civil rights, the No. 1 civil right in this country today is the right of trial by jury. When one loses that right one has lost the keystone of his civil rights.

I, for one, am not going to participate in an assault on any part of that right. I believe in it. I believe we ought to maintain it. I do not believe we ought to be flirting with any such provision as is carried in this bill.

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. SPARKMAN. Yes; I yield.

Mr. CARROLL. It seems to me we have a conflict of constitutional rights. I fully subscribe to what the distinguished Senator from Alabama said about the jury system and its application to criminal acts. Of course, under the Constitution we must have jury trials in certain cases. The question of the right to trial by jury is a basic, fundamental, constitutional right, which comes down to us, as the distinguished Senator has said, through hundreds of years.

We also have many other constitutional rights. One of those fundamental rights is the right to vote. Almost every

Member of the Senate, and almost any American citizen anywhere, says, "Of course, the right to vote is fundamental." Why? Because under the Constitution the power is vested, not in the Supreme Court, or the Congress, not in the President, but in the American people. And in order to assert and exercise that power, the people everywhere in every State must have not only the right to vote but the opportunity of exercising their right.

Mr. SPARKMAN. But the Constitution did not give to the Federal Government the determination as to who should have the right to vote. It gave it to the States, in the very first article of the Constitution.

Mr. CARROLL. But there are many Supreme Court decisions——

Mr. SPARKMAN. I am talking about the Constitution of the United States.

Mr. CARROLL. So am I.

Mr. SPARKMAN. The Constitution gave that power to the States. The 15th amendment contains a provision—and most of the decisions the Senator speaks about have been based on the 15th amendment——

Mr. CARROLL. But the distinguished Senator from Alabama has heard the discussion with the Senator from North Carolina, has he not?

Mr. SPARKMAN. I heard it.

Mr. CARROLL. Supreme Court decisions under article I, section II, of the Constitution, discuss the inherent right, the basic right of the citizen to vote; and the Supreme Court says it must be protected.

Mr. SPARKMAN. But the Supreme Court has never taken away from the States, in any of its decisions, the right of the individual State to set the requirements for registration.

Mr. CARROLL. Of course not. I agree with the Senator. But the Supreme Court has said to certain States, "You may not set up standards which violate the constitutional right to vote."

Mr. SPARKMAN. Yes.

Mr. CARROLL. It has said, "You are interfering with the right to vote." That is why I asked the question of the distinguished Senator from North Carolina, as to whether the individual had a right to go into a Federal court to protect the constitutional right which exists. I think we are in agreement on that point.

Mr. SPARKMAN. I think we are, too.

I want the Senator from Colorado to remember that every question he put to the distinguished Senator from North Carolina about the expansion of these powers tied into the right of trial by jury.

In every one of these proceedings to date, under statutes relating to the right to vote, or relating to any criminal violation, the right of trial by jury is preserved. But the Attorney General is asking Congress to say that the right of trial by jury shall be taken away.

Mr. CARROLL. I think perhaps I oversimplified the situation. The Attorney General is asking for that power which exists now only in the hands of the private individual.

Mr. SPARKMAN. No. He is asking for more than that. That is what I am asking the Senator from Colorado to keep in mind. He is asking for the power which now vests in the hands of the individual citizen. He is asking to have the right to say whether that power shall be exercised. He is asking for the right to take it away from the individual citizen and exercise it in his own name, on behalf of the Government of the United States.

But he goes beyond that, and asks that he have that right to proceed, without the intervention of the jury. That is the point I want the Senator from Colorado to keep in mind.

Mr. CARROLL. Is it not true——

Mr. SPARKMAN. That if the individual started the action, there would not have to be a trial by jury?

Mr. CARROLL. Yes.

Mr. SPARKMAN. I cannot understand that at all.

Mr. CARROLL. That is my impression.

Mr. SPARKMAN. No. The defendant is assured of the right of trial by jury, and of a limitation on the amount of punishment. The Senator from North Carolina brought that out time after time. But this bill seeks to do away with all that.

Mr. CARROLL. If that is what the Senator from North Carolina has said, I am afraid that I did not understand that to be the situation.

Mr. SPARKMAN. Every time the Senator asked him the question, he would say, "Yes, that is true; but the defendant would have two rights assured to him, namely, the right of trial by jury and the right of limitation of punishment"—for example, not more than 6 months' imprisonment and not more than $1,000 fine.

Mr. CARROLL. If that is the situation, I disagree with that concept. Assuming that the individual had that right—and I think it is admitted he had—I thought I put the question to the Senator from North Carolina——

Mr. SPARKMAN. I cautioned the Senator from Colorado several times to keep in mind two things which the Senator from North Carolina was so careful to say—that the defendant in such a case as the Senator from Colorado described would have the right of trial by jury and the right of limitation of the penalty to be imposed.

Mr. CARROLL. Is the Senator from Alabama now saying that the private individual, proceeding under the particular civil-rights statutes, cannot go into Federal court and obtain an injunction?

Mr. SPARKMAN. No; I did not say that. However, I did say that if he did, the defendant against whom the proceeding developed would have the right of trial by jury.

Mr. CARROLL. In other words, as I understand, it is the contention that in in the protection of that right, if there were a violation of the injunction of the Federal judge, the judge could not punish without giving the defendant a jury trial.

Mr. SPARKMAN. Yes. That is what is going on down in Tennessee today.

Mr. CARROLL. That is the situation today, because statutes are involved. That was not what the Federal judge did to Kasper in connection with the first violation of the court's injunction order.

Mr. SPARKMAN. Because the case came within the narrow confines which I discussed in the early part of my remarks. Perhaps the Senator was not present at the time. This is historic. The judge can punish for contempt committed in the judge's presence, or so near as to interfere with the proceedings of the court.

Mr. CARROLL. I understand that. That is basic law.

Mr. SPARKMAN. It has been the law for a long time.

Mr. CARROLL. That is correct. It is my impression that in the Kasper case, in connection with the first injunction, there was a violation of an injunction order of the court, occurring not in its presence. Out of deference to the distinguished Senator from Alabama——

Mr. SPARKMAN. I shall refresh my recollection as to the facts in that case, and I invite the Senator from Colorado to do likewise.

Mr. CARROLL. I shall be happy to do so.

Mr. SPARKMAN. I think I am correct in what I have said.

Mr. CARROLL. I thank the Senator for the time he has given me.

Mr. SPARKMAN. The Senator from Colorado has made a very fine contribution to the argument.

Mr. President, I wish to move along.

The time has come for documented answer to an argument used by the men who have authored and supported the President's civil-rights bill.

The argument tells us that courts have an inherent right to inflict punishment through summary trials, wherever disobedience to an injunction may be involved.

The argument explains to us that Congress cannot limit the court's power to issue injunctions or to enforce them without benefit of juries.

This argument sets before us the constitutional doctrine of separation of powers. Congress, it declares, cannot invade the powers of the courts. It cannot limit in any way the powers of the courts.

This argument goes so far as to say that Congress cannot limit the courts' powers to legislate through injunctions.

The President's civil-rights bill would expand beyond all historical bounds the authority of courts to issue injunctions and to enforce them. Yet, ironically, its supporters tell us that any opposition to this intention would be a violation of the Constitution. Here the argument reaches absurdity indeed. It is time, according to this theory, that Congress, under the Constitution, cannot in any way amend or abridge the summary powers of the courts to enforce their own orders—in effect, to enforce their own legislation.

A very scholarly and forceful answer to this question was given 33 years ago. This answer was so sound and definitive that it has itself become a recognized part of American law.

This answer, written by two Harvard scholars who then were relatively unknown, was published in the Harvard

Law Review in 1924. Since that time both of these men have attained great eminence in the public life of this Nation. One of them, Felix Frankfurter, has since found his way to the Supreme Court. The other was James M. Landis, who, if I recall correctly, served as dean of the Harvard Law School, and occupied several governmental positions.

This is a northern answer, published by a northern law school, and at least one of the authors must be accepted by the civil-rights proponents as authoritative. I did not compose this answer. It is a northern answer, and one of its authors also collaborated in the Supreme Court's decision of May 17, 1954.

These authors wrote their answer during the controversy over the constitutionality of the Clayton Act of 1914. This great act gave the right of jury trial to defendants in labor-injunction cases. There were those who bitterly opposed the rising labor unions, and who charged that Congress, in the Clayton Act, had violated the separation of powers and the inherent powers of the courts and the immemorial usage of the common law.

Frankfurter and Landis, in a heavily documented article, showed how little substance this argument contained.

Now that another minority is defending its right to jury trials against a widely expanded injunctive power, we again hear the argument that Congress cannot constitutionally guarantee jury trial in contempt cases.

The argument was succinctly stated recently in a national magazine. The magazine wrote:

> SAM ERVIN'S trial-by-jury slogan was taken up by southern newspapers. Indeed, the issue worried many who were otherwise friendly to civil rights. Yet the contempt citation is the judiciary's historic enforcement tool. Jury trials in contempt cases have absolutely no basis in equity or constitutional law and precious little legislative sanction. * * *
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> As early as 1894, the Supreme Court wrote: "Surely it cannot be supposed that the question of contempt of the authority of a court of the United States, committed by a disobedience of its orders, is triable, of right, by a jury."

That is the argument that is being made by some.

The answer, as written by Mr. Frankfurter and Mr. Landis, is found in the Harvard Law Review.

I shall not take the time to read the entire article at this time. I hope that in a later speech I may have the opportunity of reading the entire treatise, because it is one of the clearest I have seen which deals with this subject.

I wish to read an excerpt from it, which comments on the matter of contempt and contempt proceedings, and the abuse of the power of a judge to impose punishment for contempt. I wish to read the section which I think is of historic importance, and one which has a direct bearing on the subject before us. I read from page 1024 of the Harvard Law Review of June 1924:

> There was abuse. A succession of grievances against the exercise of arbitrary judicial power culminated in the proceedings of impeachment against James H. Peck, a judge of the Federal District Court for the District of Missouri. The dramatic outlines of the story are well known. But the significance of the case to the subsequent Federal law of contempt lies in the details of its history—the circumstances of the impeachment proceedings, the consideration given to the law of contempt in the course of the arguments at the trial, its repercussion upon the legislation of the country. Judge Peck imprisoned and disbarred a lawyer for publishing a detailed criticism of an opinion while an appeal from him was pending. After the fullest consideration, articles of impeachment were presented by the House of Representatives, and Judge Peck was put to trial before the Senate. Peck's conduct was defended chiefly upon his good faith in following what purported to be the stanch precedents of the common law. These were decisions which Lord Coleridge 15 years later thus characterized: "There are many cases in the older digests and abridgments on this subject, undoubtedly of a severe and stringent nature, and such as would ill bear to be applied in the present day." This defense, doubtless considerably reinforced by humane considerations, accentuated in this instance by the judge's age and blindness, saved the day for the judge. He was acquitted, but 21 out of 43 Senators pronounced him guilty.
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> In his closing argument Peck's chief counsel, the great William Wirt, told the Senate that "if the law [of contempt] as it stands be disapproved, it is in the power of Congress to change it." Peck was acquitted on January 31, 1831. The very next day, February 1, 1831, Congress set in motion the process to change it. On that day the House, without a division, directed its Committee on the Judiciary "to inquire into the expediency of defining, by statute, all offenses which may be punishable as contempts of the courts of the United States, and also to limit the punishment of the same." In compliance with this resolution the Committee on the Judiciary, through James Buchanan—

Who later became President of the United States—

> who had had charge of the prosecution against Peck, promptly, on February 10, brought in a bill, "declaratory of the law concerning contempts of court." On February 28 the bill passed the House. On March 2 it was reported by Webster from the Senate Committee on the Judiciary. On the same day the measure received its final form in both Houses, was approved by the President, and became law. The powerful legislative influence generated by Peck's trial did not exhaust itself in Congress. So deeply did the Peck case stir the country that State after State copied the new Federal law.

I shall not read the entire statute, but I wish to read the pertinent part at this time. It reads:

> That the power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court, shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance of any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

In other words, what Congress was doing by formal action was to confine the exercise of punishment by the Federal courts of the United States for contempt to that small group of cases where the offenses were committed in the presence of the court or so near to it as to obstruct the administration of justice, and to misbehavior of an officer of the court, or disobedience on the part of an officer, party, juror or witness in an action pending before the court.

I submit that that is a good rule. If we have departed from it, it is bad, and certainly we ought not to depart further.

The article from which I have read is, in my opinion, the answer to the argument that Congress has no power to regulate the contempt powers of the courts. This argument was demolished when the Clayton Act of 1914 was held to be constitutional.

As we discuss the legal implications of this proposal, let us remember five clear truths.

First. The bill is an attempt to evade trial by jury. The bill is intended to avoid juries so that the results of prosecutions will conform with the political interests of the administration now in power.

The injunction has a long and honorable history as a means of enforcement, and we have written injunctive powers into many kinds of law.

But this is the first time in recent history, if not, indeed, in the history of the Nation, that the use of the injunction for the specific purpose of circumventing trial by jury has been seriously considered.

The injunction is a useful tool in certain closely defined circumstances. But it has never before been used to ensure convictions—to ensure that Americans will go to prison—because juries seemed undependable.

If we are to say by the bill that juries are not going to enforce the law, must we not conclude that juries will refuse to do their duty in any case? Is this not, in essence, a fundamental attack on the jury system?

If we have reached a point at which juries will not observe their oaths, then the whole concept of trial by jury is under question.

The Attorney General appears to be convinced, and some of the Senators here seem to be persuaded, that juries cannot always be relied upon to provide justice to our citizens in voting cases. I ask then: Whose justice?

In this country, our definition of justice itself is firmly founded upon the concept of a sworn jury with full discretion to convict or acquit, to hold liable or not liable for damages. If we are to say that justice does not reside in the jury, where then does it reside? In the Attorney General? In the President himself? This would seem an uncertain foundation indeed, and a dangerous reversion to very old and evil ideas that one person can tell the rest of his countrymen what is best for them, and what is right for them.

Whose justice shall we enforce? The justice that may be manufactured in haste upon the Senate floor, with one eye upon the next presidential election? Are we going to encourage one section of our country to produce justice for export—to develop law suitable to its own

conditions, and then to force the application of that law elsewhere?

If we wander from the jury trial, upon which all our system of prosecution is based, then we shall have done basic damage to our common inheritance of civil justice.

Let me ask Senators to consider another point. If juries will not enforce the law in voting cases, what reason is there to think that juries will support the law in any case? To be consistent, should we not introduce the fiction of civil proceedings and injunctions into the law of assault and murder?

In my State, and I am sure the same is true in other States, it sometimes happens that a crime is committed. In my State, some of the citizens are white and some of the citizens are colored. Consequently, sometimes there are crimes which involve both races. These crimes are then prosecuted before a jury.

Has our enforcement of the law been so weak, have our juries been so biased, in these cases, that Senators have concluded that we in Alabama do not keep the law? We know that this cannot be said.

The logical extension of the bill is to extend this fiction of civil action, with its injunctions based on the suspected intentions of the person enjoined, to all manner of crimes, so that no case need be brought before a jury.

If we begin to deprive the citizen of responsibility and duty in one area of criminal enforcement, we will hardly improve his ability to uphold his responsibility and duty in other areas. The law is all of a piece, and it cannot be damaged here without unwittingly damaging it there.

It took us and our English forebears many centuries to wring the right of jury trial out of a succession of despots. Now we are actually considering the enactment of a law to demolish a part of this right, merely because history is not moving in a manner which suits certain voters in certain wards of certain large Northern cities, expected to be important in future political elections.

My second point has to do with the long and bitter history of the injunction in our American law.

I intend to go into this history at some length, for it is sowed with incidents and with legal cases which seem to have been forgotten here. Before I begin this review, I wish to point out some of the lessons contained within it.

There has always been an area of overlap between acts punishable summarily as contempts, and acts indictable as crimes.

No one doubts that an American court has a right to punish contempts committed in the face of the court, where they interrupt the work of the court, as I have repeatedly said. Nor do I doubt that the court has a right to punish contempts committed outside the immediate vicinity of the court, where they constitute a threat—a clear and urgent threat, the courts have held—to the administration of justice.

But Congress, the courts, even the Supreme Court itself, has repeatedly condemned the practice of using injunctions to punish acts otherwise punishable through the regular processes of the criminal law.

When Congress first began writing laws, the danger of the "overlap" was not foreseen. Over the years, however, we have grown wiser. This wisdom, which sees injustice in any attempt to replace normal prosecutions with summary trials, has brought into being the contempt laws now in effect. It has caused the writing of many decisions in which the courts themselves have narrowly restricted the right of a judge to inflict summary punishment.

Here again, for the first time in the history of Congress, we are actually proposing to expand the area of "overlap." We are actually proposing to require the courts to punish summarily acts which, traditionally, have been criminal offenses in which the defendant has full access to his rights.

If a foreigner were to listen to all the oratory which has been produced in support of this bill, he would think that the United States had no laws to prevent tampering with voting lists.

Yet anyone who hears or reads what I say, knows that there is already great power at the disposal of the Attorney General to enforce justice at the polls. There are criminal statutes providing severe penalties for tampering with voting records, miscounting votes, and for unlawfully depriving citizens of their right to vote. These statutes are firmly founded upon the Constitution itself.

If our law already provides such powerful remedies for the alleged wrongs, why then is it necessary to introduce this peculiar injunction procedure?

Part of the reason, it seems, is that some who favor the bill appear to be more interested in effecting great change prior to the next election, rather than in the long-term prospect for mollification of our great nationwide race problem. This greedy impatience will do only damage to the legal limitations carefully built up around injunction proceedings, for here Congress will be running counter to its historic position. Congress, in the past, as I pointed out a few minutes ago, has always opposed the use of summary proceedings where the law provides jury trials. To break this tradition now might throw into great question the applications of these limitations against other misuses of the courts' summary powers.

In the past, Congress and the courts together have increasingly narrowed the area within which a judge may punish for contempt. They have steadily reduced the types of indictable crime which may be punished as contempt with none of the safeguards imposed in normal prosecutions.

The bill before us, if passed, would reverse this progress and would confuse principles which now are clear to court and defendant alike.

My third point also reflects a historic trend in the law of contempt in the United States.

The best scholars in this very complicated field have increasingly urged jury trials in some types of contempt, especially in those types loosely known as criminal contempts. The law upon this point is still unclear, but we can see this idea growing if we go back through the cases and the law review articles of the last several decades.

Throughout the history of American law, it has been the liberals in Congress who have led the way in restricting narrowly the court's powers to punish for contempt through summary trial. More recently, these liberals have led the battle toward requiring jury trials in certain kinds of contempt cases.

Now, at last, the scholars and indeed the courts themselves are beginning to question the wisdom of trying any criminal contempt cases without a jury.

I should have thought the libertarians among us would greet this new trend with great gratification.

But a rule of jury trials in contempt cases would threaten the legal steamroller which would be constructed under the bill to enforce a system of injunctions directed from Washington.

It is tragic to see our liberal friends in the position of supporting a bill which would contradict the traditional liberal position on summary handling of injunction cases. It is tragic that these local doctrines, supported by the great liberals of our history, now are imperiled by the bill which is proposed.

Do Senators not see the perilous confusion into which the bill would lead them?

In order to force one region of the Nation into conformity with their ideas of justice, and in order to enforce this conformity before the next presidential election, they are attacking principles of Federal law which were developed only with great difficulty over a period of many years.

Increasingly, we find judges and legal scholars referring to a need for a stated right of jury trial in criminal-contempt cases. Yet here, in this one careless bill, we would clearly express a Congressional intention that this right never be achieved.

We would demonstrate the will of Congress that the law of contempt be carried into fields where it was never designed to go, and that summary trial become the established weapon through which to punish those who do not agree with the racial views of whatever administration might be in power.

This leads me to a fourth point. Much of the law of contempt as it now stands, and most of the meaningful limitations on summary trial, come directly from two areas: labor strife and the publication of writings held to be in contempt of court.

Much contempt law also comes from fields like domestic relations, where alimony payments are involved, and much of it comes from liquor cases. I do not think that I need persuade very hard to show the Senate that this kind of case is very far afield from the bill now under debate.

It should be equally clear that the injunction in an antitrust case is not a precedent for an injunction in a civil-rights case. There has been a certain amount of argument that, because injunctions have proved useful in certain kinds of commercial regulation, they will solve all our most profound and emotional political issues.

Surely every Senator understands that it is specious reasoning to compare an antitrust case with the kind of action now being proposed.

To find a historical analogy for the kind of action contemplated here, we must go back to the labor cases of the late 19th and early 20th centuries. Only by remembering the bitterness and violence of labor strife in those years, and the fierce public resentment of the Federal courts and their injunctions and their summary trials, can we truly foresee the results of this bill.

It is strange to think that many Senators who stand up stoutly for the rights of labor, and who take great pride in the accomplishments of the labor movement, should take the other side in this situation which is legally so close a parallel.

It is strange to think that many Senators who stand up stoutly for the rights of free speech and a free press have had so little to say here. Surely those who are lawyers know how many cases of contempt by publication are on the books.

The contempt power of the judge in publication cases has been sharply reduced in the last two decades. Now he must find a clear and present danger to the administration of justice before he hales the offending editor or speaker into his courtroom. Yet there continue to be such cases; and in such a deep social question as the race issue, it will be easier for a judge to see such danger, perhaps, than in the ordinary run of equity suits.

When court injunctions get involved in the local registration of voters, the judge himself is going to get involved in local politics. The injunction will become an issue in our political campaign, and so will the purpose to which the injunction is put.

Yet, if a candidate criticizes that injunction, or the manner in which its author uses it, does not that candidate stand in contempt of court? If the criticism seems calculated to interfere with fulfillment of the injunction, could not the critic be committed to prison?

Politics is public policy, and there is no issue of public policy more important than that which some now propose to solve with Federal injunctions. Should this area of politics then be above criticism, because the dignity of a Federal judge lies behind the injunction?

The shadow of these injunctions will spread over all the processes of our local and State political systems.

If the injunction and the man who wields it become issues in a campaign, apparently we cannot criticize them without running the danger of finding ourselves haled before the bar of the court, on grounds that our writings and speeches constitute resistance to a lawful writ of the court.

Mr. HILL. Mr. President, at this point will my colleague yield to me?

The PRESIDING OFFICER (Mr. CARROLL in the chair). Does the Senator from Alabama yield to his colleague?

Mr. SPARKMAN. I am very glad to yield.

Mr. HILL. Under the bill, could not there be a situation in which the judge himself would make the law, so to speak, and then he would prosecute, and then he would construe and interpret the law, and then he would render the decision as to the guilt or innocence of the person involved, and then the judge would proceed to fix the punishment of the person whom he had found guilty?

Mr. SPARKMAN. The Senator is absolutely correct. No matter how able a judge may be, after all, he is human. My argument is that it is better to rely on our system of trial by jury.

Mr. HILL. Under the system of trial by jury, the judge has the benefit of the wisdom, experience, and sense of justice and fair play of the 12 members of the jury; is not that correct?

Mr. SPARKMAN. The Senator is absolutely correct; and I think he will agree with me, from his long experience and his long observation of court procedures, that the average judge would prefer to have a jury determine the facts. The judge discharges his responsibility by interpreting and applying the law; but the normal judge would want a jury in every case in which a question of fact was involved.

Mr. HILL. A jury which would determine the facts, and then would take the law as the judge would give it to them. Then the jury would make the application of the law to the facts, as the jury had found the facts to be.

Mr. SPARKMAN. Of course the Senator is correct.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to me?

Mr. SPARKMAN. I yield.

Mr. ERVIN. I wish to ask a question along the same line. In our law there is a fundamental rule that no man shall be the judge in his own case. I should like to point out that a procedure such as the one proposed by the bill would make the judge in a sense—as the senior Senator from Alabama has pointed out—the writer of the injunction, the interpreter of the injunction, the prosecutor, the jury, and the punisher of the person charged with disobeying the order issued by him. So I ask the Senator whether the bill does not, in spirit at least, violate the fundamental rule that no man shall be the judge in his own case?

Mr. SPARKMAN. The Senator from North Carolina is absolutely correct.

The bill, with all its implications, violates the very fundamentals of our system of justice, which has as its keystone—as I stated a little while ago—the right of trial by jury; and that is bolstered by two other rights, namely, the presumption of innocence until found guilty, beyond a reasonable doubt, by a jury of one's peers; and the right to be confronted by the witnesses who testify against the accused. I judge them to be the foundation stones of our judicial system. But this bill would do grave injury to all of them.

Mr. HILL. Mr. President, will my colleague yield further to me?

Mr. SPARKMAN. I yield.

Mr. HILL. Of course in the ordinary criminal case, under our judicial system, as we have known it, and as that system has been bought and paid for by the blood, struggles, and sacrifices of free men through the centuries, there is also the right first to be indicted by a grand jury and to have a grand jury consider the case.

Mr. SPARKMAN. Yes. As a matter of fact, I have made the point that the use of the grand jury predated the use of the petit jury by about a century before Runnymede.

Mr. HILL. The Senator has brought out that point very effectively in his remarks today. The grand jury came first.

Mr. SPARKMAN. Yes.

Mr. HILL. It was followed by the petit jury. First a person is charged by a grand jury, and then he is tried by a petit jury.

Mr. SPARKMAN. That is correct.

The proponents of the bill are trying to base it upon equity proceedings. However, equity did not develop until long afterward; and it developed to apply only to cases where no relief was to be found in law. But in the present case, every single one of the supposed offenses can find relief in law. There is a writ that goes to every one of them.

Mr. HILL. Is it not also true that the resort to equity was for the protection of property, and did not deal with the question of human rights?

Mr. SPARKMAN. Yes. It was, as has so often been said, an application of the king's conscience in adjusting wrongs which otherwise could not be adjusted in a court of law.

The threats to free speech, and to the right of a free press are so obvious that I am filled with wonder that my northern friends, ordinarily such jealous guardians of these rights, have not had anything to say on this matter.

Suppose the editor of any newspaper, however small or large, wishes to comment upon the way an injunction is being used in his city and county. I do not have to confine my comment to the editor of a newspaper; suppose a columnist or a newspaper reporter comments in his news item on the manner in which some matter has been handled by a judge, and suppose the comment is one which the judge does not like. Can the editor or columnist or reporter comment freely, as, according to our political ideals, he has the right and even duty to comment? Or must he walk warily, so as not to disturb the temper of the Federal judge of the district? I expect that the judge would not be in a very good temper to begin with, upon finding that Congress had passed a law promoting him to the high rank of precinct captain general for every precinct in his district.

If public debate is to become a matter of walking softly around a legal device, then a great change will necessarily take place in our political system; and that change will not be for the better.

There will also be a great change in the nature of Federal justice and the place occupied by our Federal judges.

My fifth point deals with this. It has been our custom in the United States, and a very good custom indeed, to let the law be the crystallization of the American consensus. Law is the formal expression, traditionally, of the social beliefs of our people.

Politics differs from law in that politics is the arena within which we hammer out the issues. Where we have reached consensus, we can enact laws

that will stand. Where we enact laws that are not the result of consensus, then inevitably we draw the judges into politics.

This has happened occasionally in the history of the country, and in every case it has damaged the effectiveness and dignity of the courts. Is there anyone who does not think that will happen should the present bill be enacted?

This bill does not represent the American consensus. It represents the efforts of one part of the Nation to enforce upon another a superficial view of justice, despite earnest warnings that it will work disastrous damage to the progress currently being made.

If the Federal judges are to be made the agents of this disruptive policy, the first result will be grievous damage to the judges' prestige as objective and disinterested arbiters. If Senators think I exaggerate, look again at the history of the great labor unions. Look at the effects of their struggles with Federal courts too deeply concerned with property rights and insufficiently concerned with any other kind of rights.

A judge cannot become the advance agent for a political party in one field of law, and hope to retain his stature as politically disinterested in other fields of law.

In this bill, the administration has chosen, for very good reason, to work through the only Federal officials who cannot be reached through the elective process.

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

Mr. SPARKMAN. I yield.

Mr. HILL. Is it not also true that in acting through Federal officials who cannot be reached by the elective process, the Government would go beyond the State, county, municipal, and other local officials in one fell swoop, and would brush all of them out of government, so to speak, in order to use the services of one lifetime Federal judge?

Mr. SPARKMAN. The Senator is correct. I hope sometime in the course of the debate someone will deal with that particular subject, because it is a big subject within itself. The Senator from North Carolina, in the debate this morning, as I recall, brought out the point that every single one of the provisions embodied in the bill is already covered both by Federal law and by State law. The bill would sweep away the procedure of the present Federal statute. That is, it would expand them and make it unnecessary to carry out the two safeguards the Senator from North Carolina repeatedly stated—the right of trial by jury and the limitation on the penalty which can be imposed. It would sweep away completely the handling of these matters by the State and local governments.

Mr. HILL. Not only would the Federal courts handle matters which should be handled by the State and local governments, but the bill would also do away with what we know as the administrative processes. In the past the courts, and Congress, too, have wisely provided that administrative processes should be gone through before persons may resort to the courts.

Mr. SPARKMAN. That is correct.

Mr. HILL. There are many, many matters, as we know, which can be settled or adjudicated or worked out through administrative processes, without ever resorting to the courts.

Mr. SPARKMAN. The Senator is correct. That is the reason there has been maintained through the years the wise rule requiring a person who wants to resort to a higher court first to exhaust his remedies at a lower level.

Mr. HILL. That rule has been laid down not only by the courts themselves but by the Congress itself.

Mr. SPARKMAN. That is correct, by statute enacted and reenacted.

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

Mr. SPARKMAN. I yield to the Senator from North Carolina.

Mr. ERVIN. I wanted to ask a question on the point the senior Senator from Alabama has raised. The truth is that, under the procedures provided by the bill, which operate only through the Attorney General and one-man Federal district courts, the Federal district courts would be converted to all intents and purposes into branches of the executive department of the Federal Government for the purpose of acting as school boards and election boards and discharging other functions which are essentially local. Is that not correct?

Mr. SPARKMAN. Yes. I stated a few moments ago that the judge would become, in effect—I used a rather facetious title, but, nevertheless, I think it is apropos—the precinct captain general for the whole area of the district. He would get wrapped up into everything.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. SPARKMAN. I yield.

Mr. HILL. What would become of the indestructible union of indestructible States?

Mr. SPARKMAN. That is one of the great troubles people forget. We have in this country a dual system of government, two sovereignties, each one supreme within its own sphere.

Mr. HILL. It is just as much the province and function of the Federal Constitution to protect and safeguard and insure the States in their sovereignty as it is to protect and safeguard the Federal Government in its sovereignty. Is that correct?

Mr. SPARKMAN. The Senator is certainly correct.

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

Mr. SPARKMAN. I yield.

Mr. EASTLAND. Is it not true that in reality what it is sought to do by the bill is nullify the laws of the States?

Mr. SPARKMAN. Yes.

Mr. EASTLAND. The enactment of the bill would be a nullification of State statutes. Is that correct?

Mr. SPARKMAN. Yes, and some of the procedures under Federal law.

Mr. EASTLAND. Surely. This whole bill is based on equal protection of the laws, is it not?

Mr. SPARKMAN. Supposedly.

Mr. EASTLAND. Supposedly. Under the bill we would give the Attorney General discretion to bring suit and nullify State laws for citizen A, but deny the protection of the law to citizen B and make him exhaust his administrative remedies. Is that correct?

Mr. SPARKMAN. Yes. Under the bill, we would vest that power in the Attorney General, not in the Government of the United States as such, but in the person of the Attorney General of the United States, to exercise his discretion as to whether citizen A would have his rights enforced and whether citizen B would not have those rights enforced.

Mr. EASTLAND. Where is the equal protection of the laws which is so loudly proclaimed as being the basis of the bill?

Mr. SPARKMAN. The question answers itself. It is not to be found.

Now, Mr. President, I am about to bring my statement to an end, but before I do so, I desire to comment on something the distinguished Senator from Arkansas [Mr. FULBRIGHT] discussed yesterday, when he placed in the CONGRESSIONAL RECORD, as a part of his remarks, two editorials from the Washington Post showing some change in its thinking.

I ask unanimous consent to have printed in the RECORD at this point in my remarks an editorial from the Washington Post of this morning.

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

O'MAHONEY COMPROMISE

Senator O'MAHONEY offered his proposal for jury trials in some contempt cases arising under the civil-rights bill before the Senate had even agreed to take up the bill so that the proposal could be carefully studied. That action was wise, for the subject is extremely complex and the need to find the right answers is great. We hope that it will be scrutinized apart from the passions that are coloring the Senate's debate.

The O'Mahoney amendment would instruct judges sitting in civil-rights cases arising under the bill to order a jury trial for any person accused of violating an injunction or restraining order of the court "if it appears that there are one or more facts to be determined." The idea behind the amendment came from a recent article by Telford Taylor in the New York Times magazine. Some question arises, however, as to whether the amendment reflects what Mr. Taylor had in mind. He suggested jury trials in cases of this kind "where guilt or innocence of contempt involves substantial factual questions." Certainly this reference to substantial factual questions is a different criterion than one or more facts.

What Senator O'MAHONEY is trying to do, however, is to separate those cases in which the facts are clear—such as the refusal of a registrar to register a qualified voter—from those cases in which there may be a substantial dispute as to the facts. These latter may include charges that members of a masked mob had intimidated voters. There the question would be whether the persons restrained by the injunction or those taken before the court were actually the ones guilty of the offense. In our opinion, this is a valid and sensible distinction to make. There is a question as to whether a dividing line can be clearly drawn between the two types of cases. But no harm would be done by requiring juries in those contempt cases in which substantial issues of fact must be determined—with the judge deciding what is substantial.

Along with a study of this amendment should go scrutiny of the proposal made recently by Prof. Carl A. Auerbach of the University of Wisconsin. He thinks the bill should authorize the Government to bring civil contempt actions against alleged violators of civil-rights injunctions. Under civil contempt proceedings, a court could put any defiant registrar in jail until he complied with the court's order—but the defendant himself would hold the key. In other words, the contempt power would be used for a purely remedial purpose instead of a punitive purpose, as under criminal contempt proceedings. Civil contempt cases are always handled by the judge without a jury.

Here is another area in which it may be possible to soften the present bill without sacrificing its vital objectives. In our view, the Senate should weigh every compromise of this sort in the interest of devising a bill that will give minimum offense to the South even if southern legislators cannot bring themselves to vote for it.

Mr. SPARKMAN. Mr. President, I think it is most interesting to see what has happened in the three editorials from the Washington Post. The first one, as the Senator from Arkansas pointed out yesterday, said, in effect, we ought to take this bill and pass it as it is, without losing any time. I do not mean the editorial said that exactly, but that was it substantially. Now, after further consideration, the Washington Post, within the past few days, came out with a second editorial, which discussed the question of the right of trial by jury, and admitted that perhaps there was something to the argument on this point and that the bill ought to receive careful consideration.

In this morning's editorial, entitled "O'Mahoney Compromise," the editorial states the same thing. It pays a very high compliment to the Senator and his amendment, and says, in effect, if I interpret it rightly, that probably it ought to be adopted.

The editorial goes further and says:

Along with a study of this amendment should go scrutiny of the proposal made recently by Prof. Carl A. Auerbach of the University of Wisconsin. * * *

Here is another area in which it may be possible to soften the present bill without sacrificing its vital objectives. In our view, the Senate should weigh every compromise of this sort in the interest of devising a bill that will give minimum offense to the South even if southern legislators cannot bring themselves to vote for it.

I understand the editorial viewpoint of the Washington Post and Times Herald. Of course it favors this kind of legislation. But at least I think the editors are talking sense when they say that the Senate ought to study every angle of this bill, because perhaps it needs amending in other respects.

Frankly, I do not believe the bill could be amended so as to make a good bill. I think it is bad in its premise. However, I realize that there are a great many others who think differently. Certainly this editorial indicates that somebody writing editorials for the Washington Post has been doing a good bit of thinking about this matter and has made progress. I am delighted to see it.

Mr. President, along that line I should also like to have printed in the RECORD at this point an editorial from one of the great newspapers not only of this country but of the world, the Christian Science Monitor, of July 8, 1957. This editorial is entitled "Persuasion Versus Filibuster."

I think the editorial calls for careful reading. I take it that the editorial policy of this newspaper, likewise, would be favorable to civil-rights legislation, but at the same time it takes the view that such legislation ought to be carefully discussed, carefully studied, and thoroughly worked out, not in the hurried, haphazard manner such as the bill before us represents.

Mr. President, I ask unanimous consent that that editorial be printed at this point in the RECORD.

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

PERSUASION VERSUS FILIBUSTER

Highly encouraging is Senator RUSSELL's word that in the Senate debate on civil rights opening today the first purpose of southern opponents is to insure that proposed legislation is clearly understood. This purpose everyone believing in democratic discussion will endorse. It relies on persuasion rather than the sheer force of minority rule which is expressed in extreme examples of the filibuster.

No thoughtful person would condemn indiscriminatingly all measures to delay a vote. Where an issue has come up suddenly, debate—however protracted—which provides information and more time for public consideration still serves the purposes of debate. But when the essentials of an issue are widely grasped, the meaningless droning of irrelevant material becomes such an abuse of free discussion as to defeat the true purpose of discussion in a legislative body—clarification of thought to permit wise action.

So long as Senate debate of the civil-rights program provides such clarification it should be welcomed. Certainly clearer understanding is needed when such honest and intelligent men as the President and Senator RUSSELL can take such contradictory views of its meaning. Mr. Eisenhower sees it as a moderate instrument for protecting Negro voting rights. Mr. RUSSELL sees it as a tyrannical attempt to force the mixing of races which will produce disorder and bloodshed.

We are inclined to feel that the President is more nearly right than the Senator. But it is only candid to recognize that the more Negroes gain the vote the harder it will be for States and localities to enforce legal segregation. Yet that does not mean that individuals will not still be free to choose their associates in the vast majority of business and social contacts. Section 3 should be amended to remove any ground for Mr. RUSSELL's fear that Federal troops may be used to force integration.

Senate debate should clarify the jury-trial issue raised in connection with the proposal for injunctions to halt the purging of Negroes from voting lists. It should be possible to fashion a reasonable compromise on this question.

In most contempt proceedings for violation of an injunction the circumstances might well be so clear that no reason would exist for a jury trial. But there could be cases where responsibility for intentional defiance of a court order was not clearly fixed and a determination of the facts by a jury would serve the ends of justice. Could not provisions be made for exceptions without defeating the whole purpose of the legislation?

We believe Congress and the American people are fairminded enough to listen to reason if sound arguments can be presented for modification of this program. But where debate goes beyond persuasion and becomes either unreasoning emotionalism or calculated obstruction, ears will begin to close and hearts to harden. Senator RUSSELL is wisely seeking to avoid adding public annoyance with the extremer forms of filibustering to existing public impatience with denial of rights.

Mr. President, I have 1 or 2 other matters and then I shall close.

When the civil-rights bill was under debate in the House of Representatives a very distinguished Member of that body, who comes from the State of Illinois, a Republican and one who has had long service there, who entered the House of Representatives at the same time I did, back in 1936, had some remarks to say on the civil-rights bill. I refer to Representative NOAH MASON, of Illinois. I desire to quote his words. Representative MASON said:

Habits, customs, and obligations are much more effective than any civil-rights program implemented by Federal laws. Custom is much more effective than any law because it polices itself. Laws are not particularly efficient. A law has little chance of being enforced if it does not have the approval of the majority of the people affected.

I may say, Mr. President, that we know from bitter experience during the days of prohibition the truth of the statement made there. We know it is true with reference to any law. Any law has to have the respect of the people if it is to be effective as a law.

But Representative MASON went on to say, referring to the civil-rights measure which it is proposed to bring before the Senate:

This bill denies certain fundamental rights guaranteed by the Constitution to both majority and minority groups—the right to own, manage, and enjoy property; the right of trial by jury; the right to be presumed innocent until proven guilty; the right of appeal; and the rights of the States or the people thereof under the 9th and 10th amendments.

Heretofore in America a defendant came to the bar of justice as an innocent man accused of a crime. Under this bill he will come to the bar presumed guilty under a prima facie finding, and he will remain guilty unless and until he can prove himself innocent.

In substance, the provisions of this bill constitute nothing more nor less than government by Federal injunction.

Mr. President, that statement is included in an editorial published in the Florence, Ala., Herald of July 4, entitled "Government by Injunction." I ask unanimous consent that the entire editorial be printed in the RECORD at this point.

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

GOVERNMENT BY INJUNCTION

As the country, and particularly the South, awaits the expected move next week of backers of the civil-rights bill to force that legislation through the United States Senate, and thus make it the law of the land, more and more people are coming to recognize the dangers it holds.

One of the most critical of its opponents, and of the Supreme Court, which has of late rendered some amazing decisions, is Representative N. M. MASON, of the State of Illinois.

Pointing out that present members of the High Court are men socially, economically, and politically minded, rather than legally experienced and judicially inclined, Representative MASON says it is natural that their decisions are based upon their social, economic, and political convictions. Legal precedents are ignored by the Supreme Court, he declares.

"Nothing is sacred nor permanent under the present uncontrolled Supreme Court," Representative MASON says. "Century-old customs and previous Court rulings may now be overturned by a capricious Supreme Court, a majority of whose justices have sociological predilections that influence or dominate their opinions."

Of civil rights itself, the House Member from Illinois states: "Habits, customs, and obligations are much more effective than any civil-rights program implemented by Federal laws. Custom is much more effective than any law because it polices itself. Laws are not particularly efficient. A law has little chance of being enforced if it does not have the approval of the majority of the people affected.

"This bill (the civil-rights measure) denies certain fundamental rights guaranteed by the Constitution to both majority and minority groups—the right to own, manage, and enjoy property; the right of trial by jury; the right to be presumed innocent until proven guilty; the right of appeal; and the rights of the States or the people thereof under the 9th and 10th amendments.

"Heretofore in America a defendant came to the bar of justice as an innocent man accused of a crime. Under (this bill) he will come to the bar presumed guilty under a prima facie finding, and he will remain guilty unless and until he can prove himself innocent.

"In substance, the provisions of (this bill) constitute nothing more nor less than government by Federal injunction."

Mr. SPARKMAN. Mr. President, I shall not take the time to read, but I ask unanimous consent that there be printed in the RECORD at this point, a very fine editorial published in the Nashville Banner, of Nashville, Tenn. Incidentally, Mr. President, I will say that the Nashville Banner has long supported the Republican Party. It is not a Southern Democratic newspaper, but it is a longtime Republican newspaper. This is a very strong, forceful editorial on behalf of the continuance of our great traditional and constitutional right of trial by jury.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Is there objection?

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

BY CONSTITUTION, MR. PRESIDENT—JURY TRIAL VITAL PROVISION OF DUE PROCESS

A principle as fundamental as the right to trial by jury admits of no negative speculation. The issue endangering it is positive, and the President owes it to the country to be completely informed on it—and to venture no answer, as yesterday to a casual question, that can be misconstrued.

He said simply that the dignity of the Federal courts must be upheld, and with that point there can be no disagreement. The challenge lies in the evasion of this principle proposed by his Attorney General.

He expressed that view, without elaborating on it, with reference to inclusion of this protective amendment in the so-called civil-rights legislation. Regardless of sponsorship, the omission is indefensible.

It does not conform with what must be, otherwise, his respect for the principle of due process.

Regardless of his reliance on the advice of Attorney General Herbert Brownell, to whom he referred questioners, he must realize that his administration bears the responsibility for a piece of legislation so far-reaching; and he cannot lightly dismiss personal accounting for it on grounds that he is not schooled in law. It is his obligation to know the facts in the case before he lends such a measure even inferential endorsement.

The design of trial by jury is not to reflect upon, or derogate, any court. It does not detract from their dignity, or asperse their prestige as the judicial instrument. It does bind upon the system of justice a procedure historically related to responsibility of the judiciary in a government of law—and that binding was done most meticulously by the Founding Fathers through the Constitution itself.

Not judicial indignity, but freedom from oppression, was the aim of this provision—as three times spelled out in the organic law. It certainly is no less vital now, nor less valid, with legal confusion the more confounded by the legislative versus judicial struggle for the lawmaking function. In the present instance, emphasis understandably is laid upon it as a principle that must not be disestablished in behalf of a questionable force bill.

With regard to this project, which has aroused concern of the Constitution-minded throughout the Nation, the President obviously has been listening too closely to the United States Attorney General—who may be himself seeking a Supreme Court berth. He should be listening to some authorities who know the dangers of that drift from a basic point of law.

The idea of government by injunction—or intrusion on the fundamental right of trial by jury—or of the Justice Department in any of its divisions, old or new, superseding the principle of due process, is nowhere countenanced by the Constitution. They would constitute a bypass, and certainly could not be construed as enhancing the dignity of the court or the security of rights for which governments are instituted.

If the President will consult all the facts on due process, he cannot possibly back a suggestion so essentially and dangerously detrimental to it.

Mr. SPARKMAN. Mr. President, these, then, are my five reasons for opposing the injunction provisions of this bill; let me summarize them.

First. The bill represents an attempt to evade the defenses provided to defendants under our law, and subverts the concept of responsible juries.

Second. The bill attacks the doctrine that acts otherwise indictable as crimes ought not be punished by summary proceedings.

Third. The bill runs counter to the growing body of authoritative opinion that jury trial should be available to defendants in criminal contempt cases.

Fourth. The bill would have among its indirect effects a threat to free speech and a free press.

Fifth. The bill would, in its enforcement, do great damage to the Federal judicial system.

Mr. President, I believe it would be a mistake—a terrible mistake—to take this bill up and make it the pending business. It would create a terrific logjam to hold up badly needed proposed legislation which is already on the calendar. I hope that when question on the motion is finally put the Senate will decide against taking up this bill and making it the order of business.

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

Mr. SPARKMAN. I yield.

Mr. ERVIN. I wish to congratulate the Senator from Alabama for his magnificent exposition of the history of the right of trial by jury and the necessity for preserving that right. I wish particularly to commend his very complete refutation of the argument that it would encroach upon the inherent powers of Federal courts for Congress to allow the right of trial by jury in indirect contempt cases.

One of the greatest constitutional lawyers who ever sat in this body was Senator Walsh of Montana. During the course of the debates with respect to the Clayton Act in 1914, Senator Walsh made an unanswerable argument against the contention that allowing the right of trial by jury in indirect contempt cases would encroach upon inherent powers of the court. He pointed out that the only constitutional court we have is the Supreme Court of the United States, that all other Federal courts are creatures of Congress, and that it is absolutely absurd to say that the Congress could create a court, such as the district courts of the United States, which would have more power than the body which created them.

The Senator from Alabama is to be congratulated for making an argument equally as forceful on that point.

Mr. SPARKMAN. I certainly appreciate the remarks of the Senator from North Carolina. As a matter of fact, I was somewhat hesitant and dubious about presenting that argument here, because I thought it was so unnecessary. It was rather ridiculous, I thought, at first, but as I dug back into the history of the Clayton Act, for instance, and the cases of that kind, I found that the argument had been seriously made. There is a great national magazine editorializing to that effect now. Some persons make that argument. It shows the ridiculous lengths to which some people will go when driven by expediency to work for something which they contend will give the relief they desire.

Let me say to the Senator from North Carolina that, as I pointed out a while ago, I had intended, in connection with my remarks, to read a treatise by two then relatively unknown young men named Felix Frankfurter and James M. Landis. This treatise was published in 1924 in the Harvard Law Review. In that treatise they deal with the question which was raised, and demolish it with precedent, and with some of the finest documentation I have ever seen. If the Senator from North Carolina has not read it, I suggest that he obtain a copy of the Harvard Law Review for June 1924, and read the article, beginning on page 1010. It is entitled "Power of Congress Over Procedure in Criminal Contempts in 'Inferior' Federal Courts—A Study in Separation of Powers." It was provoked by the discussion in connection with the Clayton Act.

Mr. President, I yield the floor.

Mr. DIRKSEN. Mr. President, I have listened attentively, I think, to virtually all the discussion that has taken place thus far on the matter which now engages the attention of the Senate. As a member of the Committee on the Judiciary I have given great attention to the efforts to bring the bill to the calendar of the committee and ultimately to the calendar of the Senate.

In addition, I have been attentive on the hearings and the work of the subcommittee as a result of whose deliberations there was finally reported a bill to the full Committee on the Judiciary.

However, my interest in this whole general question of civil rights goes back a good many years. It is certainly more than 12 years ago that I first introduced a bill in the House of Representatives dealing with the subject of lynching. It was at about the same time that I introduced in the House of Representatives a bill dealing with the outlawing of the poll tax. I believe I was the first Member of the House of Representatives on my side of the aisle to introduce a bill in that body dealing with fair employment practices. Therefore, my record in that respect is not that of a Johnny Come Lately. I believe in all modesty that I have had a sustained and abiding interest in the matter which is presently before the Senate.

Furthermore, I was one of the authors, and in fact one of the sponsors, of the President's bill, which was Senate 83, and represented the administration's viewpoint. It is at present before the full Committee on the Judiciary, under the sponsorship of myself and the distinguished Senator from Missouri [Mr. HENNINGS], chairman of the subcommittee which considered it. I simply sketch in those items to indicate my sustained interest in the whole subject matter.

So, as I listen to the discussion which is taking place on the floor of the Senate, I think back to the general fact that the whole course of human destiny in this field has been a rather tortuous one. We have gone steadily forward, never in a straight line. The course has been up, and the course has been down. But is not unusual when we deal with the amelioration of the condition of the individual or of the mass of mankind.

Who can think, for instance, of the guaranty of life and the assurances of that right in the Declaration of Independence, and the high store which has been set upon it in the whole American system, without thinking back to how far we have come?

There come vividly to my mind my own studies of ancient history, going back to the days of Nero and Caligula, in ancient Rome, when life had no value whatsoever, and could be taken by the sovereign without any hesitation.

I think back to an incident which sticks in my mind, from a reading of long ago, when Peter the Great, of Russia, was touring in Poland. That was probably 250 years ago. Someone in Poland indicated to his Imperial Majesty that a new instrument, a torture wheel, had been invented, on which a body could be broken. Peter the Great asked for a demonstration. He was told that there was no one then in prison on whom this barbaric device could be used.

He said, "Oh, that is very well; just take one of my retinue, take one of my servants, and break his body on the wheel."

Human life had little value, little dignity, and little respect as recently as 250 years ago. But we have come a long way since then, and today the emphasis is on the dignity and the sanctity of human life.

Another incident which sticks in my mind is a luncheon which I had with General Eisenhower, when he was the Chief of Staff. On the wall of his office I saw a photograph of Zhukov, who is very much in the prints today.

I said, "General, is that Zhukov?"

He said, "Yes, sir."

I said, "Is he an able person?"

The General replied, "He is a very able, skilled military man. Of course, after the manner of the Soviet ideology, he places little value on human life."

Then General Eisenhower told me the story of one of the battles in Europe during World War II, when General Eisenhower indicated that before the troops went across a large open space of terrain, mine detectors first went in to remove whatever destructive devices were there, so that a minimum of human life would be required.

When they were discussing the subject, Zhukov simply said, "Human life? What is it? 1,000 lives? 10,000 lives? 100,000 lives? What are they? Nothing."

So we see that in the field of the sanctity and the dignity of human life, we have come a long way. Yes, even in the last 250 years we have come a long way in the field of human liberty.

It was only a few hundred years ago that a man could be put in jail for debt and be kept there until he could find a way to extricate himself from the burden. But that is unknown in the law today; certainly it is unknown in the law of our own country. But there were so many other things which served as restrictions upon liberty. Today we pride ourselves on the fact that our liberties are secure; and the voices of our people are traditionally raised whenever freedom in this country is jeopardized.

We have come a long way in the field of social amelioration. I draw on memory when I think of the wretched, impoverished serfs in the days of the Bourbon kings of France, particularly those peasants who eked out an existence on the soil. More often than not they subsisted on roots and berries. But the imperial majesty lived in pomp and splendor, and had little regard for how his subjects got along.

We need only consider agriculture. It is a far cry from the Bourbon kings to today, when there are farm credits, when there is rural electrification, when there are efforts to sustain the prices of farm products; when the Department of Agriculture is devoted to the business of making farming more efficient, and of finding cures for diseases of livestock and means of controlling pests which plague the farmers' crops. That is a long, long cry from conditions which have existed. Slowly but steadily we have walked up hill into the sunlight for the amelioration of the condition of our farmers and of our industrial workers, as well.

One need only to go back to the industrial revolution in England to get a rather ghastly and tragic understanding of how little value was placed upon human energy and human dignity. I see our distinguished friend from Michigan [Mr. MCNAMARA] sitting here; I am confident he is familiar with that situation. Back in 1788, and around that period, men and women were working in the sweatshops of England for as long as 80 or 90 hours a week. The working day was from sunrise to sunset, 6 days a week. When the workers had 1 day off, they were so exhausted that, more often than not, they could go only to the "pubs" and the other public places and there find what stimulating drink was available in order to drive away their fatigue and exhaustion, and thus carry on a miserable existence under a peculiar system.

To me it was astounding to learn that ministers of the Gospel used to stand in the pulpits on Sunday and say it was ordained that man should work from sunrise to sunset, so that when the day of rest came he would be so exhausted that he could not get into mischief.

But we have come a long way since then. We have today the 40-hour week and overtime; we have industral compensation; we have social securty; we have social and factory betterments. And the course is ever upward and onward.

Some force must have been operative at the time to drive mankind upward into a better way of living and a greater dignity.

We have gone further than that in the field of security. How much security was there when Cain, with his bloody hands, listened to the voice from the vaulted spaces and cried out, saying, "Am I my brother's keeper?" There was not any securty there.

There was not much security in Salem, Mass., in the days of Cotton Mather. When someone expressed an unorthodox view, the finger of suspicion was put upon him, and he was, more often than not, taken to the stake, tried first as a witch, and then burned. That was a pretty sad blot upon the escutcheon of this great country.

But we have come a long way in the field of security, not only for men, but for mothers and children, and for everybody else in this land.

It is a long cry from the days when there was a high illiteracy rate in the United States. But education became compulsive, and it has made a great contribution to the economy of the country, besides having made constant and steady progress.

Those things we see as we look down the long vista of time and know from whence mankind came in its movement toward a better destiny.

But I would be a little more particular and refer to some of the ghosts which are in the Chamber today, the ghosts of those who served here in the days before. I think, for instance, of Senator Robert Marion La Follette, who graced

this Chamber at the time when a great change was being discussed; namely, the direct election of United States Senators. Before the Constitution was amended, Senators were selected by the legislatures of the State. Senator La Follette made the point that government, in order to be responsive, had to go back to primary sources, and that Senators should be elected by the people, not selected by the legislatures. At that time, two Members of the Senate were the very eloquent George Frisbie Hoar, of Massachusetts, and Senator Foraker, of Ohio. How they thundered and intoned against Senator La Follette. They said the proposal was un-American and alien; and three Republican Senators, to show their contempt and disdain, walked from the Senate Chamber. It was on that occasion that Senator La Follette said, "The seats that are temporarily without an occupant will, one day, be permanently vacant." And they were.

But there had to be some force to carry that movement along against the eloquence of Senators and against the editorials and against all the hue and cry that that proposal was a departure and was not a part of the American system of government.

I think also of the income tax, and when it finally became a part of the Constitution in 1913. I thought of it the other day, as I stood with a young man from home, who was being admitted to the Supreme Court of the United States, because there I could envision—not in that chamber, but in this one—one of the great lawyers of America, Joseph H. Choate, who raised his voice against the income tax, in a case which was presented to the Supreme Court in 1895. That was the first time that I can find when the word "communism" was used in our history; Joseph Choate used it in the argument he made before the Supreme Court in 1895, when he said the income tax is a communistic device. But in due course it was embraced by President Taft, and in due time it was engrossed into the Constitution of the United States, notwithstanding the editorials, notwithstanding the arguments made in the Supreme Court, and notwithstanding the eloquence used both in this body and in the House of Representatives at the time, before the joint resolution was passed, and the proposed constitutional amendment was submitted to the States. What was the force that brought it about? There had to be something to carry it along until it was made a part of the American system.

Sometimes we decry the civil-service system because it denies to us some of the patronage to which we think we are entitled when we are elected. But I think of the civil-service system in terms of its history, when Roscoe Conkling, a distinguished Senator from New York, referred to everyone who was active in the cause of civil service as a carpet knight and as a man milliner. There was a civil-service convention in Chicago in 1880. Seven persons showed up. Then what happened? The assassin's bullet found President Garfield, in 1881; and within the space of 2 years the Pendleton Act was written upon the statute books of the country, and civil service became a reality. We began to go forward. I raise the rhetorical question, Why? What is the force that has carried us along that path, to the point where today civil service is so completely taken for granted?

I think of child labor. To me, it is one of the amazing things that a liberal such as Woodrow Wilson, when the first child-labor bill was introduced—I think it was the Keating-Owen Child Labor Act—said it was obviously absurd. But it remained for the distinguished Senator from Indiana, Albert J. Beveridge, to introduce a child-labor act. Today, not one Member of this body or of the House of Representatives would undertake to remove it from the statute books; instead, all of us would augment it and implement it, so that the trustees of the America of tomorrow may be adequately protected against the abuses of child labor. What is the force in that case? There has to be something that carries these changes along. I think of the editorials which were written and the speeches which were made—so many of them to the effect that the proposed change was an invasion of a property right. But all the speeches in the Senate or in the House of Representatives made no difference; that measure became a part of the law; and today no one would undertake to remove it from the law.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. DIRKSEN. Mr. President, I prefer not to yield at the moment.

Mr. JOHNSTON of South Carolina. The Senator from Illinois has referred to the civil-service law. I should like to refer to something in the bill, in that connection.

Mr. DIRKSEN. I prefer to have my colleague save his comment for the moment, please, and permit me to continue.

Mr. JOHNSTON of South Carolina. But the civil service is not protected by this bill.

Mr. DIRKSEN. Well, that is another matter. [Laughter.]

Mr. President, I think of the pure-food law. It comes to my mind particularly because of the fact that when I was chairman of a committee in the House of Representatives, a gracious lady used to attend the committee sessions; she was the wife of Dr. Harvey Wiley, who was the chief chemist of the Department of Agriculture; he was there at the time when William McKinley was President of the United States. It was about the time of the beef scandals, as I recall. It was Dr. Harvey Wiley who went to President McKinley and sold the President of the United States on the idea that there had to be a Food and Drug Act upon the statute books, in order to save the lives of the citizenry and protect their health.

Let us read the speeches made at that time on the floor of the United States Senate in connection with the Food and Drug Act. It will astound Senators to find that men who occupied the places which we now occupy would say, "This is an unjustifiable and an indefensible encroachment of the Federal Government upon a private property right." What they were saying was, in effect, that it was good to put sand in sugar, and sell it to consumers; it was good to adulterate food; and the long arm of the Government must not intervene to stop it.

But I was a Member of the other body when the Congress augmented that act to the point where today it is almost as tight as words can make it, and it is very effectively enforced. Why? In the interest of the health and well-being of the men, women, and children who are the citizens of this Republic. Think of all the words that were uttered; think of all the editorials which were written; think of all the speeches which were made—all in an attempt to stop it. But it was not stopped. A force was operating; it was moving on; it was constantly incubating; it was gathering strength and vitality. Ultimately that force expressed itself.

So, Mr. President, all these measures went upon the statute books of the country.

Let me also refer to women's suffrage; I do so because I think a moral issue is involved. There is not a young lawyer who does not remember his days in law school when there was reference to coverture—at a time when women had no rights; they could not own property; they were almost chattels, for almost all practical purposes. But that did not stop Susan B. Anthony, whose monument stands today in the Capitol Building. That did not stop Mrs. Catt; that did not stop the Pankhursts; that did not stop Amelia Bloomer. They occupied some of the best jails in the country; they undertook to vote when they could, and they were arrested for their pains. But they kept everlastingly at it, until the day came when there was written into the Constitution of the United States the amendment that the right to vote shall not be abridged because of sex.

There has to be a force behind all these developments. I could enumerate a good many more that were so firmly resisted from time to time; but I think the ones I have already enumerated will suffice to indicate, within the confines of this Chamber, the progress which has been made in almost every direction.

What is the force? There has to be a pervading conscience. If I did not believe history was the unfolding of a divine purpose, I would resign at once from the Senate; and that remark is no pleasantry. But I have a deep conviction that the whole unfolding is according to the great design and plan of the Great Architect. That is the way I interpret the history of our times. If that is a firm conviction and conclusion—and it is—then there has to be a great force behind that development.

William James, the philosopher, once used the term "the stubborn and irreducible facts." One can never escape them.

So, Mr. President, regardless of the speeches, what we are dealing with here today, will continue to roll into law, because a moral and ethical consideration is involved; and all the speeches, all the obstruction, all the effort to stop it, will not prevail, because we are dealing with human beings. Though their color is

black, I cannot imagine for a moment that they were not endowed with a spirit and a soul, just as is every other human being under the canopy of God's blue heaven.

So you see, Mr. President, we are dealing with something that is probably a divine force. It is not going to be stopped. It may be stopped now, but it will roll, because we are dealing with people, all the people of this country.

I become a little upset and a little emotional at times, I suppose, about some of the things I see and some of the speeches I read. I picked one up the other day which was printed in the CONGRESSIONAL RECORD. Maybe Senators will want to read it. It is the speech of the Honorable Hugh G. Grant, of Augusta, Ga., formerly United States Minister to Albania and Thailand, and an official of the State Department. If he had not been an official, perhaps this would not be so serious, but he could not become an official unless he held up his hand and took an oath to support the Constitution and the laws of the country. I shall read only a portion of what he said. I do not demean him. It probably is his conviction, but I indicate how far afield we go and how intemperate we can become in considering the problem.

He said:

> A war is on in the United States of America, a racial revolution, involving our whole social structure.

A war. Imagine. Then he goes on and says:

> Never in all the history of these United States has there been such a widespread and insidious propaganda campaign.
>
> The racial revolutionists propose to achieve their objectives in the United States in practically every phase of human behavior through judicial fiat.

He continues and says:

> Federal executive decree, and State legislation. They have stormed the citadel of the Nation's highest Court and have captured the 9 political judges of that heretofore august body.

All the judges are supposed to be political. I do not think it is strange that there have been reflections upon the United States Supreme Court. I may disagree with the Court, but I certainly do not reflect upon their integrity as judges. I say to Senators, such criticism is not anything new. What is happening here today is only a parallel of history, because I read a little something which appeared in the Boston Statesman of June 17, 1837. That is 120 years ago. Here is what that newspaper said:

> The judiciary in this country are the most loose, usurping, and irresponsible of any branch of our Government; and any man who resists their encroachments should be looked upon as a public benefactor.

So you see, Mr. President, there have been other generations in the life of this Republic when exceptions have been taken to what the Supreme Court has done; but I find 1 or 2 to embellish the record. This happened in 1894. Articles appeared in the Brooklyn Daily Eagle and the New York World, and they read as follows:

> Mr. Justice (blank) sits upon the bench. He will always taint it. Never before in the long and honorable history of the Supreme Court has such a scandal cast its shadow on it.

Then again:

> Shall the purity of the judiciary be sacrificed to pay the political debts of the machine bosses?

Then again:

> Why must they seek to reward a lawbreaker with the highest judgeship?

So you see, Mr. President, in those days they reflected on the Supreme Court, even as Mr. Grant did. I add one more quotation that appeared in 1907 in the New York Globe:

> The President is doing what he can to make over the Supreme Court of the United States. The President would like to see the Supreme Court made up of men who, in a general way, are in line with his policies and in sympathy with them, and insofar as he makes appointments to the Supreme Court he will seek to select judges of this kind.

One cannot find a generation in the history of this country when there have not been attacks upon and criticisms of the Supreme Court; but I doubt very much whether they have gone quite so far as this criticism—I shall not call it an attack—from which I have read. But let me read a few more extracts. This is from the same speech by our former minister, Mr. Grant:

> After 4 years of bitter fratricidal strife, constituting the great tragedy of the American scene, the South lay in ruins. * * * Not satisfied with their decisive military victory, the Republican politicians of the North now plotted the destruction of the white civilization of the South. This was to be accomplished through three amendments to the Constitution—the 13th, 14th, and 15th amendments. In the proposed 14th amendment, particularly, were the seeds of destruction.

The speech goes on and on in that fashion. It discusses the matter further.

Speeches of that kind have been made on every occasion in connection with issues which have had a more ethical background, but it did not stop the movement. I say such movements go on and on, even as they have before, and such progress has carried this country to a high state.

Now, the question before us is one of recognizing the United States citizenship of all the people of this country and protecting their rights under the Constitution of the United States.

I was somewhat distressed when it was intimated the other day that the bill which was before the Senate was cunningly contrived, that it was deliberate, that it was a design, that it was meant to force the commingling of schoolchildren in the South. I got no such idea about this bill. My name is on it. I have labored with it for a long time. I never had that in mind. None of the sponsors did. Certainly I do not have it in mind now. But that issue has been raised.

Let us go back to the bill and the question of civil rights and see where we are. When the 13th amendment was adopted and struck away slavery, the Supreme Court itself said, after surveying the scene, that it was not enough. Then came the 14th amendment. That conferred dual citizenship, and we so often forget it. The 14th amendment states that native-born and naturalized citizens of this country are citizens of the United States and the State where they reside. They have a twofold citizenship. What the Congress deals with is the capacity of a citizen as a citizen of the United States under the Constitution. Of course, that is the question which is before us.

The 15th amendment, of course, simply provided that the right of a United States citizen to vote shall not be abridged either by the United States or by any State, and in accordance with its terms, the Supreme Court struck down the grandfather clauses which were used at one time and another to prevent people from voting. There was one in the State of Maryland. I think the law read that if a person's grandfather or great grandfather could vote before 1868, then such a person could vote. How many citizens would be able to vote in that generation when such a law was in effect in the State of Maryland?

But all those impediments were brushed aside little by little, in order to make sure that the rights of a citizen of the United States, regardless of his color, merited and should have the protection of the force and of the sovereignty of the United States Government.

The progress in this field has been pretty slow—very slow, indeed. Sometimes I wonder whether or not we should confess our shame. I have traveled around the world 4 or 5 times, and I have seen some of the young men of color die. When I was a soldier, in World War I, I saw some of them die on the western front. Our colored citizens pay their taxes. Now, are we going to take their lives and their taxes, and not return something by way of protection, by way of safeguarding their rights under the Constitution of the United States, which is the supreme law?

That is not the attitude which the President of the United States took, and I know something about his attitude. In fact, I know a good deal about his attitude, because I was the chairman of the Subcommittee on Civil Rights at the Republican National Convention in San Francisco last year. I had some drafts of my own. They were a good deal stronger than the language we finally wrote into the platform; but it was the tempering effect of the President of the United States that finally accounted for the language we wrote into the platform and on which we went to the people of the United States, and said, "Here is our platform on the civil-rights issue, and we mean to carry it out if we can."

What did we say? It will bear reading into the RECORD today, and I shall read it slowly:

> The Republican Party points to an impressive record of accomplishment in the field of civil rights and commits itself anew to advancing the rights of all our people, regardless of race, creed, color, or national origin.

We said "all our people," where civil rights were involved. Parenthetically, let me say that I do not believe one has to live in a Southern State in order to appreciate this problem. I am frank to say that, with the possible exception of the State of Georgia, and it may be of

New York, I believe there are more citizens of color in the State of Illinois than there are in any other State of the Union.

We probably have twice as many Negroes in Illinois as there are in the State of Arkansas, more than there are in Mississippi, and more than there are in Louisiana, if the most current figures are correct, because there are in the neighborhood of 1.2 million Negroes in the State of Illinois.

Now, do Senators not think that one gets some appreciation of this problem in a State like that, without having to live in a Southern State? I think I appreciate this problem and bring to it that degree of sympathy which is necessary in connection with whatever peculiar problem there may be in other States.

But let me continue reading the civil-rights platform:

In the area of exclusive Federal jurisdiction, more progress has been made in this field under the present Republican administration than in any similar period in the last 80 years.

The many Negroes who have been appointed to high public positions have played a significant part in the progress of this administration.

Segregation has been ended in the District of Columbia government and in the District public facilities, including public schools, restaurants, theaters, and playgrounds. The Eisenhower administration has eliminated discrimination in all Federal employment.

Great progress has been made in eliminating employment discrimination on the part of those who do business with the Federal Government and secure Federal contracts. This administration has impartially enforced Federal civil-rights statutes, and we pledge that we will continue to do so. We support the enactment of the civil-rights program already presented by the President to the 2d session of the 84th Congress.

Which was substantially the proposal that is presently before us.

The regulatory agencies under this administration have moved vigorously to end discrimination in interstate commerce. Segregation in the active Armed Forces of the United States has been ended. For the first time in our history there is no segregation in veterans' hospitals and among civilians on naval bases. This is an impressive record. We pledge ourselves to continued progress in this field.

The Republican Party has unequivocally recognized that the supreme law of the land is embodied in the Constitution, which guarantees to all people the blessings of liberty, due process, and equal protection of the laws. It confers upon all native-born and naturalized citizens not only citizenship in the State where the individual resides but citizenship of the United States as well. This is an unqualified right, regardless of race, creed, or color.

The Republican Party accepts the decision of the United States Supreme Court that racial discrimination in publicly supported schools must be progressively eliminated. We concur in the conclusion of the Supreme Court that its decision directing school desegregation should be accomplished with "all deliberate speed" locally through Federal district courts. The implementation order of the Supreme Court recognizes the complex and acutely emotional problems created by its decision in certain sections of our country where racial patterns have been developed in accordance with prior and long-standing decisions of the same tribunal.

We believe that true progress can be attained through intelligent study, understanding, education, and good will.

I ask Senators to listen to this language:

Use of force or violence by any group or agency will tend only to worsen the many problems inherent in the situation. This progress must be encouraged and the work of the courts supported in every legal manner by all branches of the Federal Government to the end that the constitutional ideal of equality before the law, regardless of race, creed, or color, will be steadily achieved.

Do Senators find anything there about bayonets? Do Senators find anything there about troops? Do Senators find anything there about force? Do Senators find anything there about a sumptuary effort on the part of the Attorney General or about the executive branch being arbitrary and capricious?

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

The PRESIDING OFFICER (Mr. THURMOND in the chair). Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. DIRKSEN. I would rather continue, if the Senator does not mind.

There is nothing there about force. There is nothing there about compulsion. We talk about good will and understanding, and carrying out our pledge on civil rights in that spirit.

I repeat:

Use of force or violence by any group or agency will tend only to worsen the many problems inherent in the situation.

That was the attitude of the President. That was the attitude of the Republican Party. I had something to do with the fashioning of that language, and I stand on it today, because I think in the spirit and in the context of that pledge to the American people we can go forward, and we should do so.

That civil-rights platform represents a commitment. I think we ought to carry out that commitment if we reasonably can, and that commitment is before us today in the form of the bill to consider which a motion has been made. I sincerely hope that the motion will be adopted at an early date, and that this bill will be made the order of business, so we can go ahead to discuss its merits.

I do not wish to be in the unhappy and awkward position of contributing to what might be styled a filibuster, although it really is not, but I think there are some things about the bill that ought to be discussed. I doubt whether I can get to part III, which seems to be the highly controversial section, today, but I want the record of this body to show that somebody lifted his voice with respect to this measure, so I wish at least to cover parts I, II, and IV, and probably, at a later period when the bill is before us, I shall go into part III.

Let us look at part I for a moment. It provides for a bipartisan commission to make an investigation in this field. Think of the things we have been investigating. The number is legion. In the last Congress, the 84th Congress, the Senate spent $4,400,000 on investigations, and there has been authorized in this session of the 85th Congress $2,900,000 for investigations. Nothing is sacred from the investigatory touch. We have investigated labor and labor racketeering. We are in the process of investigating business, and the concentration of industry. We are in the process of investigating monopoly. We are in the process of investigating mergers. We investigate un-American activities, to determine whether someone has departed from what we think is an adequate patriotic standard.

We have been investigating disarmament, and perhaps the television networks. We have been investigating foreign refugees. We have been investigating crimes. We have been investigating juvenile delinquency. We have been investigating nuclear energy. We have been investigating prices and rates. We investigate campaign spending.

Considering all the money we have expended for every investigatory purpose under the sun, is there any reason to suggest that we are going afield when we seek to establish a bipartisan commission, the members of which must be confirmed by this body, in order to investigate in this field?

What are the limits of the investigation? I shall not detail them too precisely, but, in general, they include allegations of the deprivation of the right to vote by American citizens who are given that right by the 15th amendment; the question of denial of equal protection of the laws under the Constitution; and the laws and policies relating to equal protection of the laws. Is it so heinous that we should investigate those things? The rights of citizens of the United States are involved. They are the peculiar domain of the Government of the United States; for if the sovereign Federal Government does not look after their interests and protect their rights, who will do it?

I think the House, in eliminating some of the phrases and delimiting the powers of the proposed commission, was probably on good ground. So what objection can there be to a bipartisan commission, with Senate confirmation of its members, making an adequate investigation in this field?

Second, the bill provides for an Assistant Attorney General. It does not designate his functions, because the practice has been, when we provide for an Assistant or Deputy Attorney General, to leave the assignment and the designation to the Attorney General himself.

At present there are six Assistant Attorneys General. One presides over the Tax Division. One presides over the Antitrust Division. One presides over the Lands Division. One presides over the Criminal Division. One presides over the Internal Security Division, and one presides over the Civil Division. However, civil rights come under the Criminal Division today. That is an improper place to put them. That division has a great deal of work to do. It deals with the Fair Labor Standards Act, and a great many other subjects. It seems to me most appropriate, because of the expansion of this domain, that there should be an additional Assistant Attorney General, and that the Attorney General himself, by administrative fiat, should designate a Civil Rights Division in the Department of Justice, to give

dignity to the work and to recognize its importance.

Is there any opposition to it? Can there by any exception to it? I doubt it very much. I have heard very little said on the floor in opposition to these two proposals.

Now we come to part 4, relating to the subject of securing and protecting the right to vote. When all is said and done, I suppose that is the very cornerstone of our country. This is a representative Government, and it is based, of course, upon the selection of people to operate the Government in the executive and legislative branches by the franchise and the suffrage of the people. If that right cannot be exercised, if it cannot be properly or honestly gained, the result makes a mockery of the very principle of representative government itself.

We have statutes on the books relating to denial of the right to vote under color of State law. I refer to title 42, sections 1971 and 1983. Those statutes give the right to sue for damages and for preventive relief.

Title 18 provides for dealing with private interference with the right to vote. That subject is covered in sections 241 and 594. There can be criminal prosecutions under those sections.

There are statutes covering deprivation of rights under color of law, because of race, religion, color, or national origin. Prosecutions would lie under the provisions of section 242, title 18.

The weakness, as the Attorney General pointed out, is that so often a criminal prosecution will touch a very respectable citizen in the community. The more important aspect of the question is that if we wait until the right is denied, and undertake to act after the fact, we cannot restore the right to the citizen who is aggrieved. We must then proceed with a criminal charge.

The hope of the President and of the Attorney General was to have the Congress grant the President augmented civil power, so that denial of the right could be prevented in the first instance, and a criminal prosecution would not be necessary.

It may be said that there is no denial of the right to vote. I think it would be appropriate at this time to refer to the testimony of the Attorney General on this question. It begins on page 3 of the hearings before the Senate committee. He said:

> First, let me refer to the situation which developed last year in Ouachita Parish, La.
>
> In March 1956, certain members and officers of the Citizens Council of Ouachita Parish commenced an examination of the register of the voters of Ouachita Parish. Thereafter, they filed approximately 3,420 documents purporting to be affidavits but which were not sworn to before either the registrar or deputy registrar, as required by law.

The committee counsel, Mr. Slayman, then asked:

> Mr. SLAYMAN. Excuse me, Mr. Attorney General, how many of those were there?
>
> Mr. BROWNELL. Three thousand four hundred and twenty.
>
> Mr. SLAYMAN. Three thousand?
>
> Mr. BROWNELL. Three thousand four hundred and twenty.
>
> Mr. SLAYMAN. Thank you.
>
> Mr. BROWNELL. In each purported affidavit it was alleged that the affiant had examined the records on file with the registrar, that the registrant named therein was believed to be illegally registered and that the purported affidavit was made for the purpose of challenging the registrant's right to remain on the roll of registered voters.
>
> Such affidavits were filed challenging every one of the 2,389 Negro voters in ward 10. None of the 4,054 white voters in that ward were challenged.
>
> Senator HENNINGS. General, in what part of the State is that parish?
>
> Mr. BROWNELL. Near Monroe, La.
>
> Senator HENNINGS. Near Monroe?
>
> Mr. BROWNELL. Yes.
>
> With respect to another ward, ward 3, such affidavits were filed challenging 1,008 of the 1,523 Negro voters.
>
> Only 23 of the white voters in ward 3 were challenged. The registrar accepted their affidavits even though she knew that each affiant had not examined the registration cards of each registered voter he was challenging.

Is it fair? I do not know. The Attorney General was investigating, through his staff, to determine whether the voting right had been denied.

> The registrar accepted their affidavits even though she knew that each affiant had not examined the registration cards of each registered voter he was challenging.

Never even examined the card, but challenged them notwithstanding.

> On the basis of these affidavits, citations were mailed out in large groups requiring the challenged voters to appear within 10 days to prove their qualifications. Registrants of the Negro race responded to these citations in large numbers. During the months of April and May large lines of Negro registrants seeking to prove their qualifications formed before the registrar's office, starting as early as 5 a. m.
>
> The registrar and her deputy refused to hear offers of proof of qualifications on behalf of any more than 50 challenged registrants per day. Consequently, most of the Negro registrants were turned away from the registrar's office and were denied any opportunity to establish their proper registration.

Is that fair?

> Thereafter, the registrar struck the names of such registrants from the rolls. With respect to those registrants who were lucky enough to gain admission to the registrar's office, the registrar imposed requirements in connection with meeting the challenge which were in violation of Louisiana law.
>
> The registrar refused to accept as witnesses, on behalf of challenged voters, registered voters of the parish who resided in a precinct other than the challenged voter or who had themselves been challenged or had already acted as witnesses for any other challenged voter.
>
> By these means the number of registered Negro voters in Ouachita Parish was reduced by October 6, 1956, from approximately 4,000 to 694.

They are citizens of the United States. They may also be citizens of Louisiana, and doubtless they are, but they are citizens of the United States. If I were running for the United States Senate there, I would want their votes cast and counted, because we owe it to them as citizens of the United States. If a similar situation were to prevail in the State of Illinois, I would raise my voice to high heaven, whether the voters were white or black or any other color, so long as they were citizens of the United States; and if the Federal Government refused to look after their interests and asked them only to die on the battlefield and to pay their taxes, but would not permit them to participate in our representative form of Government, then we would have come to a pretty pass indeed. That is all we seek to prevent by the voting section of the bill.

A great deal of noise has been made about jury trials. What we are proposing to do is to give to the Attorney General a civil preventive authority so that it will not be necessary to resort to criminal action.

I listened to the Senator from Alabama [Mr. SPARKMAN] with a great deal of interest. I got to wondering what the situation was in the States with respect to jury trials in contempt proceedings. The Library of Congress has prepared a tremendous document on the subject, and I should like to read from page 5 on the subject of jury trials. This has been compiled by the Law Section of the Library of Congress. It reads:

> Only a few States specifically grant the defendant a right to a jury trial in contempt proceedings, even if they be proceedings in criminal contempt.

That is the law. I did not get that up. It was gotten up by the Law Section of the Library of Congress, for which we appropriate millions of dollars every year to do research for Congress. The report lists a half dozen States, with certain qualifications. I reemphasize what the law is:

> Only a few States specifically grant the defendant a right to a jury trial in contempt proceedings, even if they be proceedings in criminal contempt.

It may be that others have a better answer—I do not know—but at least that comes from a pretty good source, and that is a very well documented report.

What we are asking for is authority in the hands of the Attorney General of the United States to exercise some civil authority, as a preventive measure in a case of voting, before the milk has been spilled and the election day has gone by. Otherwise, nothing can be done, and we must content ourselves with some kind of criminal action. It is very much better not to have to appear against respected citizens in various States, but, rather, to use the contempt remedy when it is available in civil proceedings, so that the intimidation and the coercion and the obstruction and the hinderance can be prevented; and nobody will get hurt in that kind of proceeding.

A bipartisan commission would be established. Since we have investigated nearly everything under the sun, it appears to me that this is an appropriate field in which a bipartisan commission, with its members confirmed by the Senate, can very properly make a limited investigation—and it is limited—in the interest of our whole economy.

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

Mr. DIRKSEN. Will the Senator bear with me a little while longer? I shall not be too long.

Next, there would be provided an additional Assistant Attorney General. Then there would be safeguarded the right to vote. I had not planned to move into that chapter, particularly, and I shall not cover it in its entirety. However, there are some things that must be repeated, and I might as well do it now as at any other time. This relates to a question that has been discussed at the luncheon table, in the cloakrooms, and on the floor of the Senate. I know it is in the minds of all the Members of the Senate. I wish to be scrupulously fair about it. I refer to the question of the civil-rights bill and segregation in the field of education.

The charge that the major purpose of the civil-rights bill is to enable the Attorney General to force desegregation in the public schools in the South is simply without foundation. The position of the administration on this issue was made clear by the Attorney General himself when he appeared before the Subcommittee on Constitutional Rights of the Committee on the Judiciary. This is what he said:

> As you all know, the Supreme Court recognized the many difficulties involved in making the transition from segregated to nonsegregated education. The Court said that "school authorities have primary responsibility of elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good-faith implementation of the governing constitutional principles."

That is from the Supreme Court's decision in the school cases. The Attorney General continued:

> Civil suits brought by private individuals are bringing the school situation before Federal courts in increasing numbers. Because of the discretion vested in the district court in solving these questions, the Department has not become aware of any case in which the exercise of its existing criminal jurisdiction is warranted.
>
> For similar reasons we should not expect often to be faced with the necessity of taking affirmative action in civil suits were the legislation now advocated by us enacted by Congress.

The Attorney General stated, however, that there was a role for the Federal Government to play in the school segregation situation. In the first place, he stated that the Department of Justice would be prepared to institute civil suits under this legislation for the purpose of preventing individuals from interfering with voluntary attempts by school boards and other local officials to comply with the Supreme Court decision to abolish enforced segregation.

Under title 42, United States Code, section 1985, as amended by part III of the bill, the Attorney General would have the authority to sue for preventive relief when it could be shown that there was a conspiracy "for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws."

This is what the Attorney General said further on the subject—and this is the crux of it:

> There is, however, one type of situation in which these civil remedies might be useful in the school segregation area, illustrated perhaps by a case that arose in Hoxie, Ark.
>
> There, you will remember that the school board, in compliance with the United States Supreme Court ruling and without waiting for a lawsuit to be brought to compel them to do so, went ahead and desegregated the school. They were proceeding peacefully with an unsegregated school, as is the case of course, in overwhelming areas of our country. Then outside individuals came in, as the record shows, threatened the superintendent and the members of the school board with violence, and threatened some of the parents with violence, in case the unsegregated school proceeded.

That raises a very interesting question. The school board and the superintendent of schools in Hoxie, Ark., said, in effect, "The high tribunal of the country has spoken. It is our duty to comply with the ruling." So without any nudging, without any inspiring from anybody else, they proceeded to desegregate the schools. They went along and paid attention to their own business.

What happened? Outsiders came in and threatened them. What shall we do when a local school agency undertakes to comply with the mandate of the highest court in the land? When the Supreme Court spoke, its decision became the law of the land, because it was an interpretation of a clause in the 14th amendment, which can be undone only if Congress undertakes to amend the Constitution of the United States and such amendment is ratified.

Shall we say to the superintendent of schools and the school board, "Well, we are sorry, but we must leave you to your devices. Work it out as best you can"?

Does the Supreme Court have a weapon with which to enforce the law? It has no weapon. In the separation of powers and in the structural setup of our Government, this body, together with its coordinate body at the other end of the Capitol, got the purse, because not a dollar can be taken out of the Federal Treasury except in pursuance of an appropriation made by law. So Congress got the purse.

The President of the United States got the sword, because the Constitution makes him the Commander in Chief of the military and naval forces of the country.

The Supreme Court of the United States, the third branch of our Government, got no weapon. It depends either upon moral persuasion or upon the executive branch and the law-enforcing authorities in order to carry out its mandates. I think the Supreme Court has done superb work. They have been inhibited and restrained, and have not undertaken at any time in sumptuary fashion to disturb the existing order; they have not undertaken to ram anything down the throat of any section of the country.

But when a peaceful situation arises in a town like Hoxie, what do we do? Do we say, "There must be words that can be contrived to be put upon the statute books, and there must be power to which we can resort"? There must be something we can do; there must be an authority we can create, in order to hold up their hands and to tell them to carry out the mandate of the Court; and we must make certain that they are not molested in so doing.

Is that too much to ask?

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

Mr. DIRKSEN. I was trying to complete my remarks without interruption.

Mr. President, I wish to continue with the memorandum on the Hoxie school case. The Attorney General continued:

> In that case the school superintendent and the members of the board filed a suit in the Federal district court seeking to restrain the defendants from interfering with the operation of the school in the district on an unsegregated basis.
>
> An injunction was issued and on the appeal the Department of Justice came in as a friend of the court and filed a brief in support of the plaintiffs. The court of appeals upheld the district court and the school is now back on an unsegregated basis with everything proceeding peacefully.

The Attorney General continued:

> The school board in the Hoxie case was courageous and forthright in taking the case into court. It may well develop other situations in which, after voluntary desegregation, the pressures placed upon the local school authorities are so great as to prevent their taking the initiative in instituting the legal action.
>
> In this type of situation the Department under this legislation would be authorized to take the initiative in filing a suit for an injunction against any individuals seeking to interfere with the school authorities in their attempt to comply with the ruling of the Supreme Court.

What is wrong with that? Children are involved. A Supreme Court decree is involved. Do we leave them helpless, if they get no support or attention from State authorities? They are citizens of the United States. Do we abandon them? I cannot imagine it, under the 14th amendment, which provides that all these people, born and naturalized and subject to the jurisdiction of the country, are citizens of the State in which they reside and citizens of the United States of America. They deserve the protection of the Federal Government.

Once there was a theory—before it was struck down by the Supreme Court—that the only way a citizen could contact the Federal Government was through the intermediary of a State. But when, by the 14th amendment, he was made a citizen of the United States, he could hold up his head in the sunlight and could say, "I do not care what inhibitions there are. I have a direct contact with my government, as a citizen of the United States."

Mr. President, before I conclude, I wish to refer to the question of the use of troops. I can well understand how disconcerting that can be and how emotional we can become about it; and I think I understand the reasoning by means of which that conclusion was

reached and was stated on the floor of the Senate.

First of all, part III of the bill is in the form of an amendment to title 42, United States Code, section 1985. In the same title of the code, in section 1993, the following language appears:

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1985–1992 of this title—

Then there is a little word, but an important one—the word "or"; because then we find the following:

Or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title.

Part III of the bill is an amendment to section 1985; and the idea of the amendment was to use section 1993, which would make the military available for the enforcement of certain rights. But I think that thesis is completely without foundation.

Of course, it was asserted that that was drafted pretty much by design; that there was something deliberate about it, for the purpose of moving into the desegregation picture. As a matter of fact, there would be no need for it, because section 1993 of title 42 of the United States Code, as it now stands, gives the President ultimate authority to employ the land and naval forces to aid in the enforcement of desegregation decrees issued by Federal courts in any private suits which might be instituted under authority of that title of the code, and for the further purpose of desegregating the public schools.

But entirely apart from the sections being dealt with in the bill, the President may, under laws which were reenacted by Congress as late as last year, and which have been enacted and codified and recodified, going back to 1795, exercise that sort of power.

This is what the Congress provided in 1795:

That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of 30 days after the commencement of the then next session of Congress.

That was in 1795, when a certain limited power was conferred upon the President. That was recodified and expanded, so as to authorize the use of the land and naval forces; that was done back in 1861, and it will be found in 12 United States Statutes 281. This statute has existed in substantially the same form since that time. It was first recodified in the 50th title of the United States Code, section 202, and was last reenacted by Congress in 1956.

Now let me read from the revised Armed Forces Act, which will be title 10 of the new code, when it comes out. This is section 332; and, as I recall, the Congress finished action on it in July of last year, and I believe it became effective in January of this year. It reads as follows:

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the Armed Forces, as he considers necessary to enforce those laws or to suppress the rebellion.

That is in effect now; that was done last year. Incidentally, that bill came out of the Armed Services Committee of the United States Senate.

But let us go a little further.

In 1871, Congress gave to the President even broader authority to use the land and naval forces to enforce the Federal laws and, in particular, to enforce the 14th amendment. In that connection, let us refer to 17 statutes 14. The statute was first codified as title 50, United States Code, section 203, and was last readopted by Congress in 1956, as section 333 of the new title 10 of the United States Code. It is the law today, and it has been the law.

Mr. WILEY. When did it become effective?

Mr. DIRKSEN. The Congress passed it last year, and it became effective in January 1957. It reads as follows:

The President, by using the militia or the Armed Forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) So hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) Opposes or obstructs the execution of the laws of the United States or impedes the course of justice under these laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

That is the law; the Congress enacted it very recently; it was less than a year ago that Congress passed on it and made it the law of the land; and it is the law today, and confers that authority upon the President of the United States.

It should also be noted that all the aforementioned statutes vest in the President, not in the Attorney General, the authority to use the troops. I think there has been some talk to the effect that the Attorney General might use the troops. However, there is in the code a section—title 18, United States Code, section 1385—which would make it a crime for anyone not specifically authorized to use the military forces, to do so. That section reads as follows:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than $10,000 or imprisoned not more than 2 years, or both. This section does not apply in Alaska.

But how could the Attorney General use troops, if anybody has the idea that he ever meant to do so? So far as the residual authority of the President is concerned, it goes back to 1795. It is for all broad purposes, and it has been carried forward, readopted, readapted, recodified, and, no later than last year, was made a part of the statutes of the country.

One last word should be said about the question of the use of troops. The ultimate authority to use military force to enforce Federal law whenever the normal judicial processes are insufficient has been vested in the President since 1795. Aside from the periods of actual civil war, Presidents have not found it necessary to resort to military force to enforce Federal law. There is no reason for assuming that it will be necessary to do so even to enforce Federal law in the civil-rights field. Respect for law is firmly ingrained in our people, and adequate power is now vested in the Federal courts to enforce decrees issued by them. To suggest that military force will be necessary to enforce civil-rights decrees is to suggest that there are areas in our country where the local citizens would be willing again to resort to civil war as a means of avoiding the impact of Federal law. We cannot believe that this is true. It is simply not imaginable.

That is the story. I know there is much more to be said. I shall probably again address myself to part 3 of the bill. I did want the RECORD to show what is involved in a broad way. Then, I wanted to show what my own conviction was—that we are laboring today with a great force that has had a sort of spiritual effect upon the unfolding of all history.

Go back 200 years and see where man was educationally, economically, socially, agriculturally, and politically. See what the rights of man were then. See what the restrictions were. Assess and praise and spell out the rather difficult and tortuous road that has been traveled over the last two centuries. Always the course has been upward and onward to something better, finer, and nobler.

So I simply say if we do not prevail in safeguarding and protecting the rights of citizens of the United States as defined and safeguarded by the Constitution of the United States, there will be another day, there will be another time, and there will be another generation that will be responsive to this irrepressible and irresistible force and get the job done, if we should fail.

I can understand the abiding interest of the President of the United States in this matter, and how anxious he is that the Congress do something on this score during the present session. The least I can do is lift my voice and to help him

as best I can to get this job done in whole or in part.

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

Mr. DIRKSEN. I yield.

Mr. THYE. I wish to commend the distinguished Senator from Illinois for his most impressive, intelligent, and informative statement. As I have listened to him, his statement has been a great enlightenment to me, and I know it will be to all those who read the RECORD.

Mr. DIRKSEN. I thank my friend from Minnesota.

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

Mr. DIRKSEN. I yield.

Mr. POTTER. I, too, wish to commend the Senator from Illinois for an outstanding presentation of this very delicate and complex subject. I should like to ask the distinguished Senator a question. Does he think that when Negro citizens in some cases are denied the right to vote, they should still be subject to selective service? Men are drafted irrespective of color. Nevertheless, some of them are denied the right to vote. When a criminal is sentenced to prison, although he loses his right to vote, he is not subjected to being drafted under selective service. While certain citizens are denied the right to vote in certain areas, at the same time we reach out and grab them for selective service, which I think is grossly unfair.

Mr. DIRKSEN. I thoroughly agree with the statement of the Senator from Michigan. I am always a little distressed about using words that seem rather sumptuary in meaning when we say we deny them the right to vote. Perhaps we had better put it on another ground and say it is made extremely difficult for them to vote, but the Senator is eminently correct.

Mr. POTTER. If the Senator will yield further, many of us served in the Armed Forces with Negro citizens during the war. I know the outstanding service they performed. There was certainly no discrimination at that time as to the missions to which they were assigned. To me the proposed civil-rights legislation, which would guarantee such citizens the right to vote, which right other citizens have, is long overdue, when we consider the fact that such citizens have to serve in time of war and pay taxes on the same tax structure on which other citizens pay taxes. Certainly the voting privilege should be extended equally to those citizens.

Mr. DIRKSEN. That is a part of the fabric of equality, and it will not be denied.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. CASE of New Jersey. Mr. President, I wish to join my colleagues in expressing my appreciation to the Senator from Illinois for speaking as he has this afternoon. As I think almost everyone knows, it had not been the intention of those of us who believe in this proposed legislation to participate in the discussion of the pending motion or to engage in extended debate upon the merits of the legislation. Yet, because of the debate by those in opposition to the bill has been on its merits, it has seemed to me, as it has to the Senator from Illinois, that, at least in the beginning, this discussion by the proponents of the bill was very much in order. The fact that there has not been more of it on our side is due solely to the reason I have set forth. I am sure the overwhelming majority of the Members of this body, as well as of the other body of Congress, feel as the Senator does.

I want to make one special point in relation to the remarks of the Senator from Illinois, particularly the concluding portion of his remarks. Contrary to the impression which has perhaps been created by those in opposition to the proposed legislation, that there was some kind of harm intended to American citizens by those who support the bill, and an intent to oppress them, the real situation is that we are attempting, in all humility and with no sense of superiority on our part, but in a desire to be helpful, to make it possible for millions of citizens who for so long have been held in an inferior status to begin to be full-fledged citizens and Americans. What we are talking about is an effort to stop certain persons from preventing those citizens from exercising their rights as Americans.

I wish to thank the Senator from Illinois for pointing out that it is a part of the long process of history, by which we have progressed from intolerable conditions, so far as humanity is concerned, to conditions somewhat more tolerable, and that it is time for us to take a step to remove this stain upon the escutcheon of our country.

I particularly desire to thank the Senator for making it possible for those in favor of this proposed legislation to introduce into the RECORD some of the reasons why we feel so deeply about it.

Mr. DIRKSEN. I am grateful to the distinguished Senator from New Jersey. Actually, I had no particular desire to intrude myself into the discussion of the bill, when we are dealing with the motion which is before the Senate, but rather than have someone misinterpret the attitude of Senators on this side of the aisle, I thought something ought to be said. Obviously, one does have to move into some of the merits of the bill and what it proposes to do in order to make a fair record that can be conveyed to the country.

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

Mr. DIRKSEN. I yield to the distinguished Senator from California.

Mr. KUCHEL. Mr. President, I wish to say that the distinguished Senator from Illinois [Mr. DIRKSEN] has performed an excellent and invaluable service here today in the powerful and persuasive address which he has just concluded.

I am delighted to associate myself with the other Senators who have saluted the efforts of the Senator from Illinois on this occasion.

I wish to ask the Senator from Illinois, Is it not true that basically what is sought to be achieved by those of us who have lent our names to similar legislation in the Senate, and, indeed, what is sought to be achieved by the President of the United States, is to give the adult American citizen, every American citizen wherever he may live in this country, the right to exercise his franchise and to vote?

Mr. DIRKSEN. Indeed so.

Mr. KUCHEL. Is it not true that the American constitutional guaranty of a right to vote is worth very little, if indeed it is worth anything at all, except on the day of election?

Mr. DIRKSEN. Yes; and the ballot must be counted on the day of election, also.

Mr. KUCHEL. Indeed, or otherwise it loses its value entirely. On election day the right to vote is the most precious right, under our Constitution, of Americans.

In that connection, Mr. President, I desire to ask the Senator from Illinois if he recalls, as I am sure he does, that portion of the letter which the Attorney General of the United States addressed to the Senator from New Jersey and to me a number of weeks ago, when he said in part:

> There are valid reasons for the ever-increasing use of civil suits for preventive relief as a means of enforcing Federal law. Judicial determination of the validity of a course of conduct in advance aids the Government in its primary purpose of preventing violation of law. It also aids the defendant since he can litigate the legality of his proposed conduct without the necessity of taking action at the risk of a criminal conviction if he guesses incorrectly.

Does the Senator not agree with that comment by the Attorney General?

Mr. DIRKSEN. Yes, and that is precisely the point the Attorney General emphasized at the very outset when he came before the committee to testify.

Mr. KUCHEL. I thank the Senator very much.

Mr. DIRKSEN. So he reemphasized the true situation.

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

Mr. DIRKSEN. Mr. President, I yield with the greatest pleasure, delight, and relish to my old friend, the Senator from North Dakota, whom we are all glad to welcome back to the floor of the Senate.

Mr. LANGER. I merely want to make an observation and to ask a question.

Is it not true that the Republican Party is the party which has taken care of second-class citizens and has made them first-class citizens during all the years? Is it not true that the Indians all over the country were second-class citizens, until they were granted the right to vote under Calvin Coolidge, in 1924, when we passed the legislation in Congress providing that the Indians, no matter from what State, would have the right to vote?

Mr. DIRKSEN. Mr. President, I could make a most emphatic nonpartisan political answer to my distinguished friend, the Senator from North Dakota, except that I do not wish to inject any kind of partisanship into the discussion, because what we are dealing

with here is so important and so far transcends all partisanship and personal feelings that I do not want to have the issue clouded. But I can tell my distinguished friend, privately, how I feel.

Mr. LANGER. I should like to add that in the Northwest, in Montana, South Dakota, and North Dakota, and other Western States, we are very proud that the Indians have the right to vote. I agree with the Senator that this discussion should be entirely nonpartisan.

Mr. DIRKSEN. Of course my distinguished friend, the Senator from North Dakota, was a tower of strength in achieving that result.

Mr. LANGER. I helped a little.

Mr. DIRKSEN. Indeed, sir.

Mr. LANGER. I wish to associate myself with the very fine remarks which the Senator from Illinois has made this afternoon.

Mr. DIRKSEN. I am deeply grateful.

Mr. ERVIN rose.

Mr. DIRKSEN. I now yield to my very distinguished friend, the Senator from North Carolina.

Mr. ERVIN. I should like the very able and distinguished Senator from Illinois to tell me whether or not I misconstrued his remarks when I came to the conclusion that he admitted that if this bill were passed the President, under section 1993 of title 42 of the United States Code, could call out the Army, the Navy, or the militia to enforce the decrees which could be entered in the suits under title 42, section 1985, to be brought by the Attorney General.

Mr. DIRKSEN. Mr. President, what I said was that the President does not have to depend upon section 1993. He can go to the Revised Armed Forces Act, completed in August of last year, effective January 1, 1957, from which I read excerpts to show the power of the President.

Mr. ERVIN. The Senator from Illinois read excerpts from other statutes which I construe to be implementations of the constitutional provision that the President can send troops into States in case the States are in insurrection.

Let me ask the Senator this question——

Mr. DIRKSEN. Of course, before we get away from that point, that certainly is not my interpretation of the language which I have read into the RECORD this afternoon, language that goes back to 1795 and continues up to what will be title 10 of the new United States Code.

Mr. ERVIN. Under section 1993 of title 42 the President can call out the militia of the State.

Mr. DIRKSEN. Yes.

Mr. ERVIN. I ask the Senator if under section 1993, title 42, of the United States Code, the President cannot call out the Army, the Navy, or the militia merely to enforce a judgment.

Mr. DIRKSEN. Mr. President, if the President can call cut the troops under a half dozen different provisions in the statutes, what difference does it make whether it is section 1993 of title 42 or section 333 of title 10 of the new code? It makes no difference.

Mr. ERVIN. I submit that under the other statutes the situation has to be in a much more drastic condition. It practically must amount to an insurrection. In this instance the President can call the troops out to enforce the judgment in a case.

Mr. DIRKSEN. Not as I read the language of the statute.

Mr. ERVIN. May I invite the Senator's attention to section 1993 of title 42. Let me ask the distinguished Senator from Illinois this question: If we were to pass this bill and authorize the Attorney General to bring suits in cases authorized by title 42, section 1985, could the President not then call out the Army or the Navy or the militia to enforce the judgments entered in such cases?

Mr. DIRKSEN. I think the best answer, of course, is simply to read the language of the statute into the RECORD. That language has been bandied about on the floor so much that I shall simply merely read it for my own edification, as well as that of the other Members of the Senate.

The Senator is referring to section 1993?

Mr. ERVIN. Title 42, section 1993. The statute is very broad. I am merely asking for an interpretation.

Mr. DIRKSEN. Yes. The statute, in part, reads as follows:

AID OF MILITARY AND NAVAL FORCES

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1985–1992 of this title, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title.

Does that differ from the other language?

Mr. ERVIN. I think it does, very substantially.

Mr. DIRKSEN. I do not think it does.

Mr. ERVIN. In one instance provision is made to call out troops to enforce a judgment. In the other case there must be practically a state of insurrection, as I construe it.

Mr. DIRKSEN. Let us re-read the language which I placed in the RECORD this afternoon. I will go all the way back. This is the new title 10 of the United States Code, referring to the Armed Services Act, section 332:

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the Armed Forces, as he considers necessary to enforce those laws or to suppress the rebellion.

If the Senator can think of broader language than that, I have never seen it.

Mr. ERVIN. That is exactly what I am talking about—"to suppress the rebellion."

Mr. DIRKSEN. The language is, "And use such of the Armed Forces, as he considers necessary to enforce those laws or"——

Mr. ERVIN. "Suppress the rebellion."

Mr. DIRKSEN. It does not say "and to suppress the rebellion." It says "or."

Mr. ERVIN. The conditions are described previous to that.

Mr. DIRKSEN. Let us look at the other language in the new statute.

Mr. ERVIN. Read the first part.

Mr. DIRKSEN. This section now reads as follows:

The President, by using the militia or the Armed Forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

I can think of no broader language.

The Attorney General could have done it just as well, but we would still have the issue of the troops.

Mr. ERVIN. In that case, before he could use the troops, the people would have to engage in violence approximating rebellion.

Title 42 of the United States Code, section 1993, provides:

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under—

Various sections, including the section sought to be amended by part 3. In order for that power to exist, it would not be necessary for any "cain" to be raised.

Mr. DIRKSEN. Let me say to my distinguished friend from North Carolina that the point was made, with the greatest intensity and determination, that this language was cunningly designed and deliberately made an amendment to section 1985 for the purpose of compelling the commingling of children in schools, and so forth. I say that it was not. I think the record speaks for itself. The provision could have been placed in half a dozen places in the United States statutes, with the same effect. So there is no foundation for the charge that there was anything cunning or deliberate, or that this was done by design, in order to achieve a given effect.

Mr. ERVIN. A person could not read this bill, however, and discover that section 1993 of title 42 had any application to the bill, because it does not refer to title 42, section 1993. One has to go to title 42, section 1993, to find a reference to the section to which the bill refers.

Mr. DIRKSEN. Let me ask my gracious and distinguished friend, for whom

I have an abiding affection, whether, if an amendment were offered on the floor of the Senate to repeal section 1993 of title 42 of the Code, the Senator would then vote for the civil rights bill?

Mr. ERVIN. No; I would not vote for the civil-rights bill. However, I suggest to the distinguished Senator from Illinois that he offer such an amendment, or at least offer an amendment to provide that when the President does call out the Army, the Navy, and the militia under title 42, section 1993, they shall be restricted to the use of bayonets, and not be allowed to use nuclear weapons. [Laughter.]

Mr. DIRKSEN. If the Senator from Illinois were to offer such an amendment on the floor it would be almost frivolous. What would we do about section 332 of title 10 of the new Code on the Armed Services, which became effective on the first of January 1956, and which is broader than anything that has been written into the law before?

Mr. ERVIN. All that it would be necessary to do under title 42, section 1993, would be to obtain a judgment against me or my constituents under title 42, section 1985, but we would have to be in more or less of a state of insurrection before action could be taken under the other statutes. That would be the fundamental difference.

Mr. DIRKSEN. The provision does not require any insurrection at all. It deals with the execution of the laws.

Mr. ERVIN. I should like to ask one further question. The distinguished Senator from Illinois referred to the laws of the States with respect to contempt. I respectfully submit that that was an argument which might well be addressed to the legislators of the States. We are national legislators. I ask my distinguished friend if he does not know that under existing Federal law, namely, under sections 402 and 3691 of title 18 any person involved in a civil rights case now has the right of trial by jury when he is charged with an indirect contempt, and also has the benefit of limited punishment, which would be removed if this bill were passed.

Mr. DIRKSEN. Mr. President, I am grateful to my distinguished friend for raising that question, because I did not quite round out the remarks I intended to make.

We have heard a great deal of discussion to the effect that this proposal is a radical departure from an American tradition. Let us see what the score is. On page 62 of the hearings will be found a description of 28 different laws which are already on the books, statutes which authorize injunctive relief by the United States Government in certain cases to prevent crimes. The list was inserted in the hearings at the request, I believe, of my distinguished friend from North Carolina. Let me read the colloquy, beginning near the middle of page 62:

Senator ERVIN. I would rather have a man given an opportunity to have the spirit and the letter of his constitutional rights observed.

Mr. BROWNELL. And abolish the law of equity, that is what it amounts to.

Senator ERVIN. No; I am not abolishing the law of equity. I think that the law of equity ought to be confined to its proper sphere, and not be used as a device to deprive people of their basic constitutional rights.

Mr. BROWNELL. So do I.

Senator ERVIN. And my objection to part 3 and part 4 of these amendments is that they take and pervert the use of equity from its accustomed field in order to deprive American citizens of their constitional rights of indictment by grand juries, of trial by jury, and of the right to confront and cross-examine their accusers.

Mr. BROWNELL. You may be interested to know, Senator, that if you take that position, you will be in favor of repealing 28 different laws that are already on the books, statutes which authorize injunctive relief by the United States Government in these cases to prevent crimes.

Let me read them. The first is "antitrust laws, restraining violation"——

Mr. ERVIN. Of course the Senator from Illinois has the floor, but I respectfully submit that he is not responding to my question. My question was whether under sections 402 and 3691 of title 42 a man would not have the right of trial by jury and could not be locked up in jail, if convicted, for more than 6 months?

Mr. DIRKSEN. The whole purpose of invoking preventive remedies by the Attorney General is to avoid criminal proceedings.

Mr. ERVIN. But I will ask the Senator if the injunctive process does not operate on the principle that a man will be punished if he violates the injunction.

Mr. DIRKSEN. That is the whole reason for it. It is within the power of the court to impose punishment. It has been thus from the very beginning of the proceeding at King's Bench and Queen's Bench, when the writs were very rigid, and the result was that a subject had to go into an equity court so that he could get equity from his sovereign. From that day to this there has been an almost unending line of precedent with respect to civil suits.

Mr. ERVIN. Perhaps I can simplify this by saying——

Mr. DIRKSEN. There are very few States in which trial by jury is granted in civil-contempt cases.

Mr. ERVIN. We are Federal legislators. If we have a Federal law, as we do now, which gives a man the right to trial by jury and the right to limited punishment, as is given in sections 402 and 3691 of title 42, we ought to keep that good Federal law and not talk about bad State laws.

Mr. DIRKSEN. Of course, the colloquy between my friend from North Carolina and myself will not settle the matter, but I wish to read into the RECORD these 28 statutes.

Mr. ROBERTSON. The senior Senator from Illinois [Mr. DOUGLAS] put those statutes in the RECORD earlier in the day when he engaged in colloquy with the Senator from Alabama [Mr. SPARKMAN].

Mr. DIRKSEN. They are very short. I shall ask the Official Reporter to have them printed in the RECORD.

Mr. ROBERTSON. They deal primarily with property, and mostly with property of the United States. They deal with the general jurisdiction of the United States in interstate matters, such as the building of bridges over navigable streams.

Mr. DIRKSEN. I heard my distinguished friend make that argument earlier in the day. I say that they deal with people. Ordinarily we do not find property in contempt. We find people in contempt of court, for violating the law with respect to wool labeling, for instance, or for violating the Antitrust Act; we deal with human beings in such cases.

Mr. President, I ask unanimous consent to have the list of the 28 statutes printed in the RECORD at this point.

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

Antitrust laws, restraining violation (by United States attorney, under direction Attorney General) (115 U. S. C. 4).

Associations engaged in catching and marketing aquatic products restrained from violating order to cease and desist monopolizing trade (by Department of Justice) (15 U. S. C. 522).

Association of producers of agricultural products from restraining trade (by Department of Justice) (7 U. S. C. 292).

Atomic Energy Act, enjoining violation of act or regulation (by Atomic Energy Commission) (by Attorney General) (42 U. S. C. 1816).

Bridges over navigable waters, injunction to enforce removal of bridge violating act as to alteration of bridges (by Attorney General) (33 U. S. C. 519).

Clayton Act, violation of enjoined United States attorney, under direction of Attorney General) (15 U .S. C. 25).

Electric utility companies, compliance with law enforced by injunctions (by Federal Power Commission) (16 U. S. C. 825m).

False advertisements, dissemination enjoined (by Federal Trade Commission) (15 U. S. C. 53).

Freight forwarders, enforcement of laws, orders, rules, etc., by injunctions (by Interstate Commerce Commission or Attorney General) (49 U. S. C. 1017).

Fur Products Labeling Act, to enjoin violation (by Federal Trade Commission) (15 U. S. C. 69g).

Enclosure of public lands, enjoining violation (by United States attorney) (43 U. S. C. 1062).

Investment advisers, violations of statute, rules and regulations governing, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80b-9).

Gross misconduct or gross abuse of trust by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-35).

Use of misleading name or title by investment company, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-34).

Violation of statute governing, or rules, regulations, or orders of SEC by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-41).

Fair Labor Standards Act, enjoining of violations (by Administrator, Wage and Hour Division, Department of Labor, under direction of Attorney General, see 29 U. S. C. (204b)) (29 U. S. C. 216 (c), 217).

Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction (by United States attorney, see 29 U. S. C. 921a) (33 U. S. C. 921).

Import trade, prevention of restraint by injunction (by United States attorney, under direction of Attorney General) (15 U. S. C. 9).

Wool products, enjoining violation of labeling act (by Federal Trade Commission) (15 U. S. C. 68e).

Securities Act, actions to restrain violations (by Securities and Exchange Commission) (15 U. S. C. 77t).

Securities Exchange Act, restraint of violations (by Securities and Exchange Commission) (15 U. S. C. 78u).

Stockyards, injunction to enforce order of Secretary of Agriculture (by Attorney General) (7 U. S. C. 216).

Submarine cables, to enjoin landing or operation (by the United States) (47 U. S. C. 36).

Sugar quota, to restrain violations (by United States attorney under direction of Attorney General, see 7 U. S. C. 608 (7)) (7 U. S. C. 608a-6).

Water carriers in interstate and foreign commerce, injunctions for violations of orders of ICC (by ICC or Attorney General) (49 U. S. C. 916).

Flammable Fabrics Act, to enjoin violations (by Federal Trade Commission) (15 U. S. C. 1195).

National Housing Act, injunction against violation (by Attorney General) (12 U. S. C. 1731b).

Mr. DIRKSEN. Mr. President, I yield the floor.

ORDER FOR RECESS TO 10:30 A. M. TOMORROW AND FOR TRANSACTION OF ROUTINE BUSINESS

During the delivery of Mr. DIRKSEN's speech,

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield to permit me to make an announcement?

Mr. DIRKSEN. I will yield, provided I do not lose the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Illinois may yield to me for the purpose of propounding a unanimous consent request, with the understanding that this interruption will appear at the conclusion of his remarks, and that the Senator from Illinois will not lose the floor by yielding.

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

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 10:30 a. m. tomorrow.

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

Mr. JOHNSON of Texas. Mr. President, I should like to have my colleagues on notice that it is planned to have the Senate remain in session until some time around 7 o'clock this evening, and that a later session tomorrow evening is contemplated. It is my hope that, since the Senate will convene at 10:30 tomorrow morning, we may perhaps run until 9 or 9:30 tomorrow evening, if speakers are available.

I want all of my colleagues to take notice of the order which has been entered, namely, that the Senate will convene at 10:30 tomorrow morning.

I ask unanimous consent that, following the convening of the Senate tomorrow morning, there be the usual morning hour for the transaction of routine business, including the introduction of bills, petitions, and memorials, and that statements be limited to 3 minutes.

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

AWARD OF PRESIDENTIAL MEDAL OF HONOR TO HERMAN J. SCHAEFER FOR OUTSTANDING HEROISM

Mr. CAPEHART. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Mr. President, I yield for a special purpose, with the understanding that I do not lose the floor.

Mr. CAPEHART. Mr. President, I ask unanimous consent that my remarks appear following the conclusion of the remarks of the Senator from Illinois.

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

Mr. CAPEHART. Mr. President, in 1905 Congress passed a law to award medals to persons who perform acts of extraordinary bravery. Since 1905 only 56 such awards have been made by the President under the law passed by Congress.

In the gallery this afternoon are Mr. Herman J. Schaefer and his wife and children, of Evansville, Ind.

Mr. Schaefer has just been awarded one of the 56 medals which have been awarded in 51 years for extraordinary bravery in connection with the saving of the life of a 3-year-old boy in Evansville.

Mr. Schaefer, a switchman for the Chicago & Eastern Illinois Railroad, was riding on the front of his locomotive, when a 3-year-old boy appeared in front of the moving engine. Mr. Schaefer saved the boy's life by leaning over and catching him.

An interesting commentary concerning this award is that the first award, made in 1905, was to Mr. George Poell, who likewise saved the life of a little boy. But in that instance Mr. Poell was very seriously injured and suffered the loss of one foot.

Mr. President, I should like to have Mr. Herman Schaefer and his wife and children stand and be greeted by the Senate.

[Mr. Schaefer and his family rose in their places in the gallery and were greeted with applause, Senators and the guests in the gallery rising.]

The PRESIDING OFFICER (Mr. THURMOND in the chair). The Chair desires to welcome Mr. Schaefer and his family, and to commend him for the outstanding heroism which he exhibited.

Mr. CAPEHART. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an explanation of this award.

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

Herman J. Schaefer, 34, 2709 North Sherman Avenue, Evansville, Ind., a switchman for the Chicago & Eastern Illinois Railroad, will be awarded the Presidential Medal of Honor by the Interstate Commerce Commission "for outstanding heroism in saving the life of a 3-year-old boy, March 29, 1954."

Schaefer, who has been with the Chicago & Eastern Illinois since September 29, 1950, will receive the award in Washington, D. C., July 10.

A tall, lean, handsome young man, Schaefer said he was amazed at the news that he would receive the coveted award.

"I don't know what to say," Schaefer said, "it all seems like a dream. I did just what anybody else would do if they had been there at the same time.

"The little boy was playing on the tracks and I thought of my own kids and simply had to get him out of the way of the train."

At the time, Schaefer was riding on the front of a diesel-powered switch engine in Evansville and saw young Timothy Roberson, then 3 years old, playing with a model train on the tracks in the rear of his home at 216 Eichel Avenue, Evansville.

Schaefer tried to shout to the other crew members that the child was in the tracks but no one heard him. Abandoning all thoughts of personal safety, Schaefer jumped down on the footboard, a violation of safety rules, grasped the handrail, leaned out, and swiftly picked the child out of the path of the onrushing train.

Shortly after the daring rescue the Chicago & Eastern Illinois rewarded Schaefer with a gold watch and a plaque testifying to his heroism and held a luncheon in his honor in Evansville.

Some time later, C. D. Blue, superintendent of safety for the Chicago & Eastern Illinois, submitted a report plus appropriate affidavits from other crew members who witnessed Schaefer's heroic act to the Interstate Commerce Commission.

The medal, given only 56 times in 50 years, is awarded for acts of heroism on the Nation's railroads.

Coincidentally, the first award given in 1905 to George Poell, a locomotive fireman for the St. Joseph & Grand Island Railway, closely parallels Schaefer's case.

Poell went on the pilot of his steam engine and picked up a child, also a small boy, playing in the middle of the tracks while the train was moving.

The child escaped injury in this case more than 50 years ago but both Poell's arms were broken and his foot had to be amputated because of his lifesaving action.

Schaefer and his wife, Ruth, have 4 children: Mike, 9; Pat, 6; Mary Beth, 3; and Joseph, 19 months.

The entire family will accompany Schaefer to Washington to receive the award.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7238) to amend the public assistance provisions of the Social Security Act so as to provide for a more effective distribution of Federal funds for medical and other remedial care.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 632) to amend the Federal Crop Insurance Act, as amended, and it was signed by the President pro tempore.

CIVIL RIGHTS

The Senate resumed the consideration of the motion of Mr. KNOWLAND that the Senate proceed to the 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.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Ellender	Monroney
Allott	Ervin	Morse
Anderson	Flanders	Mundt
Barrett	Frear	Murray
Beall	Fulbright	O'Mahoney
Bennett	Goldwater	Potter
Bible	Gore	Revercomb
Bricker	Hill	Robertson
Byrd	Holland	Russell
Carlson	Hruska	Scott
Carroll	Humphrey	Smith, Maine
Case, N. J.	Jenner	Smith, N. J.
Case, S. Dak.	Johnson, Tex.	Sparkman
Chavez	Johnston, S. C.	Stennis
Clark	Kerr	Talmadge
Cooper	Kuchel	Thurmond
Cotton	Long	Thye
Curtis	Mansfield	Watkins
Dirksen	Martin, Iowa	Wiley
Dworshak	McClellan	Yarborough
Eastland	McNamara	

The PRESIDING OFFICER (Mr. THURMOND in the chair). Sixty-two Senators having answered to their names, a quorum is present.

Mr. WATKINS. Mr. President, I do not intend to make a major speech on the matter now before the Senate; but I wish to call attention to some facts which will be of interest to the public generally and, in particular, to the Members of this body.

SPREAD OF THE NEGRO POPULATION IN AMERICA

Mr. President, it seems most unfortunate that in this matter of debate over the so-called civil-rights bill, Senators seem invariably to be drawn into rival lines of North and South.

Also, it seems to me that our friends from the Southern States sometimes assume that the problems that go with color and race are inherently their problems, and that we who come from Central and Northern portions of the country are but interlopers when we essay some interest, particularly in the Negro.

Historically and currently, it is true that the Negro was, and is, usually a resident of the South; but I think we need to bring our thinking up to date and to observe to what lengths and in what concentrations the Negro has spread throughout the Nation as a whole.

For example, while it is true that Georgia and North Carolina have more than 1 million Negroes, each, let it be remembered that New York has more than 900,000. Illinois and Pennsylvania have more Negroes, each, than either Florida or Tennessee, while Ohio, California, and Michigan have more Negroes, each, than Arkansas or Maryland.

New Jersey has more Negroes than either Missouri or Kentucky. Indiana has more than Oklahoma or West Virginia. And Massachusetts, Kansas, and Connecticut have more Negroes, each, than has Delaware.

Of the States having 25,000 or more Negroes—and these number 31—nearly half are not Southern States.

This is not to minimize the South's problems, as they deal with race. But it is to say this: If there is a Negro problem in Georgia, North Carolina, Mississippi, Alabama, Texas, Louisiana, South Carolina, Virginia, Florida, Tennessee, Arkansas, Maryland, Missouri, Kentucky, Oklahoma, West Virginia, and Delaware, then—in terms of numbers—there is a kindred problem in New York, Illinois, Pennsylvania, Ohio, California, Michigan, New Jersey, Indiana, Massachusetts, Kansas, and Connecticut.

What is even more important is this: I have based my figures for the above analysis on those contained in the 1950 Federal census. By 1960, when another such census is made, I am quite sure we shall find that the spread will be even greater.

As one of the sponsors of the administration's civil-rights bill, I became so from a matter of principle. It is true that my native State of Utah, which in 1950 ranked 38th among the States in population, also ranked 40th in its number of Negroes. But that does not mean that the civil-rights principle is alien to my State. In recent years the question there has been raised as to the right of Indians living on reservations to vote. It had previously been ruled that Indians not living on reservations have a right to vote. Fortunately, and yet only very recently, we have seen to it in Utah that Indians share our rights and duties as voting citizens. Also, in Utah we are very proud that we have either stood first or very near the top in national elections in the percentage of our eligible citizens who cast their ballots at the polls. To my way of thinking, in connection with the matter of civil rights here in debate, the principal question is the right to vote. On principle, I think that should be the inalienable right of every citizen of voting ability, and should not be obscured by condition or race.

Mr. President, as a part of my remarks, for introduction into the RECORD, I ask unanimous consent for the insertion of a brief table—drawn from the 1950 Federal census—listing the number of Negro residents in the various States.

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

Table I—Negro population by States (according to 1950 Federal census)

1 million or more:	
1. Georgia	1,062,762
2. North Carolina	1,047,353
900,000 or more:	
3. Mississippi	986,494
4. Alabama	979,617
5. Texas	977,458
6. New York	918,191
800,000 or more:	
7. Louisiana	882,428
8. South Carolina	822,077
700,000 or more: 9. Virginia	734,211
600,000 or more:	
10. Illinois	645,980
11. Pennsylvania	638,485
12. Florida	603,101
500,000 or more:	
13. Tennessee	530,603
14. Ohio	513,072
400,000 or more:	
15. California	462,172
16. Michigan	442,296
17. Arkansas	426,639
300,000 or more:	
18. Maryland	385,972
19. New Jersey	318,565
200,000 or more:	
20. Missouri	297,088
21. Kentucky	201,921
100,000 or more:	
22. Indiana	174,168
23. Oklahoma	145,503
24. West Virginia	114,867
50,000 or more:	
25. Massachusetts	73,171
26. Kansas	73,158
27. Connecticut	53,472
25,000 or more:	
28. Delaware	43,598
29. Washington	30,691
30. Wisconsin	28,182
31. Arizona	25,974
10,000 or more:	
32. Colorado	20,177
33. Iowa	19,692
34. Nebraska	19,234
35. Minnesota	14,022
36. Rhode Island	13,903
37. Oregon	11,529
5,000 or more: 38. New Mexico	8,408
1,000 or more:	
39. Nevada	4,302
40. Utah	2,729
41. Wyoming	2,557
42. Montana	1,232
43. Maine	1,221
44. Idaho	1,050
Less than 1,000:	
45. New Hampshire	731
46. South Dakota	727
47. Vermont	443
48. North Dakota	257

AMENDMENT OF SECTIONS 2275 AND 2276 OF REVISED STATUTES

Mr. WATKINS. Mr. President, on behalf of myself and the Senator from Arizona [Mr. GOLDWATER], I introduce, for appropriate reference, a bill to correct an injustice to the public schools of the Western States. The bill, drafted and approved by the Western Association of State Public Land Commissioners, authorizes States to select lands which are mineral in character, in lieu of designated school sections of public lands which have been preempted by homesteading or by other forms of permanent withdrawal from public entry.

In view of the western interest in this proposed legislation, I hereby request unanimous consent to have the bill lie on the table for 24 hours, during which the names of additional cosponsors can be added.

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

Mr. WATKINS. This bill is an extension of a bill which I and my colleague, Senator BENNETT, introduced during the the 84th Congress. The former bill, S. 2096, was not pushed at that time because a study of this problem was initiated by the Western Association of State Land Commissioners. The association's study resulted in the draft introduced today, and I can highly recommend it because it is the product of the country's outstanding authorities on public land uses. Our present, able Director of the Bureau of Land Management, Edward Woozley, was a former member of this organization, while serving as State land commissioner of my neighboring State of Idaho.

I have said that this bill is introduced to correct an injustice to the public schools of our Western States, and that is literally true.

When the Western public lands States were admitted to the Union, the highly commendable policy was adopted of allocating one or more sections of public lands within the new State's boundaries as a land endowment for the State's public-school system. Revenues from these lands or from the sale of them

were to be consigned to a permanent school endowment fund, the interest from which was to be used in support of State-administered public education. This is one of the greatest examples of permanent endowment of public education that I know about.

This program, worked out by the Congress a half century or more ago, in enabling legislation admitting new States to the Union, worked very well until a few years ago. Then, when petroleum and uranium prospectors began to range over the once little-regarded wastelands of the West, it was discovered that these permanent school funds were being deprived of much valuable land by the language of the statutes pertaining to transfers of such sections to the States upon completion of cadastral surveys. This resulted because the law had specified that land mineral in character could not be transferred to the States upon completion of the survey work. The effect of this wording was that oil or uranium discoveries on an assigned school section prevented its transfer to the State, and denied the permanent school funds valuable gas and oil royalties and leasing revenues, which often were the only real values the lands contained.

Passage of the act of April 22, 1954, 68 United States Statutes at Large, page 57, remedied this problem, by authorizing transfer of mineralized sections and providing that any mineral lease applying to a surveyed school section would pass to the State, along with the surface acreage of the section. This proposed legislation by itself undoubtedly will contribute millions of dollars to the permanent schools funds of the Western States, and carries out the real intent of the original enabling legislation.

The intensive study of school land status which prompted this legislative remedy also disclosed another legal problem. If a leased mineral occurs on a State school section, that acreage and the lease rights can now be assigned to the State affected without difficulty. However, if a State school section has been preempted by homsteading or other form of permanent withdrawal from public entry, then the State involved must make a selection of other public lands in lieu thereof.

Provisions for these so-called lieu selections are included in sections 851 and 852 of title 43, United States Code.

Unfortunately for the public land States, these sections provide that only equal acreage not mineral in character may be exchanged for such preempted school lands. This means that even if the preempted school section was underlain by rich uranium deposits or other nonleasable mineral wealth, the State would be required to select an equal acreage of open, nonmineral public lands, which now are of little worth for their surface values.

Under this wording of the law, a Western State which has much acreage of preempted school sections is faced with the prospect of losing very valuable lands, allocated by the Congress more than a half century ago, and accepting in lieu of a revenue-producing asset, equal acreage of virtually worthless land.

The top land officials of the Western States have now recognized this injustice, which was called to the attention of the Senate last session by S. 2096. In view of this very welcome support from a distinguished organization of State officials, I hereby urge the Congress to expedite action on this measure so that the revenue from these long-deferred land exchanges can be diverted into the respective State school endowment funds, where it rightfully belongs.

I also request unanimous consent to have printed at this point in my remarks the text of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2517) to amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes, introduced by Mr. WATKINS (for himself, and Mr. GOLDWATER), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 2275 of the Revised Statutes, as amended (43 U. S. C. 851), is amended to read as follows:

"SEC. 2275. Where settlements with a view to preemption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections 2, 16, 32, or 36, those sections shall be subject to the claims of such settlers; and if such sections or any of them, have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State or Territory in which they lie, other lands of equal acreage, whether or not known to be valuable for minerals, are hereby appropriated and granted, and may be selected by said State or Territory, in lieu of such as may be thus taken by preemption or homestead settlers. And other lands of equal acreage, whether or not known to be valuable for minerals, are also hereby appropriated and granted and may be selected by said State or Territory where sections 2, 16, 32, or 36 are mineral land and entry thereon has been made under the mining laws of the United States, or are included within any Indian, military, or other reservation, or are otherwise disposed of by the United States: *Provided*, Where any State is entitled to said sections 2, 16, 32, and 36, or any of them, or where said sections, or any of them, are reserved to any Territory, notwithstanding the same may be mineral land or embraced within a military, Indian, or other reservation, the selection of such lands in lieu thereof by said State or Territory shall be a waiver of its right to said sections. And other lands of equal acreage, whether or not known to be valuable for minerals, are also hereby appropriated and granted, and may be selected by said State or Territory to compensate deficiencies for school purposes, where sections 2, 16, 32, or 36 are fractional in quantity, or where one or more are wanting by reason of the township being fractional, or from any natural cause whatever. And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State or Territory shall be entitled to select indemnity lands to the extent of section for section in lieu of sections therein which have been or shall be granted, reserved, or pledged; but such selections may not be made within the boundaries of said reservations. Notwithstanding the fact that there is outstanding on selected lieu or indemnity land, whether or not mineral in character, at the time of selection a mineral lease or leases entered into by the United States, or an application therefore shall not prevent the selection of such land by the State or Territory; but if such selection is made, the State or Territory shall succeed to the position of the United States as lessor under such lease or leases, and as used herein lease includes permit and lessor includes grantor: *Provided, however*, That nothing herein contained shall prevent any State or Territory from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections 2, 16, 32, and 36, or any of them, in place therein."

SEC. 2. Section 2276 of the Revised Statutes, as amended (43 U. S. C. 852), is amended by striking out "unappropriated, surveyed public lands, not mineral in character,", and inserting in lieu thereof "surveyed public lands."

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

Mr. WATKINS. I yield.

Mr. ALLOTT. I wish to associate myself with the remarks of the able senior Senator from Utah, who has many times before brought to the attention of this body matters concerning many of the Western States which need immediate remedial attention. The situation of which the Senator speaks has long constituted a serious problem in the West, and has deprived the West of rights which it should have had many years ago. For that reason I wish to compliment him upon his remarks, associate myself with them, and ask unanimous consent that my name be included as a cosponsor of the bill.

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

Mr. WATKINS. I thank the distinguished Senator from Colorado for the statement he has made. I shall be very happy, indeed, to have him join as a cosponsor of the bill.

RELATIONSHIP BETWEEN FEDERAL AND STATE GOVERNMENTS

Mr. HUMPHREY. Mr. President, on Monday, June 24, the President of the United States addressed the Conference of State Governors at Williamsburg, Va. His basic theme was the relationship between the National and State Governments. His emphasis was upon what he considered to be the ever-increasing tendency of the National Government to assume the traditional responsibilities of the State governments.

In this connection, the President observed that "every State failure to meet a pressing public need has created the opportunity, developed the excuse, and fed the temptation for the National Government to poach on the States preserves. Year by year, responding to transient popular demands, the Congress has increased Federal functions. Slowly at first, but in recent times more and more rapidly, the pendulum of power has swung from our States to the Central Government." He conceded, however, that he has "found it necessary to urge Federal action in some areas traditional-

ly reserved to the States," and that "in each instance State inaction, or inadequate action, coupled with undeniable national need, has forced emergency Federal intervention."

The President also pointed out that in 1953 he obtained congressional authority to establish a Commission on Intergovernmental Relations which completed the "first official survey of our Federal system since the adoption of our Constitution 170 years ago," and "brought long-needed perspective and pointed the way to improvements in areas of mutual concern to the States and the Federal Government."

Continuing, President Eisenhower stated that he believed deeply in States rights; that the preservation of our States as vigorous, powerful governmental units is essential to permanent individual freedom and the growth of our national strength; and that it is idle to champion States rights without upholding States responsibilities. He stated further that he believed that "an objective reappraisal and reallocation of those responsibilities can lighten the hand of central authority, reinforce our State and local governments, and in the process strengthen all America."

The President concluded that barriers to effective and responsive government should be removed by overhauling taxing and fiscal systems, and by better cooperation between all echelons of government.

He proposed to accomplish this objective by means of a three-point program in which the Conference of State Governors would join with the Federal administration in creating a task force with the following responsibilities:

First. To designate functions which the States are ready and willing to assume and finance, functions that are now performed or financed wholly or in part by the Federal Government;

Second. To recommend the Federal and State revenue adjustments required to enable the States to assume such functions; and

Third. To identify functions and responsibilities likely to require State or Federal attention in the future and to recommend the level of State effort, or Federal effort, or both, that will be needed to assure effective action.

An examination of the President's remarks and proposals reveals that they are lofty and high-sounding, and are filled with generalities and fancy phrases. They offer nothing new, in the last analysis, but the creation of a new task force, composed of representatives of the national and State governments to study problems and make recommendations.

Mr. President, I submit that this subject has been studied and restudied.

During the past 20 years, the fiscal problems of local governments, the proper allocation of State and national functions and related phases of these matters, have been under continuous study by governmental, quasi-governmental, and private groups, which have produced numerous reports with recommendations.

The first of these was initiated by the President of the United States in 1935, when he appointed a committee consisting of the Secretary of the Treasury, the Attorney General, and the Acting Director of the Bureau of the Budget, and directed them to undertake a study of Federal ownership of real estate and of its bearing on State and local taxation. This committee made a brief study and submitted its report and recommendations to the President in 1938.

Following one of the recommendations of this committee, the President established a Federal Real Estate Board to study and make appropriate recommendations regarding the situation in different communities adversely affected by the loss of tax revenues on land acquired by the Federal Government. This Board submitted a 50-page report, with recommendations, to the President and the Congress in 1943. The Board continued in a quiescent state until 1951, when it was finally dissolved.

During much of this same period, the Treasury Department, through a special committee, was conducting a study of the entire subject of Federal-State and local fiscal relations.

In January 1948, the first Commission on Organization of the Executive Branch —Hoover Commission—retained the Council of State Governments to make a comprehensive study of the entire field of Federal-State relations. The Council submitted a 297-page report to the Commission in July 1948, which report was transmitted to the Congress in March 1949.

In April 1949, the Secretary of the Treasury invited representatives of State and local governments to a conference on intergovernmental tax problems, which requested the Bureau of the Budget to work out comprehensive recommendations. During the same month, the Treasury Department prepared a staff memorandum on the subject.

In September 1952, the Associate General Counsel, Housing and Home Finance Agency, prepared a 61-page study on the subject of payments to local governments in lieu of taxes, for the section on municipal law of the American Bar Association.

In May 1954, a detailed, comprehensive study of the whole subject of Federal land ownership and the public land laws was prepared for and issued by the Committee on Interior and Insular Affairs of the House of Representatives. This 133-page report contained a comprehensive analysis and factual presentation of virtually every phase of Federal-State-local relations as relates to Federal payment of taxes, or in lieu thereof to local governments, and contains all of the pertinent statutes on the subject.

In addition, numerous studies dealing with various phases of Federal-State relations have been prepared from time to time by State and local government associations.

Finally, in June 1955, the Commission on Intergovernmental Relations submitted a 311-page report, with recommendations, which was accompanied by 15 additional volumes of supporting study committee and staff reports, totaling in all approximately 2,200 pages. The basic report covered a wide area of Federal-State relations and included such matters as the origins of the Federal system; the forces which have influenced its growth and development; the place of the States and their political subdivisions in the Federal system and the factors, fiscal and nonfiscal, which limit their competence; the extent of the National Government's responsibilities and the conditions that justify national action; and the nature and operation of the many forms of National-State cooperation.

The first 118 pages of the basic report were devoted to the historical background, the role of the States, national responsibilities, and cooperative relations financial aspects of the Federal system, and Federal grants-in-aid. The balance of the report dealt with intergovernmental functional responsibilities, and included agriculture, civil aviation, civil defense, and urban vulnerability, education, employment security, highways, housing and urban renewal, natural-disaster relief, natural resources and conservation, public health, vocational rehabilitation and welfare.

Various views and specific recommendations were set forth throughout the volume, some of which were in accord with those of the study committees; others modified or expressly or impliedly disagreed. Numerous charts and statistical tables appeared throughout the report.

The 15 supporting volumes were devoted to the following subjects: Federal Aid to Agriculture; Federal Aid to Highways; Federal Aid to Public Health; Federal Aid to Welfare; Federal Responsibility in the Field of Education; Unemployment Compensation and Employment Service; Natural Resources and Conservation; Payments in Lieu of Taxes and Shared Revenues; Local Government; Natural Disaster Relief; Civil Defense and Urban Vulnerability; Federal Aid to Airports; a Description of 26 Grants-in-Aid Programs; Summaries of Survey Reports on the Administrative and Fiscal Impact of Federal Grants-in-Aid; and a Survey Report on the Impact of Federal Grants-in-Aid on the Structure and Functions of State and Local Governments.

In order to make readily available and accessible a large amount of valuable material contained in the Commission's report and supporting documents, the Committee on Government Operations, on which it has been my privilege to serve during the past 8 years, requested the Legislative Reference Service of the Library of Congress to prepare a detailed index to all of the Commission's reports, studies, and documents, which is now available as Senate Document No. 111, 84th Congress.

In the 81st, 82d, and 83d Congresses, I either sponsored or cosponsored legislation for the study of intergovernmental relations. The 83d Congress did enact legislation for the establishment of the Commission on Intergovernmental Relations.

Mr. President, it was my privilege to serve as a member of the Commission on Intergovernmental Relations and also as a member of its Study Committee on

Payments in Lieu of Taxes and Shared Revenues. I can attest, from personal experience, to the tremendous amount of work which went into the Commission's reports and studies.

The Commission and its study committees were manned by outstanding National, State, and local government officials from all over the United States; in addition, the Commission employed a professional staff of some 43 outstanding experts and an administrative staff of 33. All of these persons—Senators, Representatives, Federal Government officials, distinguished State and local government officials, and leading experts from virtually every State in the Union—worked for some 2 years, and submitted the most comprehensive study, with numerous recommendations, ever made, at a cost to the National Government of almost $1 million—$891,264.62.

The result of their labors is readily available and completely indexed. It constitutes a complete blueprint of what needs to be done. Of course, I was not able to agree with all of the conclusions and recommendations. But the basic material is there, and what we need now is action and not further study.

Added to all of this material are the results of a meeting of members of Congressional committees and governors, called for the purpose of studying Federal-State tax relations, held in Chicago on September 26–27, 1947. At this meeting, the Senate Committee on Government Operations—then the Committee on Expenditures in the Executive Departments—was designated to conduct a special study of the problems of coordination of Federal and State taxes, with the objective of strengthening the tax structures of local and State governments and compensating them for losses of revenue from former sources of taxation. In its report to the Senate, the committee placed stress on the importance of assuring that Federal, State, and local tax systems are adequate to the job assigned to them and on the need for determining whether they fit together into a combined tax system which is equitable, administratively efficient, and economically sound.

Mr. President, I submit that the foregoing review shows that we have an abundance of material available. And yet the President of the United States now proposes to establish a new task force to perform virtually the same job which has already been done by the Commission on Intergovernmental Relations and by its 15 study committees and task forces.

One need only compare the provisions of Public Law 109, 83d Congress, by which the Commission on Intergovernmental Relations was established and given its charter and responsibilities, in order to see clearly how identical its work has been with that proposed by the President.

Section 3 (a) of Public Law 109 directs the Commission to carry out the purposes of section 1 of the law. Section 1 makes the declaration of purposes:

> Because any existing confusion and wasteful duplication of functions and administration pose a threat to the objectives of programs of the Federal Government shared in by the States, including their political subdivisions, because the activity of the Federal Government has been extended into many fields which, under our constitutional system, may be the primary interest and obligation of the several States and the subdivisions thereof, and because of the resulting complexity to intergovernmental relations, it is necessary to study the proper role of the Federal Government in relation to the States and their political subdivisions, with respect to such fields, to the end that these relations may be clearly defined and the functions concerned may be allocated to their proper jurisdiction. It is further necessary that intergovernmental fiscal relations be so adjusted that each level of Government discharges the functions which belong within its jurisdiction in a sound and effective manner.

Section 3 (b) provides:

> The Commission shall study and investigate all of the present activities in which Federal aid is extended to State and local governments, the interrelationships of the financing of this aid, and the sources of the financing of governmental programs. The Commission shall determine and report whether there is justification for Federal aid in the various fields in which Federal aid is extended; whether there are other fields in which Federal aid should be extended; whether Federal control with respect to these activities should be limited, and, if so, to what extent; whether Federal aid should be limited to cases of need; and all other matters incident to such Federal aid, including the ability of the Federal Government and the States to finance activities of this nature.

Mr. President, I submit that the resolution authorizing the Commission on Intergovernmental Relations gave it a very wide scope, and I submit further that the Commission's reports and recommendations show clearly that the entire area now proposed to be the subject of a new study has already been carefully examined. So there we have it. With a million-dollar report in the hands of the administration for some 2 years, carefully blueprinting the action which needs to be taken, the President, who has done nothing to implement these recommendations, now proposes another study.

In my judgment, nothing can possibly come out of a new study, as proposed by the President, except perhaps proposals for the Federal Government to get out of the welfare field, turning the clock back 50 years and leaving the great majority of the people of this Nation without adequate consideration and without provision for their needs—needs which have come to be recognized as essential to a democratic way of life.

Mr. President, I am not exactly a newcomer to the field of Federal-State relations, having served as mayor of a large city and having served on the Intergovernmental Relations Commission and on the Committee on Government Operations, which has responsibility for legislation in this area. I can only conclude, after examining the President's remarks at Williamsburg in the light of the administration's record, and that what he is, in essence, proposing, is that the Federal Government should withdraw from the performance of activities and the participation in programs which have become an integral part of our way of life.

When President Eisenhower told the Governors Conference that "every State failure to meet a pressing public need has created the opportunity, developed the excuse and fed the temptation for the national Government to poach on the States preserves," he completely missed the point of the entire problem. What he neglected to acknowledge was the fact that our States, unfortunately, do not enjoy the same level of economic wealth; that they do not all have the same industry, resources, business, and so forth. Compare, if you will Mr. President, the State of Arkansas with the State of New York, or any other State. When the Federal Government steps in with its vital grant-in-aid and service programs, it is merely attempting to insure that the American people will enjoy the same standards, protections, and security, regardless of which of the 48 States they may reside in. What he apparently fails to realize is that the Federal Government's activities constitute not Federal intervention in the affairs of the States, but an attempt to equalize and redistribute the great wealth and resources of this Nation so that its citizens can share equally in its benefits.

Of what avail is this wealth and of what use are these resources if some States are unable to provide for minimum essentials because they lack the financial ability to provide them? The relinquishment of Federal taxes in some fields will no doubt result in the availability of more tax funds to the States. However, this would not mean that the States will be able to undertake programs on a comparable scale to meet and provide for the needs of their citizens.

Mr. President, the truth of the matter appears to be that this administration, after spending nearly $1 million on a comprehensive study of Federal-State relations, has done absolutely nothing with the results of that study.

I submit that if the President is so concerned about Federal-State relations, he should have his Budget Bureau prepare legislative proposals to implement the vast number of recommendations made by the Commission on Intergovernmental Relations. Let us use all of these studies which are now before us, instead of embarking on any new studies, entailing additional costs to the American taxpayers, and which can yield nothing but more recommendations for action.

The time to act is now. The material is available if the administration is willing to study it, make some decisions, and get to work.

Mr. President at this point I ask unanimous consent to have printed in the RECORD a United Press story written by Warren Duffee entitled "United States Gave States, Cities $80 Billion in 23 Years."

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

UNITED STATES GAVE STATES, CITIES $80 BILLION IN 23 YEARS

(By Warren Duffee)

A special House-Senate committee reported yesterday the Federal Government had

pumped $80,534,854,817 in Federal payments into the States and Territories since 1934 through 175 programs.

The figures were made public by the Joint Congressional Committee on Nonessential Federal Expenditures, headed by Senator HARRY F. BYRD (Democrat, of Virginia), in a 618-page report on Federal payments to State and local governments and individuals over the 23-year period from 1934 through 1956.

The figures, based mainly on information from the Treasury Department, showed New York State received the biggest total,$6,066,390,200. Delaware received the least, $142,715,463.

Maryland received $842,835,980 and Virginia $1,229,856,412.

Total payments into the combined States and Territories averaged $3.5 billion a year.

Payments to State and local governments totaled $31 billion, an annual average of about $1.3 billion.

Individuals received a yearly average of $2.2 billion. Total Federal payments through 69 programs were $49.6 billion.

The committee said Federal payments during 8 prewar years, 1934–41, totaled roughly $24.7 billion. They dropped to $10.4 billion in the 5 wartime years, 1942–46, but climbed to $45.4 billion for the 1947–56 postwar period.

California ran second to New York in total payments received with $5,396,218,159.

Pennsylvania was third with $4,610,093,751, Texas fourth with $4,508,805,405, and Illinois fifth with $4,031,388,374.

Nevada ran second to Delaware in the lowest receipts with $206,886,823. Vermont was third low with $220,163,186.

New Hampshire was fourth with $261,622,406 and Rhode Island, fifth with $369,026,765.

The committee reported that of the total of more than $80 billion, $59.8 billion was paid through domestic-civilian programs, an estimated $4.2 billion through national defense programs, and $16.5 billion through veterans' programs.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point a story entitled "Earlier Plan on States Load Failed," written by Robert C. Albright, and published in the Washington Post and Times Herald of June 30, 1957. The story relates to President Eisenhower's speech at Williamsburg.

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

EARLIER PLAN ON STATES LOAD FAILED

(By Robert C. Albright)

If the Williamsburg conference of governors was something less than electrified by President Eisenhower's plan to resurvey Federal-State powers and tax sources, you can lay it at least in part to what happened after a similar experiment 10 years ago.

For the first time in history, representatives of the National Congress and the State governments came together in one meeting on September 26 and 27, 1947, for the purpose of developing understanding and a common approach to problems of taxation.

LITTLE CAME OF IT

This meeting in Chicago was described at the time as having "historic significance." It produced a unanimous statement of principles and objectives, as well as some specific recommendations for realining taxes and functions. But nothing really ever came of them. In February 1950, the House Ways and Means Committee took testimony on one of the proposals—a cutback in Federal admissions taxes, in favor of the States. But this was forgotten when the Korean war broke, June 25, 1950.

Few of the governors expect much more than a "study and report" to emerge from Mr. Eisenhower's proposed task force, either.

The reason for this skepticism is simply that there are two big hurdles to be taken even after a new task force should agree on a rollback of Federal powers: (1) Congress must get along with it, in whole or in part, and (2) State legislatures must assume the new functions and tax responsibilities turned back by the National Government.

These two stiff conditions never have been met yet. Some wary-eyed governors doubt they ever will be.

GOVERNORS' OWN PLANK

Having called for just such a rollback in Central Government powers year after year, there was nothing the governors could do but go along with the President's invitation to join in his plan. In a sense Mr. Eisenhower had picked up the governors' own States rights plank and walked off with it.

The so-called historic meeting in Chicago 10 years ago had just about all the attributes of a successful collaboration. Key members of four top Congressional units, the House Ways and Means Committee, the Senate Finance Committee, and the House and Senate Committees on Executive Expenditures, put their heads together with a special committee of 15 governors.

VIGOR AND DIRECTNESS

An article in the November 1947 issue of State Government, official publication of the Council of State Governments, wrote of the vigor and directness with which they tackled the problem.

"Nobody made a speech. Round-table discussion—hard-headed, practical, moving from point to point—began from the moment the meeting began," it said. "A final, notable aspect of the meeting was the stark realism of those present. They were not * * * contented with any easy statement of generality. There was rather the realization that the long-range objectives had to be supported by specific recommendations."

UNANIMOUS OBJECTIVES

In the end the Chicago conference came up with the following unanimous objectives:

That the Federal Government should reduce Federal excise taxes as soon as practicable (special consideration should be given to local telephone calls, intrastate electric energy, gasoline and admission taxes.

That the Federal Government should amend inheritance and estate taxes to provide more equitable division of this revenue between the Federal Government and the States.

That the Federal Government should relinquish to the State the Federal tax on employers levied to cover the administrative expenses of the State employment security programs, and the States will assume the responsibility for the administration of the unemployment compensation and employment-service programs.

That the Congress take the earliest possible action to correct by Federal law the income tax inequities existing between the community property and States.

That the States should avoid encroachment upon tax fields which are peculiarly adaptable to Federal uses.

COMMUNITY PROPERTY TAX

Eventually Congressional taxmakers did get around to correcting the community property imbalance in our income-tax laws. But that came about indirectly, and not as a direct offshoot of the report.

From Congress, however, and, for that matter, from the States themselves, there has come no implementing action. And the pendulum of authority has swung increasingly away from State governments.

Mr. Eisenhower, in proposing to the Governors his new "task force" attack on what he termed the Frankenstein-like powers of the Federal Government, followed pretty much the line taken in the 1955 Kestnbaum report.

The 311-page document, presented to Mr. Eisenhower 2 years ago by Meyer Kestnbaum, president of Hart Schaffner & Marx, recommended that the States themselves develop the capacity to handle a larger share of the total task of Government.

Mr. HUMPHREY. I know Mr. Albright in particular has reviewed the history of the Federal-State relationships and studies pertaining thereto. He has covered some of the ground I have covered in my remarks today. All it adds up to is that speeches before governors' conferences are no substitute for legislative and administrative action on the part of an administration that ought to act rather than simply make pronouncements.

Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

BARTERING SURPLUS AGRICULTURAL COMMODITIES

Mr. HUMPHREY. Mr. President, several developments have occurred in recent weeks concerning administration policy as it regards barter techniques in reducing our agricultural commodity surplus, and I rise to speak on these matters.

As my colleagues know, during the past month I have been conducting public hearings dealing with an overall review of the operation of Public Law 480. A major directive of this law, under title III, is the exchange of surplus agricultural commodities for materials of a strategic and critical character or other material.

To set things in proper perspective and with as much clarity as possible, Mr. President, permit me to briefly review the provisions of Public Law 480.

In essence, title I of the law provides for the sale of agricultural surpluses by payment in foreign currencies. These currencies accrue to the credit of Commodity Credit Corporation and can be used for a variety of purposes stipulated in the act. Transactions under this title have a two-sided advantage, so to speak; namely, first, the disposal of agricultural surpluses which cannot be sold against payment in dollars; and, second, aiding the economy of the recipient countries.

The basic considerations behind title II of Public Law 480 are of a humanitarian nature, and, in its application, the law has served to bring relief to countries in emergency situations, which is eminently in the American tradition and of which, I believe, we can be justly proud. I do not think I need elaborate on this aspect.

Title III is usually referred to as the barter provision of the act and, generally speaking, enables the Commodity Credit Corporation to dispose of surpluses, taking in exchange strategic materials which are needed by the United States for stockpiling purposes, and which cost less in storage charges, and are less subject to deterioration and spoilage than

is the case with agricultural commodities.

Mr. President, I have in the past addressed the Senate on various aspects of Public Law 480, particularly the sale of the surplus commodities for foreign currencies, and the role of our truly great American voluntary agencies in using these abundances of ours.

The Senate Committee on Agriculture and Forestry next Tuesday, July 16, will hear from the officers in the Barter Division of the Department of Agriculture as public hearings on Public Law 480 resume. More than 2 weeks ago the committee heard the advocates of barter. And the committee heard strong criticisms concerning barter operations as employed by the Department of Agriculture. It will be our intention to clarify the arguments.

Mr. President, I want to make it very clear that the purpose of the committee study is not to prove somebody right or wrong. What we are trying to do is to examine the operation of Public Law 480 to see whether or not there are any improvements we can make in its administration—to examine, one might say, the substance of the law.

I think one of the points that needs to be looked into—and looked into carefully—is this barter program. Let the RECORD show that I am not an advocate one way or the other. From a cursory glance at statements made by the advocates, I can honestly say I seem to be quite strongly for it. Then I hear about some of the problems as advanced by the Department of Agriculture, and that causes me to have some doubts.

It is quite probable that there are sincere and honest differences of opinion as to what should have been done under this program. I think it is well worth while, Mr. President, that these differences be brought to light.

While I was in the Middle East recently on business for the Foreign Relations Committee, the Department of Agriculture called a halt to its barter business on grounds that it wanted to review the overall program to decide whether some major changes should be made in the program.

On my return I learned that the barter operations had been resumed, but under new, very restrictive regulations. The Department of Agriculture said the new operations were based on a study of conditions. I immediately requested the Secretary to provide me with a copy of the study. I received a classified memorandum, but have yet to see the study. It is my firm belief that this study and its findings should be made a part of the public record, and I can assure my colleagues that I shall press this matter with officials at next week's hearing.

Because of its direct bearing on the operation of Public Law 480, I believe the report should be made public so that everyone will understand why the Department of Agriculture has taken the stand that it has in regard to barter.

From the reaction to the Department's new regulations concerning barter, it would seem that the directive is contrary to the letter and spirit of presently effective legislative and executive pronouncements.

The Congress, apparently, is convinced that much good could be accomplished through programing such as provided under title III, or it would not have persisted in the legislation.

Congress directed the use of barter because it believed that this technique was a sound tool with which we could substantially build up the physical resources of our Nation. It appears sound business, Mr. President, to transfer ownership from high-risk, high-storage cost commodities, such as grains, to more stable materials, such as industrial diamonds, which have practically no storage costs.

I am certain that my colleagues understand that the transaction authorized in title III is not barter in the sense that agricultural commodities are exchanged in a given country for materials. While it is true that Agriculture gives agricultural commodities and receives materials, every other step of the transaction is handled in precisely the same way that other sales are handled in the world of trade and commerce.

That is, the surplus commodities that are used to obtain the strategic materials go into international trade, are sold through private channels, and the proceeds from these sales pay for the strategic or other materials which are then given to the Department of Agriculture.

Permit me, Mr. President, to cite an example. The Secretary of Agriculture has the authority to accept offers of a commodity such as platinum, at prices satisfactory to the Government, and give to the offerers of the platinum an equivalent value of surplus agricultural commodities at current market prices. These agricultural commodities are then sold through normal trade channels by the offerers of the platinum and the platinum is delivered to the Department of Agriculture.

Were this an actual case—and I hasten to add that it obviously does not apply to all commodities—about $3 million worth of platinum, which would occupy a space not larger than an average office desk, would have been exchanged for $3 million worth of grains which cost about 10 percent of its value to store: The platinum would not deteriorate. It would always be of value—either in peace or in war—and would cost roughly $125 a year to store.

On the other hand, the Department of Agriculture would have released surplus commodities which do deteriorate. A report by the Department which was filed with the committee for inclusion as part of the official records shows that so far this fiscal year, through April 30, loss due to deterioration, shrinkage or spoilage amounts to almost $15 million. In the fiscal year of 1956, the total loss was in excess of $25 million.

In other words, there would have been a saving in storage alone of about $300,000 a year had the platinum deal been a reality. In addition, the United States would have acquired an asset which in wartime would be priceless and which in any time is of great value.

Now this situation is not farfetched at all. During our hearings, Mr. Justice M. Chambers, Washington representative of M. Golodetz & Co., of New York, testified that his department on December 15, 1956, asked the Department of Agriculture to barter platinum for surplus commodities. It is my understanding that the company was offering the platinum at a considerable amount below market, which would have been greatly to the Government's advantage. Again, the value of the platinum offered was about $2½ million. The Department of Agriculture could have saved $250,000 annually in storage facilities in exchange for a metal which does not deteriorate and could be stored for about $125 a year.

The Barter Division refused the agreement after calling the Office of Defense Mobilization, which ruled that platinum was not on the strategic and critical list of materials. I think this merits serious consideration.

Mr. Norbert Blechner, vice president of Associated Metals & Minerals Corp., of New York City, said in a statement to the committee:

> This barter program makes much sense. Through it vast quantities of agricultural commodities which are surplus to our own needs and subject to deterioration in warehouses have been and are being replaced by strategic materials from abroad—materials which not only add to our defense, but which also save our country money by substituting permanent assets, with less expensive storage charges, for perishable agricultural items. In this way, basic resources with which nature has not endowed the United States are being secured in exchange for farm crops which the Lord has allowed us to grow in abundance every season.

Therefore, Mr. President, it would appear that bartering is a constructive attack upon United States surplus products. And it appears that it gives a boost to world trade as well, for barter under Public Law 480 is based on private initiative and private enterprise. Why is there opposition in the Department of Agriculture?

The basic legislation for barter goes back to the Agricultural Act of 1949. In section 416, the Commodity Credit Corporation is authorized "to barter or exchange such commodities for strategic or other materials as authorized by law."

The Commodity Credit Corporation Act, as amended on June 7, 1949, carried language under section 4, subsection (h), to once again encourage the use of barter. I ask unanimous consent that an excerpt from the Commodity Credit Corporation Charter Act, in which general powers are outlined, be printed at this point in my remarks.

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

COMMODITY CREDIT CORPORATION CHARTER ACT

SEC. 4. General powers: The Corporation—

(h) May contract for the use, in accordance with the usual customs of trade and commerce, of plants and facilities for the physical handling, storage, processing, serving, and transportation of the agricultural commodities subject to its control. The Corporation shall have power to acquire personal property necessary to the conduct of its business but shall not have power to acquire real property or any interest therein except that it may (a) rent or lease office space necessary for the conduct of its business and (b) acquire real property or any interest therein for the purpose of providing storage adequate to carry out effectively and

efficiently any of the Corporation's programs, or of securing or discharging obligations owing to the Corporation, or of otherwise protecting the financial interests of the Corporation: *Provided*, That the authority contained in this subsection (h) shall not be utilized by the Corporation for the purpose of acquiring real property, or any interest therein, to provide storage facilities for any commodity unless the Corporation determines that existing privately owned storage facilities for such commodity in the area concerned are not adequate: *Provided further*, That no refrigerated cold-storage facilities shall be constructed or purchased except with funds specifically provided by Congress for that purpose: *And provided further*, That nothing contained in this subsection (h) shall limit the duty of the Corporation, to the maximum extent practicable consistent with the fulfillment of the Corporation's purposes and the effective and efficient conduct of its business, to utilize the usual and customary channels, facilities, and arrangements of trade and commerce in the warehousing of commodities: *And provided further*, That to encourage the storage of grain on farms, where it can be stored at the lowest cost, the Corporation shall make loans to graingrowers needing storage facilities when such growers shall apply to the Corporation for financing the construction or purchase of suitable storage, and these loans shall be deducted from the proceeds of price-support loans or purchase agreements made between the Corporation and the growers. Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized, upon terms and conditions prescribed and approved by the Secretary of Agriculture, to accept strategic and critical materials produced abroad in exchange for agricultural commodities acquired by the Corporation. Insofar as practicable, in effecting such exchange of goods, normal commercial trade channels shall be utilized and priority shall be given to commodities easily storable and those which serve as prime incentive goods to stimulate production of critical and strategic materials. The determination of the quantities and qualities of such materials which are desirable for stockpiling and the determination of which materials are strategic and critical shall be made in the manner prescribed by section 2 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596). Strategic and critical materials acquired by Commodity Credit Corporation in exchange for agricultural commodities shall, to the extent approved by the Munitions Board of the Department of Defense, be transferred to the stockpile provided for by the Strategic and Critical Materials Stock Piling Act; and when transferred to the stockpile the Commodity Credit Corporation shall be reimbursed for the strategic and critical materials so transferred to the stockpile from the funds made available for the purpose of the Strategic and Critical Materials Stock Piling Act, in an amount equal to the fair market value, as determined by the Secretary of the Treasury, of the materials transferred to the stockpile.

Mr. HUMPHREY. Mr. President, were this not sufficient authorization and direction to the Secretary of Agriculture by Congress, the Secretary once again was directed to use barter in handling farm surplus commodities as part of title III of Public Law 480.

The Department of Agriculture, however, notwithstanding express legislative authorization, has failed to avail itself to any substantial extent of this technique to reduce the agricultural commodity surplus—and now has placed even tighter restrictions on its use.

During the 5-year period between 1949 and 1954, for instance, the Department of Agriculture used so little of its authorization in this field that it drew criticism for its negative policy in House Report 1776, dated June 9, 1954, which referred to the proposed Agricultural Trade Development and Assistance Act of 1954.

Mr. President, I ask unanimous consent that an excerpt from the House report be printed at this point in the RECORD.

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

AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, HOUSE OF REPRESENTATIVES, REPORT NO. 1776, 83D CONGRESS, 2D SESSION

Section 303:

This section implements existing barter authority by establishing a policy of encouraging and assisting exchanges of surplus agricultural commodities for strategic materials when such an exchange will protect the funds and assets of the Commodity Credit Corporation. Most agricultural commodities, even those classified as "storageable" deteriorate measureably in storage. In addition, storage charges on most agricultural commodities are relatively high. Even in the case of grains, for example, the storage charges add up to the value of the commodity in 8 to 10 years. On many of the perishables, the rate is much higher. The Secretary of Agriculture reported to the committee that CCC is now spending more than $700,000 a day for the storage of its commodities.

It would seem to the committee, therefore, to make extremely good sense to take advantage of opportunities which might present themselves to exchange these commodities which are subject to deterioration and costly to store for strategic materials, most of which do not deteriorate and which cost relatively little to store.

Although barter of surplus agricultural commodities for critical and strategic materials is specifically contemplated and authorized by the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act, the Department of Agriculture has participated in relatively few such transactions, and, apparently, has taken an attitude discouraging, rather than encouraging, the making of such exchanges.

Among other deterrents to an effective barter program, the Department has maintained the policy of declining to accept in trade for its agricultural surplus any strategic materials that it did not have an immediate sale for to the appropriate Government agency. While not criticizing the Department for this attitude (since there was no legislative policy statement to guide it) the committee believes that the funds and assets of the CCC can be much better protected by exchanging, when the opportunity offers, some of its costly-to-store agricultural surplus for nondeteriorating, easily stored strategic materials, even though these may have to be held for some time as the property of the CCC. Indeed, to refuse to make such exchanges simply because no Government agency is in a position at the moment to buy the strategic materials from the CCC, is to negate the very reason for barter—which is an exchange of materials for materials when money with which to purchase such materials is unavailable or is less useful than materials. Since the disposal of any such strategic materials would be controlled by the provisions of the Strategic and Critical Materials Stockpiling Act, their possession by the CCC would create no marketing problems.

Mr. HUMPHREY. Mr. President, if this attitude is true today—and the information I get today persistently points to the fact that it is—then the attitude is antagonistic even to the express wishes of the President of the United States. For the President, in his annual budget message to Congress, delivered on January 16, 1957, said:

> Legislation should also be enacted authorizing the barter of nonstrategic Government-owned agricultural surpluses to the nations of Eastern Europe.

Mr. President, I submit that not only does the President of the United States advocate bartering, but bartering with unfriendly nations, so that the United States might have a potential economic weapon in fighting the so-called cold war.

According to presently available statistics, it appears that under title III, the barter title of Public Law 480, during fiscal year 1955, the Department of Agriculture entered into barter contracts totaling only $282 million, and in fiscal year 1956, about $315 million. Exports of surplus agricultural commodities under existing title III barter contracts were $124 million for 1955, $298 million for 1956, and $228 million for the first half of fiscal year 1957.

According to testimony offered the Senate Committee on Agriculture and Forestry, the experience of barter contractors during this period, who submitted substantial offers of materials to the Commodity Credit Corporation, has been that the Department of Agriculture discouraged the expansion of substantial barter operations. These same contractors have indicated that the annual barter potential is around $500 million.

I think it proper, Mr. President, to raise the question whether the reports are true that the Department of Agriculture has taken an attitude discouraging, rather than encouraging, the making of such exchanges. And if so, why?

It should be recognized that the basic intent of all authority for barter was to provide a method for the disposal of surplus agricultural commodities and a means of the CCC improving its assets by taking nondeteriorating and easy-to-store commodities.

As examples of possible barter programs, I am told that approximately $30 million worth of industrial diamonds are now available in foreign countries. Wheat from the huge surplus could be bartered for these diamonds with current market prices as exchange values. Industrial diamonds are vital to American industry.

Mr. Bernard Jolis, vice president of the United States Industrial Diamond Corporation of New York, testified:

> The cost of storing industrial diamonds is approximately one two-thousandths of the cost of storing wheat, not including losses due to deterioration and spoilage. Or, to put it another way, the barter of $30 million worth of surplus wheat for an equivalent value of industrial diamonds effects a saving to the United States Government in storage charges alone of about $3 million annually. In 10 years, the Government could save $30 million on just one such transaction. Actually, the Government has already saved many millions of dollars in storage charges

alone by reason of industrial diamond barter transactions consummated in 1954, 1955, and 1956. I estimate that the approximately $85 million worth of industrial diamonds acquired in exchange for surplus agricultural commodities have already resulted in saving to the United States to date of about $16 million.

Mr. President, it is almost unbelievable that the Department of Agriculture is not accepting industrial diamonds as a strategic material. Mr. Jolis further pointed out that because of the present status, many of these industrial diamonds are being lost to Iron Curtain countries. During the hearings, the industrial diamond trade stated they had been advised by the Office of Defense Mobilization that there is no prospect in the foreseeable future for any further barter transactions for industrial diamonds.

Yet, I think we all recognize that a constantly increasing requirement for industrial diamonds is apparent as industry expands. In use, the diamonds are expended and must be replaced constantly. In other words, an increasing potential market exists in peacetime as well as in wartime. Industrial diamonds represent only one of many similar materials not produced in this country.

An article appearing in the Journal of Commerce on May 8, 1957, carried the Department of Agriculture announcement that it was ending barter temporarily to make its study. Mr. President, I should like to quote from that article:

The general review has been undertaken to see if barter operations are "really adding anything" to the expansion of export outlets for United States farm products, an informed official said.

Specifically, there is growing concern that, like other Government-sponsored agricultural export programs, the barter operation has become a "substitute for cash sales" in that they displace foreign sales which might otherwise be made for dollars.

Another question that has arisen is whether barter operations are unnecessarily adding to the growing hoards of so-called strategic commodities now in Government stockpiles.

Is there any evidence that since bartered surpluses are sold abroad at competitive prices through commercial channels, the cash sales from the United States have reduced?

Opponents of the title III program allege that its operation has adversely affected dollar sales, and learned arguments have been made by those who support this point of view. They contend that the surplus commodities disposed of under title III have gone mainly to the north European countries where we normally sell our agricultural commodities for dollars. They take the position that if it were not for the so-called barter program, more cash sales would have been made.

This argument is somewhat contrary to testimony offered by advocates of the program before the Senate Committee on Agriculture, on Friday, June 21, 1957.

Exporters have reported to our committee that since the barter program started there has been a tremendous increase in commodities being moved abroad. Furthermore, it is quite possible that the nature of barter transactions which permit commodity handlers to offer a discount abroad may well have resulted in the combining of barter transactions with straight dollar sales. Instead of hurting the cash sales program, the contractors contend, the barter program may well have enhanced the dollar sales.

Mr. Charles A. Cogliandro, president of the Calabrian Co., Inc., of New York, and Mr. Samuel H. Sabin, vice president of the Continental Grain Co., concurred in their testimony that both cash sales and barter sales have substantially increased.

Cash sales for export have increased from $261 million in fiscal year 1954 to $497 million in fiscal year 1955 to $836 million in the first half of 1957. During the same period, barter exports rose from $27 million in fiscal year 1954 to $122 million in fiscal year 1955 to $298 million in fiscal year 1956, and $201 million in the first half of fiscal year 1957.

To support its contentions, the Continental Grain Co. asserted:

We do not share the opinion that the majority of sales of surplus grains under barter agreements have replaced sales for free dollars which would have been made in any event. The normal procedure has been for grain exporters to take on long positions of barter funds with their attendant obligations to sell and export surplus agricultural commodities, and their attendant market risk, which have had the effect of causing the exporter to become more aggressive abroad in order to liquidate these obligations and risks. Obviously, such an aggressive policy has resulted in sales of United States surplus agricultural commodities which, in today's existing buyer's market, might well have gone to other competing countries. The barter program would seem to be the only opportunity afforded the grain trade to retain and expand its free dollar markets for United States grains.

The statement was made to the committee that barter has accounted for more than $975 million of direct surplus disposal, and is responsible for substantial surplus disposal for cash, which, except for the impetus of barter, would not have occurred.

As regards the sales to north European countries which displace dollar sales to those nations, I should like to point out that of a total of $651 million worth of exports up to the first of the year, only $374 million went to the north European countries. Out of the $374 million, more than $118 million went to the United Kingdom. It is quite reasonable to assume that, if the United Kingdom had not taken this material under the barter agreements, they probably would have taken Canadian or Australian wheat instead of wheat from the United States. This might also apply to the Netherlands, West Germany, Belgium, and France, which received the balance of the larger shipments of wheat in north Europe.

A release from the United States Department of Agriculture, dated May 15, 1957, states that the Department has been making a detailed review of the barter operations, in light of changes in the overall foreign-trade situation. I am sure that Congress will be very much interested in these changes, and I hope to bring them out during the current hearings before the Senate Committee on Agriculture.

The release comments:

General developments prompted a restudy of safeguards against the substitution of barter transactions for dollar sales, without net gain in total export of agricultural surpluses.

Department officials say that the revised program for barter will have the objective of seeking to make sure that future barter contracts result in a net increase in exports of agricultural commodities.

If the barter advocates had one statement in common, Mr. President, it was this: Under the new directives, they have been unable to work barter transactions because of the restrictions now in the program.

The revised program contains the following restrictions: It requires that a specific commodity be designated; that the contractor satisfy CCC that the transaction will effect a net increase in United States exports of the commodity involved to the receiving country, if such receiving country is one of an inclusive list contained in the new directive; that the commodity will not be transshipped; that interest be paid to CCC even though letter of credit is furnished; and that barter contractors must prove in advance that a certain proposed transaction will mean a net increase in United States exports. These are among several others.

I want to have the record clear on barter operations, Mr. President, so permit me to once again show how it operates.

Surplus agricultural commodities, disposed of under title III, are sold at the published market value of the commodity at the time delivery is taken by the grain companies. The materials taken in exchange are almost inevitably purchased at below existing market prices. Such transactions are possible because deliveries under the contracts normally run from a year and a half to a maximum of 3 years. It is thereby possible for the traders handling these transactions to earn interest on the money engendered by the prompt sale of the agricultural commodities.

The international traders who are offering the materials to Agriculture must pay the grain companies a brokerage for handling the transactions. As a result, the grain companies have been in a position to offer small discounts, which have aided them in disposing of these materials.

As a result of these transactions, charges have arisen of windfall profits to barter contractors. Those who appeared before our committee unequivocally denied the charges.

Mr. Stanley S. Groggins, of the M. Golodetz Co., of New York, gave the committee an example of a transaction, which I think will be of interest to Senators. He said:

We will sell manganese or ferro chrome for delivery in a period of 24 months. We will then be required to lift the agricultural commodity. It may take as long as 6 months to dispose of it. Therefore, we will have the use of the funds for the balance of that

period or 18 months. We will have its free use for one-half of that time, because in the 24 months we will be making periodic and regular deliveries of the strategic material we have sold. So therefore, on a specific contract we will be able to have the free use of the money for 9 months, and if we are very good in our credit and backing and purchases, we will probably get about 3 and 3¼ percent for that money. That is what we have as against which we have given them a discount on the strategic material we sold. We have paid for the expense of disposing of the agricultural commodity. We have paid for the use of the letter of credit which our banks were required to put up to guarantee the performance of the contract, and if we end up with between one-half of 1 percent profit, we think we have done pretty well. That is the windfall I have heard some people refer to.

As regards the barter operation, Mr. President, a point has been raised by the contractors that the Department of Agriculture, in acquiring strategic and critical material, is using a list provided by the Office of Defense Mobilization which is unduly restrictive. The current list of strategic and critical materials has some 74 commodities designed to meet the requirements of a war. The list furnished Agriculture is, I am told, only a very small part of the list of items. It excludes those items where the ODM feels we have enough in the stockpile, or in the supplemental stockpile. The contractors argue that any of the items on the more extensive list of strategic materials should be permitted in barter if it meets the criteria in the law of being "strategic materials entailing less risk of loss through deterioration or substantially less storage charges."

The Department of Agriculture has testified that they continue with the ODM list because they do not set themselves as experts in the field, and therefore turn to those who would know strategic and critical materials—who are, so to speak, the experts.

Questions are being raised on all sides, Mr. President, and I think that this is ample reason to be concerned about the barter technique in the disposal of our agricultural surplus commodities. I hope that the Committee on Agriculture and Forestry, in its current hearings, will come up with the answers we need to carry forth a sound program in the disposal of our farm surpluses while at the same time contributing to our domestic and international policies.

Mr. President, I take this opportunity to invite Members of the Senate to the hearing next Tuesday morning when representatives of the Department of Agriculture will testify on barter.

A number of Senators have spoken to me privately about this, and a number of Senators have written to my office. I suggest that as they examine the CONGRESSIONAL RECORD for today, they may be interested in these observations on the program. I welcome their testimony and their participation in this study, and invite their attention again to the hearing scheduled for Tuesday morning of next week.

CALL OF THE ROLL

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Flanders	Morse
Anderson	Frear	Morton
Barrett	Gore	Mundt
Bennett	Green	Pastore
Bricker	Hayden	Potter
Carlson	Hill	Revercomb
Carroll	Holland	Russell
Case, N. J.	Hruska	Scott
Case, S. Dak.	Humphrey	Smith, Maine
Chavez	Johnson, Tex.	Smith, N. J.
Church	Johnston, S. C.	Sparkman
Clark	Kefauver	Stennis
Cotton	Kerr	Talmadge
Curtis	Martin, Iowa	Thurmond
Dirksen	Martin, Pa.	Thye
Douglas	McClellan	Williams
Dworshak	McNamara	Yarborough
Ervin	Monroney	

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Fifty-three Senators having answered to their names, a quorum is present.

JANE FOSTER ZLATOVSKI, AND SECURITY SAFEGUARDS IN THE GOVERNMENT

Mr. HRUSKA. Mr. President, the disclosure that Jane Foster Zlatovski, recently indicted in New York as a Soviet spy, was issued a passport by the State Department 2 years ago, after its objections were deemed inadequate by Federal District Court Judge Burnita Matthews, points out the folly of the present campaign against security safeguards in our Government.

I have verified the story and it is a sound instance of the contention that the Secretary of State should have some discretion in denying a passport to a suspect without having to put all the evidence and information supporting his decisions into the public record.

In the case of Mrs. Zlatovski, the Secretary was forced to choose between producing his evidence or issuing a passport. He could not prejudice the security involved in the surveillance then going on and had no alternative but to grant the passport.

As a consequence, a Communist suspect who has been indicted for espionage was able to move about in Europe for 2 additional years on an American passport and is now outside the jurisdiction of the United States. The passport of George Zlatovski was not renewed by the Department of State after 1954.

I hope that the French Government will extradite the Zlatovskis and that there will be an early trial so that the details of current Soviet espionage can be known to the American people.

Mr. MORTON. I commend the Senator from Nebraska for bringing this matter to the attention of the Senate. It so happened that as an officer of the Department of State, I was also the Chairman of the Passport Appeals Bureau. When this case came before us, Jane Zlatovski had come to this country from Paris to visit her mother in San Francisco, and her passport had expired. It was not renewed by the Department of State on recommendation of the Department of Justice. Mrs. Zlatovski took her appeal to the Passport Appeals Board.

The Department of Justice told us some of the circumstances of the case, but we were not given and did not want the information which was in the FBI files. We were told enough to assure us that it would be very dangerous to the security of this country if Mrs. Zlatovski were allowed to return to Paris.

When the Department of State rejected her appeal for a passport, she engaged the services of an attorney in New York and took the matter up in the United States district court there. We could not go into court with the evidence, because it was more important to the security of the United States that we keep the files confidential than it was that Mrs. Zlatovski should not return to Paris.

I had openly denied the passport on the ground that she had marched in a movement to picket the White House some years before, when she was a rather young person. Obviously, these were rather spurious grounds, but they were all that we could use.

We face a dilemma. This is something to which we must give careful attention. I certainly believe in the freedom of travel, as does every other American. Nevertheless, a time comes when the Secretary of State or the Attorney General, or someone else in the Government, must have the authority to deny a passport to those whose travels will be inimical to the security of the United States. That is the situation which developed in the present case.

Now our Government has asked the French Government to return this spy for trial in this country. I agree with the Senator from Nebraska. I hope the French Government will comply with our Government's request. I have no reason to feel that the French Government will do otherwise.

This is a problem to which we in Congress must, I think, give very serious thought.

ORDER OF BUSINESS

Mr. JOHNSTON of South Carolina obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from South Carolina yield, without losing his right to the floor?

Mr. JOHNSTON of South Carolina. I will yield provided I do not lose my right to the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Carolina may yield to me for the purpose of propounding a unanimous consent request, without losing his right to the floor.

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

Mr. JOHNSON of Texas. As I have previously informed the Senate, an order has been entered to convene tomorrow morning at 10:30, which is an hour and a half earlier than usual. I have previously announced that it is the plan of the leadership to have the Senate remain in session later than usual tomorrow, perhaps until 8:30, 9, or 9:30 in the evening, depending on whether there are speakers who desire to address themselves to this subject at that time. I

want all Senators to know this, so that they may be prepared in case there are quorum calls or in case their presence should be needed.

I plan to have the Senate continue in session until 7:30 or 8 o'clock this evening, if that will suit the convenience of the Senator from South Carolina, the distinguished minority leader, and other Senators.

Therefore, I ask unanimous consent that at the conclusion of the previously ordered morning hour tomorrow, the Senator from South Carolina may be recognized.

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

The Senator from South Carolina has the floor.

CIVIL RIGHTS

The Senate resumed the consideration of the motion of Mr. KNOWLAND that the Senate proceed to the 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.

Mr. JOHNSTON of South Carolina. Mr. President, there is much talk of a compromise on the civil-rights bill. There is a point I wish to make extremely clear here and now. I will have no part of any compromise on this bill. I cannot be an honest man and compromise on principles.

There is nothing compromisable in this bill, for it is all objectionable to me, and it violates all the principles which I adhere to and which the people I represent adhere to. I shall vote to amend the bill drastically; but as to any civil-rights bill, I could never vote or compromise on such a bill, and would not do so. I believe in every American having the right to vote regardless of race, color, or creed.

It might be informative for the Senate to know that South Carolina has abolished the law which requires voters to pay any taxes.

In my State of South Carolina the people of all races, colors, and creeds have the right to vote. The people of South Carolina have seen to that without Federal intervention, and I think every other State can see to it that every person has the right to vote without intervention by Congress.

I may state also that I have been working upon and dealing with a civil-rights bill in the Committee on the Judiciary for approximately 6 months. I have been working with a subcommittee of the full committee and have been holding hearings on the bill. At no time that I recollect was any criticism made of any other section of the country; neither were any allegations made concerning any section of the country except the South. Let that sink in. It will also be noted that on the floor of the Senate every Senator from what is known as the solid South opposes the bill.

I wish Senators would stop to meditate for a few minutes and give some serious consideration to the fact that a whole section of the United States takes the position which we in the South are taking. Do you think, Mr. President, that anyone who lives in Illinois, New York, or California knows the conditions in the South better than the South knows its conditions? Do you think they know better how to handle our problems than we know how to handle them?

Let us look at the administration's civil-rights bill, which it is sought to railroad through the United States Senate by Attorney General Brownell and other agents of the White House. It is one of the most devastating pieces of proposed legislation ever designed.

I should say it is more dangerous and more far-reaching than the old reconstruction era force bills that followed the War Between the States. This bill not only is aimed primarily for the moment at the South, but is designed so that it can be unilaterally imposed upon all kinds of groups and upon various sections of the country in matters other than simply civil rights. It sets a precedent of placing the Attorney General of the United States in the same position that Hitler was placed by similarly patterned encroaching legislation passed in Germany during the 1930's. The President of Germany became a figurehead and Der Fuhrer ran the country. So it will be if the proposed legislation is passed. The President will become a figurehead and the Attorney General will run the country.

The President is leaning heavily on the Attorney General to find out what is in the bill at this late date. But the President has been supporting the measure ever since January, and even sent a message to Congress concerning it. Did the Attorney General tell the President to support it, and did he write the President's message to Congress?

That is the Attorney General who is already running the country, but is simply urging the passage of the bill to legalize for us the manner of its operation.

The Senate of the United States is allowing itself to be propagandized and whipped into line behind this bill by pressure groups and agents of the race-hate crowd. The Senate is not considering the precedents being established by this bill. We have not had the benefit of the multiplicity of evidence gathered by the Senate Subcommittee on Constitutional Rights regarding similar proposed legislation now before the Senate Judiciary Committee. The Senate is not obtaining the benefit of a report from the Senate full committee, as it should do in order to be fully informed as to what this bill contains.

This bill was designed, in the scheming name of civil rights, to bait the vote hooks offered to so-called minority groups in the big cities. It is designed to perpetuate in office the leaders of the NAACP and similar groups by creating an issue. There are sincere people who sincerely believe that injustice is widespread in the South against Negroes. But I state emphatically that they have been misled in this matter by one of the most terrifying and well-laid propaganda campaigns in the history of the Nation. This campaign of hate, that organized with the NAACP and similar organizations, is having a terrible effect in the South. It is setting the South back 100 years in its racial relations. We in the South have spent billions of dollars on educational institutions for the Negroes and at every turn are providing and have provided equality of opportunity. I wish some of the Senators would drive through South Carolina and would have someone point out to them the beautiful, new schoolhouses which have been built during the last 10 or 15 years for the colored children. Senators will find that the schoolhouses built during recent years for the colored children far outnumber those built for the white children. South Carolina has spent approximately $75 million in building schools for colored children during the past 6, 8, or 10 years. Proposed legislation and movements of the present sort only set back such progress.

What is happening today is exactly what happened prior to the War Between the States.

In 1803 one of the first organizations for the abolition of slavery in America was founded in Charleston, S. C. I want to emphasize this fact, Mr. President. The first abolition movement in America began in the South, and was started by southerners in the South in 1803, many years before any such movement began in the North. Mr. President, it was not long afterward that other organizations for abolition of slavery in the South were formed, and leaders in the South were advocating abolition of slaves, and the South was moving rapidly and quietly toward an ideal that later was a major cause for splitting the Union and bringing on one of the most terrible wars in our history.

Mr. President, it so happens that abolition of slavery in the South was moving along so rapidly and so well that in my State of South Carolina a law had to be passed by the South Carolina General Assembly bringing a halt to abolition of slavery until an orderly procedure could be established. The reason for this was that slaveowners were turning slaves loose so fast that they were unable to get work, and were becoming wards of the State. In effect, the owners of the slaves were transferring the responsibility of feeding, clothing, and housing these former slaves from themselves to the entire populace of the State; thus creating a budgetary and tax problem in South Carolina. But the very existence of this problem points up the fact that abolition of slavery was well underway in the South long before the northern antagonists hit upon the idea of being humanitarians and of moving to abolish slavery.

What happened to the southern abolition movement is exactly what is happening today to race relations between the Negroes and whites of the South. Instead of allowing the people of the South, Negroes and whites, to work out mutual problems, the race haters and troublemakers of the North set out on a vast propaganda movement to stir up the issue and try to run the show from a thousand miles away.

The abolitionists of the North made no note of the southern movement toward solving the complex problem of slavery; and they lashed out at the South, stirring up in the Nation the most vicious hatreds ever created until that time. The hatred program emanating from the North set up a reaction against the support of abolition in the South, and the southern abolition organizations crumbled and fell apart at the seams as a result of dissenting public opinion.

Mr. President, the American people of any section cannot be forced to do something of this magnitude. They could not be forced then, and they cannot be forced now. The result of the hatred programs promoted in the North resulted in a civil war for this Nation. What will result from the hatred programs emanating from the North in the 1950's? I cannot answer that question as completely as the historian can state what happened as a result of the hatred programs of the 1850's. But I can warn that if this proposed legislation before us passes and it is enforced, then, Mr. President, the blood that may spill in this Nation of ours will be on the hands of every Member here who votes to pass this proposed legislation.

Mr. President, you cannot force people to integrate if they do not desire to do so. The people of the South do not want to integrate, and this bill is designed to do just that. Do not let anyone be fooled into thinking the bill is only to protect the right to vote. As my able colleague, Senator RICHARD RUSSELL from Georgia, stated on the floor of the United States Senate a short time ago, there will not be room enough in the jailhouses of the Nation to hold those who will violate the law if this bill becomes the law.

Mr. President, I go one step further. The jails will not hold them if they ever reach the jails, for I fear what will happen. First will come the violation, then will necessarily come the enforcement. By whom? The United States Armed Forces?

Senators, do you want to be responsible for a second reconstruction era or a second pillaging of the South? Do you want on your hands the blood of Americans who may forcefully resist enforcement of such a law? Do you want the world to laugh up its sleeve while we tear our own Nation apart and place an entire section of this country on its knees at bayonet point?

If you do this to the South, you will be doing in these United States what we have accused Russia of doing in Hungary, in Poland, and elsewhere behind the Iron Curtain.

Mr. President, I hope the United States Senate will not make the same mistake in 1957 as was made by those who went before us 100 years ago. If we pass this bill we will be fomenting the worst hatred this Nation has ever seen since the Civil War.

Mr. President, this bill is called the administration bill. Now, I want the Senate to understand fully what is in this bill. The Members of the Senate have never had a complete explanation of this measure, to my knowledge. This bill has several general faults:

There are technical deficiencies; substantive deficiencies, and matters of principle. For the sake of clarity, I shall discuss both technical and substantive deficiencies in chronological order; that is, starting at the front of the bill and going on through toward the back, and discussing it section by section. Before I do that, I have a few things to say about matters of principle.

At the beginning, I want to point out that Congress lacks the power to make laws to enforce prohibitions against the States. Section 10 of article I of the Constitution involves various prohibitions upon the States. I assume we are all familiar with the provisions of that section, but it can do no harm to read them so they will be fresh in mind, in detail. Section 10 of article I of the Constitution of the United States reads:

> No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.
>
> No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.
>
> No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

As I have said, that section of the Constitution involves a number of prohibitions upon the States. But the Congress is neither required nor authorized to enact legislation for the purpose of implementing these prohibitions. They are self-executing. A treaty entered into by a State is void. Letters of marque or reprisal issued by a State would not protect the holder. Money coined by a State would be worth only its intrinsic value. Bills of credit issued by a State could not be enforced in court. A State law purporting to make anything but gold and silver coin a tender in payment of debts would be void and unenforcible—even though Congress can make and has made such a law. A bill of attainder, ex post facto law, or a law impairing the obligation of contracts, enacted by a State legislature, would be declared void and unconstitutional without the necessity of the intervention of any act of Congress.

It would be ridiculous and redundant for Congress to pass a law saying the States may not enter into treaties, or to pass a law saying the States may not grant letters of marque and reprisal, or to pass a law saying the States may not coin money.

Similarly, the provisions of the 14th amendment to the Constitution that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" is a self-executing provision. It stands in exactly the same case as the provisions of section 10 of article I. It is to be enforced by the courts, not by acts of Congress. In discussing the whole question of so-called civil-rights bills, I think we should keep that point in mind.

Now, let me make another general comment. There is a lot in this bill about injunctions. We have all heard the phrase "enforcement by injunction." That is provided for in the bill.

There are a good many objections to this, not involving in any way any question of segregation of the races. Enforcement by injunction is bad in principle.

Let us consider the right of a citizen to vote. Illegal interference with that right is, by definition, a crime. To seek to prevent this crime by getting an injunction against the commission of it, and thereafter to punish the commission of the crime as contempt of court, rather than under a criminal statute, is a device which, if it is to be adopted at all, can be made applicable in the whole field of criminal law.

Once we adopt this policy, there may be no stopping until we have gone the whole way.

I want to warn the occupant of the chair [Mr. MCNAMARA] at this particular time. I know how he feels toward labor, but I warn him that if such legislation as this be passed then he can expect to have follow it a measure which will permit injunctions against labor organizations. I would not approve of that, and I know he would not approve of it.

Thus, we might have Federal court injunctions against the commission of murder within the District. We might have Federal court injunctions against robbery. We might even have Federal court injunctions against exceeding the lawful speed limit, or against driving on the wrong side of the road. Why not? Under the reasoning of this bill, if every person has a right to his share of the road, why should not the Federal Government enforce it by injunction? The bill ignores the basic principle of preservation of States rights, preservation of the power of a State over matters such as public order within the borders of the State. That is one of the great evils of this bill. It is a step, and a long step, toward complete federalism; toward statism, if one prefers to call it that; toward totalitarianism, if one is willing to give it that name, which it fully merits.

There should be no doubt in the mind of anyone about the fact that the purpose of this proposal for government by injunction is to avoid jury trials. That has been made very clear many times. Let me cite a few instances.

When I say I will cite a few instances, if Senators will but read the testimony they will find many, many people have testified along a similar line.

The purpose to avoid jury trial was clearly admitted by Mr. Clarence Mitchell, director of the Washington bureau of the National Association for the Advancement of Colored People, in his testimony before the Judiciary Committee on May 25, 1956. Mitchell said:

I think we ought to make it very clear on the record that everybody ought to know that our organization has been trying to get hearings and actions on this bill ever since the Congress started and many conversations have been held with various people trying to get action.

Further, he said:

I think there is enough glory to go around and blame to go around as to who is responsible. We don't want to fix blame. We don't want a half-loaf or three-quarters of a loaf; we want the whole thing.

We don't interpret S. 3718 as a half-loaf. The Attorney General made very clear the practical situation we are confronted with. He used the illustration of Mississippi where we have an airtight case of individuals being denied a right to a voting to a grand jury and you cannot get an indictment. If you get an indictment before a grand jury you can't get a conviction.

The Senator from Missouri [Mr. HENNINGS] interjected:

That is what I said to Mr. Wilkins, and he said he did not remember.

Mr. Mitchell continued:

Yes. This legislation as I understand it does not lack in strength because as I understand judicial procedures correctly if the Attorney General finds that there is a violation of the law and if a court duly constituted issues an injunction telling people to cease from interfering with the right to vote and they continue to do so, they may be convicted for contempt and there would not be the hurdle of these juries that refuse to convict and grand juries that refuse to indict.

There we have it. The purpose of this proposal for enforcement by injunction is to take away the power and jurisdiction of juries to try people for alleged offenses.

Let me give another example. The intention to circumvent juries was also shown by the testimony of Patrick Murphy Malin, executive director of the American Liberties Union. This testimony will be found at page 137 of the hearings before the Judiciary Committee in 1956.

Senators will note that much of this testimony was taken in 1956. We have been taking testimony for a long, long time, and we have a great deal of testimony. It would be very enlightening if at some time somebody could really have all the testimony read to some of the Senators so that they would know just what has taken place in the past.

Mr. Malin then said:

It's not astonishing that many local citizens, who compose even Federal grand and trial juries, regularly refuse to indict or convict their friends and neighbors—official or private—for offenses which they themselves at least condone. But no self-respecting government, constitutionally responsible for seeing that even its humblest citizens have equal protection of the laws, can let things rest there. Hence it would seem to serve both wisdom and conscience to have the Federal Government empowered to ask a Federal judge for the declaratory relief of an injunction against a threatened violation of a civil right.

If the injunction was disobeyed, the judge would cite the violator for contempt of court, whose punishment while not severe, is real.

I could multiply examples; but everybody knows that the purpose of this proposal for Government by injunction, for enforcement by injunction, is to derogate from the powers of juries, to take jurisdiction away from juries; in a word, to deny persons accused of crime the right to trial by jury. This is an objective which I shall never serve, which I shall always oppose. The Congress very recently passed legislation intended to strengthen and protect the jury system of the United States from attack; to preserve the integrity of the jury system. But if we pass this bill, we will be striking a greater blow at the jury system than any blow which has been struck since the adoption of the Constitution. I invite attention to the fact that the right of trial by jury is a constitutional right, just as much so as any of the rights protected by any of the amendments of the Constitution. The right of trial by jury is protected in section 2 of article III. The last paragraph of that section reads as follows:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The provisions of this bill with respect to enforcement by injunction fly directly in the face of that constitutional guarantee of the right of trial by jury. The offenses which it is proposed shall be punished by contempt judgments of Federal judges are offenses which constitute crimes under the law.

From my study of the law, and claims based upon grounds of equity, I have always found that if there is a remedy at law, it is necessary for the person coming into court seeking equity first to show to the court that he has already exercised or tried to obtain the remedy under the laws on the statute books, whether they be Federal or State laws. That is not so in this case. That procedure is waived, as I shall show by specific reference to the language of the bill.

It is no answer to say, as the executive director of the American Civil Liberties Union did, that punishment by injunction is not severe. I suppose he meant to imply that therefore it is all right to deny a man trial by jury, because the punishment is not going to be severe. But a judge can send a man to jail for contempt.

He can fine him and take away his money for contempt. That is punishment; make no mistake about it. And putting a man in jail is punishment. Make no mistake about that either, Federal judges are going to be inflicting those punishments, on citizens of the United States who have not had the right of trial, by jury which is guaranteed to them under the Constitution of the United States, if the bill now before us should be enacted into law.

Before we leave this matter of enforcement by injunction, let me make another point or two with respect to it.

First, I point out that the right which this bill would provide to the Attorney General to seek an injunction before the offense takes place is clearly premature. It is improper, certainly, for the United States to institute an action for the benefit of a private individual, without the consent of that private individual.

I ask this question: What do Senators think would happen if the Attorney General should receive a letter from someone requesting him to protect his rights, if the same individual, when the Attorney General started the action, should come to him and say, "No; I do not want you to go into court"? Under the terms of the bill the Attorney General could then put him in jail for interfering with the administration of justice. I believe that the consent of each private individual should be obtained.

The bill does not provide for this. Clearly the bill does not contemplate that such permission will be sought. This is wrong. Even assuming that preventive injunctions were desirable—which we cannot assume, and must not assume—but even if there were an assumption that preventive injunctions were desirable, the fear of danger or damage controlling the application for such an injunction should be the fear of the individual who claims he is in danger of being injured; not the fear of the Attorney General that somebody may be injured.

Does the injunctive-relief proposal intend to try individuals for violations of State law? If so, why not try them under State law, in State courts? If they are to be tried for violations of State law, they have a right to trial by jury.

Does the injunctive-relief proposal contemplate trial of persons for violation of Federal law? If so, why not try them under Federal law in a Federal court, after indictment? They have a right, a constitutional right, to trial by jury.

These questions show the fallacy of what is being attempted here. The bald fact is that what the proposal in this bill contemplates is trial of individuals in Federal courts for violation of rules laid down neither by Federal law nor by State law, but by some single judge, at the suggestion of the Attorney General. The Attorney General would probably draft the order, and the judge would sign it.

The Attorney General is going to file a paper in Federal court, and on the basis of that paper some judge is going to lay down rules of conduct. It may well be that the rules he lays down will be parallel with the laws of the State or States involved. It may be they will be more restrictive. But regardless of that, once the judge has laid down those rules, they are going to have the effect of superseding both State and Federal law in the area, and acts which otherwise would be punished, or at least tried, on the basis of applicable State or Federal laws, will thereafter be punished as contempts of the court; and thus the right of jury trial will have been taken away,

the provisions of section 2 of article III of the Constitution to the contrary notwithstanding.

It seems very clear to me that the Federal Government does not have a constitutional right to control and enforce civil rights. But if we are to assume that the Federal Government does have such a right, and if, in addition to that, we assume that it has been established additional laws are needed in this field, we still must admit that it is up to Congress and Congress alone to decide what laws are needed, and to pass those laws. The job should not and must not be delegated, by Congress or anyone else, to a single individual anywhere, whether or not he is a Federal judge.

Who is going to determine our public policy from here on—the Congress of the United States or the Attorney General?

If the Congress enacts laws prohibiting certain actions that might involve invasion of the civil rights of individuals, then Congress is determining public policy with respect to those matters.

But if the Attorney General goes into a court with an application for an injunction, and frames the order he asks the judge to sign, then the Attorney General is determining those matters of public policy. Mark my words, that is what will happen if the Congress enacts this proposed legislation.

As I have pointed out, the attempt at enforcement by injunction is an attempt to divest State juries of their jurisdiction, and it is an attempt to divest State courts of their authority and jurisdiction. I do not believe the Congress wants to do that. But if the Congress does want to do it, and if the Congress thinks it has the power, and wants to exercise such power, to divest the courts of our States of their authority and of their jurisdiction, then the Congress should do it directly instead of attempting to do it indirectly, as in this bill.

Let me say one thing more, before I leave, for the present at least, the question of the proposal for enforcement by injunction. We have heard much in the way of analogy to other statutes, such as the antitrust statutes. We have heard it said that there is already precedent for what this bill proposes to do, and in committee a witness told us that no one had ever been put in jail for violation of the antitrust laws. But the fact is that the antitrust laws and similar statutes which give the Federal Government the right to seek injunction relief, involve acts alleged to affect the national interest, and to contravene national public policy, and which are not amenable to State law. In the case of civil-rights injunctions, what is involved is action which is wholly amenable to State law. The difference is perfectly clear, and the injunction provisions in the antitrust laws and similar statutes are in no sense precedent for what this bill proposes to authorize in the way of enforcement by injunction.

Now let me turn to another general proposition. Did the 14th amendment repeal the 9th amendment and the 10th amendment to the Constitution?

The ninth amendment provides:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The 10th amendment to the Constitution provides:

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

The 14th amendment does not deprive the States of the right to control their own affairs: It only prohibits certain acts of a particular nature.

Furthermore, the 14th amendment is directed at the States, and intended to control the actions of the States within certain limits; and it is not applicable to the actions of individuals not purported to be done under color of State authority.

If a State has a law repugnant to the 14th amendment to the United States Constitution, that law can be voided by appropriate court action. It does not require an act of Congress to make that possible. But, if State laws which are not repugnant to the 14th amendment are violated or improperly administered within the State, that does not give a Federal right to go in and control the situation.

The Federal Government has no more right to step into a State and seek to divest the State of jurisdiction in a civil-rights case than it has in a murder case or any other case.

To contend that the 14th amendment authorizes this is to contend that the 14th amendment repeals the 9th amendment and the 10th amendment. That is, of course, absurd.

Now, still talking generally, let me discuss broadly the points in this bill. I ask Senators to bear in mind that this bill is intended to implement, and would implement, what has been referred to as the President's program for civil-rights legislation.

Point 1 in the President's program was:

> Creation of a bipartisan commission to investigate asserted violations of law in the field of civil rights, especially involving the right to vote, and to make recommendations.

The Chief Executive has a right to create a commission to investigate, for the purpose of helping him make recommendations, anytime he wants to do so. He doesn't need an act of Congress for the purpose. On the other hand, if Congress wants to investigate this matter, it can have its own committees do so, or create a special joint Congressional committee.

Investigation of crime should remain in the executive branch. Legislative investigation should remain under the Congress.

Point 2 in the President's program was:

> Creation of a Civil Rights Division in the Department of Justice in charge of a presidentially appointed Assistant Attorney General.

This can be done by Executive order. It does not take an act of Congress. No special law is necessary. Incidentally, let me call attention to the fact that this so-called administration bill does not provide in terms for creation of a Civil-Rights Division in the Department of Justice. It merely provides for an additional Assistant Attorney General. The Attorney General can do as he pleases with that man after he is authorized and appointed. If he wants him to head a Civil Rights Division, the President or the Attorney General will have to order that such a Division be created, and then the Assistant Attorney General will have to be assigned to head the Division. The Attorney General has nine Assistant Attorneys General now. If he considers it urgent that there be in his Department a Civil Rights Division headed by an Assistant Attorney General, he can create the Division and appoint one of those men to head it. It does not take an act of Congress.

When he came down here to discuss a provision of a bill which would in terms have created a Civil Rights Division in the Department of Justice, the Attorney General said he did not want that. He did not want Congress saying what was to be handled by that Division, or what its duties would be; he wanted to retain the flexibility of his organization, and make such decisions himself.

The third point in the President's program is:

> Enactment by the Congress of new laws to aid in the enforcement of voting rights.

This so-called administration bill does not have very much in the way of "new laws" by Congress to aid in the enforcement of voting rights; and what it does propose along that line is not sound legislation, as I shall demonstrate shortly, when I take up each provision of the bill in turn.

The fourth point in the President's program is:

> Amendment of the laws so as to permit the Federal Government to seek from the civil courts preventive relief in civil rights cases.

That is not an honest statement. It is not an accurate statement. It should read:

> Enactment of a law to permit the Federal Government to divest State courts of jurisdiction and make possible summary punishment in Federal courts, on the basis of standards fixed by a Federal judge and not by either Congress or legislature.

That is the real purpose of the bill.

Let me say another word about the proposed commission. There is a hidden objective here; but, unfortunately, the Attorney General has tipped us off as to what it is.

The Attorney General has pointed out that there is no agency in the executive branch of the Government having the authority to investigate general allegations of deprivations of civil rights. That, he says, is why the President wants a special commission. The word "general" is the key to the hidden objective in the plan for a special commission. What they have in mind is a body which will go out and attempt to prove the premise that there is serious deprivation of civil rights in the South. I doubt if all the proponents of the bill understand that. If they all did, I doubt that they would all be for the bill, as they are now.

But the hidden objective is there—although it is not so well hidden anymore, thanks to the Attorney General, if we will exercise our intelligence to understand what he has told us.

The people who really understand what the bill would do, and are still for it, are not satisfied to stand on particular cases, to investigate actual instances of either interference or threatened interference with civil rights; they want to go out and make a case, however and wherever they can make it. That is why they want a commission having the authority to investigate general allegations of deprivations of civil rights. They want to have a field day. How objective would any study be that started out with a purpose to prove a particular case? It will not be objective at all. But that is what the proposed commisison will be doing.

Let us turn to the bill and consider it section by section. There are other comments of a general nature which I could make, and other comments concerning matters of principle; but I do not want to draw out my comments unduly today.

Part I of the bill provides for the establishment of a Commisison on Civil Rights.

I am going to leave until another time an analysis of the proposed rules of procedure for the Commission. They appear to be the same as the rules proposed in the past for the control of Congressional committees. They are rules which were unsuited to that purpose, and they are at least equally unsuited to control the activities of such a Commission as is here proposed. From an administrative standpoint, it would be almost impossible for the Commission to operate under these rules. It would not be able to accomplish anything of importance. But I shall discuss that matter at another time. If we are not going to create such a Commission, we need not be concerned about rules for its procedure; and I do not think we should create such a Commission.

Perhaps I am old fashioned to look early at the cost of any proposal, but it is a habit I have. We cannot consider the cost of the proposed Commission, because no limit is fixed, and no estimates have been given to us. The proposed Commission certainly should not be set up without some estimate and some understanding of the probable cost. There seems every probability that the cost of such a Commission would run into millions of dollars annually, and it might well run into tens of millions. To create a juggernaut of such proportions, with a blanket authority for the appropriation of so much as may be necessary would be an improvident act, doubly censurable in a time when even the President is willing to admit that economy is important, though he is not willing to point out where and how it can be achieved.

This bill would give the proposed Commission investigative powers that should belong, and then only under most careful safeguards, in the regular department of the executive branch.

Creation of this Commission would increase the complexity of the Government, as well as increasing the Federal payroll.

Mr. President, I send to the desk five amendments to the bill, amendments which I propose to offer at the appropriate time, if that time is ever reached.

These amendments will require members of the President's Civil Rights Commission and their employees to conform with the civil-service rules and regulations and other provisions of law required of other Federal employees.

In addition, these amendments strike from the bill obvious unequal and dangerous employment practices and remove special treatment and privileges contained in the bill.

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

Mr JOHNSTON of South Carolina. I yield, provided I do not lose the floor.

Mr. HUMPHREY. I may say to my good friend from South Carolina that I was moved and inspired by the fact that the Senator was offering amendments to the bill.

Mr. JOHNSTON of South Carolina. Proposed amendments.

Mr. HUMPHREY. Proposed amendments to the bill. This caused me to feel that the Senator from South Carolina recognized that the bill should be brought up for consideration, so that these worthy amendments might be considered.

I am not familiar with what is contained in the amendments, but I have always believed that if a Senator wishes to offer amendments, he should have that privilege, and that the Senate should have the privilege of voting on the amendments.

The only way I can see for the Senate to vote on a trial-by-jury amendment or any other amendment is if the bill gets before the Senate. It is in that spirit, because I am so much interested in the amendments and want to see them given fair consideration, that I appeal to my fine, distinguished friend from South Carolina to join with us in bringing the bill before the Senate, so that we may have an opportunity to consider all the amendments. I am certain they are well drawn, that their meaning is clear and precise, and that their purpose corresponds with the objectives of the Senator from South Carolina.

The Senator from South Carolina feels that the Senate should work on the amendments, does he not?

Mr. JOHNSTON of South Carolina. Mr. President, the Senator from Minnesota has made a statement with which I would not agree fully. He said that I "should have that privilege." I am not seeking the privilege. I am hoping that whoever had the privilege of introducing the bill will see the light, and that the Senate will see the light, at the proper time, and that the Senate will never have to deal with all the amendments I am sending to the desk.

Mr. HUMPHREY. Mr. President, will the Senator from South Carolina yield further to me?

Mr. JOHNSTON of South Carolina. I yield, provided it is understood that I shall not thereby lose the floor.

Mr. HUMPHREY. Mr. President, let me say to the Senator from South Carolina that there has been a deluge of suggested amendments. Some amendments have actually been submitted; and in the case of others, there has been theoretical and hypothetical discussion; and now we have proposed amendments—all of which can only indicate, to me, that those who are opposing the bill, and even are opposing the effort of the Senate to consider the bill, have apparently arrived at the conclusion that it is likely that the bill will be considered by the Senate, and therefore they wish to have the amendments before the Members of the Senate, for their thoughtful meditation and in order to have the amendments receive the amount of attention which amendments of this character so justly deserve. Does the Senator from South Carolina agree with that observation?

Mr. JOHNSTON of South Carolina. I do not fully agree.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Let the Chair make an inquiry at this point.

Mr. JOHNSTON of South Carolina. Certainly.

The PRESIDING OFFICER. The Chair wishes to inquire whether the amendments which have been sent to the desk are to be printed in the RECORD?

Mr. JOHNSTON of South Carolina. I ask that they be printed, and that they lie over; and I hope they will never be used.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. HUMPHREY. Mr. President, will the Senator from South Carolina yield further to me?

Mr. JOHNSTON of South Carolina. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. Of course, I am not able to pass judgment on the amendments, inasmuch as I have not seen them. But I wish to say to the Senator from South Carolina that I think so much of him that I hope the Senate will have a chance to consider the amendments and to dispose of them in one way or another; and of course this situation gives the Senator from Minnesota an additional reason for urging that the bill be taken from the calendar, brought before the Senate, and considered by the Senate, so the Senate can hear the brilliant and illuminating arguments of Senators as to how the bill can be improved. I imagine there are amendments which can be made in that connection.

Mr. JOHNSTON of South Carolina. Mr. President, I am in favor of getting the bill off the calendar, but I am not——

Mr. HUMPHREY. And is the Senator from South Carolina in favor of having the bill brought before the Senate?

Mr. JOHNSTON of South Carolina. Well, Mr. President——

Mr. HUMPHREY. Mr. President, I imagine that the Senator from South Carolina and I have a difference of view at this point. He has been extremely

kind in yielding to me, and I shall not impose further upon his time.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to say this is one of the worst bills I have ever seen; and I shall have more amendments to submit, if the bill ever reaches the point of consideration by the Senate.

Mr. HUMPHREY. Mr. President, I gather that I should not ask the Senator from South Carolina to yield further to me. [Laughter.]

Mr. JOHNSTON of South Carolina. Mr. President, I am always glad to yield to my friend, the Senator from Minnesota. I am sure that whenever he asks me to yield to him, he does so because he wishes to inquire about important matters, regarding which he seeks information, or in order to enlighten someone else.

Mr. HUMPHREY. I thank the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, the proposed Commission would very likely be made permanent. I have seen commissions created for 2 or 3 years, and even Senate committees which have been established on a temporary basis; but all such temporary groups seem to go on and on; like the babbling brook, they never stop. I think that would be the case as regards the proposed Commission. Certainly there is every reason to anticipate pressure to make it permanent. There is no provision for terms of office for the Commissioners. There is, of course, a provision in the bill, as it stands now, that the Commission shall submit a final report to the President not later than 2 years from the date of enactment of the statute creating it; and that 60 days after the submission of its final report and recommendations, the Commission shall cease to exist. But I can visualize its going on and on. The provision regarding the proposed Commission is an unrealistic one. The proposed Commission will not be well underway for 6 months or more. It will turn lose upon the southern part of this Nation a horde of investigators, mostly of the voluntary variety. The reports and advice and suggestions which they will send back to Washington will pile up in tremendous volume. The pressure to give the Commission additional life, it seems to me, is not only certain to come, but is almost certain to carry the day. If we want to stop the creation of what may become a permanent, as well as a monstrous, institution of Government, the time to do so is now; and the way to do it is by not passing this bill.

Let us realize fully that this bill proposes the creation of a Commission which would have the duty of surveillance of State and local governments, as well as surveillance of the activities of private individuals and groups. The bill does not spell that out in the plainest of language; but the provisions respecting the duties of the Commission, as they will be found in section 104 (a), embrace exactly that.

When we arrive at the day when a Federal agency with subpena powers has the right and duty of constantly studying whatever its officials and investigators deem to be economic, social, and legal developments constituting a denial of equal protection of the laws in both State and local governments, we shall have drawn very close indeed to the day of the superstate, the totalitarianism which we dread and decry when we see it in other nations, but which we do not seem to be able to recognize as it creeps up on us in our own country.

I think I have referred to the fact that the provisions of the bill would give to an independent commission in the executive branch a function of the legislative branch, that is, the gathering and evaluation of information as a basis for legislation. Nothing less than this can be the purpose of the duty which would be imposed upon the commission by subsection 104 (a) (3), to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution." But this is exactly the kind of authority the Congress gives to its own committees. Such authority should never be given to an independent commission, much less to the executive branch. It rightfully belongs to the legislative branch.

Now let us look at subsection 105 (e). This subsection provides that—

> All Federal agencies shall cooperate fully with the commission to the end that it may effectively carry out its functions and duties.

Mr. President, all Federal agencies would have to obey the Commission; all of them would be put under the Commission, so to speak. This is an extremely dangerous provision. It might well be construed to mean that the Commission would be a sort of superagency with administrative powers over the regular departments.

This language might be construed as a mandate to all departments to do what the Commission told them to do. Suppose the Commission wanted the FBI to make investigations for it. Would a refusal by the Bureau to undertake such a job, so repugnant to its traditions, be considered an uncooperative act? If so, the Bureau would have to do what the Commission wanted, under the language of this subsection. Many other examples can be stated.

There are several respects in which the first subparagraph of section 104 (a) is too broad. I shall discuss them in a moment. Let me read that subparagraph:

> Investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based.

Mr. President, look at the phrase "allegations in writing." Nothing is said about whether these allegations need be verified, or even whether they need to be signed. As it stands, this language would require—not authorize, but require—the Commission to investigate anonymous letters. Surely the Congress does not want to approve a bill which will do that.

The allegations required should be under oath, or at least verified. And certainly, there should be some kind of a provision so that the Commission does not have to spend its time investigating anonymous letters.

While we are on the subject of this subparagraph, let me call attention to the fact that it might be held to refer only to illegal voting in a Federal election, since it does not specify that State elections are included and since illegal voting in a State election is a matter not properly a subject of Federal control, but, rather, punishable under the States police powers. I am perfectly well aware that what is intended here is an invasion of the rights of the States; but I want to point out to those who favor invading the rights of the States that this particular paragraph might be construed in such a way as not to accomplish their objective.

Let me call attention also to the fact that the allegations contemplated under this subparagraph almost certainly would involve acts that might be criminal under law. But surely, the investigation of criminal acts should be left to law-enforcement agencies. The proposed Commission would not be a law-enforcement agency. Why, therefore, should it be charged with investigating criminal acts?

Furthermore, some of the acts subject to allegations under this subparagraph might be acts prohibited by State law. Why should a Federal commission investigate violations of State law, if the paragraph is construed broadly enough to authorize this?

Now, let us come back to the question of how this subparagraph is too broad. I shall not exhaust this subject, but I want to give some instances.

It seems clear that the use of the words "certain persons" includes noncitizens. Thus, the commission would be required to investigate allegations, if made, respecting the treatment of alien immigrants. If the Commission received allegations that Mexicans brought into this country to do stoop-labor in the Western States were being subjected to unwarranted economic ostracism because of their national origin, it would have to investigate those allegations. In this instance as in others, examples could be multiplied, but I do not want to take the time now to stress the point any further.

Along the same line, but under the point of subjecting a person to unwarranted economic pressures by reason of religion, the Commission would be required to investigate allegations, if made, that Jewish bankers were discriminating against Arabs as loan applicants.

Now, let us look at subparagraph 2 of section 104 (a). This subparagraph opens a Pandora's box. What is meant by "legal developments constituting a denial of equal protection of the laws"? What is meant by "the policy of the Federal Government with respect to equal protection of the laws"?

Is the Commission going to have to study all economic, social, and legal developments to determine which of them

constitutes a denial of equal protection of the laws?

If not, who is going to decide what economic, social, and legal developments the Commission will study? Will the Commission determine in advance which developments constitute a denial of equal protection of the laws, and then study those developments?

Merely to ask these questions is to point out the absurdity of the purported standard which is here being fixed to guide the Commission's activities. It is a standard which cannot be met objectively. This is just another bit of evidence that the whole purpose here is to do a hatchet job on the South and on southern institutions.

Go on down to the third subparagraph under section 104 (a), which says that the Commission shall "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."

Use of the word "appraise" creates an ambiguity of great magnitude. If this section were intended only to give the Commission the duty to report on civil-rights conditions, it might be far less objectionable. "Appraisal" means passing judgment. Passing judgment on the laws enacted by the Congress is a job for the Congress, not for an executive commission.

This subparagraph mixes executive and legislative functions. Making the laws, as well as making the basic policies of the Federal Government, is a matter for the Congress. Carrying out the policies, as fixed by Congress, and making departmental, administrative, and executive policy, is for the executive branch. No good purpose can be served by mixing the two, and one bad purpose certainly will be served: To wit, diminution of the powers of the Congress.

Now let us look at subsection 105 (b). The provisions of this subsection, that 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"—would surely result in a horde of volunteer social workers and "do-gooders" descending upon the South, with all their travel expenses and subsistence expenses paid out of the Federal Treasury, while they sought to uncover or develop what they considered to be civil-rights cases. Incidentally, do not be fooled by that figure of $12. The way it is set into this subsection, it is not a limitation on how much may be paid a day for what the Commisison will deem "actual and necessary traveling and subsistence expenses incurred." It is only the limit of the per diem allowance which may be paid in lieu of subsistence. If one of the volunteer workers accepted and utilized by the Commission should see fit to travel by rented limousine and to eat $15 worth of food a day and to stay in $15 hotel rooms, the Commission certainly could, and probably would, approve all of those expenses and pay them. Certainly this is a provision which should be tightened up, whatever else we do, if this bill is to be approved.

Move on down to subsection (f) of section 105.

This subsection 105 (f) contains subpena powers for the Commission. Let me express my view that the grant of subpena powers to the proposed Commission would be extremely dangerous. The subpena powers which are proposed are virtually unlimited. Presumably the Commission could even subpena the governor of a sovereign State and require his testimony about his official acts. Such power should not be given to a body which is bound to be politically motivated, as this Commission is bound to be.

Mr. JOHNSON of Texas. Mr. President, will the distinguished Senator from South Carolina yield to me?

Mr. JOHNSTON of South Carolina. I will yield, with the understanding that I do not lose the floor.

Mr. JOHNSON of Texas. Mr. President, I wonder if it would suit the pleasure of the Senator from South Carolina if the Senate would recess at this point, pursuant to the order previously entered, with the understanding that at the conclusion of the morning hour tomorrow, as the Senate has previously agreed, the Senator from South Carolina will be recognized to resume his address.

Mr. JOHNSTON of South Carolina. I will agree to that, provided there is unanimous consent.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

RECESS TO 10:30 A. M. TOMORROW

Mr. JOHNSON of Texas. I want to express to the Senator from South Carolina [Mr. JOHNSTON] very sincere appreciation for his complete cooperation in the matter of the procedures of the Senate.

Mr. President, with that understanding, I want to give notice that the Senate will meet at 10:30 in the morning. We will have a morning hour in which statements will be limited to 3 minutes and then under the order previously entered, the distinguished Senator from South Carolina [Mr. JOHNSTON] will be recognized.

Mr. President, pursuant to the order previously entered, I now move that the Senate stand in recess until 10:30 a. m. tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 21 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Thursday, July 11, 1957, at 10:30 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 10 (legislative day of July 8), 1957:

COMMODITY CREDIT CORPORATION

Don Paarlberg, of Indiana, to be a member of the Board of Directors of the Commodity Credit Corporation, vice Earl L. Butz, resigned.

IN THE AIR FORCE

The following-named officers for temporary appointment in the United States Air Force under the provisions of chapter 839, title 10, of the United States Code:

To be major general

Brig. Gen. Edward Willis Suarez, 633A, Regular Air Force.

Brig. Gen. Oliver Kunze Niess, 19022A, Regular Air Force, Medical.

Brig. Gen. Daniel Webster Jenkins, 528A, Regular Air Force.

Brig. Gen. Daniel Stone Campbell, 615A, Regular Air Force.

Brig. Gen. John Williams Persons, 418A, (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Thomas Ludwell Bryan, Jr., 452A, (colonel, Regular Air Force), United States Air Force.

Brig. Gen. John Jackson O'Hara, 463A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Pearl Harvey Robey, 473A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Norman Delbert Sillin, 501A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. John Hiett Ives, 544A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Alfred Frederick Kalberer, 607A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Thomas Connell Darcy, 629A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Eugene Porter Mussett, 632A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Romulus Wright Puryear, 637A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Harold Cooper Donnelly, 647A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Donald Robert Hutchinson, 664A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Charles Wesley Schott, 949A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Benjamin Jepson Webster, 974A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. William Taylor Thurman, 1034A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. James Clifford Jensen, 1042A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Joseph D. Croft Caldara, 1048A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. William Monte Canterbury, 1071A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Arno Herman Luehman, 1080A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Stanley Joseph Donovan, 1089A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Turner Clifton Rogers, 1232A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Augustus Maine Minton, 1301A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Bruce Keener Holloway, 1336A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Maurice Arthur Preston, 1337A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. John Spencer Hardy, 1502A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Thomas Alan Bennett, 1513A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. David Wade, 1582A (colonel, Regular Air Force), United States Air Force.

To be brigadier general

Col. George Eldridge Keeler, Jr., 466A, Regular Air Force.

Col. Travis Monroe Hetherington, 646A, Regular Air Force.

Col. Theodore Gourdin Kershaw, AO239295, United States Air Force.

Col. Frank Pickering Corbin, Jr., 929A, Regular Air Force.

Col. Paul Lawrence Barton, 1081A, Regular Air Force.

Col. John Knox Cullen, 19068A, Regular Air Force, Medical.

Col. Dwight Oliver Monteith, 1205A, Regular Air Force.

Col. Conrad Francis Necrason, 1246A, Regular Air Force.

Col. Bernard M. Wootton, 1253A, Regular Air Force.

Col. Homer Astley Boushey, 1269A, Regular Air Force.

Col. Sheldon Seymour Brownton, 19083A, Regular Air Force, Medical.

Col. Jack Norman Donohew, 1319A, Regular Air Force.

Col. Curtis Raymond Low, 1349A, Regular Air Force.

Col. Willard Wright Smith, 1374A, Regular Air Force.

Col. Robert Joseph Friedman, 1397A, Regular Air Force.

Col. Robert Allen Breitweiser, 1406A, Regular Air Force.

Col. William Kenneth Skaer, 1412A, Regular Air Force.

Col. Prescott Miner Spicer, 1413A, Regular Air Force.

Col. Virgil Lee Zoller, 1440A, Regular Air Force.

Col. Henry Garfield Thorne, Jr., 1514A, Regular Air Force.

Col. William Brewer Keese, 1531A, Regular Air Force.

Col. Frederick John Sutterlin, 1585A, Regular Air Force.

Col. Delmar Edmond Wilson, 1587A, Regular Air Force.

Col. Glen Robbins Birchard, 1623A, Regular Air Force.

Col. John Wilson Carpenter 3d, 1647A, Regular Air Force.

Col. John Brereton Bestic, 1682A, Regular Air Force.

Col. Jack Gordon Merrell, 1687A, Regular Air Force.

Col. George Benjamin Greene, Jr., 1736A, Regular Air Force.

Col. James Crawford McGehee, 1746A, Regular Air Force.

Col. Don Coupland, 1766A, Regular Air Force.

Col. Edgar Wade Hampton, 1805A, Regular Air Force.

Col. Philip Henry Greasley, 1821A, Regular Air Force.

Col. John Eugene Dougherty, 1852A, Regular Air Force.

Col. Charles Rankin Bond, Jr., 1937A, Regular Air Force.

Col. Charles Marion Eisenhart, 1957A, Regular Air Force.

Col. Austin James Russell, 1980A, Regular Air Force.

Col. Robert Hamilton Warren, 1987A, Regular Air Force.

Col. Francis Clare Gideon, 1993A, Regular Air Force.

Col. Theodore Ross Milton, 2026A, Regular Air Force.

IN THE NAVY

Adm. Arthur W. Radford, United States Navy, for appointment to the grade of admiral on the retired list of the Navy.

The following-named (Naval Reserve Officers' Training Corps) to be ensigns in the Navy, subject to qualifications therefor as provided by law:

David L. Armstrong
Walter W. Kroupa
Arthur F. Roubik

The following-named (civilian college graduates) to be lieutenants in the Medical Corps of the Navy, subject to qualifications therefor as provided by law:

William E. Sill, Jr.
Victor M. Holm

The following-named (Naval Reserve officers) to the grades indicated in the Medical Corps of the Navy, subject to qualifications therefor as provided by law:

To be commander

Harry C. Nordstrom

To be lieutenant commander

Robert E. Bass

To be lieutenant

Kenneth N. Bredesen
Charles R. Cotham
Martin H. Ellbogen
William A. Elliot
Raymond J. Gibbings
William E. Kilgore
Thomas P. Moore
Fred C. Richardson
Thomas H. Voshell, Jr.
Norman E. Wenger
Frederick C. Wuest
Ralph K. Zech

William J. Fouty (Naval Reserve officer) to be a lieutenant in the Medical Corps of the Navy in lieu of lieutenant (junior grade) as previously nominated and confirmed to correct grade, subject to qualifications therefor as provided by law.

The following-named officers to be promoted to the grades indicated in the Medical Corps of the Navy, when their line running mates are so promoted:

To be commander

George F. Bond

To be lieutenant commander

Stuart H. Martin

The following-named (Naval Reserve officers) to the grades indicated in the Dental Corps of the Navy, subject to qualifications therefor as provided by law:

To be lieutenant commander

William G. Hutchinson

To be lieutenant

Paul E. Barrow
Charles E. Cowen, Jr.
Albert Herr
Donald E. Meister
John W. Pash, Jr.
Nathan E. Wilson

Robert S. Jones, United States Navy retired officer, to be a lieutenant in the Navy, pursuant to title 10, United States Code, section 1211, subject to qualifications therefor as provided by law.

Guy E. Knod, United States Navy retired officer, to be a chief warrant officer, W-3, in the United States Navy, for temporary service, pursuant to title 10, United States Code, section 1211, subject to qualifications therefor as provided by law.

Clarence E. Laube (Naval Reserve officer) for permanent appointment to the grade of lieutenant (junior grade) and in the temporary grade of lieutenant in the line of the Navy (engineering duty), subject to qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be lieutenants in the line of the Navy, for temporary service, subject to qualifications therefor as provided by law:

Donald M. Metzler
George A. Sawyer, Jr.
John J. Scully
William J. E. Shafer

The following-named line officers of the Navy for transfer to and permanent appointment in the Supply Corps of the Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Richard C. Burns
Wilfrid Devine
Howard R. Edwards, Jr.
William K. Martin
William M. Matthews
Lowry W. Norris
George Postich
William T. Ross, Jr.

Arthur D. Jesser, United States Navy, for transfer to and permanent appointment in the Supply Corps of the Navy in the grade of ensign.

Matthew J. Ott, United States Navy, for transfer to and permanent appointment in the Supply Corps of the Navy in the grade of lieutenant (junior grade).

The following-named line officers of the Navy for transfer to and permanent appointment in the Civil Engineer Corps of the Navy in the grade of ensign:

Robert L. Kramer
Phil M. Perry
John C. Sweeney

The following-named line officer of the Navy for temporary promotion to the grade of lieutenant, subject to qualification therefor as provided by law:

George D. Ellis, Jr.

The following-named line officer of the Navy for permanent promotion to the grade of lieutenant (junior grade) and temporary promotion to the grade of lieutenant, subject to qualification therefor as provided by law:

James H. Smith

The following-named officer of the Regular Navy for permanent promotion to the grade of commander.

MEDICAL CORPS

Robert C. Doolittle

The following-named officers of the Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps as indicated, subject to qualification therefor as provided by law:

LINE

Abele, Bradford L.
Albert, James G.
Ables, Aubrey E.
Ager, Snowden C.
Agnew, Dwight M., Jr.
Aguilar, Frank J.
Akens, Robert J.
Albee, Thomas L., Jr.
Alecxih, Peter C.
Aletto, Harold E.
Alexander, Jane C.
Allen, George W.
Allen, John S.
Altman, Berel P.
Alvarado, Ramon C.
Alvey, John H.
Ammerman, Arthur J.
Ammerman, Clell N.
Amoruso, Alfred P.
Anderson, Arthur E.
Anderson, Giles B.
Anderson, Eugene G.
Anderson, Falvie B., Jr.
Anderson, Gustav N.
Anderson, Joe K.
Anderson, Joseph F.
Anderson, Stephen P.
Anderson, Thomas F.
Anderson, Walter S.
Anderson, William P.
Andrews, Reece L.
Anthony, Morris D.
Appeddu, Peter A.
Appleton, William G., Jr.
Armstrong, Albert A., Jr.
Armstrong, Richard W.
Arnold, Coy H., II
Ascherfeld, Theodore F., Jr.
Ashton, Augustus T., II
Atwood, Henry C., Jr.
Aumick, William A.
Austin, James F.
Austin, James W.
Austin, Robert C.
Aut, Warren E.
Avery, Billy J.
Bacon, William M.
Bailey, William M.
Bain, Ralph V.
Baird, Thomas L.
Baker, Walter F.
Bale, Donald F.
Bales, Barbara L.
Ballard, Gaylord B.
Ballow, Lawrence D.
Banfield, Thomas V., II
Banta, Thomas A.
Barkley, James F.
Barlow, James D.
Barnes, Lee G.
Barrett, Michael M.
Bascom, Paul P.
Basford, Michael G.
Bassett, Bradley A.
Baty, Frank O.
Bauman, James R.
Baumgardner, John F.
Baxter, Robert H., III
Bayne, John P.
Beal, Derald R.
Beck, Charles W., II
Beck, John L.
Beck, Walter R.
Beckham, Paul M.
Beckmann, Archibald B., Jr.
Beckwith, Gilbert H.
Bedore, Robert L.
Beers, Harold S., Jr.
Beeson, Robert "O"
Behrle, Walter F.
Belcher, Donald W.
Bell, James F.
Benadik, Paul M.
Bennett, Donald C.
Berg, Robert L.
Berger, Ronald A.
Bergesen, John M.
Berkhimer, Frank R.
Bernier, George, Jr.
Berthe, Charles J., Jr.
Beuris, Charles B.
Biasi, Nestore G.
Bibb, Benjamin O.
Biederman, Robert D.
Biggar, William
Billerbeck, Henry G.
Billeter, John L.
Bilyeu, Roland C.
Bishop, Bert W.
Bissel, Norman H.
Black, Henry C., II
Blaes, Richard W.

Bliss, William S., Jr.
Blount, Thomas S.
Bole, George T.
Bonar, David C.
Bond, John G.
Booth, Joseph K.
Bordone, Richard P.
Botshon, Morton
Boulos, Alfred J.
Bourassa, Roger J.
Bowen, Thomas J.
Boyd, John W., Jr.
Boyens, William R.
Boylson, Michael E.
Brackin, John D.
Bradley, James A., Jr.
Bradshaw, Frederick L.
Brame, Frank A., III
Brammeier, Charles L.
Brandon, Horace W.
Brasted, Kermont C.
Braun, Richard T., Jr.
Bravence, John, Jr.
Brennan, John S.
Brett, Robert W. J.
Brewin, Robert L.
Brewster, Rudi M.
Brierre, Roland T., Jr.
Brill, Gordon A., Jr.
Briner, Robert R.
Brinn, Walter K.
Brodd, Robert W.
Brooks, Phillip W.
Brown, Christopher H.
Brown, Donald D.
Brown, Harold R.
Brown, Julian, Jr.
Brown, Malcolm C.
Brown, Richard B.
Brown, Robert C., Jr.
Brown, Robert H.
Bruley, Kenneth C.
Brummett, Eugene P.
Brunell, James I.
Buc, Gerald G.
Buchanan, Edward O.
Buchholz, Philip P.
Bunce, Bayne H.
Bunger, Robert C.
Burke, Jenie L., III
Burkhardt, Lawrence, III
Burnett, William M.
Burnham, Don E.
Burns, Richard F.
Bursk, Edward C.
Burtis, Evenson M.
Busell, Lewis H.
Bush, Carl D.
Butler, William S.
Byington, Melvin R., Jr.
Byrd, Mark W.
Cabanillas, Jose C., II
Cabot, Alan S.
Caldwell, Hamlin A., Jr.
Calkin, Cecil R.
Cameron, Roderick A.
Camfield, Roland E., Jr.
Cammett, Haven P.
Campbell, Donald S., Jr.
Campbell, John D.
Campbell, John L.
Campbell, John F.
Cane, Guy
Cann, William A.
Cantella, Michael J.
Canter, Howard R.
Caplow, Stuart D.
Carlile, Clayton G.
Carlson, Don P.
Carson, Louis F., Jr.
Carson, James H., Jr.
Carter, Gerald M., Jr.
Case, Neil A.
Casimes, Theodore C.
Cavicke, Richard J.
Censky, Frederick F.
Chambers, Dudley S.
Chamberlain, James L.
Chapdelaine, Jerrold E.
Cheney, Donald A.
Chidley, Ralph E.
Chisholm, George E., II
Christensen, Stephen J.
Christopher, Allis L.
Clark, Richard G.
Clarke, Marjorie N.
Clay, James N.
Cleaver, Stephen
Cliff, Athol W., Jr.
Clifford, Donald J.
Coakley, Walter J., Jr.
Coe, Raymond P.
Cogswell, Charles E.
Colbus, Louis
Cole, Bennett O.
Cole, Leonard I., Jr.
Coleman, James F.
Coleman, Wade H., III
Coleman, Irvin L., Jr.
Coleman, Herman F.
Collier, Byron H.
Collins, William D.
Collins, Mary A.
Collins, Ferdinand I., Jr.
Colvin, William P.
Colwell, Lawrence S.
Comer, Patricia A.
Conaughton, Robert G.
Conboy, Thomas W.
Conklin, Robert B.
Conner, Henry W.
Conner, Lawrence O.
Connolly, Paul P.
Connor, Samuel R.
Conrad, Glenn T., Jr.
Conway, Paul B.
Cook, Russell A.
Cooley, Charles H.
Coor, Lawrence W.
Copeland, Edward C.
Corey, Marion W.
Cornell, Robert L.
Cottingham, Wayne R.
Couillard, James P.
Courtney, Charles H.
Couser, Rodney W.
Cowan, Daniel R.
Cowell, Russell S.
Coyne, James C.
Crabtree, Donald G.
Crane, Herbert C.
Cranwell, James L., Jr.
Craven, William D.
Crawford, George H.
Crawford, John W.
Crawford, Roderick P.
Crawford, William T.
Crayton, Render
Criss, John F.
Critz, Merrill E.
Croom, William H., Jr.
Crosson, Harry E.
Crotteau, Roger D.
Cryer, John P.
Culbertson, Robert D.
Cullen, James G.
Cumbie, Willie E., Jr.
Cummings, Joseph D.
Cunningham, Dale V.
Cunningham, Marshall E.
Currier, Richard A.
Curry, Thomas L.
Curtis, Robert E.
Cusick, Patrick J.
Cutler, Edward M.
Cutts, Robert L.
Czaja, Bernard F.
Dacus, Robert W.
Daigneault, Joseph J., Jr.
Dailey, Allen H.
Daley, Robert E.
Dallamura, Bart M., Jr.
Damico, Richard J.
Dancer, Jerry D.
Daniels, William D.
Daubenspeck, Richard E.
Davis, James G.
Davis, Kenneth F.
Davis, Ralph G.
Davis, Ramsey L., Jr.
Davis, Russell E.
Davis, Samuel H., Jr.
Dawson, Edward H., Jr.
Deam, Norman A.
Dean, Herbert J.
Deane, James D., Jr.
DeBoer, Jack "G"
DeHart, William
Delaney, John R.
DeLoach, John W.
Delvecchio, Frank V.
Demonbreum, James R.
Dempsey, John F.
Denlea, Leo E., Jr.
Derendinger, George L.
Deryckere, Archie G.
Desseyn, Maurice H.
Deuel, Jamieson K.
Devine, Clarence A.
Devine, Edward D., III
Devries, James H.
Diamond, Ray B.
DiCarlo, Vincent A.
Dickenson, Charles E., Jr.
Dickey, Leonard M.
Diehl, Ricky W.
Diley, Lewis E.
Dillon, Alfred J.
Dilweg, John C.
Dilworth, Edmond J., Jr.
Dombey, James R.
Donati, Alfred, Jr.
Doney, Robert G.
Donnell, Joseph S., III
Donovan, Daniel E.
Donovan, Philip C.
Dougherty, John E., Jr.
Douglass, Donald J.
Downey, Louis A.
Dozier, George W., Jr.
Drayton, Henry E., Jr.
Drenkard, Carl C.
Drumheller, Maxley W.
Drummey, Charles E.
DuBois, Arthur N.
DuBose, Charlie P.
Ducat, Julian A.
Ducharme, George W.
Duerr, Edwin C.
Dugan, Francis V.
Dugan, Richard F., Jr.
Dulke, Sylvester M.
Dunn, Alvan N.
Dunn, John F.
Dunning, James A.
Durant, Thomas W.
Durocher, Stephen F.
Dworsky, Alan J.
Dwyer, Henry W.
Dyer, Cromwell A., Jr.
Early, Joseph D.
Earnhart, Edgar A.
Easterling, Letson E.
Easton, Peter B.
Eberlein, Otto P.
Edgren, Donald H.
Edwards, Thomas G., Jr.
Eels, William R., Jr.
Ehl, James W.
Ehr, Richard L.
Eich, Robert W.
Elder, Ralph C.
Elliott, Donal W.
Ellis, David R.
Ellis, Eugene D.
Elsbree, Frank B.
Emerson, John R.
Engels, David A.
Erickson, Reuben E.
Eriksson, Roger V.
Esper, Ronald C.
Eubank, Franklin J.
Eubanks, Martha A.
Evans, Edwin D.
Evosevich, John N.
Evrard, William E.
Ewall, Thomas H.
Faddis, James W.
Fagan, Fredric G.
Fairfield, John M.
Fairley, Archie B., Jr.
Farwell, Warren E.
Faul, Alfred T.
Felter, John F.
Ferguson, David E.
Ferrer, Kenneth A.
Fiedler, Peter B., Jr.
Fields, William B.
Fillerup, Raymond M.
Fitzgerald, Arthur R.
Fitzgerald, Michael J.
Fitzmorris, Neil T.
Fitzsimmons, Robert J., Jr.
Fitzwilliam, David A.
Flaherty, Robert M.
Fletcher, William B., III
Fletcher, John G.
Foley, Paul R.
Forbes, Donald L.
Forsyth, James P.
Foster, Clifton G., Jr.
Foster, Scott R.
Fowkes, Conard C., Jr.
Fox, Henry J., IV
Frampton, James C., Jr.
Fraser, Robert B.
Frazier, John D.
Frentress, Bowheart "H," Jr.
Frick, Walter B.
Friddle, Frank R., Jr.
Fryberger, Elbert L., Jr.
Frye, Thomas A. W.
Fucigna, John P.
Fugate, Truman H.
Fuhrman, Glen F.
Fuller, Mark A., Jr.
Fuller, Vaughn D.
Gadberry, Roy K.
Gadolin, Ronald
Gallotta, Albert A., Jr.
Gard, Gerald I., Jr.
Gardner, Bennett
Garlitz, Jerry E.
Gaskill, Richard T.
Gates, Fred H., II
Gatley, Donald P.
Gatlin, Edwin F.
Gaul, John W.
Geary, Jack E.
Gehring, Donald H.
Geier, Edward A.
Geithner, Peter F.
Geoghegan, James C.
Gerard, Paul L.
Geronime, Eugene L.
Gibbins, Thomas A.
Gideon, William C., Jr.
Gilbert, Marguerite J.
Gilchrist, Donald W.
Gildea, John F.
Gill, Gerald W.
Gillam, Charles E.
Gillham, Richard D.
Gilliland, Richard F.
Gladstone, Sidney
Glassey, Charles R.
Glover, Albert K., Jr.
Glover, Dennis C.
Glovier, Harold A., Jr.
Glunt, David L., Jr.
Gobel, John C.
Goodwin, Francis M., Jr.
Gordon, Arva F.
Gorman, Paul T.
Graham, Robert F.
Graham, Thomas A.
Gray, Basil F., Jr.
Gray, Garold G.
Gray, John T., III
Gray, William C., Jr.
Greathead, Robert T.
Green, Stanley E.
Green, Terry S., III
Greene, Charles R., Jr.
Greenlaw, William C.
Greenlee, John W.
Greer, James A., II
Greer, William E., III
Greisen, Bernard R.
Gresham, Neal
Griffin, John J., Jr.
Griffiths, Rodney D.
Grobey, John H.
Grose, Robert H.
Gross, Edward B.
Grossgold, Melvin "J"
Grothe, Henry J.
Grouby, Edward A., Jr.
Grunwell, James G.
Guda, Harry E.
Guengerich, William H.
Guess, Malcolm N.
Gullickson, Grant G.
Gunion, Allan R.
Gunn, Max C., Jr.
Gunter, Jack R.
Hagen, Gunter
Hagerty, John F.
Hahn, Wilfred J.
Haines, Robert S.
Halkett, Alan N.
Hall, Charles F.
Hall, Howard L.
Hall, John C.
Hall, John V.
Halladay, Norman E.
Hallberg, Charles J., Jr.
Hallenbeck, Prentice W.
Halperin, Walter
Halpine, John D.
Hamel, Louis H., III
Hamelrath, Walter F.
Hamilton, Clyde E.
Hamilton, Jerry L.
Hamlin, Andrew L.
Hankins, Elton E.
Hannagan, James F., Jr.
Happersett, Paul F.
Hargrave, William W., Jr.
Hargrove, John Q., III
Harkins, Richard E.
Harman, Gordon S.
Harper, George T., Jr.
Harper, Robert P., Jr.
Harrell, Max A.
Harris, James E.
Hartley, Richard R.
Harvey, George H.
Hasse, Ronald A.
Hatfield, Robert L.
Hatheway, Darwin L.
Havicon, John W.
Hawkins, Charles W., III
Hay, James C.
Hayes, Francis X.
Hayes, James C.
Haynie, Fred H., Jr.
Hazlehurst, Harry, III
Heady, James F.
Healy, James V.
Hearne, Nancy L.
Heimbold, Charles A., Jr.
Helfrich, William P.
Helm, George N., Jr.
Helms, Raymond E., Jr.
Helper, Ralph E., Jr.
Hemings, Robert M., Jr.
Hendry, James D.
Henifin, Edward E.
Henry, Tom L.
Henson, George M.
Herman, George
Herren, Thomas C.
Herrmann, Walter T.
Herzer, Oscar A.
Hessman, James D.
Heydon, Robert M.
Heyward, Irvine K., IV
Hickey, Edward J., Jr.
Hicklin, William C., III
Higgins, George A., Jr.
Higgins, Richard G.
Higgins, John F.
Higgs, Robert H.
Hilder, Leonard O., Jr.
Hill, William W.
Hinkle, David R.
Hobbs, Allen, Jr.
Hocker, Walter B.
Hogan, Edward J., Jr.
Hogan, Thomas W., Jr.
Holden, William H., Jr.
Holland, Roy C.
Holland, Lee "M"
Holland, William G.
Hollenbach, Richard G.
Hollingworth, Roy M.
Hollingsworth, Robert L.
Holloman, William D.
Holman, William C.
Holmes, James W., Jr.
Holt, Henry C., IV
Holtz, William F.
Hooley, Thomas J.
Hope, Herbert A., Jr.
Hopkins, Benjamin T., II
Hopper, Thomas M.
Horn, Charles A., Jr.
Horn, Charles E.
Horn, Emile L.
Horner, John, Jr.
Horowitz, Charles L.
Hosking, Roy W.
Hoskins, James M.
Hovey, Gale K.
Howard, Maynard L.
Howatt, Gerald J.
Howells, William D., II
Howells, David A.
Hryskanich, Paul L.
Hubbell, Robert N.
Hudgins, Thomas B.
Huffer, Maurice W.
Huffman, William L., Jr.
Hukill, Robert P.
Hull, Fred A.
Hume, George A.
Hume, Kenneth E.
Humphrey, Morris L.
Hunter, John W., Jr.
Hunter, Charles B.
Hunter, William J.
Hunter, William G.
Hurt, Jonathan S.
Hussey, William T.
Huttinger, Theodore
Hyman, Arnold J.
Ike, Robert C.
Ilaria, Robert L.
Inman, John S.
Inman, Thomas S.
Ireland, Blair
Jackson, Thomas W.
Jauregui, Stephen, Jr.
Jermstad, Robert J., Jr.
Jobe, Gordon A.
Jobe, James E.
Johnson, Martin L.
Johnson, George P.
Johnson, Robert A.

Johnson, William J., Jr.
Johnson, David E.
Johnston, Fox H.
Joiner, Francis A.
Jolliff, James V.
Jonassen, Robert N.
Jones, Carroll S.
Jones, Ernest F.
Jones, James L.
Jones, Robert F., Jr.
Jones, William O.
Jongewaard, Larry L.
Jonovich, George J.
Jordan, Stephen W.
Joyce, Alan R.
Judy, Harold A.
Juergens, John G.
Jurgensen, Dale E.
Jurkowski, Joseph A.
Kaiser, Dale E.
Kaiser, Gilbert J.
Karabatsos, George T.
Kaufman, Robert H.
Kavanagh, Robert G.
Keane, John F.
Keating, John D.
Keating, John S., Jr.
Keele, Wayne, Jr.
Keely, Leroy B.
Keener, John I.
Keith, Clyde R.
Keith, Harold S.
Keith, John D.
Keller, Samuel F., Jr.
Kellogg, Edward S., III
Kelly, Richmond K., Jr.
Kenney, Robert W.
Kern, Thomas W., Jr.
Kiel, Kenneth L.
Kilty, Lawrence R.
Kimbrough, Harold S.
King, Donald J.
King, Edward L.
King, James E.
King, Richard B.
Kingsland, John M.
Kingsley, Stephen S.
Kinley, Frederic H. M.
Kinnaird, Charles R.
Kinne, Loren H.
Kinney, Leo D.
Kinney, Eugene P.
Kirbey, Russell W.
Kleffel, Walter H.
Klein, Donald E.
Klein, Verle W.
Kline, Arlington N.
Kneisl, John F.
Knepler, James L.
Knerr, Donald O.
Knight, Eugene T.
Knight, Cecil F.
Kohoutek, James G.
Kollmorgen, Frederick J.
Kooken, John F.
Kopacka, William F.
Korn, Donald L.
Kowalskey, Zygmont J., Jr.
Kracha, John K.
Krahn, Chris
Kramer, Frank A.
Kramer, Robert B.
Kratt, William J.
Kraus, Walter S.
Krikorian, Edwin G.
Krisciunas, John P.
Kruger, David S.
Krumwiede, Jerold L.
Kujawski, Theodore D.
Kuntz, Francis X.
Kunzel, Frederick K.
Kurth, Ronald J.
Kyle, Kenneth W.
Lacefield, Joe V.
Lacy, Robert G.
Lambert, Mary A.
Lambert, Walker W.
Lamken, Mark L.
Lamore, James F.
Land, Elwood W., Jr.
Lane, William J.
Langford, George M.
Langford, George R.
Langrind, Roy G.
Lanier, Henrietta R.
Lannon, Francis W.
Larson, Ralph S.
Lawson, Thomas J.
Learned, Charles W., Jr.
Learson, Harold W.
Lee, Thomas E.
Legett, Thomas R.
Lehr, Ronald F.
Lehto, Robert K.
Leonard, John D., Jr.
Leonhardi, Roger L.
Leslie, Richard
Letkemann, Herkus W. V., II
Levin, Herman
Levin, Jeremy I.
Lewert, Adam E.
Lewis, David E.
Lewis, Jesse W., Jr.
Lewis, John W.
Lewis, Martin E.
Lewis, Robert S.
Liatti, Lloyd A.
Lietzan, Ernest W., Jr.
Lima, John M.
Limroth, David F.
Lindsay, Thomas L.
Link, John G.
Lissy, Ernest I.
Litfin, Robert E.
Livingston, Daniel S.
Livingstone, Philip N.
Lochridge, Joe C.
Long, Charles L.
Lord, Frank J.
Lord, Waldon E.
Lutz, William R.
Lyding, John F.
Lykins, Noel R.
Lynch, Will T.
Lynne, Donald M.
Lyons, Philip
Mack, John
Mack, John O.
Mack, Robert E.
Mackie, Joan G.
MacLeod, William A. J.
Maddox, Iven J.
Mares, James A.
Markham, Allan W.
Marks, John A.
Marsh, Barry B.
Marshall, John T., Jr.
Marshall, John T., Jr.
Martin, Benjamin C., Jr.
Martin, Edward H.
Martin, James F.
Martin, Robert T.
Martineau, Roger J.
Marx, Thomas J.
Mason, Ralph S.
Massey, Roger A., Jr.
Master, Carl L., Jr.
Masterson, Kleber S., Jr.
Mathis, Harry L., II
Matthews, Paul C., Jr.
Maurer, Charles B.
McAllister, Jack D.
McArdle, James L.
McBride, Earl P.
McCaffree, Burnham C., Jr.
McCaffrey, Robert T.
McCall, Walter H.
McCarthy, Gerald D.
McCarthy, Paul F., Jr.
McCartney, Kenneth C.
McCarty, William H.
McCellan, Parker W.
McClenahan, Richard M.
McClure, William R.
McCollum, James B.
McConnell, Cyrus, Jr.
McCormack, Howard M.
McCormack, John F.
McCracken, John L.
McCullough, John A.
McDermott, John J.
McDevitt, Ronald F.
McDonough, Lida J.
McElroy, Guy A.
McGill, James F.
McGown, William A., Jr.
McGurk, Robert J.
McIntyre, James G.
McKay, Edward J., Jr.
McKay, Peter B.
McKee, George R., Jr.
McKenzie, James A., Jr.
McKinnon, George H.
McKinster, James W.
McKnight, Kent A.
McLean, Robert H.
McMahill, Gary A.
McMaster, Paul
McMillan, Thomas, Jr.
McMillin, George W.
McMullan, James P.
McNally, Stephen P.
McNamara, William L.
McNenny, Patrick "J" "S"
Meaney, Francis X.
Meek, David
Mehr, John A.
Melton, Arthur W.
Melville, Noel
Merkle, George W.
Merritt, Robert L.
Messinger, Marshall R.
Meyer, Donald J.
Michaels, John R.
Miglas, William
Milford, Dolores A.
Millar, Ralph A., Jr.
Millen, Thomas H.
Miller, Charles H., III
Miller, Chauncey S.
Miller, Glen "J"
Miller, John H.
Miller, Raleigh B., Jr.
Miller, Robert R.
Miller, Russell C.
Minetti, Bernard L.
Mintz, Donald E.
Miranne, Ernest J., Jr.
Mirsch, Marvin W.
Mitchell, Donald F.
Mobley, Arthur S.
Mode, Paul J.
Moebus, Louis F.
Montgomery, Kenneth
Montgomery, William J.
Montross, Robert W.
Moody, Frank L.
Mook, Joe
Moore, Bryon O.
Moore, Hugh A.
Moore, John R.
Moore, Percy J.
Moore, Robert E., III
Moore, Thomas W.
Moranville, Kendall E.
Morgan, Frank A., III
Morris, Charles H.
Morrow, Robert H.
Morse, Robert A.
Mortimer, Edward H., III
Morton, Theodore E.
Moss, Jack L.
Moye, William B., Jr.
Mudgett, Francis S.
Mulligan, John H.
Mulloney, Peter B.
Multer, Richard P.
Mulvany, George M.
Mundt, Werner F.
Muniz, John J.
Murphy, Arthur D.
Murphy, Charles W.
Murphy, Richard G.
Murray, Thomas F.
Murray, Philip F.
Murtha, Bruce E.
Musgrave, "R" "F"
Muth, Wayne A.
Myers, Richard C.
Nagel, Harold A., Jr.
Nash, Owen W.
Nash, Phyllis A.
Neel, William C.
Neel, William M.
Nelles, Merice T.
Nelowet, Wallace S.
Nelson, Theodore E.
Nelson, Jesse R.
Nelson, Floyd G.
Neuhauser, Daniel A.
Newton, John E.
Nix, Walter C.
Noblit, Charles L.
Noren, Rees E.
Nott, Edward C., Jr.
Oberg, Chester R.
Oberholtzer, William E., III
O'Brien, Kenneth A.
O'Brien, Kevin S.
O'Brien, John T.
O'Connell, William J.
O'Connell, Sally H.
O'Dell, Jean M.
Offrell, David W.
O'Halloran, Thomas A., Jr.
O'Hara, John J.
Olander, Darrell W.
Oldmixon, William J.
Oleson, David E.
Oliver, Charles H.
Olsen, Charles F.
Olsen, Jerome J.
Olsen, Robert M.
Olson, Harold W., Jr.
Olson, Richard L.
O'Malia, Robert J.
O'Neill, Norbert W.
Orsik, Walter A.
Orsino, Leo A.
O'Shaughnessy, Robert J.
O'Toole, Arthur L., Jr.
Otto, Robert O.
Packard, John E., III
Paine, Lawrence A.
Palmer, Wilbur L.
Panas, Alex W.
Parise, Richard G.
Parker, Kenneth B., Jr.
Parker, Eugene H.
Parks, Richard E.
Parks, Walter P.
Parnell, Thomas A.
Parrish, Jon G.
Parsons, David E.
Pasztalaniec, Matthew F.
Patrick, Julian C.
Patten, Robert S.
Patterson, Lee R.
Patterson, William V.
Paulson, Allan G.
Pavia, Raymond F.
Pearson, John E.
Pearson, George W.
Pease, Floyd T.
Peery, William K.
Penegar, Kenneth L.
Perault, David J.
Perenyi, Ladislas J.
Perfetti, Richard C.
Perkins, Jack C.
Perry, Eugene C., Jr.
Peterman, Dewey D.
Peterson, Mell A., Jr.
Peterson, Alfred A.
Petit, Pierre A.
Pettigrew, Joseph H.
Peugh, Dighton "W"
Pfarrer, Charles P., Jr.
Phillips, Raymond C.
Phillips, Harry H.
Philpot, Marvin L.
Phoenix, David "A"
Pickard, Dallas, Jr.
Pierce, Robert K.
Pikell, Joseph V.
Pine, John D.
Pippin, William E.
Pitt, Donald F.
Pitts, David T.
Platner, Fredric W.
Polini, Eugene T., Jr.
Pollack, Harold I.
Pollak, Henry M.
Pollard, Charles E., Jr.
Polleys, William V., III
Polsin, Robert W.
Popham, Neal R.
Popp, John, Jr.
Popplewell, Lewis M.
Poreda, Charles P.
Post, George W.
Post, Jerome
Powers, Paul S.
Premo, Melvin C.
Price, Carroll R.
Priestley, Joseph R.
Primeau, Don G.
Prochaska, George E.
Prosser, Rudolph J.
Pruitt, Thomas J.
Pugliano, Ralph J.
Purtell, Joseph M.
Quigley, Robin L. C.
Quillin, Thomas E.
Quinn, Charles A.
Quinn, Walter J.
Quirk, Thomas A., Jr.
Rabstejnek, George J., Jr.
Raines, Julian L.
Ramos, Steve L.
Ramzy, James R.
Raper, Albert D.
Rathke, Lorenzo J.
Rauber, William S.
Raunig, David R.
Read, Richard R.
Reardon, John R.
Reasonover, Roger L., Jr.
Reed, Richard A.
Reeves, Alex D., Jr.
Register, Marvin O.
Reid, John A.
Reid, Rust E.
Reid, Wilson G.
Reilly, Frank J., Jr.
Reip, Robert W.
Reisinger, John E.
Reiss, Charles E.
Remsnyder, Duane C.
Rennell, Robert J.
Resek, John F.
Reynolds, James V.
Rhodes, Rodman D.
Rhodes, Thomas B.
Ribble, Lawrence F.
Rice, Alan H.
Rice, Donald K.
Richards, Walter E.
Richardson, William C.
Richter, Ronald P.
Richter, William J., Jr.
Riendeau, Arthur O., Jr.
Riester, John E.
Rigling, Robert F.
Ritchie, John K.
Robertson, Robert R., Jr.
Robey, George R., Jr.
Robinson, James V., II
Robinson, William N.
Rockefeller, Harry C. Jr.
Roderick, Daniel W.
Rodgers, Henry C.
Rodriguez, William P.
Rogers, Robert B.
Rogers, Thomas D.
Romaine, Henry S.
Romaine, Howard G.
Ropp, Philip C.
Rork, John K.
Rose, Charles B.
Rose, Charles C., Jr.
Rose, James S.
Rose, Rufus E., Jr.
Rose, William A.
Roth, Thomas F.
Rourke, Charles K.
Rowland, Charles M., Jr.
Ruggles, Kenneth W.
Rumsfeld, Donald H.
Russell, Kenneth B.
Russell, John H.
Rutherford, Charles F., Jr.
Sabol, Ernest J., Jr.
Sakats, Gerald
Salva, Fedor R., Jr.
Sample, Bertran E.
Samuels, William J.
Sanders, Wiley M.
Sandoval, Silvano F.
Santuae, Theodore A.
Sassi, Norman M.
Sauers, John F.
Sawyer, Kenneth R.
Scampini, Charles H.
Schell, Farrel L.
Schenck, James S., III
Schibel, Robert L.
Schlenzig, Robert E.
Schmidt, Gilbert E.
Schmidt, Don D.
Schnatterly, Lewis W.
Schnurr, William J.
Schoeckert, Robert D.
Schoeffel, Peter V.
Schoonover, Charles D.
Schrader, David M.
Schroats, Richard P.
Schultz, Earl E.
Scott, Lawrence A.
Scott, Robert W.
Scott, Thomas H.
Seabloom, James A.
Seacord, John M.
Sedlak, Richard K.
Seifert, Robert J.
Seigenthaler, Thomas U.
Selby, Paul F.
Sellers, John W.
Selsor, James Q.
Sesler, Ralph M.
Sewell, Robert L.
Shanaghan, John J.
Shannon, Edward R.
Shannon, Thomas A.
Shaw, Charles P., Jr.
Shaw, Walter B., Jr.
Shearer, Oliver V., Jr.
Shearer, Thomas D.
Sheehan, Robert K.
Shewchuk, William M.
Shields, Robert G.
Shimek, Paul, Jr.
Shinholser, Charles E.
Shirley, Milford E.
Shorey, Clark W.
Short, Warren J.
Shrader, Ebert F.
Shuey, Robert L.
Shumaker, Lawrence A.
Shuman, Edwin A., III
Shurtleff, John A.
Sifferd, Daniel W.
Sill, Harold W.

Simon, William L.
Sisson, Thomas U., Jr.
Skarlatos, Paul
Slattery, Francis A.
Slawson, Paul S.
Slocomb, Richard S.
Sloman, Jean P.
Smidt, Robert L.
Smith, Albert L.
Smith, Chester R.
Smith, David G.
Smith, Edward R.
Smith, Irvin L.
Smith, Leighton D.
Smith, Richard C.
Snider, Lloyd H.
Snyder, Edward C., Jr.
Snyder, Richard W.
Soczek, William
Soderholm, Richard C.
Soltys, Mitchel S.
Sorenson, Curtis A.
Sottak, Edward J.
Southworth, John V., Jr.
Sparagana, Gabriel P.
Speirer, Paul E., Jr.
Spencer, Donn N.
Spencer, Russell E.
Spidell, Gary F.
Sprague, Alden C.
Sprague, Arthur R., Jr.
Springston, William A.
Spurgeon, Edward V.
Spurrier, William W.
Stallworth, Lewis A., III
Stamm, Ernest A.
Starbuck, Thomas H.
Stark, Ronald A.
Starke, Clinton J.
Starr, Larry W.
Staten, George C., Jr.
Staton, John C.
Steel, Charles E.
Steele, Francis X.
Steele, James C.
Steele, Ted C., Jr.
Steeves, Earl S., Jr.
Stefferud, David R.
Stein, Henry L.
Steiner, James
Steinmann, Herbert H.
Stelter, Frederick C., III
Stephenson, Morris H., Jr.
Stern, Sydney V.
Stevens, Edward G., Jr.
Stevenson, Leeroy J.
Stevenson, Donald W.
Stickling, William R.
Stilwell, Charles H., Jr.
Stilwell, John Q.
Stoffel, Michael J.
Stone, Jack W., Jr.
Stoner, Thomas M.
Storck, Bernard F.
Storms, James G., III
Stovall, John C.
Strachan, John
Stroop, Paul D., Jr.
Stubbs, Campbell L., II
Sturm, Gerard M., Jr.
Sullivan, John B.
Sullivan, Russell J.
Suneson, Charlene I.
Sur, William K.
Sutherland, William P.
Sutherland, Terence B.
Sweeney, John H., III
Sweet, Harry J.
Sweet, William L.
Swenson, Loyd S., Jr.
Switzer, Anton R.
Swoyer, Vincent H.
Szpara, Thaddeus J.
Tanksley, Paul A.
Tanner, John P.
Tate, Charles E.
Tate, John F.
Taylor, Arthur C.
Taylor, David J.
Taylor, James D.
Taylor, Robert I.
Taylor, Timothy C.
Tedeschi, Edward T., Jr.
Tepe, Charles F.
Terry, Edgar R.
Terry, Robert C., Jr.
Teuscher, John J.
Thalman, Robert H.
Thie, Dean A., Jr.
Thompson, Richard L.
Thorburn, William B.
Thorne, Russell J.
Thornton, Reuben T., III
Thornton, Ray O.
Thorp, Chester A., Jr.
Thudium, Wayne E.
Thum, George J., Jr.
Thunman, Nils R.
Tibbetts, Herbert E.
Tingler, David S.
Tinker, Gordon E.
Tisdale, Albin A.
Todd, Robert C., Jr.
Tolg, Robert G., Jr.
Tom, Joseph
Tomonto, James R.
Tondora, Joseph E.
Townley, John L.
Townsley, Jesse M., Jr.
Tracey, John A.
Tracy, George W., II
Treagy, Paul E., Jr.
Trenham, Herbert D.
Trevors, George A.
Trone, Dennis R.
Trott, Edgar P., Jr.
Tuck, John, Jr.
Tucker, Eli L., Jr.
Tucker, Thomas A.
Turner, Ralph A., Jr.
Turner, William E., Jr.
Turner, William H.
Ulmer, Donald M.
Ulrich, Charles H.
Urband, Howard T.
Uthlaut, George E.
VanAntwerp, Richard D.
VanDeventer, John H., III
Varbedian, Alexander A., Jr.
Varnes, John D.
Vaughan, Evan J., Jr.
Vaughan, John L., Jr.
Vellella, George J.
Vellom, Lee S.
Viera, John J., Jr.
Vilett, John E.
Vogelberger, Peter J., Jr.
Vohden, Raymond A.
Vonklock, Robert N.
Voss, Frederick H.
Wade, Mercer A.
Walker, Charles
Walker, Crayton C.
Walker, Jack O.
Walker, William R.
Wallace, Dallas L.
Wallace, James D., Jr.
Wallace, John A.
Wallace, Richard M.
Walsh, Don
Walsh, Harvey T., Jr.
Walsh, Joseph A., Jr.
Ward, Robert J.
Wardell, Anthony W.
Watkins, David P.
Watkins, Howard B., Jr.
Watson, John
Watson, Robert "M"
Watson, Thomas C., Jr.
Watson, Thomas P.
Webb, Clifton R., Jr.
Webb, Haven N.
Weinhold, George B.
Weintraub, Daniel J.
Weitz, Paul J., Jr.
Welborn, William P.
Welch, Edwin C., Jr.
Welcome, Allan T.
Wells, John E.
Wells, Peter M.
Welsch, John W.
Welsh, Vincent F.
Weltner, Howard A.
Wensman, Linus B.
Wentz, Sidney F.
Werness, Maurice H.
Wessel, James E.
West, Denton W.
West, Douglas
West, William E.
Weston, Gustav R.
Wetzel, Weslie W.
Whaley, Daniel E., Jr.
Whealy, John F.
Wheeler, Charles G.
Whitaker, James E.
White, Charles E.
White, Donald J.
White, Irvin L.
White, William A.
Wiederspan, Harlan H.
Wight, Roy R.
Wildman, John B.
Wiley, James F.
Wilfert, Eugene N.
Wilford, Donald M.
Williams, Bobby J.
Williams, Thomas W., III
Williams, David L.
Williams, Joseph B.
Williams, Ronel J. D.
Williams, Edward O.
Willis, Arthur A., Jr.
Willis, James S., Jr.
Willmeroth, Earl R.
Wilmer, Robert R.
Wilson, James C., Jr.
Wilson, David G.
Winkowski, John R.
Wise, Richard T.
Wisniewski, Sylvester S.
Withers, Fred J.
Witucki, Gerard S.
Wojcik, Ermin S.
Wood, Frederic C., Jr.
Wood, Fred L.
Wood, Hal D.
Wood, Leon G., Jr.
Wood, Noel T.
Woodcock, Henry P., Jr.
Wooden, Bruce J.
Woods, Carl J.
Woodward, John L.
Woollard, Edwin F.
Wright, James R.
Wuebler, Robert J.
Wyckoff, Peter B.
Yapp, Rockford G., Jr.
Yarger, Luther D.
Yarwood, John O.
Yenowine, George H.
Young, Harold L.
Young, Paul F.
Zable, Joseph J.
Zelones, Vincent L.
Zettle, Harold
Zidbeck, William E.
Zook, Richard M.
Zuilkoski, Ronald R.
Alexander, Adelore L.
Artz, Robert C.
Bastian, Donald L.
Bowling, Charles R.
Bozell, Rex K.
Brown, George C., Jr.
Brownsberger, Donald E.
Busey, James B., IV
Coleman, Thomas R.
Connolly, Timothy W.
Corey, Stuart M.
Cox, Floyd E.
Damon, Terry A.
Dearcot, Michael E.
Downs, James R.
Fech, Duane V.
Fields, James E.
Flatley, John E.
Gatterman, Raymond D.
Gilliamsen, Donald A.
Gilroy, John W., Jr.
Good, Robert C.
Grammer, William R.
Guidry, Rodney R.
Haggard, Marion Z.
Hartranft, Richard J.
Henriquez, Joseph S.
Herr, Arthur L., Jr.
Holman, Robert A., Jr.
Hubbard, Henry L.
Hughes, Ronald E.
Huisman, Roland K.
Jones, Jerry D.
Jones, Robert E.
Knies, George C.
Lane, Robert E.
Lee, Melvin R.
Mabe, James M.
Manheimer, Donald Z.
Marsh, Alvin "F"
McKay, Robert W.
Miller, Bruce J.
Millner, Clayton L.
Moore, Johnnie R.
Morris, John P.
Motes, Thomas L.
Murphy, George A.
Narowetz, Bruce A.
Nothwang, David R.
Olson, Gerard R.
Oslun, William J.
Petersen, Gordon S.
Pine, Gordon F.
Poitevent, Joe L.
Potosnak, Joseph E.
Pringle, Donald B.
Raiter, Richard F.
Reinhardt, Jerry B.
Rumelhart, Max R.
Ryan, Thomas J.
Sapp, Charles S.
Schlemmer, Robert M.
Schuman, Martin S.
Sinwell, Raymond J.
Sherrouse, James B.
Smith, Ralph W., Jr.
Southwick, Charles E.
Sterling, Kenneth L.
Stock, Merlyn L.
Stone, Ronald P.
Storm, Carroll F.
Taipale, Richard G.
Tanner, Charles N.
Taylor, Charles C.
Tise, Donald G.
Tonole, Joseph J., Jr.
Van Dyke, Willard H., Jr.
Veach, Everett K., Jr.
Walck, Claude W.
Walker, Raymond H., Jr.
Walters, Ralph E., Jr.
Wilson, Fred J.
Wise, George M.

CIVIL ENGINEER CORPS

Andersen, Charles P.
Auerbach, Ralph W., Jr.
Berdan, Maurice R.
Block, Norman G.
Curran, Robert A.
Daniel, William F., Jr.
Edson, Theodore M.
Gans, George M., Jr.
George, Roscoe D., Jr.
Gibboney, Lloyd H.
Hanlon, Mark Z., Jr.
Hauck, John W.
Jones, John P., Jr.
Melcher, Albert G.
Miller, William C.
Moger, Jack B.
Moore, Fred B.
Morton, Donald A.
Nicholls, William H., Jr.
Nystedt, Russell P.
Oscarson, Edward R.
Petzrick, Paul A.
Pitman, James B., Jr.
Ranieri, Joseph J.
Smila, William W.
Socha, Albert R., Jr.
Sweeney, John C.
Sylva, John P., Jr.
Tombarge, John W.
Wile, Dorwin B.
Williamson, Howard M.

MEDICAL SERVICE CORPS

Barrett, Neil K.
Beyer, Charles E.
Brandon, Daniel A.
Brannon, Joe F.
Brownlow, Wilfred J., Jr.
Carpenter, Arden R.
Curto, James C.
Dennis, "J" "M"
Derivera, Joseph M.
Devine, Leonard F.
Dietch, Michael M.
Dunbar, Edward S.
Gallaher, Robert E.
Gilbert, Richard S.
Goon, Melvin H.
Hartley, Robert L.
Holston, Charles A.
Janson, Harold J.
Jennings, William H., Jr.
Johnston, James F.
Keese, Robert C.
Long, William L.
McComb, Gordon S.
Miller, Harry P.
Morris, Carlton R.
Myers, John D.
Oleson, Russell H.
Oswald, Charles A., III
Reed, John R.
Richardson, James W.
Riser, Ellis W.
Sanborn, Warren R.
Schaffner, Leslie J.
Sloan, Marshall
Smout, Jay C.
Talley, Russel L.
Tatum, Raymond B.
Vanbuskirk, Floyd W.
Woodham, James T.

SUPPLY CORPS

Alderman, John M., Jr.
Anderson, Richard A.
Anglim, Matthew E., Jr.
Armitage, James H.
Ausbrook, Perry "C", Jr.
Babcock, Barry B.
Baglioni, Francis X.
Barczewski, Steven J.
Barnard, Harry W.
Barr, Robert S.
Bartholomew, Charles W.
Bechtelheimer, Robert R.
Blackshaw, Joseph R.
Brewer, Walter L.
Brooks, John E.
Brotherton, Curtis W.
Burgess, James E.
Burr, William E.
Byers, Austin L.
Campbell, Patrick J.
Casselberry, Lynn W., Jr.
Caverly, Michael K.
Chapman, Charles B., III
Chase, Kelsey D., Jr.
Christenson, Richard D.
Clark, Shelby V. T.
Cook, Gerald W.
Corcoran, Luke T., Jr.
Cornelius, Jack M.
Cotton, Robert E.
Cronk, Philip W.
Delleney, Jimmie S.
Deroulet, Philip H.
Derrico, Joseph A.
Dollard, Paul A.
Dusenberry, Frank J.
Erb, Richard T.
Ervin, Dean W.
Fachet, Robert F.
Farrell, James G.
Fekula, Theodore V.
Ferraro, Niel P.
Fuka, Otto J., Jr.
Futch, Franklyn P.
Gill, Leo S.
Gordon, Jerry M.
Graessle, Philip G.
Hall, Robert A.
Hanly, Joseph B.
Harkin, James W.
Harvilla, John A.
Hawkins, Charles A.
Hensley, Frank M.
Hochmuth, Alvin E., Jr.
Hollowell, Samuel T., Jr.
Horrigan, John W., Jr.
Jesser, Arthur D.
Johnson, Millard J.
Joseph, Mark R.
Kavanagh, Preston B., Jr.
Kela, Frederick H.
Kidd, Prentis H.
Klaren, John C.
Kutil, Donald H.
Lawrence, Robert W.
LeBlanc, George J., Jr.
Lewis, Brian K.
Long, Billie K.
Mankoff, Ronald M.
Mantlo, Glendon R.
McCarthy, Leonard D.
McCurdy, Bruce D.
McDougal, Lynn R.
Meyer, Jack A.
Michna, Stanley P.
Moore, James W.
Neal, Edward M.
Nolan, Frank R.
O'Connor, Robert W.
Odom, Mildred L.
Ostrom, Lester E.
Parent, Elias A., Jr.
Patton, Kenneth G.

Peek, Luther W.
Peterson, Kenneth A.
Pottinger, Ian G.
Ragan, Gilbert G.
Read, Farra L., Jr.
Rice, Harold A.
Richards, Walter T.
Riordan, William H.
Rogers, John R.
Rohman, Paul J., Jr.
Ross, Howard "T", Jr.
Sanders, John R.
Scarrah, George B.
Schrag, Edward "A", Jr.
Schulden, William H.
Settles, Robert B.
Sevier, Moses T.
Shipley, Maynard K.
Smith, Jay R., Jr.
Solinger, Jerard H.
Sterner, Norman G.
Stevenson, Ray H.
Stirratt, Avery, Jr.
Stokes, DeLeon E.
Strain, James J.
Strange, Geoffrey G.
Swenson, George E.
Topping, James F.
Velotas, Bill M.
Wagner, John E.
Walker, Edward K., Jr.
Warneke, Grover C.
Weishaar, Marvin J.
Weiss, Armand B.
White, Jack A.
Williams, Walter L.
Wilson, Kenneth B.
Wohl, Paul
Yeager, William J.
Young, Robert H.
Zeberlein, George V., Jr.

The following-named officers of the Navy for permanent promotion to the grade of chief warrant officer, W-4, subject to qualification therefor as provided by law:

Goodall, William W.
Saunders, George E.
Kisak, Valdimir
Carozza, Edward
Johnson, Orville A.
Cronk, Henry V.
Blaylock, James O.
Specht, Horace W.
Wood, Charles J.
Janas, Walter A.
Virostko, Joseph P.
Andre, James L.
Blackburn, Earl S.
Allen, Harvey S.
Bilbray, Hubert P.
Newey, Daniel
Knecht, John P., Jr.
Stein, William V., Jr.
Priest, Dean W.
Longtin, Finley J.
Woznick, Walter P.
Beatson, David C.
Hansen, Peter A.
Perry, Smith
Whited, Everest A.
Mitchell, Ralph
Foley, Lamar W.
King, William E.
George, Virgil M.
Bottorff, Nelson D.
Hiatt, Donald A.
Wood, Louis E.
Denson, John M., Jr.
Love, Walter B., Jr.
Lewis, Charles S.
Svahn, Albert R.
Tabor, John A.
Brofft, Beltran F.
Collins, Wilson L.
Hall, Vaness F.
Pauley, Arthur E.
Rainbolt, Darrell L.
Corbett, Theodore W.
Dozier, Walter H.
Allen, Albert F.
Willis, Alva C.
McCullough, Robert R.
Schmitt, Carl H.
Carlson, Carl A., Jr.
Miller, Roy
Wells, George B.
Smith, Walter C.
Bender, Merle D.
Gray, Adrow
Tolin, Robert E.
Hartlove, David G., Jr.
Nunnally, Charles H.
Bodine, Vernon H.
Jones, Merle V.
Leahy, Roger B.
Grant, Joe W.
Maloney, James D.
Therien, Robert B.
MacInnes, William H.
Windham, Woodrow D.
Murphy, Clarence A.
McDonald, Walter B.
Johnson, William P., Jr.
Moreau, Gilbert C.
Sunderland, Glenn O.
Ayotte, Orral D.
Davis, Ralph C.
Cooper, Joseph K.
Chartier, DeWayne J.
Golding, Russell W.
Denton, Durward W.
Konko, William F.
Cameron, Francis C.
Fluke, Sidney E.
Findley, Robert A.
Kolodziej, John C.
Lovell, Will D.
Jennings, Lee R.
Crowder, Edward W., Jr.
Keelan, Laurence O.
Griffin, James F.
Hall, Lewis J.
Stankaitis, John J.
Fry, Adam C.
Eberhart, Julian F.
Thresher, Earle E., Jr.
Ratchford, Fred T.
Moore, Thomas O.
Dote, Theodore K.
Logsdown, Ronald O., Jr.
Willard, Hugh W.
Sabin, Donald E.
Meeks, William D.
Schaub, Marion J.
Shimer, Harold J.
Villano, Louis P.
Hughes, Harrel D.
Stigler, Lyle V.
Little, Irving W.
Kidder, Francis R.
Scribner, Donald M.
Sylvester, Opal
Goodenough, Roscoe D.
Moore, Oliver A.
Stauffer, Frederick H.
Lomax, Jack I.
Hawkins, Henry P.
Atwood, Eugene E.
Pitzer, William B.
Isert, Raymond W.
Gorton, Charles W.
Dunn, Jack D.
Gomez, Mike
Mangels, Harold M.
Mercer, Lyle R.
Sauerbier, Francis W.
Gumber, Harold R.
Pierce, Robert M.
Harnden, Robert D., Jr.
Mullis, Fred W.
VanHorn, Edward
Butterworth, Chester
Frumerie, Walter E.
Annis, Alvin A.
Ripley, Frank L.
Freshwater, Duane C.
Potoky, Charles E., Jr.
Hill, Charles O.
McCray, James G.
Riley, William E.
Besancon, Victor C.
Keck, Truman W.

The following-named officers of the Navy for permanent promotion to the grade of chief warrant officer, W-3, subject to qualification therefor as provided by law:

Jackson, Wilfred R.
Peterson, Reginald
Jones, Vincent Y.
Palmer, Robert W.
Clarke, Wiot L.

The following-named line officers of the Navy for permanent promotion to the grade of lieutenant (junior grade), subject to qualification therefor as provided by law:

Ammann, Robert E.
Barker, William S.
Bernardin, Peter A.
Boland, Bruce R.
Caldwell, Charles B.
Cantwell, Richard B.
Case, Robert W.
Cisson, Arthur
Cole, Thomas T., Jr.
Cornell, Gordon C.
Coward, Alton A., Jr.
Daly, Paul S.
Davis, Richard C.
Diehm, William C., III
Dillon, John F.
Dobbs, William D.
Dziengielewski, Eugene L.
Eckerle, Charles R., Jr.
Erlewine, John W.
Evans, Thomas G.
Felling, Thomas A.
Florin, Donald E.
Gay, David E.
Glinn, John B., Jr.
Hamrick, Franklin G.
Hawkins, Cecil "B", Jr.
Howe, John E.
Johnson, Richard L.
Johnson, Robert A.
Keery, Jerry L.
Lehman, George W.
Lucken, Frank E.
McKean, Francis E.
Miller, Bryce N.
Morris, James I.
Noll, Rolf F.
O'Dell, Jerry T.
Potts, Bill H.
Segel, Norman
Shelly, Ronald G.
Terry, Virgil R.
Thompson, Richard G.
Van Dusen, Harold L.
Wardell, William L., Jr.
Wetzel, James F.
Wilson, David P.
Winton, Fred "B", Jr.
Witthoit, Ronald D.
Woolway, David J.
Wright, Murray H.
Yonke, William D.

The following-named officers of the Navy for permanent promotion to the grade of lieutenant:

To be lieutenant, line

Harld Feeney
Roy L. Judd
Wilmer E. Walker
Walter P. Schmidt
Jacob L. Van der Goore
James K. Berger
George E. Bein
William R. Knapp
George H. Waters
Frederick M. Hollen
John F. Elmore, Jr.
Douglas I. Smiley
Boyce "D" Evans
Harold L. Olsen
Robert D. Morris
Thomas M. Moran
Edward C. Fitzpatrick
Lynn R. Clark
Donald A. Langer
Walter J. Blasczak
Dion G. B. Debit
Fayne E. Curtis
Kermit E. Dearman
Alexis N. Charest
Harry E. Howell
John H. Larsen
Jack G. Belton
Arthur J. Meacham
Stanford E. Lichlyter
Edward V. English
Forrest J. Godfrey
Thomas G. Clinton
Edward K. Markley
Irvin R. Moss
Robert W. Goodreau
Leonard "C" Ash
Donald L. Alldredge
Ralph L. Gordon
Donald H. Dowds
Kenneth N. Holt
Henry L. Wittrock
William B. Latham
John S. Hoover
Clarence H. Smitter
Robert E. Kutzleb
Raymond B. Prell
William A. Meador
David H. Stewart
Robert C. Alexander
Merle E. Mills
Clovis K. McDonald
Joseph Pestcoe
Richard G. Rieken
John D. Thomas
Edmund F. Foley
William A. Bullock
James C. Schasteen
Virgil J. Lemmon
Andrew T. J. Nutter
Elbert R. Holland
Albert E. Ferguson
John J. Snee
Edwin B. Clark
Robert T. Check
William F. Wright, Jr.
Eugene A. Culver
Harry H. Williamson, Jr.
Jack M. Reid
William T. Dickson
Walter J. Davis
Gayle Ramsey
Charles F. Skillman
Leonard B. Crane, Jr.
Frederick E. Groenert
John A. O'Shea, Jr.
Grant "W" Miller
Allen W. Helmandollar
John C. Thomas
Albert Chisum, Jr.
John L. Preston
James W. Hodges, Jr.
Bernard A. Duffy
Billy D. Jamison
James H. Manion
Edward C. Walshe, Jr.
Harris E. Steinke
Joseph M. Callaghan
John R. Henley
Carroll K. Mitchell
Gordon F. Murphy
Paul F. Bodling, Jr.
James J. Holian
Charles N. Osborne
Robert J. Brunskill
Roy E. Lanphear
James B. Williams

To be lieutenant, Supply Corps

James L. Avary
Walter F. Merrick
Purnel L. Collicott
Bayard A. Taylor, Jr.
William I. Davidson
Delbert L. Faust
Alfred J. Furnweger
Lee Wood, Jr.

To be lieutenant, Civil Engineer Corps

William C. Pinch
Loney L. Blough
Oscar F. Parrish, Jr.

Richard T. Upton to be a temporary lieutenant in the Medical Corps of the Navy in lieu of a temporary lieutenant in the Dental Corps of the Navy as previously nominated and confirmed to correct corps, subject to qualification therefor as provided by law.

WITHDRAWAL

Executive nomination withdrawn from the Senate July 10 (legislative day of July 8) 1957:

POSTMASTER

David W. Edeen, postmaster at American Lake, in the State of Washington.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 10, 1957

The House met at 12 o'clock noon.

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

O Thou gracious benefactor, whose heart always responds with love to every human need, we are engaging in prayer to invoke the benediction of Thy favor upon us during this day.

Guide us by Thy spirit as we seek ways and means of mediating to all mankind the blessings of health and happiness, of peace and good will.

We beseech Thee to manifest Thy grace unto our chosen representatives who are laboring faithfully and conscientiously to enrich and strengthen our national life.

Show us how we may lift humanity out of the lowlands of fear and frustration unto the lofty heights of courage and confidence, of faith and freedom.

Hear us in Christ's name. Amen.

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

PUBLIC ASSISTANCE MEDICAL CARE PROVISIONS

Mr. COOPER. Mr. Speaker, I call up the conference report on the bill (H. R. 7238) to amend the public assistance provisions of the Social Security Act so as to provide for a more effective distribution of Federal funds for medical and other remedial care, and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

PUBLIC ASSISTANCE MEDICAL CARE PROVISIONS (H. REPT. NO. 684)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7238) to amend the public assistance provisions of the Social Security Act so as to provide for a more effective distribution of Federal funds for medical and other remedial care having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: On page 2, of the Senate engrossed amendments, strike out lines 14, 15, and 16; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

JERE COOPER,
W. D. MILLS,
NOBLE J. GREGORY,
DANIEL A. REED,
THOMAS A. JENKINS,
Managers on the Part of the House.

HARRY F. BYRD,
By K.
ROBT. S. KERR,
J. ALLEN FREAR, Jr.
EDWARD MARTIN,
JOHN J. WILLIAMS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7238) to amend the public assistance provisions of the Social Security Act so as to provide for a more effective distribution of Federal funds for medical and other remedial care submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Since the 1950 amendments to the Social Security Act, Federal financial participation in State expenditures for old-age assistance, aid to the blind, aid to dependent children, and aid to the permanently and totally disabled has been available with respect to unrestricted money payments made to needy recipients of assistance and with respect to payments made directly to suppliers of medical care (vendor payments) on behalf of such recipients. The Federal Government has not participated, however, in that part of the total assistance to an individual (including both the money payment to the individual and any medical care vendor payments made on his behalf for any month) which exceeded a specified maximum. Since October 1, 1956, under the provisions of the Social Security Amendments of 1956 (Public Law 880), this maximum has been $60 in all of the programs except aid to dependent children (to which different amounts apply).

The 1956 amendments also included (effective July 1, 1957) provisions for the separate matching of vendor payments for medical care and excluded vendor payments for medical care from the formulas applicable with respect to unrestricted money payments made to needy recipients. Under these separate matching provisions the total amount of vendor payments for medical care in which the Federal Government will participate is $6 times the number of adult recipients and $3 times the number of child recipients. The Federal Government's share within these limits is one-half. Thus, under the 1956 amendments, no State could receive in Federal funds more than an average of $3 per adult recipient and $1.50 per child recipient with respect to its vendor medical care payments.

H. R. 7238, as it passed the House, in effect, provided the same matching formulas as those provided by the 1956 amendments, except that the matching formulas applicable to money payments applied both to unrestricted money payments to recipients and to expenditures for medical care on their behalf. In determining the amount of the Federal contribution (under the bill as it passed the House) for any assistance program, expenditures for medical care (including expenditures for insurance premiums for such care or the cost thereof) could be taken into account (at the option of the State) (1) under the matching formula applicable to both unrestricted cash payments and medical care, (2) under the medical care matching formula, or (3) partly under one such formula and partly under the other formula.

Under the Senate amendment to the text of the bill each State has the option of (1) continuing to receive its Federal matching of vendor payments for medical care on behalf of public assistance recipients under the law in effect prior to July 1, 1957 (within the individual maximums on the money payments to and vendor medical care payments on behalf of the individual) or (2) receiving its Federal matching with respect to these vendor payments under the separate matching provisions of the 1956 amendments (which became effective on July 1, 1957), but not both. This choice can be made once a year, or less frequently, as the State desires, and with respect to each of its public assistance programs for which there is Federal financial participation.

The Senate amendment also amended section 218 (p) of the Social Security Act which contains certain special provisions under which coverage under the old-age, survivors, and disability insurance program may be extended, pursuant to agreements between the States and the Department of Health, Education, and Welfare, to policemen and firemen. Those special provisions now apply to five States. The Senate amendment would have made the provisions applicable also to Alabama.

The conference agreement adopts the Senate amendment to the text of the bill (with respect to public assistance vendor medical care payments) but with an amendment deleting the provisions relating to the coverage of policemen and firemen under the old-age, survivors, and disability insurance program. There presently is pending before the Committee on Ways and Means legislation to add a number of named States to the list of States contained in section 218 (p) of the Social Security Act, and also legislation pending to make the provisions contained in such section available generally to all the States. In view of this, it was considered more appropriate to deal with this problem at one time rather than through the addition at this time of a single State. It is the present intention of the Committee on Ways and Means to consider this legislation in the very near future.

JERE COOPER,
W. D. MILLS,
NOBLE J. GREGORY,
DANIEL A. REED,
THOMAS A. JENKINS,
Managers on the Part of the House.

Mr. COOPER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. COOPER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point on the conference report just adopted; and I also ask unanimous consent that all Members of the House desiring to do so may extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COOPER. Mr. Speaker, as is explained more fully in the statement of the managers, the Senate amendment to the text of the bill was agreed to in conference. Under the version, each State has the option of, first, continuing to receive its Federal matching of vendor payments for medical care on behalf of public assistance recipients under the law in effect prior to July 1, 1957, within the individual maximums on the money payments to and vendor medical care payments on behalf of the individual; or second, receiving its Federal matching with respect to these vendor payments under the separate matching provisions of the 1956 amendments, which became effective on July 1, 1957, but not both. Additionally, the State has an option of making this choice once each year, or less frequently, as the State may desire.

The version which has been agreed to in conference is substantially the proposal which the administration made at the time your committee was considering the bill, except that one very notable improvement has been made which permits a State to elect each year the method which it will follow rather than being forced to make a single permanent election.

Under the House version States would have had an additional option over and above the two which are available in the amendments which have been agreed to.

The House conferees were successful in removing from the bill a Senate amendment which would have permitted addition of only one of several interested States to the list of States in which policemen and firemen may be extended social-security coverage. As indicated in the statement of the managers, your Committee on Ways and Means intends to take this matter up in the near future either in the form of general legislation for all States or by the addition of several specific States which have expressed a desire to be included.

I urge adoption of the conference report.

Mr. REED. 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 New York?

There was no objection.

Mr. REED. Mr. Speaker, I joined as a signatory to the conference report on H. R. 7238 relating to the medical care provisions of the public assistance titles of the Social Security Act. I regret the fact that the House conferees were unable in conference to sustain the House position on this legislation. I am convinced that the House-passed version of

this legislation was considerably more equitable. However, in the interest of obtaining timely legislative action on this important measure it was necessary to accept the Senate-passed version of these proposed amendments to the medical care provisions. Failure to pass legislation such as is proposed in H. R. 7238 would have a seriously adverse effect on the public-assistance programs in the States of Illinois, Minnesota, and New Hampshire.

In the case of my own State of New York, the House-passed version of this legislation would have meant a significant increase in the availability of Federal funds for public-assistance purposes. I believe the House bill was more equitable in that it would have provided more Federal funds either immediately or potentially in the future for those States from which is collected the greatest amount of the revenue paid into the general funds of the Treasury from which are derived the funds for public-assistance purposes. Also, it would have permitted a more liberal public-assistance program in those States which have a prevailing cost of living that is higher than that existing in the majority of the other States that are not affected by H. R. 7238.

During the conference on this legislation I supported the House version of H. R. 7238 and endeavored to have my fellow conferees join me in this regard. I regret that I was not successful in achieving this objective. However, the conference agreement on H. R. 7238 will in my judgment strengthen the national application of our public-assistance programs to the respective States in our great Nation.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD on the conference report just agreed to.

Mr. SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I am keenly disappointed that the House conferees were unable to prevail in conference on H. R. 7238. I am firmly convinced that it was the understanding of the Congress that the States were to have made available to them additional moneys for medical-care programs for public-assistance recipients in the social-security amendments of 1956. It developed, however, that not only were some States to receive no additional money, but some were to be penalized when the 1956 amendments became operative. It was for this reason that I introduced H. R. 7238, to provide additional moneys to the States and, at the same time, leave the States a completely free hand in determining how to run their medical-care programs.

I regret that the Department of Health, Education, and Welfare has been adamant in opposing my bill as it was originally introduced. The Department did admit that the 1956 amendments would have had an adverse effect on some States. However, it did not want to give the States the full advantage of the old law as well as the new provisions which were enacted in the 1956 amendments. The Senate amendment is somewhat an improvement over the original compromise suggested by the Department. However, it falls far short of my bill as introduced.

It is with great reluctance and in the interest of getting the uncertainty involved in this situation settled that I am going along with the conference report. I am advised by the conferees on the part of the House that under the circumstances it appeared that it was a matter of agreeing to the Senate amendment or getting no change at all made in present law.

SUBCOMMITTEE ON LABOR STANDARDS OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. KELLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Subcommittee on Labor Standards of the Committee on Education and Labor many have permission to sit this afternoon during general debate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

STATEMENT BY THE HONORABLE FRANCIS E. WALTER ON THE TWO EX-UNITED STATES AIDS INDICTED AS SPIES BY A FEDERAL GRAND JURY IN NEW YORK

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

Mr. SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, the July 9 newspapers throughout the United States carry the story of the actions by a Federal grand jury in returning espionage indictments against additional American citizens.

Those recently indicted are Jane Foster Zlatovski, who was born in San Francisco, Calif., on June 29, 1912, and George Michael Zlatovski, her husband, a naturalized American, born in Russia.

The indictment charged that since 1940, the Zlatovskis conspired with Russians in New York, Washington, Paris, Austria, and Switzerland to obtain United States defense data of interest to the Soviet Union. They were accused of stealing documents and photographs and with having turned over commercial, industrial, and political information, as well as information respecting the military with whom they were directly employed.

Jane Foster Zlatovski was issued a passport on March 13, 1947, which was renewed on March 18, 1949, at Paris, France. A new passport was issued at Paris, France, April 9, 1951. This passport was renewed on April 20, 1953. On December 3, 1954, her passport was taken up and withdrawn by the Department of State. The passport expired on April 20, 1955. She sought return of her passport and on January 19, 1955, she received an informal hearing. In this connection she executed an affidavit which denied that she was then or had ever been a member of the Communist Party, the Communist Political Association, the Young Communist League, or, to her knowledge, any other Communist organization. However, she admitted that during a brief period commencing in May 1941, and terminating in January 1942, she "embraced what I then conceived the Communist ideology with enthusiasm, attended all manner of meetings, particularly because my own abhorrence of war coincided with the then expressed views of those espousing the Communist cause."

Jane Zlatovski thereafter was accorded all of the procedures of appeal, including a hearing before the Board of Passport Appeals. On March 29, 1955, the Board of Passport Appeals recommended that a passport be denied to her. On March 30, 1955, the Secretary of State approved the recommendations of the Board of Passport Appeals and her application for a passport was disapproved.

The Passport Division, the Board of Passport Appeals, and the Secretary of State acted upon confidential information which had been received from agencies of the United States Government and mainly from the Federal Bureau of Investigation. This information, which was subsequently made public, was that Jane Zlatovski had attended Communist Party meetings in San Francisco in 1934 and 1935; that in June 1941 she picketed the White House for the American Peace Mobilization, an organization cited by the Attorney General; that she was a Communist Party member that she, in 1942, was reported to be in sympathy with the ideology of the Communist Party and to be a Communist; that she is married to one George Michael Zlatovski, a known Communist, who was born in Russia and who now resides in Paris; that she in 1942, prior to her marriage, lived in New York with people who conducted Communist meetings in their home; that she was associated with or in contact with or affiliated with several organizations, including the International Labor Defense in 1941, the Washington Book Shop in 1943, and the American Committee for the Protection of Foreign Born; that she publicly discussed her Communist Party membership in Washington, D. C., in 1942; that she worked for the Communist Party in the Dutch East Indies from 1936 to 1940, and also in San Francisco; that both she and her husband were doing Communist Party work in Europe in 1948 and that while employed by the O. S. S. she gave an interview to the Daily Peoples World, the official West Coast Communist publication, at which time she disclosed her connection with the O. S. S. Java mission, which disclosure amounted to a serious breach of security regulations of the O. S. S.

Thereafter, Jane Foster Zlatovski filed suit against the Secretary of State in the United States District Court for the District of Columbia. This action to force the Secretary of State to issue a passport was assigned to Judge Burnita S. Matthews.

On July 9, 1955, Jane Foster Zlatovski asked the court to issue a preliminary injunction enjoining the Department of State from withholding or denying a

passport during the pendency of the suit in order that she might return immediately to her husband in Paris.

On June 28, 1955, Judge Matthews ordered the Secretary of State to grant Mrs. Zlatovski a quasi-judicial hearing. The quasi-judicial hearing had been ruled in earlier decisions against the Secretary of State to be a hearing in which the applicant for a passport was faced by their accusers.

On August 3, 1955, the Secretary of State filed an affidavit in support of the Government's motion for a summary dismissal of the action. The Secretary's affidavit, which included the derogatory information set forth above, concluded, "I have again reviewed the file in the passport case of Mrs. Jane Foster Zlatovski, and based on all of the available information, I have reached the conclusion that it would not be in the interest of the United States to issue a passport to Mrs. Jane Foster Zlatovski to go abroad in that her return to France would be inimical to the security of the United States and to its relations with other countries."

The Secretary of State in reaching these findings had information which directly related to the espionage activities in which Jane Foster Zlatovski was engaged. The indictment of the Sobels and other indictments for espionage, which I am confident will grow out of the grand jury investigation now going on in New York, would have been impossible had the Secretary of State made available to Jane Foster Zlatovski, a member of the espionage organization, the information or a portion of the information, which was in the Secretary's possession.

After the affidavit by the Secretary of State was filed, Judge Matthews called into chambers Leonard Boudin, the attorney for Jane Zlatovski, and the attorney for the Secretary of State, and indicated that unless the Department possessed and divulged derogatory information in addition to that set forth above, and in particular derogatory information dated more recently than 1948, she would issue an order directing the issuance of a passport to Jane Foster Zlatovski, who was yesterday indicted for engaging in espionage against the United States.

The Secretary of State was therefore placed by the court in the untenable position of either divulging to a member of an espionage organization, the knowledge which the Secretary possessed of her espionage activities or of giving her a United States passport which would permit her to return to Europe and to engage in espionage in behalf of the Soviets against our free allies.

Mr. Speaker, this situation again points up the necessity for the Congress to assert its prerogatives as the lawmaking body of the National Government. Time and again, in hearings of the Committee on Un-American Activities, as well as hearings of a subcommittee of the Committee on the Judiciary, we have seen cases in which the security of this Nation is threatened by loose passport practices which are spearheaded by court decisions such as the decision in the instant case.

I call this to the attention of the House because I expect to press relentlessly for remedial legislation to the end that we may have a sound passport program.

AUTHORIZING CONSTRUCTION FOR THE MILITARY DEPARTMENTS

The SPEAKER. The unfinished business is the further consideration of the bill H. R. 8240, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The question is on the amendment adopted in Committee of the Whole on which a separate vote was demanded.

Without objection, the Clerk will report the amendment.

The Clerk read the amendment as follows:

Amendment offered by Mr. ARENDS: On page 70, strike out all of section 411 beginning on line 17 and extending through line 16 of page 71.

Mr. TEWES. 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. TEWES. Mr. Speaker, we Members are frequently surprised by the inability of our constituents to understand the activities of Congress. It seems to me that a provision such as section 411 in this bill is a prime example of the kind of legislation which few people will understand. It is so patently contrary to the viewpoints of the average man that its passage will certainly leave him wondering.

Section 411 requires Congress to review every single attempt of the Defense Department to divest itself of a Government-operated business employing 10 or more people. The intent of the section is to give Members a veto in an administrative matter which conceivably could affect their district. It is intended to give Members a voice in a matter which can actually be handled much better by the Defense Department.

This section thereby opens the door to many considerations except the really important one of getting the Government out of private business. Moreover it serves not as only temporary bar to removing the Government from business, but it permanently stymies the whole program. Congressional review will certainly be filled with extraneous considerations, including politics. Under the proposals of this section the Defense Department is virtually stripped of authority urgently recommended by the Hoover Commission.

During the last political campaign and on the floor of the House there has been a great deal of oratory concerning the plight of the small-business man. Here is an opportunity to make good on campaign promises. It can be done by vigorously supporting the amendment to strike section 411.

It has been said that the section referred to is an economy measure. Whatever economy there may be in having a Government business which pays no taxes is economy at the expense of the small-business man. Furthermore, the small savings claimed would be more than offset by the ridiculous cost of 435 Members of Congress busily arguing whether a paint shop employing 10 people should be closed.

Mr. Speaker, the amendment to strike section 411 should be adopted because, first, it is an economy measure which helps to get the Government out of unnecessary activities; second, it cuts through the welter of administrative details which are really unworthy of the time of the House of Representatives; and, third, it aids small-business men by returning to them functions which they can better perform.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ARENDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 230, not voting 20, as follows:

[Roll No. 136]

YEAS—183

Abbitt	Dooley	Mahon
Alger	Dowdy	Martin
Allen, Ill.	Dwyer	Mason
Andersen, H. Carl	Fenton	May
Arends	Ford	Meader
Auchincloss	Frelinghuysen	Michel
Avery	Gary	Miller, Md.
Ayres	Gavin	Miller, Nebr.
Baker	George	Miller, N. Y.
Bass, N. H.	Griffin	Minshall
Baumhart	Gross	Moore
Becker	Gubser	Morano
Belcher	Gwinn	Mumma
Bennett, Mich.	Hale	Murray
Bentley	Halleck	Neal
Berry	Harden	Nicholson
Betts	Harrison, Nebr.	Nimtz
Bolton	Harrison, Va.	Norblad
Bow	Harvey	O'Hara, Minn.
Boyle	Haskell	Osmers
Broomfield	Henderson	Ostertag
Brown, Ohio	Heselton	Patterson
Brownson	Hess	Pillion
Budge	Hiestand	Poage
Bush	Hill	Poff
Byrne, Ill.	Hillings	Prouty
Byrnes, Wis.	Hoeven	Radwan
Canfield	Hoffman	Ray
Cannon	Holt	Reece, Tenn.
Carrigg	Horan	Reed
Cederberg	Jackson	Rees, Kans.
Chamberlain	James	Rhodes, Ariz.
Chenoweth	Jarman	Riehlman
Chiperfield	Jenkins	Robeson, Va.
Church	Jensen	Sadlak
Clevenger	Johansen	St. George
Cole	Jonas	Saylor
Collier	Judd	Schenck
Corbett	Kean	Scherer
Cramer	Kearney	Scrivner
Cretella	Keating	Scudder
Cunningham, Iowa	Keeney	Seely-Brown
Cunningham, Nebr.	Kilburn	Selden
Curtin	Knox	Sheehan
Curtis, Mo.	Krueger	Siler
Dague	Laird	Simpson, Ill.
Dawson, Utah	Latham	Smith, Calif.
Dellay	LeCompte	Smith, Kans.
Dennison	Lipscomb	Smith, Va.
Derounian	McCulloch	Smith, Wis.
Devereux	McDonough	Springer
Dies	McGregor	Stauffer
Dixon	McIntire	Taber
	McIntosh	Talle
	McVey	Taylor
	Mack, Wash.	Tewes

Thomson, Wyo.	Vorys	Wharton
Tollefson	Vursell	Widnall
Tuck	Wainwright	Williams, N. Y.
Utt	Watts	Wilson, Ind.
Van Pelt	Weaver	Withrow
Van Zandt	Westland	Younger

NAYS—230

Abernethy	Fountain	Multer
Addonizio	Frazier	Natcher
Albert	Friedel	Norrell
Alexander	Fulton	O'Brien, Ill.
Andrews	Garmatz	O'Brien, N. Y.
Anfuso	Gathings	O'Hara, Ill.
Ashley	Gordon	O'Neill
Ashmore	Granahan	Passman
Aspinall	Grant	Patman
Bailey	Gray	Pelly
Baldwin	Green, Oreg.	Perkins
Barden	Green, Pa.	Pfost
Baring	Gregory	Philbin
Barrett	Griffiths	Pilcher
Bass, Tenn.	Hagen	Polk
Bates	Haley	Porter
Beckworth	Hardy	Preston
Bennett, Fla.	Harris	Price
Blatnik	Hays, Ark.	Rabaut
Boggs	Hays, Ohio	Rains
Boland	Healey	Reuss
Bolling	Hébert	Rhodes, Pa.
Bonner	Hemphill	Riley
Bosch	Herlong	Rivers
Bray	Holifield	Roberts
Breeding	Holland	Robsion, Ky.
Brooks, La.	Holmes	Rodino
Brooks, Tex.	Hosmer	Rogers, Colo.
Brown, Ga.	Huddleston	Rogers, Fla.
Brown, Mo.	Hull	Rogers, Mass.
Broyhill	Hyde	Rogers, Tex.
Buckley	Ikard	Rooney
Burdick	Jennings	Roosevelt
Burleson	Johnson	Rutherford
Byrd	Jones, Ala.	Santangelo
Byrne, Pa.	Jones, Mo.	Saund
Carnahan	Karsten	Schwengel
Celler	Kee	Scott, N. C.
Chelf	Kelley, Pa.	Scott, Pa.
Christopher	Kelly, N. Y.	Shelley
Chudoff	Keogh	Sheppard
Clark	Kilday	Shuford
Coad	Kilgore	Sieminski
Coffin	King	Sikes
Colmer	Kirwan	Sisk
Cooley	Kitchin	Smith, Miss.
Cooper	Kluczynski	Spence
Curtis, Mass.	Knutson	Staggers
Davis, Ga.	Landrum	Steed
Davis, Tenn.	Lane	Sullivan
Delaney	Lanham	Teague, Calif.
Dempsey	Lankford	Teague, Tex.
Denton	Lennon	Thomas
Diggs	Lesinski	Thompson, La.
Dingell	Long	Thompson, N. J.
Dollinger	Loser	Thompson, Tex.
Donohue	McCarthy	Trimble
Dorn, N. Y.	McCormack	Udall
Dorn, S. C.	McFall	Ullman
Doyle	McGovern	Vanik
Durham	McMillan	Vinson
Eberharter	Macdonald	Walter
Edmondson	Machrowicz	Whitener
Elliott	Mack, Ill.	Whitten
Engle	Madden	Wier
Evins	Magnuson	Wigglesworth
Fallon	Marshall	Williams, Miss.
Farbstein	Matthews	Willis
Fascell	Merrow	Wilson, Calif.
Feighan	Metcalf	Winstead
Fino	Miller, Calif.	Wolverton
Fisher	Mills	Wright
Flood	Montoya	Yates
Flynt	Morgan	Young
Fogarty	Morris	Zablocki
Forand	Morrison	Zelenko
Forrester	Moss	

NOT VOTING—20

Adair	Bowler	Moulder
Allen, Calif.	Boykin	O'Konski
Anderson, Mont.	Coudert	Powell
	Dawson, Ill.	Simpson, Pa.
Andresen, August H.	Holtzman	Teller
	Kearns	Thornberry
Beamer	McConnell	
Blitch	Mailliard	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Coudert for, with Mr. Allen of California against.

Mr. Adair for, with Mr. Holtzman against.

Mr. Beamer for, with Mr. Dawson of Illinois against.

Mr. Simpson of Pennsylvania for, with Mr. Moulder against.

Mr. Kearns for, with Mr. Teller against.

Mr. McConnell for, with Mr. Powell against.

Until further notice:

Mr. Boykin with Mr. O'Konski.

Mr. Thornberry with Mr. August H. Andresen.

Mr. Anderson of Montana with Mr. Mailliard.

Mr. HOLIFIELD and Mr. TEAGUE of California changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE ADMINISTRATIVE EXPENSES ACT OF 1946

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7390) to amend the Administrative Expenses Act of 1946, and for other purposes. After general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and yield myself at this time such time as I may consume.

Mr. Speaker, House Resolution 296 makes in order the consideration of H. R. 7390 to amend the Administrative Expenses Act of 1946. The resolution provides for an open rule and 2 hours of general debate on the bill.

The bill provides certain standards for the establishment and utilization of advisory committees within the Government. At the present time it is estimated that there are between seventeen and eighteen hundred advisory committees which would be subject to the provisions of this legislation.

Provision is made for a department to send written notice to the Speaker of the House and the President of the Senate 30 days prior to the establishment of an advisory committee or panel. The report must show the authority for the creation of the committee; that its establishment would be in the public interest; the number of members to serve and the area of interest each member will represent. Further, the report must show the members who will, and will not, receive compensation; what expenses will be paid by the Government, and how long it is expected the committee will function.

The bill requires that the agenda for a committee will be formulated, or approved, by full-time salaried officials of the Government; that the chairman shall be a full-time salaried official of the Government; full and complete minutes of the meetings must be kept, and the use of such committees is limited to purely advisory functions.

Finally, the President is authorized to issue regulations, consistent with the standards provided in the bill, which he deems necessary for the effective control and use of these committees, and also cause to be prepared annually a full report showing the membership of each committee used by each department, the functions of each committee and the extent to which the operations of each committee has complied with the above-listed standards.

The resolution provides ample time for a full discussion by the House of the provisions of the bill. I therefore urge the adoption of this resolution so the House may proceed to the bill, H. R. 7390.

Mr. ALLEN of Illinois. Mr. Speaker, after lengthy hearings before the Committee on Rules I am convinced that this is not a good bill and should be defeated. Nevertheless, I am not inclined to fight the rule.

Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, as the gentleman from Missouri [Mr. BOLLING] has explained, this bill deals with the advisory committees now in existence within the executive branch of the Government. It would amend the Administrative Expenses Act of 1946 so as to add certain new sections which would require the various agencies of Government establishing in the future advisory committees to so report to Congress and to furnish certain other information. The bill would further place upon the different agencies, branches and departments of the Government the responsibility of providing or furnishing the agenda for the meetings of these advisory committees, and would require that they be held either under the chairmanship of, or, as I shall offer an amendment, in the presence of, a representative and fulltime employee of the Government. In the past, as will be explained later in general debate, there have been some rather peculiar developments in the past showing that there has been a conflict of interest so far as the membership of some of these advisory committees is concerned. This legislation would give the Congress, and

its appropriate committees, an opportunity to know just what advisory committees we may have, and just what their duties and responsibilities may be, and to make available to the Congress, when necessary, the minutes of the meetings which are held by these advisory committees. I am sure you are going to be told, before this debate is over, that a number of agencies and departments of Government are opposed to this legislation. I think that is correct. If I recall the testimony before our committee correctly, there is one department of Government that has over 600 of these advisory groups. However, the Comptroller General's office, which is a branch of the Congress, and represents the Congress, in checking all different activities and expenditures of the Government, came out for and testified in favor of this bill. That office wants some opportunity to know just what these advisory committees are, and something of what they are doing, and how much money they are spending from the Federal taxpayers' purse, and to have such other information as will permit both the Congress and the President himself, to keep abreast of what is going on in these various advisory agencies.

I have gone over this bill rather carefully. I sat with the subcommittee and heard the testimony on it. I heard the testimony for and against the bill. I am going to propose 2 or 3 amendments—3, in fact, to the measure. If you will check with me, on page 3 at the end of line 5, where the bill now provides meetings are to be held by these advisory committees under the chairmanship of a representative of the Government, I will attempt to add the words "or conducted in the presence of" a representative and fulltime salaried officer and employee of the Federal Government—just so the Government itself knows or at least some responsible person in the employ of the Government knows what the advisory committee may be doing.

Then on the same page, page 3, line 8, at the beginning of that line, I will offer an amendment to delete the words "Full and complete" and to start the sentence there with the word "Minutes" so that the language will read:

> Minutes of each meeting of such advisory committee shall be kept, which shall contain at a minimum, (A) the name of each member of such advisory committee attending such meeting, (B) a summary of the matters discussed in such meeting stating the viewpoints expressed—

And not by those individuals, because they do not have to do that—

> and (C) the conclusions reached by the advisory committee.

Then on page 4 I shall offer an amendment to line 6, after the words "authorized by" to add the word "statutory", and on the next line, after the word "operative," to add the words "or other executive" so it will read "authorized by statutory law to perform administrative, operative, or other executive functions." That will be done so there can be no question in the mind of anyone that any committee, advisory committee, or group set up by the Congress, and given certain duties and responsibilities under the law, will be exempt from the provisions of this act.

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

Mr. BROWN of Ohio. I yield to the gentleman from Indiana.

Mr. HALLECK. I have been reading this report trying to make up my mind about this measure. I must say that many parts of it cause me great concern. The matters the gentleman has spoken of are among those that cause me concern. There is one other matter I wish the gentleman would comment on.

Mr. BROWN of Ohio. May I say, before you ask me to comment on that, that these amendments have been checked with a number of the affected advisory groups. Many of them serve a very splendid purpose. Seemingly these proposed amendments meet their needs.

Mr. HALLECK. In addition to that, of course, many of the objections coming from some of the departments went to these specific matters with which the gentleman seeks to deal.

Mr. BROWN of Ohio. That is right.

Mr. HALLECK. But there is one other objection that has been voiced, principally by the Defense Department, and that has to do with the 30-day notice of the convening of any one of these committees. The point is made, and I think it is a valid one, that a time might well arise with respect to the Defense Department when the very security of the Nation would indicate that there be no such preliminary requirement as that. What does the gentleman have to say about that?

Mr. BROWN of Ohio. I have had some question in my own mind as to the 30-day limitation provision. Perhaps an amendment should be offered to simply require that the Congress be advised, and not place a time limit on it, so that we be advised and will know such an advisory committee is in existence. I will be willing to accept such an amendment if the majority would accept.

Mr. HALLECK. Would the gentleman permit one further question?

Mr. BROWN of Ohio. Certainly.

Mr. HALLECK. The question arises in my mind as to just how broad this term "Advisory Committee" may be. Suppose that the Secretary of Labor has a matter that is of interest to his Department and he wants to call in half a dozen leaders of organized labor to consult with them; does he have to give 30 days' notice in that case?

Mr. BROWN of Ohio. No; in my opinion, I believe in the opinion of the committee, and as shown by the hearings, where an official seeks what one might call temporary advice, he can get advice from anybody he pleases; but when he establishes an advisory committee having the substance of law, the right to spend money, and perhaps receive per diem pay, and allowances for clerical hire and office space, a meeting place, and so forth and so on, so that is an established committee which will run for a considerable length of time, then the provisions set forth in this bill, if enacted into law, would become effective. But any agent of the Government, any Government official, has the right to seek advice where he pleases on what you might call a temporary basis.

Now, if he is going to have that same group in every month or so, and meet with him for certain purposes, such a meeting would come under the purview of this law.

Mr. HALLECK. I am glad to have the explanation of the gentleman and his conviction as to just how broad the term is.

Mr. BROWN of Ohio. I think that will be explained fully in the consideration of the bill.

Mr. HALLECK. Actually from a reading of the language I do not think you can find any such limitation as that. Certainly a broad interpretation would in my opinion, almost preclude soliciting advice from groups by a department of the Government; and to my mind that would be very destructive of the efficient functioning of Government agencies.

Mr. BROWN of Ohio. If the gentleman will read section 15 he will note that it refers to the case where such a committee is established on a more or less permanent basis. It is not just the calling in for one particular situation or another of either one individual or more than one.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. BROWN of Ohio. Mr. Speaker, the fact is an official may go out on the street, if he wants to, and ask a taxicab driver what he thinks he should do, and not constitute the taximan an advisory committee under the provisions of this act. If he sets up an advisory committee which is to be permanent, or semi-permanent, in nature, one that is to meet time after time, it would come under this bill.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I think the gentleman's answer to the question of the gentleman from Indiana is correct. This relates to the establishment of a committee, the formal act of establishing. In that case there would be no establishment.

Mr. BROWN of Ohio. Creating an advisory committee that shall go on a more or less permanent basis.

Mr. McCORMACK. In subdivision 1, on page 3 there are the words "or approved" which means if some member of the established committee in relation to the agenda might feel he could not talk to any official in charge in connection with the formulation; so we put in the words "or approved" so there will be no misunderstanding about that. The gentleman from Ohio remembers the discussion we had on that.

Mr. BROWN of Ohio. I certainly do.

Mr. SADLAK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Connecticut.

Mr. SADLAK. The gentleman has done outstanding work in connection with the formulation of the Hoover

Commission and in working with it. Is there anything in the way of implication in this legislation which would in any way affect the Hoover Commission recommendations?

Mr. BROWN of Ohio. This is not a specific recommendation of the Hoover Commission. The Hoover Commission recommended a general tightening up on the expenditure of public funds without the knowledge or consent of the Congress.

The General Accounting Office, responsible to the Congress for auditing and keeping track of expenditures in the executive branch of the Government, has requested the committee to enact legislation of this type so that it may be in a better position to keep track of the expenditure of these various advisory committees and groups, some of whom, as I said a moment ago, have a great many clerical employees on their payroll, some have offices, some receive per diem allowances for attending these meetings. To me, this bill sets up minimum standards of protection to be enacted by the Congress, notwithstanding the fact that some of the agencies affected do not like it. They do not want any control by Congress. Other agencies of the Government said they are now following these practices. Some have said they did not feel it is necessary for Congress to formulize them.

The experience of our committee has shown that in some instances there has been a conflict of interest between that of the Government, on the one hand, and the individuals who serve on the committees, on the other hand. This bill gives to the Congress of the United States certain information, and to the Accounting Office the authority it seemingly needs to go in and audit, and check the accounts of these advisory groups.

Mr. SADLAK. Do I properly deduce then that the gentleman much experienced in this field would be for this bill provided his amendments are accepted?

Mr. BROWN of Ohio. Yes, and if any other language is necessary to make certain my understanding of the legislation is correct, or is made correct, for instance, as brought up by the gentleman from Indiana, I will certainly support such amendment or amendments and, therefore, support the bill as amended.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

AMENDING THE REORGANIZATION ACT OF 1949, AS AMENDED

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 310 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8364) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959. After general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and yield myself such time as I may require.

Mr. Speaker, House Resolution 310 provides for the consideration of H. R. 8364, a bill to further amend the Reorganization Act of 1949, as amended. The resolution provides for an open rule and 1 hour of general debate on the bill.

The bill contains two amendments to the present act—it extends the period for transmitting reorganization plans for 2 years to June 1, 1959, and provides that plans transmitted to the Congress may be disapproved by a simple majority vote of those present and voting rather than by a majority of the authorized membership of either of the two Houses of Congress.

The Reorganization Act provides for a simplified procedure for improving the management of the executive branch of the Government. Since June 1949, when the Reorganization Act became law, 56 reorganization plans have been transmitted to the Congress, and 41 have become effective. At the present time one reorganization plan is pending before Congress.

The committee report complies with the Ramseyer rule, and I urge the adoption of House Resolution 310 so the House may proceed to the consideration of this measure which is recommended by the President and the Bureau of the Budget.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, I take this time to call the attention of the House to the minority views in the report on H. R. 8364 to extend the Reorganization Act of 1949, and also the hearings. I hold the hearings in my hand. They consumed 1 hour, and I say that a case for extending this unusual delegation of legislative power was not made in the hearings before the Committee on Government Operations.

The gentleman from Massachusetts [Mr. McCORMACK], who presided at the hearings, asked Mr. Brundage, the Budget Director, the witness on behalf of the administration, just exactly what proposals on reorganization the executive branch of the Government expects to send up here, what was on the fire. And, he got the answer that there was nothing expected to be sent up as a reorganization plan this year.

Now, the Congress has been very generous in the past to give to the Executive the power to reorganize the executive branch of the Government under this unusual legislative authority, and any time there is something they need to reorganize, they can come to the Congress and get the power. But, at the moment they have made no case for an extension of this act.

It disturbs me that Congress so lightly continues this grant of legislative authority to the executive without careful consideration, and I just want to alert the membership of the House that we ought to consider this proposal and consider it carefully and require that a case be made before we continue this grant of legislature authority.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, this is a bill to extend the privilege granted the President to send down to us reorganization plans. The first one came up in 1932, in Hoover's time. Since then we have had the authority renewed from time to time. Always on each renewal the House apparently had some doubt about the wisdom of the legislation, because in the beginning the plan sent down by the President became law unless two-thirds, as I recall, of both Houses vetoed it within 60 days. Then they lessened the requirement and finally got down to a veto by one House. The present bill provides that the President can send down a reorganization plan, a bill, which would become law unless a simple majority of either House rejects it within 60 legislative days.

My objection to this type of legislation is that it is contrary to the methods prescribed by the Constitution for the enactment of legislation. Under the Constitution the House or the Congress proposes legislation, acts on it, and then the President if it has been approved by a majority of both Houses can veto it if he so desires, and if he does not, it becomes law, as it does if both House and Senate override the veto by a two-thirds vote. This bill reverses the procedure. It does not provide for a single thing that the President cannot do under the old system; that is to say, if he calls it a bill or a resolution, he can send down the same thing that he puts in a reorganization plan. That goes to the proper committee, then to the Congress. I have always been opposed to the new and unconstitutional procedure.

I notice the majority leader, the gentleman from Massachusetts [Mr. McCORMACK] is going along. This ought to give him a rating of about 97½ percent support of the President in the Congressional Quarterly. I do not know what he will do on the next one. The first one that comes up here, H. R. 7390 the committee bill, the administration is opposed to that and I am waiting to see what the gentleman will do; because he may get a 100-percent mark in favor of the administration.

This bill is just a reversal of the constitutional method of enacting legislation.

I have a hunch—many people are making forecasts of what is going to happen, and I have an idea, although I have not any reason for it, just a hunch—that if this bill goes through this way, the President might veto it, because

it does not give him all he is said to desire.

Mr. MEADER. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman.

Mr. MEADER. I should like to ask the gentleman if it is not true that last year only two reorganization plans were sent up and the gentleman from Massachusetts [Mr. McCORMACK], opposed one of them on the ground that he introduced legislation to accomplish the same result and that it should have been done. Both reorganization plans sent up by the administration last year were voted down unanimously, without debate.

Mr. HOFFMAN. My reasons for opposing this bill are set forth in the report and read as follows:

ADDITIONAL VIEWS OF HON. CLARE E. HOFFMAN ON H. R. 8364

H. R. 8364 is but a further continuation of an attempt by the Congress to vest in the President the legislative power expressly given to the Congress by the Constitution.[1]

The Congress has no authority to delegate its legislative power to the President.[2]

Prior to the adoption of the Reorganization Acts,[3] the constitutional procedure and congressional practice followed was the introduction of a bill or legislation by a Member of Congress. The proposed legislation might be suggested either by the administration, through one of its executive departments, by an individual or group.

The proposed legislation was then referred to the appropriate committee where it was either pigeonholed or, after hearing, brought before the House by committee report or House petition. Somewhat similar procedure was followed in the Senate.

If the proposal received a simple majority of those voting in the House and Senate, the bill then went to the President. The President had authority to sign, permit the proposal to become law by inaction on his part, or to by veto reject it.[4]

Under the original Reorganization Act of 1949,[5] which disregarded the provisions of the Constitution which specifically stated the procedure for enactment of legislation, the President was authorized to submit a bill or a resolution to the Congress, a right and a privilege which in effect he always had and still has, but which bill or resolution the Reorganization Act provided should become the law of the land unless within a specified time it was vetoed—in the beginning by both House and Senate, by a majority vote of the elected Members of each; in this bill by a simple majority of those voting in either House.

Some of the reasons for opposition to this method of attempting to legislate through the submission of reorganization plans were pointed out at some length in the report of this committee on January 30, 1955, on H. R. 1976 (H. Rept. No. 6), 83d Congress, 1st session, amending the Reorganization Act of 1949. In accompanying views incorporated in that report a comparison was made of the provisions of the Reorganization Act with our Constitution. (See also additional views on H. Res. 534 (H. Rept. No. 2585), 84th Cong., 2d sess., filed July 3, 1956, and on H. Res. 541 (H. Rept. No. 2599), 84th Cong., 2d sess., filed July 3, 1956.)

The practical effect of this bill is to reverse the constitutional procedure which provides for the enactment of legislation.

Under the Constitution, proposed legislation was adopted by the House with the veto power vested in the President subject to the one exception—that the veto might be nullified by two-thirds vote of both Senate and House.

Under this bill, proposed legislation is written by the President; it becomes the law of the land unless vetoed by either Senate or House.

There is no evidence in any hearing, from the enactment of the original bill down to the present day, which indicates that the Congress would not, in the first instance, give consideration to any bill or resolution suggested by the President.

Apparently the proponents of the extension of the Reorganization Act of 1949 would have us believe that efficiency and economy in government are synonymous with the strengthening of the hand of the Executive. Legislation by reorganization plans minimizes the opportunities of the Congress for expressing its will.

If efficiency alone were the gage by which we measure forms of government, other things being equal, a dictatorship would be the most efficient form. At the opposite end of the scale of efficiency would be anarchy. Both are repressive of human rights. Somewhere in between is our form of representative government.

However, efficiency alone is not the hallmark of successful government. That government is best which strikes a proper balance between efficiency and certain basic human rights. Our present form of government has achieved that balance.

To advance further in the name of efficiency toward a stronger executive can only be in derogation of those basic rights. If strengthening the Executive is a means of achieving efficiency, it then follows that the less Congress is permitted to meddle in the affairs of state, the more efficiency there will be in government. However, even if we accept this proposition, the loss of basic rights is too high a price to pay for efficiency.

The fact that successive extensions of the authority first granted to the President have each time made it easier for a Congressional veto indicates that the original grant of authority to the President was excessive.

That fact, plus the fact that the record fails to show any inaction on the part of the Congress on a Presidential proposal, and the further fact that the bill gives the President authority to write legislation subject only to a veto of the Congress, which is clearly a direct reversal of legislative procedure, as provided in the Constitution, should cause H. R. 8364 to be rejected.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I have listened to some of these debates today in regard to this whole program of reorganization. I listened to them through the years, and I participated in some of them. I well understand the philosophy of the gentleman from Michigan, who feels that this whole procedure is a reversal of the proper responsibility, that these reorganizations should be accomplished by direct legislative action subject to the veto of the Chief Executive. However, that is a bridge that we crossed a long time ago. We crossed it, and I helped to cross it, because it seemed to be the prevailing view that if these reorganizations were to be accomplished and become effective this was the procedure that we would have to follow.

As far as I am concerned, the measure that is before us should have gone for the 4 years asked rather than the 2. I am not prepared seriously to question that. However, it does seem to me that the pattern that was established heretofore for other people who have been in the office of the Chief Executive of the United States, which required the constitutional majority before the plan could be turned down, should continue to be the rule and the law in respect to this legislation.

I cannot for the life of me see any reason why it should be changed at this juncture, and I would hope that when the matter is up for consideration in the committee an amendment may prevail that would turn the procedure back to what it was in the law heretofore.

Then subsequently, when we undertook to deal with the matter of reorganization, and I may say to the gentleman from Michigan, the first Hoover Commission was created during the 80th Congress, in which I was the majority leader, it made many recommendations that were adopted. As a part of that operation we arranged for this procedure of submission of plans, and then for the action that had to be taken to defeat the plan if it was submitted. Since that pattern was adopted, I have not deviated in my position one bit. I have kept the same position. I have thought it has

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[1] Sec. 1 of art. I of the Constitution of the United States reads:

"All legislative Power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Sec. 7 of art. I of the Constitution of the United States reads in part:

* * * * *

"Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill."

The constitutional powers of Congress are specified in sec. 8 of art. I. (See also sec. 3 of art. III, secs. 1 and 3 of art. IV, and art. V.) The last clause of sec. 8 of art. I reads:

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The principle involved was reiterated as recently as June 6, 1955, when Mr. Justice Black, concurring in the opinion of the Court as delivered by Mr. Chief Justice Warren, stated:

"And, of course, the Constitution does not confer lawmaking power on the President" (*Peters* v. *Hobby*, 349 U. S. 331).

[2] Having in mind the provisions of our Constitution previously referred to, Attorney General Mitchell (37 Op. A. G. 56, 63) analyzed the constitutional question presented to him on the basis that, unless the function were executive, the delegation would be unconstitutional, and if the function were executive, the setting up of a method whereby one House of Congress could disapprove Executive action violated art. II, sec. 1.

The Constitution is violated when Congress attempts to transfer legislative powers to the President (*Schecter Poultry Corp.* v. *U. S.*, 295 U. S. 495; *Panama Refining Co.* v. *Ryan*, 293 U. S. 388; *Yakus* v. *U. S.*, 321 U. S. 414).

[3] Economy Act of 1932 (47 Stat. 382); Reorganization Act of 1939 (53 Stat. 561); Reorganization Act of 1945 (59 Stat. 613); Reorganization Act of 1949 (63 Stat. 203).

[4] If vetoed, the bill still became law if two-thirds of each House by vote so indicated.

[5] Reorganization Act of 1949 (63 Stat. 203).

been fairly effective. I have thought it has adequately protected the rights of the Congress of the United States as the legislative branch and at the same time under the plan we have brought about some reorganizations that have been helpful.

Mr. BASS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. BASS of Tennessee. This in effect, however, is legislation which makes it possible to pass laws by negative action?

Mr. HALLECK. If the gentleman wants to put it that way, I suppose there would be as reasonable ground to believe that that is the effect of it. No one has quarreled about that. On the other hand, as I say, through the years it has been a fairly effective way of bringing about some reorganizations. After all, they do not deal with the substantive body of the law with respect to which the Congress still must be the originator but they deal with organization in the executive branch of the Government. It is true that the recommendations could come from the executive department and then action affirmatively be had in the Congress, but experience through all of the years has proved that that just does not work, so the other arrangement has been taken.

Again, I say my one suggestion is that the arrangement we have had for legislative disapproval ought to be continued the way it has existed up to this time. I cannot for the life of me see any reason to change it at this time.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

AMENDING THE ADMINISTRATIVE EXPENSES ACT OF 1946

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7390) to amend the Administrative Expenses Act of 1946, and for other purposes.

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 consideration of the bill H. R. 7390, with Mr. THOMAS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. BASS of Tennessee. I thank the gentleman. The reason I asked him to yield is that I want to make this statement about the resolution just adopted. I did not ask for a rollcall on the rule but I am opposed to the bill it makes in order and I said a loud "No" on the voice vote.

Mr. FASCELL. In answer to that, may I say that the bill we are now considering is not the one whose consideration was made possible by the adoption of the rule to which the gentleman refers.

Mr. BASS of Tennessee. I thank the gentleman. But I am talking about the rule which makes possible the consideration of the extension of the reorganization act.

Mr. FASCELL. That is another bill which the committee will take up at another time.

Mr. BASS of Tennessee. I understand that.

Mr. FASCELL. Mr. Chairman, the bill which is now before the Committee of the Whole House for our consideration amends the Administrative Expenses Act of 1946 and is a matter which has been under consideration by the Committee on Government Operations for several years past. I have a statement by the chairman of the full committee which is very short and which I would like to present at this time because of the press of business the chairman of the full committee is not able to be here at this moment:

> The bill provides certain minimum standards to be observed by all departments and agencies which seek or utilize advice or information from advisory committees, panels, or other groups composed wholly or partially of members who are not full-time salaried officials or employees of the Government.
>
> During the course of hearings held by this subcomimttee last year on the use of individual experts and consultants, we became aware of the vast number of these committees being used by the Government. These committees serve without compensation and to a large degree exercise the same type of advisory functions as those performed individually by WOC consultants. The individual consultant, however, usually has the status of a Government employee for most purposes and as such is subject to certain statutory and regulatory requirements as to employment, duties, and qualifications. Also, as employees of the United States, the individual consultants and experts are subject to the conflict of interest statutes and other laws and regulations governing the conduct and ethics of Government employees. On the other hand, our information indicates that members of advisory committees are not considered to be employees of the Government. They are not subject to any of the laws or regulations which restrict the activities of Goverment employees, and yet through their advisory functions they are often instrumental in guiding the formation of official Government policy.
>
> As a result of the information received many of the members of this subcommittee feel that the Congress should know more about what these advisory groups do, how they are constituted, and what use is made of their advice and suggestions. These groups have been operating for many years without any centralized control and to a great extent without specific statutory sanction.

Mr. Chairman, this in a nutshell covers the background and purposes and scope of this legislation, and sets forth very, very clearly why the legislation is needed. Specifically, what does this bill do? First of all, it sets off in the first subsection that if an advisory committee is to be created or established in the future—and I make the distinction that those committees which are now operating, now established, now created and which are now in existence are not affected by the provision which I am about to discuss—this provision applies only to those committees established, created or formed or organized in the future. This provision says that if such a committee is to be established in the future that then not less than 30 days before such advisory committee is established, the head of the department transmits to the Speaker of the House, pursuant to the rules, a brief report. Let us see what this report requires and let us see why the Congress should have this minimum information when these advisory committees are to be set up. The report requires that the statute which specifically authorizes the formation of the committee—and if there is no such statute the authority in law which is relied upon for the establishment of the committee together with the determination by the head of the department that the services of that committee are in the public interest and the reasons upon which such a determination is made.

The Committee on Government Operations all through the hearings which were held on this subject recognized and realized the tremendous value of the advisory committee as a managerial tool. We want to encourage in every way the use of that managerial tool to make available and possible to the various branches of Government the best possible advice they can get. As we discuss this proposal and go through it piece by piece I think you will be convinced, as we were, that these very basic minimum fundamental standards with which we seek to have these committees comply, will in no way injure the great value of the advisory function of the many committees working with the executive branch of the Government.

Furthermore, this report would simply state the number of members of the committee, the general area of interest with which they would deal, and whether they would serve with or without compensation, how long it would be anticipated that the committee would be active. This is the nature of the report that would be required for a new committee to be set up in the future.

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

Mr. FASCELL. I yield.

Mr. CELLER. These criteria or recommendations have been recommended by the Department of Justice. Am I correct?

Mr. FASCELL. Those in section (b) certainly have been recommended for a great many years, but as an administrative procedure. We will get into that question a little later.

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

Mr. FASCELL. I yield.

Mr. MORANO. Do these new requirements apply also to already established advisory committees that are in being?

Mr. FASCELL. The answer to that is Yes, the requirements of section (b) would apply to committees that are now in existence. They would have to meet these standards which we are about to discuss.

The bill sets up certain standards for the operation of advisory committees. These standards are standards which the

Department of Justice as far back I believe as 1950 suggested were the bare minimum requirements under which advisory committees ought to operate.

These are simple standards and I want you to consider carefully as we go over these standards whether or not you think they are unduly restrictive, because the committee feels that they are not.

First of all, the advisory committee ought to have an agenda, and the testimony is clear on that subject. That is so elemental that it does not even bear discussion. But we did in this bill require that they must have an agenda which has to be formulated by the Government department or at least approved by it. This gives them all the flexibility they need. I cannot imagine anybody saying that is not a reasonable requirement.

Two, the meetings of such advisory committee shall be at the call of and under the chairmanship of a full-time salaried officer or employee of the Government. This requirement the committee considered because we had testimony which indicated that these committees were self-perpetuating bodies in some cases. The Government agency which had called upon them for advice did not exercise adequate control over them; that they operated as a purely independent body. The quality of the advice which they give certainly has to be qualified by nature of the special business or interest field in which they may be.

So we felt that as a minimum we should have an employee or an officer of the agency that is seeking the advice, as chairman of the committee. I might as well tell you that this is one feature to which some objection has been raised and we will discuss that at the time the objection is made.

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

Mr. FASCELL. I yield to the gentleman from Ohio.

Mr. VORYS. Before the gentleman goes further into this, I wish he would describe what limits there are or what is meant by an "advisory committee or other advisory panel or group."

Mr. FASCELL. Where is the gentleman reading from?

Mr. VORYS. I am reading from section 15A on the first page of the bill.

Mr. FASCELL. In answer to that, may I say that the words themselves are explicit and I do not think they need any further interpretation.

Mr. VORYS. Does this legislation mean that if an administrative official wanted to call in a couple of fellows connected with a certain line of activity that was administered by his office, he could not call them in and say, "Gentlemen, here is a matter that involves your business and I have called in a couple of people, to have different factions represented, to find out what you think about this?" I imagine that sort of informal consultation goes on constantly because people who are administering the Government want to know how it works. Would that sort of group or panel come under this? Would it from now on be impossible for an official to call in such a group for advice?

Mr. FASCELL. The gentleman has asked me three or four questions and I will attempt to answer them all. This problem has been discussed many, many times.

The answer to question No. 1 is, it does not prohibit any Government official or the head of a department from getting any kind of advice he wants to any time he wants to and from any individual. However, when it involves more than one person and you seek to set up a group and it has some type of formality, and it is a group which is not now in existence but is a new group, it would fall within the purview of the requirements the gentleman is talking about. That is, the department head would have to serve notice and file a report. Let me add, this in no way stops the department head from getting the advice anyway, whether he does it by calling them as individuals or whether he calls them as a group or as a panel or as a committee. The bill in nowise prohibits him from getting the advice that he seeks. He can still get it. I wish to make that point very clear. The bill does not prohibit in any way the department head from getting the advice he seeks, either from an individual, a group, panel, or a committee at any time he wants to.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I have in mind this situation: A few years ago we passed the so-called pesticide bill, of which I was the author. In that bill we provided for a scientific panel to decide certain technical questions as to the admissibility of pesticides and science was called upon to provide information in order to assist the Department of Health, Education, and Welfare as to whether certain pesticides would be permissible or not. Would those men be permitted to come in and form a panel or an advisory committee or panel, the evidence of whom could be used in court if they decided to go before a court for adjudication?

Mr. FASCELL. I believe that committee is a statutory committee and the bill now under consideration specifically excludes any committee which is authorized by law to perform an administrative or an operative function. If it is purley advisory, then it would have to comply with the minimum standards in this second section of the bill now under discussion.

Mr. MILLER of Nebraska. New bills that have been introduced on chemical additives improvement deal also with an advisory council, the same as the pesticide bill. Would this bill prohibit the establishment of an advisory council that could determine whether certain additives were proper in being added to our food stream?

Mr. FASCELL. No; not when a statute authorizes such a committee. This bill does not prohibit the establishment of such a committee, however, if the committee is purely an advisory one and has no administrative or operative function, then it would have to comply.

Mr. MILLER of Nebraska. They could be established and they could operate?

Mr. FASCELL. Yes.

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

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

Mr. HALLECK. The gentleman has been very generous and wants to be helpful, and I want to be helpful. Many times in legislative matters of this sort when terms are used, such as "advisory committee" or "advisory panel" or "group," the legislation contains a very precise definition of just what we mean by those terms. I cannot find any such definition in this bill, but it seeks to amend the basic act. Is there any such definition in the basic act?

Mr. FASCELL. I am not aware that there is any definition in the basic act, because, as I recall it, it was an omnibus bill bringing into one place all of the features of the law dealing with administrative expenses, and it is the committee's position that with respect to the words that exist in this bill no definition is required.

Mr. HALLECK. I just trust that the gentleman is correct about that, because I read in the report on page 10 the letter from the Defense Department in which they say:

> This Department daily conducts activities involving meetings with representatives of individual business, industrial, religious, social, community, and other groups. The scope of the Department's activities and the necessity for keeping abreast of technical and scientific advancements, the capacity of production facilities, and the availability of component or raw materials, as well as the necessity for obtaining up-to-date data relevant to procurement and production problems and a variety of other matters, requires many informal meetings with industry and other groups.
>
> While the procedures required by H. R. 3378 can be and are applied in many circumstances to the conduct of such meetings, in some circumstances they are neither practical nor desirable in the public interest. The nature of the problem and the functions of the committee necessarily will influence the procedures established.

Now, it seems clear to me from that that someone in the Defense Department believes that this sort of informal meeting that they have and must have, if they are to run the Defense Department correctly, would come within the definition contained in the language of the bill the gentleman proposes.

Mr. FASCELL. In answer to that, I will say to the gentleman that if an advisory committee is now in existence, or a panel or a group, there is no necessity for that group or that department head to comply with the provisions of the first section of this bill. There is nothing in this bill which would prohibit a department head from getting any advice or counsel from any individual he wants to, any time he wants to.

Mr. HALLECK. How about a group? How about the concern of the Defense Department in respect to these consultations that they constantly carry on with these groups?

Mr. FASCELL. If they would have told the committee specifically what new group they proposed to put into exis-

tence, I could give the answer. All I can say is that if the panel or the group or the committee is now in existence, they do not have to comply with the first section of the bill, but they do with the second section.

Mr. HALLECK. If I may say so, it seems to me that the very kind of groups they are talking about, industry group or labor group, it would not be in the category of some formalized advisory group or committee, but in general it seems to me it is a continuing process so far as the Defense Department is concerned of trying to keep abreast with the developments in the country, the situation in the country, that they must know about if they are to defend the country. Is their concern in that regard well founded or not?

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield at that point?

Mr. FASCELL. I yield.

Mr. BROWN of Ohio. Would not the answer to the question of the gentleman from Indiana depend entirely upon whether these conferences were of a temporary nature or whether they would be set up as panels to continue throughout a period of time, perhaps permanent or for a long period of time? In other words, nothing in this bill would interfere with the conducting of just now and then conferences.

Mr. FASCELL. "Intermittent" is the word, and that is a very fine point. I thank the gentleman for making it. The head of the department, under law now, on a temporary or intermittent basis, can hire consultants with or without pay. He has flexibility and latitude now. The only thing that we are trying to fix by this legislation is when a group is convened, for giving advice, and it is new, that is, not now in existence, then it must meet the provisions of subsection (a), that is, notice to Congress. On the other hand, all advisory panel groups or committees, old and new, would be required to meet the requirements of subsection (b).

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield for one further question?

Mr. FASCELL. I yield to the gentleman.

Mr. HOFFMAN. The gentleman from Indiana [Mr. HALLECK] said something about the Department of Defense making certain inquiries; and as I understood the gentleman from Florida, he replied that the committee would have been glad to have those suggestions. Did I understand correctly?

Mr. FASCELL. The gentleman understood incorrectly.

Mr. HOFFMAN. What did the gentleman say?

Mr. FASCELL. I said that if I knew specifically what the nature of the committee was and the facts surrounding its existence, I could answer specifically the question that the gentleman from Indiana asked me.

Mr. HOFFMAN. I thank the gentleman for the correction. Then this is true, is it not, that the witness for the Department of Defense was there, he was sworn, he testified in part, then he was to come back and was told there would be further hearings. Unfortunately, the gentleman from Illinois [Mr. DAWSON] became ill and went to the hospital. Later the witness was not given an opportunity to testify. That is the record, is it not?

Mr. FASCELL. With respect to the hearing at that particular time on that subject, the gentleman is correct.

Mr. HOFFMAN. When, if ever, was the Defense Department witness given an opportunity to appear and continue his testimony?

Mr. FASCELL. That particular person was not given the opportunity.

Mr. HOFFMAN. Then the Defense Department never was heard.

Mr. FASCELL. That is not quite true. We got plenty of testimony, plenty of evidence with respect to the matter, in writing and otherwise, dealing with the Department of Defense. The gentleman can drag up all the scarecrows he wants to but he cannot deny the reasonableness of this legislation and, furthermore, the flexibility of operation for the Department of Defense or anybody else under existing law or under this proposal.

Mr. HOFFMAN. Wait a moment——

Mr. FASCELL. Mr. Chairman, I refuse to yield further.

Mr. HOFFMAN. But the gentleman made a statement that is not in accord with the record, as shown by the hearings.

The CHAIRMAN. The gentleman refuses to yield.

Mr. FASCELL. I admitted the gentleman's point that at that time the witness from the Department of Defense was not given an opportunity to complete his testimony.

The next point deals with the keeping of minutes of these committees. Our committee felt that this was a very important point because we found in a great many cases that advisory committees were not keeping minutes of any kind. So, realizing that, the committee adopted the idea that we would have basic minimum requirements for these minutes. However, we do not intend a keeping of verbatim transcript of the meetings. All they would have to show was a minimum—of course, they could put in their minutes anything they wanted to beyond that, but as a minimum we suggested that at least the name of each member attending the meeting be put in the minutes. I do not think anybody can say that is unreasonable. And then a summary of the matters discussed at such meetings, stating the viewpoints expressed and the conclusions reached. Why are the summaries of the matters and the viewpoints expressed important? Mr. Chairman, let me say this. Over half of these committees now are following these requirements and they are not having any trouble with them. Some of the most important committees in Government that are meeting these requirements like them so well that they would not think of doing away with them.

But specifically, dealing with the question of minutes and including in them the different viewpoints, without identifying the specific individuals who were giving their viewpoint, the Rubber Advisory Committee got into a big question—and they have been operating under these standards, by the way, for some time—the Rubber Advisory Committee got into a difference of opinion as to the best policy to be followed by the Government and that opinion was pretty hotly divided. But they kept minutes and the conflicting viewpoints were expressed in summary in those minutes. As a result of that, when the matter went to the head of the department to make a decision, he was able to act intelligently, in the best interests of the Government. That is certainly not an unreasonable proposal.

Further, we find that the debt management advisory committees to the Treasurer of the United States—and certainly I cannot think of one that is more important; they fall in the category of some of the most important, at least—state that they keep the minutes and in all cases the minority view is expressed to the Secretary. You fight right here on this floor for the rights of the minority to be expressed, and you think it is worth while for the Congress and the American people to know what the minority view may be with respect to this report or to any other matter that is under consideration by the House. If it is important to you and to the Congress and the American people, it certainly ought to be important to the head of the department, who is trying to get the best possible advice out of the leaders of business, industry, and science in order to do the kind of job you want him to do.

The fourth requirement is so elemental. It says, "The functions of such advisory committee shall be purely advisory." Why did we put that in there? I will tell you why we put it in there.

Some committees are set up by statute and authorized to have an administrative function or an operative function. Congress specifically recognizes that. But when a committee under authority of law or under an inherent power of the department head is organized as an advisory committee we do not want that committee in any way, directly or indirectly, to usurp the function of the department head. We want him to exercise the judgment, the managerial capacity, the executive capability, and not the committee. Therefore, to make it clear to all of these people what we are talking about, we have provided in the law that the function of this committee shall be purely advisory.

Then the bill goes on to make certain other minor provisions with respect to allowing the President to set up some rules and regulations if he deems it advisable and necessary.

Finally, we have an exclusion in this bill which is a very important exclusion, and that is that the bill shall not apply to any advisory committee which consists entirely of full-time salaried officers or employees of the Government or which is authorized by law to perform administrative or operative functions. Mind you, under other law the head of a department now can get on a temporary or intermittent basis any expert or consultant advice he seeks either with or without compensation. This law does not in anyway affect that right, neither

does it affect the right if he brings these people in and composes an advisory committee, and they are composed of full-time salaried employees of the Government. This proposal does not affect that because it is an internal operation of the department, obviously.

Where you have a committee which is authorized to perform an administrative or operative function this law does not apply to them because Congress has specifically directed that committee to be organized and to operate in a certain way. I will give you a concrete example of what I am talking about right here.

Public Law 410 of the 78th Congress, approved on July 1, 1944, in section 301 states:

> The Surgeon General shall conduct in the Service, and encourage, cooperate with, and render assistance to other appropriate public authorities, scientific institutions, and scientists in the conduct of, and promote the coordination of, research * * * the Surgeon General is authorized to * * * make grants-in-aid to universities, hospitals, laboratories, and other public or private institutions, and to individuals for such research projects as are recommended by the National Advisory Health Council, or, with respect to cancer, recommended by the National Advisory Cancer Council.

Obviously, the Surgeon General, under that requirement of law, cannot make a grant to an individual or to an institution which has not been recommended by this council. Therefore, the council has an administrative or an operative function. Therefore, it is excluded from the purview of the legislation which is being presently considered. If they do not want to keep an agenda; if they do not want to have a Government employee as chairman; if they do not want to keep any minutes; if they do not want to give any advice—that is strictly their business, because it is excluded under the act. The same thing applies, in my opinion, to the hospital survey and construction advisory committee under the Hill-Burton Act. Other similar committees are not affected.

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

Mr. FASCELL. I yield.

Mr. CELLER. It would be interesting to have placed in the RECORD a letter addressed to the then Secretary of the Interior by the Department of Justice under date of February 16, 1951, by one of these advisory committees called the Petroleum Advisory Council. I will just read briefly from that letter. The Department of Justice said in that connection:

> With reference to the operation of the "committee system" under the Petroleum Administration for War during World War II, your letter states that to the best of your knowledge "no substantial question respecting violating of the antitrust laws or prejudice to the maintenance of our competitive economy has ever been successfully raised * * * with respect to the creation or operation of the council or committees that were advisory to the Petroleum Administration for War." In that connection, I must advise you that substantial questions of antitrust violations were raised as a result of the operation of these committees—

Meaning the petroleum advisory committees—

> As a result of these questions, the Department was concerned on a number of occasions with the intermingling of Government functions with those of industry advisory committees established by the Petroleum Administration for War. It is clear to us that during the operations of the committee system fundamental questions of basic policy were initially resolved by these committees and that resulting Government action amounted to no more than giving effect to decisions already made by such committees. This intermingling of Government functions with those of industry advisory committees resulted in complete delegation to such committees of functions which properly must reside exclusively in Government officials.

As I read the bill and the report, and being familiar with some of the operations of these advisory committees because the antitrust subcommittee of the Committee on the Judiciary, of which I am chairman, went deeply into the operations of these advisory committees. I am convinced that this bill setting up codes of conduct and standards will greatly diminish the dangers that were pointed out by this letter from the Department of Justice to the then Secretary of the Interior. I want to congratulate the gentleman and his colleagues on the committee for bringing in a bill of this character which would go a great way toward eliminating some of the abuses that we discovered to our dismay in the operations of these advisory committees.

Mr. FASCELL. I thank the gentleman for his observation. Certainly that is a very major point and a material point.

Our committee was deeply indebted to the tremendous study made by the antitrust subcommittee dealing with the question of the antitrust evasions and the abuses which were possible and which did arise in some cases. As a result, therefore, the Department of Justice for many years has suggested that these minimum standards be adopted by advisory committees throughout the Government. Our committee found situations where we had several thousand of these committees and only about 50 percent according to the Department of Justice were administratively adhering to these standards. We felt that that was so important from the standpoint of setting up a minimum control on this subject that this legislation is necessary and we are seeking its adoption.

The General Accounting Office felt, and here is the testimony from the Comptroller General in part:

> We believe the prescribing of such minimum standards by statute will not only minimize violation of the antitrust statutes, but will also tend to avoid conflict of interest. Certainly, if such a bill be enacted into law, there will be afforded some means of control of advisory groups composed of experts and consultants, particularly, where they are employed without compensation.

And the General Accounting Office says that they need the legislation if they are going to do an audit on these committees because there is some question as to whether or not they have the authority to go in and make an audit.

They say that they would revise their instructions and their regulations dealing with this subject if this actually becomes law.

So, in conclusion, I would submit, Mr. Chairman, that we have shown after thorough study over a period of years by two committees of Congress that abuses have existed; certainly many questions could arise that you have inherent in this setup where you have a man coming in from industry or some other group operating with a committee of Government that is probably going to act within his area of business; you certainly have a possibility of a built-in conflict of interest. Other speakers will bring this out specifically to show you what we are talking about. The Department of Justice for years has recommended that these standards be adopted. The Attorney General of the United States says in the interest of good management, and good government, we ought to have this minimal legislation. We submit that the legislation ought to be enacted.

The CHAIRMAN. The gentleman has consumed 37 minutes.

Mr. HOFFMAN. Mr. Chairman, I yield myself 15 minutes.

Mr. HOFFMAN. Mr. Chairman, about the first thing that should be done, at least in my judgment, is to correct some of the statements made by the gentleman from Florida. He gave the impression and could not yield at the time for a correction, that the Department of Justice was in favor of the enactment of this bill.

Mr. FASCELL. Mr. Chairman, will the gentleman yield now for a correction?

Mr. HOFFMAN. If the gentleman will yield me a couple of minutes time.

Mr. FASCELL. I will on my own time correct the gentleman.

Mr. HOFFMAN. Let me read from page 9 of the majority report, summarizing the views of the Department of Justice in its letter of March 27, 1957:

> The Department states that this bill embodies the substance of recommendations made by the Department several years ago to govern Federal use of so-called advisory committees, and that the Department still adheres to these recommended standards.
>
> In commenting on the proposed legislation, the Department relies upon the position taken by Judge Stanley N. Barnes in his testimony before this committee on May 15, 1956, in which he stated that he did not believe legislation was necessary in this field.

The foregoing goes to the statement made by the gentleman from New York [Mr. CELLER].

If that is an endorsement of this bill by the Department of Justice, then I do not know the meaning of words. That is a flat statement in contradiction of what the gentleman from Florida said—not intentionally inaccurate, just inadvertently not correct. It just shows that he does not have the knowledge, the complete knowledge at least, of what is in the bill, nor the Department's position.

Mr. FASCELL. Mr. Chairman, will the gentleman yield, having made a personal reference?

Mr. HOFFMAN. If the gentleman will yield me a couple of minutes time.

Mr. FASCELL. I will answer the gentleman on my own time.

Mr. HOFFMAN. In considering legislation, it is a pretty good idea to know what one is talking about.

The first bill on this subject was introduced on January 22, 1957. Hearings were held on March 28 and on April 30 before this same subcommittee.

On March 28, there were two witnesses, the gentleman from Florida [Mr. FASCELL] and Mr. C. P. Friend, legislative attorney of the General Accounting Office.

On April 30, there was testimony from Mr. E. H. Weaver, Commissioner of Defense Materials Service of the General Services Administration, and Mr. Frederick Nash, General Counsel, Department of Commerce, who was accompanied by three other representatives of that Department.

When the present hearings were held no one from the Department of Defense testified. A letter was sent up, but no testimony was taken from any representative of the Department of Defense. No opportunity was given for a witness to appear. That is the way I get it from the record. If I am wrong, I shall be glad to be corrected.

The hearing was adjourned with the statement "we will stand adjourned until further notice." You will find that on page 122 of the hearings.

Now, please get me straight, and I am sorry that more Members of the House are not here, because in considering a bill of this kind, it does seem to me that it should appear that the executive department, which is a coordinate branch of the Government, is entitled to a full and complete hearing.

The representatives of the Department of Defense and of the Post Office Department were not heard, although the latter was actually in attendance at the hearing on April 30.

The failure to give these two witnesses from the Departments a hearing, and they were not given a hearing, was due entirely to the fact that the gentleman from Illinois [Mr. DAWSON], unfortunately, was taken ill. He is chairman of the full committee. He went to the hospital and he did not get back. So the subcommittee went on subsequently without ever giving these two witnesses from these Departments, Post Office and Defense, an opportunity to be heard, a most unusual procedure.

Now, please get this straight. There is no criticism, direct or implied, because of the failure to hear those witnesses. But that was the unfortunate fact, it happened that way and they never have been heard and they wanted to be heard. They want to appear and testify. There is no reason why they cannot be heard. If the bill is recommitted to the committee with instructions to give a hearing, it can hold a hearing the latter part of this week or the early part of next week and get their views.

Let me make one other correction. The Members have been given to understand that no one is opposed to this bill, that is, no department. My understanding of the record is that the General Accounting Office, which is an arm of the Congress, is in favor of the bill because they think it will give them some additional authority to inquire into the expenditure of public funds. I have no particular fault to find with that.

The gentleman said that some of the departments were following this procedure. He nods his head now, sure. Then, why legislation? Is it just because we want to legislate? Is that it? Is it because we want to ride herd further on these advisory committees? Why is it? I can find no reason and I see none.

Back over the years, Justice advocated this type of legislation. What was the purpose? As suggested by the gentleman from New York [Mr. CELLER] the purpose at that time was to aid in preventing monopolistic practices. That is what it was for. However, the Department of Justice has indicated it is not in favor of the enactment of this legislation.

All other departments are against it. Permit me to summarize their views.

Agriculture, report, pages 7 and 8, unnecessary, undesirable.

Bureau of the Budget, unable to recommend favorable consideration, report, page 8.

Commerce strongly opposes.

Defense opposes, report, pages 9 and 10, also minority views, report, page 16.

Federal Civil Defense Administration reports requirement would add heavy administrative burden. Otherwise acceptable. Report, page 10.

Federal Reserve, unacceptable as written. Report, page 10.

General Accounting approves, report, pages 8 and 9.

General Services Administration objects; can be accomplished without new legislation. Report, page 9.

Department of Health, Education, and Welfare, recommends against enactment.

Housing and Home Finance, not necessary. Now uses same procedure. No objection, with its proposed amendments. Report, page 9.

Interior, opposes.

International Cooperation Administration, opposes, report, page 9.

Justice opposes, report, page 9. See also minority views, report, pages 12 and 13.

Labor considers undesirable and no need for enactment.

Office of Defense Mobilization, unnecessary. Report, page 11.

Post Office, strongly opposes. Report, pages 16–21.

Treasury opposes. Report, page 11.

Civil Service Commission—Commissioner F. J. Lawton not speaking for Commission but gives staff analysis.

> Perhaps this is a matter that can best be handled administratively rather than by legislation. It may well be that the flexibility necessary for meeting the many different circumstances surrounding the use of advisory committees cannot be incorporated in legislation.

Well, now there you have the record. How can anyone come in here and say that there is no opposition in view of what is shown by the record? We know, those of us, I guess, who are familiar with the situation, that the administration is bitterly opposed to the enactment of this legislation. Its opposition is being overridden without a hearing by two Departments.

Now let me read, if I may, these letters, or excerpts from a couple of letters. This is from the General Counsel, Department of Defense, dated June 14, 1957, to Chairman DAWSON:

> Because of your sudden illness, it was not possible for the subcommittee to hear me, although I understand that a copy of my prepared statement was made a part of the record on H. R. 3378. * * * For these reasons I urgently request—

Now listen, this letter is from the General Counsel of the Department of Defense, the top boy.

> For these reasons, I urgently request an opportunity to present the views of the Department of Defense on H. R. 7390 to the Executive and Legislative Reorganization Subcommittee.

I see before me the majority leader, who is a member of the committee, the gentleman from Massachusetts [Mr. MCCORMACK]. I am not charging that he overlooked anything. Perhaps it never came to his attention. But, there is the representative of the Secretary of Defense making a written request of the chairman of the committee, who either at that time or shortly before was confined to the hospital, and no consideration whatever was given to that request from Counsel of a Cabinet officer.

In all fairness, as members of a coordinate branch of the Government, on a bill of this kind which attempts to set up legal standards for housekeeping in an executive department, should we not, out of just common courtesy, hear the General Counsel for the Department of Defense before we write rules and regulations which cover their everyday life and doings?

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

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

Mr. JOHANSEN. I wonder what the gentleman's view would be as to the attitude of the supporters of this legislation toward a similar set of rules and standards to cover the legislative branch. I have in mind the fact that as a member of the House Post Office and Civil Service Committee, during the very extensive hearings on postal rates, those of us who favored increased postal rates were clubbed over the head repeatedly by the report of the so-called Citizens Advisory Council of the Post Office and Civil Service Committee of the other body, whose origin, whose meetings, whose activities were never disclosed to us, and which included in its membership representatives of the publishing interests and a representative of the letter carriers' union. I wonder if we ought not to practice the rule of "Physician heal thyself."

Mr. HOFFMAN. Well, it is always easy to set forth fully some particular line of conduct for someone else than for each of us to do the same thing. I think that comes from the Scripture, that last part, does it not? The gentleman, being a former minister, I am sure he is accurate about that.

Mr. JOHANSEN. As is always the case with the gentleman in reference to such quotations, he is correct.

Mr. HOFFMAN. I wish that was as true as the other statement. But I am willing to follow the Book the gentleman mentioned.

Here is a letter from Mr. Maurice H. Stans, Acting Postmaster General, dated June 14, 1957. That is the same date as the one from the Defense Counsel. Here is what he wrote. And I know we want to comply with the Postmaster General's recommendations, because recently we gave him more money when he made the request. We fussed around about it, but we finally gave it to him. We discovered that his judgment was right. Here is what the Acting Postmaster General wrote:

It was with considerable surprise that we noted from the CONGRESSIONAL RECORD for June 13, 1957, that the Committee on Government Operations has ordered favorably reported H. R. 7390, to amend the Administrative Expenses Act of 1946.

H. R. 7390 places certain limitations on advisory boards. * * * It is almost the same as the committee print bill which you sent to the Department with your letter of April 9, 1957, requesting comments. In that letter you advised that hearings would be conducted by the Executive and Legislative Reorganization Subcommittee on April 30, 1957, and requested the Department's statement on the committee print not later than Monday, April 29. Copies of the statement proposed to be delivered by the General Counsel were sent to the committee on April 29, and although the General Counsel was in attendance at the meeting on April 30, the committee did not hear his testimony on the bill.

It is regretted that the committee ordered H. R. 7390 reported without receiving testimony from representatives of the Post Office Department.

That is the same question that I raised a moment ago. Should we not now, regardless of the merits of this particular bill we are considering, in common decency, ordinary courtesy, send the bill back to the committee with a request that they hear the representatives of these two departments?

We ask as much, we ask more. We have subcommittees of the Committee on Government Operations. Each of these subcommittees has a staff. I am not complaining about what they do, but staff members call up executive departments and ask for information and ask for files. And they are courteously answered by a production of what they want. I know of one case when they asked a Cabinet member to come up and see them.

When I want something, I go to the person and see him; I do not ask him to come and see me. Maybe that is not common courtesy, but I find a better reception if I go down and see him instead of asking him to come up and do me a favor.

So, in answer to the gentleman from Michigan [Mr. JOHANSEN] that is what some of our committees do.

Mr. JOHANSEN. If the gentleman will yield, I should like to say that the Committee on the Post Office, of which my very good friend the gentleman from Florida [Mr. FASCELL] was a member and an adornment, up until this year, we make it a point to be very sure that we hear both sides of issues before we act on proposed legislation.

Mr. HOFFMAN. As was said before, this unfortunate situation just happened. Nobody could have prevented it unless someone had been following the committee hearings minute-by-minute. It just happened and this is not in criticism of anyone. I just want to remedy the situation now, if we can, and we can if we wish.

Up until this moment I have been unable to ascertain either the need for or the desirability of the enactment of this bill. During the hearings on this legislation the witness from the Department of Commerce testified:

I suppose that these bills would not be proposed unless it was felt by someone that accomplishment of these objectives was necessary to eliminate some aspects of the use of advisory committees that are considered sinister.

I should like to have the attention of the gentleman from Massachusetts [Mr. McCORMACK], if I may, for just one moment. This was disputed by the distinguished majority leader at that time who objected to the use of the word "sinister" as being rather an extreme statement. He went on to say:

The dictionary says wrong, dishonest, corrupt, and so forth. I do not know whether anyone has yet raised that question except you people, and I thought it was rather strange to be in a report from any department, and that the department itself should raise that issue against members of the committee, and in the absence of any evidence proving that, we assume the people are doing what they ought to do (hearings, pp. 99 and 100).

In this connection it is interesting to note in the additional views of the chairman of the Committee on Government Operations in House Report No. 576, to accompany H. R. 7390, the legislation is recommended because—

It would protect the Government by making it difficult for representatives of special interests to insinuate themselves on advisory committees, and, under a veil of secrecy, gain a venal or flagitious advantage (rept. p. 22).

How does Webster define "venal" and "flagitious"? Venal is defined as "capable of being bought; open to corrupt influence, bribery; characterized by corrupt bargaining." Flagitious is defined as "shamefully criminal, grossly wicked, scandalous; guilty of enormities, villainous," and our majority leader thought that "sinister" was too strong a word to use in connection with this legislation.

It seems to me that what the committee is trying to charge is that these advisory committees are doing something terribly, terribly bad. As far as I have been able to read the record of the hearings, I have not been able to discover a single instance, and I will yield to the gentleman from Florida now if he cares to cite an instance, where anyone testified that one of these committees was doing something not only naughty but wicked; put it the other way, wicked or even naughty.

Mr. FASCELL. I appreciate the gentleman's giving us that opportunity, and I will yield to other distinguished Members of this body, who will be glad to point out specifically in detail and with great delight that which the gentleman seeks.

Mr. HOFFMAN. I do not care to yield to the other Members at this time. The gentleman can do that later on. But I know the gentleman from New York [Mr. CELLER], who is now after the baseball or football fellows, and who is always interested in this antimonopoly business, was on his feet, and I thought he was referring to something that happened in the past.

The House wrote legislation some time ago establishing advisory committees. There has been some criticism because there were too many of those committees. Perhaps that is true, but there never has been an administration that any Member of this House has ever heard of or had experience with that has not had advisory committees. The Government is just so big, the matters which come before the departments are so involved and so technical, that if we are to act intelligently we must have advisory committees.

That being true, are not those in charge of the executive departments able, intelligent, honest, and patriotic enough, have we not confidence enough in them, that we must now write legislation prescribing their daily tasks and how they should be conducted?

Write this legislation on the books, comply with this provision that every advisory committee meeting must have a stenographic report, as it does require, giving the names of those who appear, and the positions they take on proposed legislation, and who will be willing to testify? You might just as well insist that we do away with executive committee hearings when we are marking up a bill, that we do away with any secrecy whatever, wherever a confidential matter is up for discussion.

Advisory committee members are condemned before they hold a single hearing. Former advisory committee members have been accused of acting corruptly, in violation of Federal law.

The proposed legislation seeks to create the impression that the people and the Congress need protection from vicious, corrupt individuals; that this bill will aid in the accomplishment of that purpose.

That was the thought that was conveyed to Secretary of Commerce Weeks by the questionnaires put out by the committee. In his letter of April 29, 1957, to Chairman Dawson, among other things he wrote—hearings, pages 95–96:

It is supposed that these bills would not be proposed unless it was felt by someone that accomplishment of these objectives was necessary to eliminate some aspects of the use of advisory committees that are considered sinister. The bills themselves are quite vague as to what evils they are intended to remedy. The committee print does not say anything on the subject. H. R. 3378 says it is offered "as a minimum safeguard against the use of any such group to influence public policy for the benefit of private interests." Whether or not this is a complete and accurate description of the purpose of the bill, it is quite clear that both bills are intended to protect the Government from some claimed sinister in-

fluence of advisory committees rather than to keep such committees from violating the antitrust laws.

When Mr. Nash, speaking for the Department, was before the subcommittee, he said—hearings, page 98:

I suppose that these bills would not be proposed unless it was felt by someone that accomplishment of these objectives was necessary to eliminate some aspects of the use of advisory committees that are considered sinister.

Almost immediately, the gentleman from Massachusetts [Mr. McCORMACK] challenged that statement and it was stated that no Member of Congress had any such idea—hearings, page 99.

The colloquy that then occurred seems strange indeed. The assertion then made was that no one was charging advisory committees with corrupt action when, in the debate here today, the charge is made; the need for the legislation is asserted to be protection of the people from evil men and specific instances are to be cited.

Proponents of this bill may deny that the bill is based largely on the charge that some advisory committees have acted corruptly, but the lack of any foundation for that denial is shown by the testimony just quoted.

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

Mr. HOFFMAN. I yield.

Mr. McCORMACK. Did the gentleman oppose this bill in committee?

Mr. HOFFMAN. Yes; I did. I wrote my minority views. They are on pages 12 to 21, inclusive, of the report.

Mr. McCORMACK. When the vote was taken; did the gentleman oppose the bill at that time? We know the gentleman writes minority views after the bill is reported out. That is nothing unusual.

Mr. HOFFMAN. That is customary if I am against it.

Mr. McCORMACK. That goes on all the time. I mean at the time the bill was reported out by the committee; did the gentleman vote against it then?

Mr. HOFFMAN. Sure.

Mr. McCORMACK. My recollection is otherwise.

Mr. HOFFMAN. Oh, I know, my recollection is just as good as that of the gentleman. I know how you operate. The question is put: All in favor of the bill say "Aye—aye—the ayes have it." You have seen it time and again and so have I. What good would it do for me to get up in committee when I am in the minority and shout? What good would it do me? I try to be sort of charitable but there is an expert operator over there.

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

Mr. FASCELL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, there is indeed a necessity for maintaining avenues by which responsible Government officials may secure the advice necessary for their effective administration. I do not think anybody denies that. But, there have crept into this advisory committee system many grave abuses and our subcommittee of the Committee on the Judiciary investigating this matter did ferret out a considerable number of abuses. The subcommittee recommended that there should be certain standards of conduct, and we followed the advice and counsel of the Department of Justice, as to what those canons of ethics should be. It is true that the Department of Justice does not necessarily take a position on the proposed statute; if I know the situation correctly, the Department has indeed recommended certain canons and certain standards of conduct for the members of the advisory committee. Insofar as some of the departments have refused to adopt these standards, it is essential to have some sort of statute to compel them to adopt these standards. Why should there be any objections to a minimum standard of conduct? This bill simply establishes such a minimum. The gentleman from Michigan asks and challenges anyone to indicate where there was any untoward conduct on the part of an advisory counsel.

Mr. HOFFMAN. In the record.

Mr. CELLER. I direct his attention to the Business Advisory Council of the Department of Commerce.

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

Mr. CELLER. I yield.

Mr. HOFFMAN. What I asked was where in this record is there any instance of improper conduct on the part of an advisory committee?

Mr. CELLER. Well, perhaps, I was in error. I apparently did not hear correctly.

Mr. HOFFMAN. If you have it outside of the record, that is all right too.

Mr. CELLER. I will say, however, despite that—that there is untoward conduct on the part of what is known as the Business Advisory Council of the Department of Commerce. That council is composed of some one hundred-odd heads of the largest corporations of this country. They meet periodically at some of the swank country resorts. They have a suite of offices in the Department of Commerce. They operate under the imprimatur of approval of the Department of Commerce. They have a paid director who gets a salary of $25,000 a year. The members of this council—and mind you this is a business advisory council under the auspices of the Department of Commerce—the members are assessed dues every year. They have bank accounts in the city of Washington. They have a retirement fund for their director. I will read a part of the recommendation and the conclusions of our committee in that connection.

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

Mr. CELLER. I yield.

Mr. FASCELL. Did your committee also find that the Secretary does not select the members of that committee and that is a self-perpetuating body?

Mr. CELLER. That is correct. There are many things that I could cover, but I cannot do it in 10 minutes. The BAC, that is, the Business Advisory Council, has a paid executive director, Walter White, who receives $25,000 a year from the council and he is not a Government employee. For the benefit of Walter White, the council has established a retirement fund of approximately $120,000 in lieu of civil-service benefits for which he is not eligible as a privately employed individual. In addition to that, the BAC hires consultants as needed in the activities of the subcommittee. Mr. White receives deposits and disburses funds of the BAC under no Government supervision. His accounts are not audited by the General Accounting Office. Certainly if BAC were a Government agency no such freedom of funds could exist.

In addition thereto the BAC affords interesting examples of the problems which arise when administration officials attempt to authorize a hybrid private-Government group to organize and advise the Government. Partaking of both governmental and private characteristics, the BAC is able on the one hand to claim all of the privileges and immunities of the executive departments. On the other hand, unencumbered by the rigid restrictions applicable to Government agencies, BAC is able to cut a wide swath across all areas of Government and business. Clearly, it would be remiss for the Government to spend sums approaching $20,000 a year for meetings at White Sulphur Springs, Hot Springs, or Pebble Beach under the guise of obtaining the advice of corporate executives. Expenditure of Government funds for lavish gifts for the Secretary of Commerce and for retiring chairmen of the council would certainly elicit criticism. Nor could the Secretary of Commerce, as a Government official, hire a John Gall to press BAC views upon another administrative official, notwithstanding the latter's rejection of the BAC and its tendered advices.

Any organization created by a Government official to assist him by furnishing advice and cooperation necessarily must be conceived in the context that the organization is to be a governmental body. Administrative officials have no authority to create private organizations or to vest attributes of their office in private organizations. And that is exactly what Secretary of Commerce Weeks has been doing and, incidentally, his Democratic predecessors had done the same thing. I level my criticism not only against the Republican Secretary of Commerce; I level my criticism also against the Democratic Secretaries of Commerce. It was done right through the administrations of President Roosevelt and Truman and Eisenhower. It is most reprehensible to have the help of men who privately designate themselves and their successors as the business advisory council under the imprimatur of approval of the Secretary of Commerce, have bank accounts which cannot be audited by the General Accounting Office, set up emergency funds, set up retirement funds, and then, on the other hand, claim all the immunities that are attached to an advisory council set up by a Government official.

When you have such a situation it is time to call a halt. At least let us shed the pitiless light of publicity upon the

activities of the Business Advisory Council.

Our committee asked the Secretary of Commerce to let us see the records of the Business Advisory Council. We were repeatedly refused those records. What has the Secretary to fear? Why should we not, Representatives and responsible Members of Congress, have the right to see what has transpired behind this curtain, as it were, set up by the Business Advisory Council?

This bill will not go all the way but it will go a good part of the way to remedy the situation and will force the business advisory councils at least to have a Government agent presiding over those meetings. They will not be able to set the agenda; the agenda would have to be set by a Government official, and then they could not get together to fix prices; they could not get together to allocate territories. The evidence is replete in our hearings that not only the Business Advisory Council but others of the advisory committees did just that, all in violation of the antitrust laws. For that reason it is hoped that we will have this modicum of relief as is embodied in this bill. I am very happy to make this slight contribution toward the passage of this much needed legislation.

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

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

Mr. FASCELL. I want to thank the gentleman in behalf of the committee for the fine study and investigation that was made by his subcommittee because we found it invaluable in our considerations. I appreciate the very fine statement he has made in support of the bill.

Mr. HOFFMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I have listened with great interest to the remarks of my friend from New York with reference to the report of the Antitrust Subcommittee of the Committee on the Judiciary relating to an investigation of the so-called WOC's and the advisory groups in the Department of Commerce.

I call attention to the fact that the report of the subcommittee to which he referred had a vigorous dissent from three Republicans, the gentleman from Ohio [Mr. MCCULLOCH], the gentleman from Pennsylvania [Mr. SCOTT], and myself.

It is not an accurate statement that the Department of Commerce declined to furnish their minutes to our committee. The fact is that on the 29th day of July 1955, the Department of Commerce, after receiving a request from our committee which required them to spend days and days of searching, did furnish the subcommittee all minutes of industry advisory groups which had been requested with but a single exception and that was declined on the ground that our national security was involved.

There were a few instances brought to our attention in the lengthy hearings of our committee which are referred to in the minority views where we in no sense condoned the action taken by certain personnel in the Department of Commerce. I do not recall whether they were during a previous administration or during this one, and I commend the chairman for his frankness in saying these conditions of which he complains have existed in previous administrations as well as in the present administration.

Of course, no one serving on an advisory committee should try to serve two masters. He should confine himself while he is in the Government employ to the service of the Government and he should have no other interest. There were only 2 or 3 isolated cases where we who signed the minority views felt that criticism could properly be leveled.

Several months before our hearings commenced, the Secretary of Commerce and his Department did change a number of their procedures. Then, during the hearings, an Executive order was issued making further changes. That is all reflected in this report of the minority. The situation in short is not as horrendous as the chairman of the Committee on the Judiciary would indicate by the remarks he has made. But the efforts by the Department to improve its procedures brought down on its head nothing but severe partisan criticism from our committee.

After all, most of these men come to Washington and perform—and did during World II and during the Korean emergency—a patriotic service for our country without a dollar of compensation. It will be a sad day for our country when we discourage men from coming here to volunteer their services in the interest of helping the country that they love just the same as you and I love it who are serving here in this body.

Perhaps this bill can be amended in proper shape so that it can have my support. I shall not support it in its present form. To pass this bill just in an effort to visit a punishment upon somebody in some Government department who is not kowtowing to every whim of a congressional committee would be a great mistake and would be beneath the dignity of this body. There are at least two Government departments, the Post Office Department and Defense Department, which expressed a desire to be heard, in opposition to this bill, but their request was ignored. What should be done here today, at the very least, is to send this bill back to the committee with instructions to take further evidence on its merits, and bring the bill back here again.

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

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

Mr. JOHANSEN. Would the gentleman agree with the proposition in regard to businessmen serving two masters, that the same principle ought to apply to magazine publishers and others who sit on legislative citizens advisory councils?

Mr. KEATING. It should apply to any group that serves in an advisory capacity. They should divorce themselves from any private interest whatsoever. For instance, no one should, under any circumstances, be in a position to pass upon a question of tax amorization certificates for a company with which he then or in the past had any connection. That is an illustration of the type of thing which I feel should be prohibited.

Mr. JOHANSEN. Would the gentleman agree that that applies also to the recommendations, in an official capacity, of a member of a legislative advisory council with respect to postal rates in which the person has a direct business interest?

Mr. KEATING. Yes. I think it applies throughout the Government. No one in an advisory capacity should have a personal interest, with this possible exception: It may be necessary, in an advisory committee, to have two points of view in order to get the full story. In that case it might be essential to have members selected who present both points of view. But, great care should be exercised and, I believe, in general has been exercised by the heads of the executive departments to be sure that the advice which they get takes into account all factors and is not one-sided in its character.

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

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

Mr. HOFFMAN. I read from page 22 of the report on this bill:

> It would protect the Government by making it difficult for representatives of special interests to insinuate themselves on advisory committees, and, under a veil of secrecy, gain a venal or flagitious advantage.

Now, the gentleman has been here for a long time. Does the gentleman know of anyone who ever came down here with that idea in mind?

Mr. KEATING. No; I do not.

Mr. HOFFMAN. Well, who is coming down here if that is the charge to be made when they get here? You are a crook, they say; come on down.

Mr. KEATING. This flagitious word intrigued me somewhat, and troubled me, so I went to the dictionary and I found it described as: "Disgracefully or shamefully criminal, grossly wicked, scandalous, guilty of or characterized by enormous crimes or scandalous vices, villainous, corrupt." And the synonym given is heinous or wicked.

I do not think that the author of that report would have felt free to use these more commonly used terms in describing the actions of these men. I regret extremely that this word "flagitious," whatever it is, was allowed to creep into this report, because I think it creates a completely wrong impression of what 99½ percent of these men are trying to do who come here to serve their country.

Mr. FASCELL. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from North Carolina [Mr. FOUNTAIN] who will now define the word in question.

Mr. FOUNTAIN. Mr. Chairman, ladies and gentleman of the Committee. I support H. R. 7390.

As chairman of the Government Operations subcommittee which has jurisdiction over activities of the Department of Agriculture and its related agencies, I have become reasonably familiar with problems involving the use of advisory committees. Advisory committees in the

Department of Agriculture are not new, nor are their operations necessarily subject to criticism. For example, a large number of advisory committees have been appointed under specific authority of the Research and Marketing Act of 1946 to assist the Department in such activities as plant and animal disease control and crop improvement.

Many of these advisory committees serve a very usual purpose. They are capable of performing a valuable public service when they are properly and wisely constituted and used.

The gentleman from Michigan [Mr. HOFFMAN] poses the question, Who wants this legislation, or why is it necessary?

I want to give this committee some reasons why this legislation is necessary—why it is badly needed.

Very definitely, there are areas in which the activities of advisory committees obviously require extremely close scrutiny. The Commodity Credit Corporation, a Government instrumentality which operates under the supervision of the Secretary of Agriculture, buys and sells billions of dollars worth of commodities annually. Its actions can easily have tremendous effect on the profits or losses of private concerns dealing in agricultural commodities, particularly those firms which transact business with the Commodity Credit Corporation.

In recent years, the Secretary of Agriculture and his subordinate officials have appointed many new advisory committees to advise the CCC on the acquisition, disposition, and storage of surplus agricultural commodities. Few, if any, of these committees have been specifically authorized by Congress. Almost without exception these new committees include representatives of companies which buy tremendous quantities of commodities from CCC.

A man who is asked to advise the CCC about selling the same commodities his company is buying from CCC occupies a position with a built-in conflict of interest.

The standards of operation recommended by the Justice Department for industry advisory committees would not eliminate the basic conflict of interest inherent in the use of advisory committees for certain functions; but such standards would help to lessen the danger that the public interest would be subordinated to private interests. However, there have been many instances in which the Department of Agriculture has failed to follow the recommendations of the Justice Department. Proper minutes often have not been kept; on occasion there has been neither specific statutory authority for the employment of an advisory committee nor an administrative finding that it is necessary to utilize such committees to perform statutory duties; there are instances in which industry representatives, rather than Government employees, have served as chairmen of committees.

Disregard of standards established by the Justice Department for the protection of the public interest would be bad enough in itself; it is particularly serious in the case of these advisory committees, because of the great opportunity for private profit at public expense, and because of the known abuses which have occurred.

For example, industry members of the Agriculture Department's Dairy Industry Task Committee recommended that the Commodity Credit Corporation adopt a plan for purchase of dairy products and simultaneous resale to the owner at a lower price. One of the men who made this recommendation was vice president of a firm which later received more than $700,000 from CCC in purchase-resale transactions. A total of more than $2 million was paid out in this and other similar transactions, which were held to be unauthorized and improper by the Comptroller General after an investigation by our Subcommittee on Intergovernmental Relations. Most of the money went to firms with representatives on Agriculture Department advisory committees. The Justice Department is now engaged in legal action to recover the improper payments and has been upheld by the courts in all cases tried to date, despite the vigorous and continued opposition of the Department of Agriculture.

In March 1956, three members of the Secretary's Cotton Export Advisory Committee were indicted by a Federal grand jury in New Orleans on charges that they had conspired to fix prices on the purchase of more than $20 million worth of cotton from CCC.

In October 1953, the CCC sold 15 million pounds of seed which had cost the Government more than $6 million to a syndicate composed of members of the Secretary's Seed Advisory Committee at less than one-third of its original cost. The syndicate was headed by the chairman of the advisory committee. The seed was sold by negotiation rather than competitive bids and not advertised in the usual way. Other buyers who might have been interested had no opportunity to participate.

In April 1953, CCC sold 77,000 tons of Austrian winter peas through a negotiated sale at a price $30 per ton below the last publicly advertised figure, and $20 a ton below the price being quoted to other buyers who made inquiry. The peas were sold to a three-member syndicate, represented by a man who had participated in an industry conference with CCC early in April at which sale of the peas was discussed.

The CCC included in the contract an extremely unusual provision by which it agreed to refrain from further sales of peas in the west-coast area for a full year.

Many of you, I am sure, remember the grain-mixing scandals which occurred 4 or 5 years ago. A number of grain companies obtained Canadian wheat imported at a low duty as unfit for human consumption, mixed it with American wheat and shipped it under Government programs and proceeded to illegally claim an export subsidy from the Department of Agriculture. A number of corporations and their officials were indicted for their actions in this affair. One of the men indicted is vice president of a firm which buys millions of dollars worth of commodities from the Department of Agriculture monthly. While under indictment for allegedly helping to defraud the Government in connection with grain exports, this man was also a member of the Department of Agriculture's Advisory Committee on Grain Exports. It is interesting to note, furthermore, that the Justice Department later dropped charges against this individual even though his company pleaded guilty.

Mr. Chairman, I think these examples give ample evidence of the need for careful regulation of advisory committee activities where the opportunity exists for private profit at public expense. This bill is not a drastic remedy, but it is a step in the right direction. It would simply give the force of law to standards already recommended by Attorneys General of both parties. In addition, it would require that the Congress be kept more fully informed concerning the nature and activities of advisory committees.

I strongly urge the passage of H. R. 8390 as a very definite step in the right direction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FASCELL. Mr. Chairman, I yield 2 additional minutes to the gentleman.

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

Mr. FOUNTAIN. I yield.

Mr. HOFFMAN. I think most of us are familiar at least with some of the cases to which you made reference. Just how will this bill stop that practice—not that practice, excuse me, but those incidents?

Mr. FOUNTAIN. I remind the gentleman from Michigan that the distinguished gentleman from Florida [Mr. FASCELL] did an excellent job of explaining this legislation. He very clearly told us the purpose of this legislation and how the standards and requirements therein contained might prevent abuses and practices such as those I have described. Surely, it is not a cure-all. It does not give us complete assurance, but it will cause the various agencies of Government to stop, look, and listen when they plan the formation of these advisory committees. They will, I sincerely believe, exercise more care and caution in the selection of the members of such advisory committees. In addition, there will be closer and better supervision over the activities of advisory committees. I think H. R. 7390 will put agency and department heads and all others affected by it on notice that the membership and activities of advisory committees will be closely examined. It is right and proper that this be done. I believe it will discourage appointments and/or improper activities of members who are actively associated with persons or companies regularly engaged in business with agencies of the Government, such as the Commodity Credit Corporation, where millions upon millions of dollars in purchase and sale transactions are regularly taking place.

Mr. HOFFMAN. Is it not true that ordinarily the average member of one of these advisory committees has had

experience in the business and has an interest in the subject discussed, a financial interest?

Mr. FOUNTAIN. I think that is quite often true. As has already been pointed out a department may still get the benefit of the counsel and factual information which any reliable person is willing to offer but this legislation will put all in places of public trust on notice that they must exercise every care and caution to avoid the pitfalls and dangers which may well follow transactions involving conflicts, or possible conflicts of interest.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOUNTAIN. I might say, if they are requested, I have the names of the individuals and the companies involved in the situations I have described in support of this bill.

Mr. HOFFMAN. Mr. Chairman, I yield the gentleman 2 minutes. Will the gentleman yield for a question?

Mr. FOUNTAIN. I yield.

Mr. HOFFMAN. Do you not believe that if substantial and well-posted citizens in any industry are to be asked to come down here to act as members of an advisory committee; do you think they will come freely if we write these strict regulations and they come down under a cloud of suspicion?

Mr. FOUNTAIN. I think they will come. I do not think they should come if they come down here with an ulterior motive. Honest men have nothing to fear from this legislation.

Mr. HOFFMAN. Of course not.

Mr. FOUNTAIN. I think every effort should be made to eliminate that possibility, to prevent their serving if they have ulterior or selfish motives.

Mr. HOFFMAN. And no responsible, patriotic individual would ask them down if he had the slightest idea that they were coming here for an improper purpose.

Mr. FOUNTAIN. I would not think so either. I certainly hope not.

Mr. HOFFMAN. Do you think an average citizen who devotes his time at financial loss to himself is to be told every time he comes here that he is just down here to feather his own nest, that they will come? Where are you going to get these advisers with this kind of legislation? In your opinion, will it not discourage these individuals?

Mr. FOUNTAIN. I was amazed in reading the report, not being on the subcommittee, to find that this advisory committee device has increased in popularity to such an extent that the United States Government is now using over 35,000 committees of one kind or another. It seems to me that advisory committee bureaucracies are getting mighty numerous and that we, the Congress, ought to do something to eliminate the many dangers inherent in their growth, and especially the dangers which flow or can flow from obvious conflict of interests situations.

Mr. HOFFMAN. Being a small time individual, that seems a tremendous number to me, but it is big business, we are told.

Mr. FOUNTAIN. Yes, it is so big that the Congress has the definite responsibility of taking necessary steps to preclude such big business from working and operating to the detriment of the taxpayers we represent and in its own self interest.

Mr. HOFFMAN. Yesterday we passed the poultry inspection bill, yet the plants were doing it themselves and the States were dong it, but we had to come along and put another one on top.

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

Mr. FOUNTAIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I well remember the testimony appearing on pages 48, 49, and 50 in respect to questions I asked Mr. Haskell of the General Services Administration, that the General Services Administration had pretty nearly been following this bill even before it was reported out of committee.

Mr. FOUNTAIN. That is right.

Mr. McCORMACK. We went over it requirement by requirement showing that the General Services and industry advisory committees were insisting that the committees operate under provisions that are included in this bill.

Mr. FOUNTAIN. I am happy to say that the situation has improved on a voluntary basis, but we have no assurance that these conditions have improved sufficiently to eliminate the necessity of this, what appears to me to be, reasonable legislation.

Again, I urge the passage of this bill.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Administrative Expenses Act of 1946 is amended by inserting immediately after section 15 thereof the following new section:

"SEC. 15A. (a) No advisory committee or other advisory panel or group (hereafter in this section referred to as an 'advisory committee') shall be established in a department unless, not less than 30 days before such advisory committee is established, the head of such department has transmitted to the Speaker of the House of Representatives and the President of the Senate (or if the Congress is not in session, to the Clerk of the House of Representatives and the Secretary of the Senate) a written report setting forth the following information:

"(1) If a statute specifically authorizes or requires such advisory committee to be established, the citation of such statute; or if there is no such statute, the authority in law which is relied upon for the establishment of such committee together with the administrative determination that the services of such advisory committee are in the public interest and the reasons upon which such determination is based; and——

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. Is the bill in one single section?

The CHAIRMAN. It is in one section.

Mr. HALLECK. So no amendments would be in order until the bill has been read in its entirety.

The CHAIRMAN. That is correct.

The Clerk read as follows:

"(2) (A) The number of members on such advisory committee and the area of interest which each member will represent, (B) those members of the advisory committee who will serve without compensation, and those who will receive compensation, (C) the expenses of the advisory committee, or its members, or both, to be paid by the United States, and (D) how long it is anticipated that such advisory committee will function.

"(b) Each advisory committee heretofore or hereafter established in any department shall be subject to the following minimum standards:

"(1) The agenda for such advisory committee shall be formulated by a full-time salaried officer or employee of the Government.

"(2) The meetings of such advisory committee shall be at the call of, and under the chairmanship of, a full-time salaried officer or employee of the Government.

"(3) Full and complete minutes of each meeting of such advisory committee shall be kept, which shall contain, at a minimum, (A) the name of each member of such advisory committee attending such meeting, (B) a summary of the matters discussed in such meeting, stating the viewpoints expressed, and (C) the conclusions reached by the advisory committee.

"(4) The functions of such advisory committee shall be purely advisory.

"(c) (1) The President is hereby authorized to issue such regulations, not inconsistent with the standards prescribed in subsection (b) or any other provision of law, as he may deem necessary for effective control of the use and activities of advisory committees in departments.

"(2) The President shall cause to be prepared annually a public report detailing the membership of each advisory committee used by each department; the functions of each such advisory committee; and the extent to which the operations of each such advisory committee have not complied with the standards prescribed in subsection (b).

"(d) This section shall not apply with respect to any advisory committee (1) which consists entirely of full-time salaried officers or employees of the Government, or (2) which is authorized by law to perform administrative or operative functions."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 2, after the word "formulated", insert the words "or approved."

The committee amendment was agreed to.

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Ohio: On page 3, line 5, after the comma at the end of line 5, insert the words "or conducted in the presence of."

Mr. BROWN of Ohio. Mr. Chairman, this amendment, which has been discussed with other members of the committee, simply provides that instead of requiring at all times the chairman of one of these advisory groups to be a representative of the Government, that is, a salaried officer or employee, that the committee either be chairmaned by such an employee representing the Government, or that such a meeting be conducted in the presence of such an employee or official of the Government. I am very hopeful that the amendment may be accepted.

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

Mr. BROWN of Ohio. I yield to the gentleman from Florida.

Mr. FASCELL. The amendment is acceptable as far as the majority side is concerned.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BROWN].

The amendment was agreed to.

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Ohio: On page 3, line 8, after the "(3)" strike out the words "Full and complete" and capitalize the word "minutes."

Mr. BROWN of Ohio. Mr. Chairman, this is a corrective amendment to make clear the meaning of this particular section, because, as printed in the bill, the requirement would be that full and complete minutes be kept in one portion of the paragraph, and, in another portion, minutes would be kept in substance. So striking out the words "full and complete" simply provides that minutes shall be kept of each meeting of such advisory committee, which will contain the name of each member of such advisory committee attending, and (b) a summary of the matters discussed in such meeting stating the viewpoints expressed, and (c) the conclusions reached by the advisory committee. This would end a conflict of language that now exists.

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

Mr. BROWN of Ohio. I yield to the gentleman from Florida.

Mr. FASCELL. It certainly was not the intention of the committee to require a verbatim transcript of the meetings, but I believe the gentleman will concur with my statement that it was the intention of the committee in setting up the requirement for summarization of the minutes that all viewpoints would be expressed.

Mr. BROWN of Ohio. That is still retained.

Mr. FASCELL. And divergent views, without identifying the particular individual who might have given them.

Mr. BROWN of Ohio. I think the language carries that thought already.

Mr. FASCELL. The purpose of putting in the words "full and complete" originally was with the idea of having a full and complete summarization; but in order to eliminate any misinterpretation that might come about, as, for example, to require a verbatim transcript of the minutes, the majority will accept the amendment of the gentleman.

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

Mr. HOFFMAN. Mr. Chairman, we have now an illustration of what this bill is all about. The committee had considerable trouble with section (3). The bill reported by the committee—and I know the gentleman from Massachusetts will correct me if I am wrong—provided full and complete minutes. The basic objection all the time of the departments has been that they are required to keep a record of everything that is said at an advisory committee hearing. You might just as well keep a record of what happens in your family at home, then peddle it out to the neighbors, and hope to have a happy family and a happy neighborhood.

Take a look at this amendment. The bill says "full and complete minutes." The amendment limits it to "minutes." If you take minutes of anything, what do you take? Do you use sketchy language? Who determines what goes in and, when you have a stenographer or reporter, what goes in the record? This amendment is an excuse for voting for this bill and that is all right with me if you want to do it that way.

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

Mr. HOFFMAN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. If the gentleman will read the bill or the language of that particular provision of the bill, especially in view of striking out the words "full and complete," it sets forth that the minutes will show only a summary of the views expressed.

Mr. HOFFMAN. The name of each member of such committee, the summary of the discussion and the viewpoints expressed. If I am going to be a member of a committee like that I would like to have taken down what I said, not what some stenographer or clerk thinks I said. I do not want anyone summarizing for me. It is like saying, well, I am honest today, then I come along tomorrow and say, I am completely honest today. What is the difference? The amendment does not mean a thing. The purpose of the bill is to require minutes of everything that is said and done and then come back with "Mr. Jones attended. He was selling scrap and the Government bought the scrap." "Jones advocated selling and Jones sold to the Government." Some today throw out the inference on every occasion that a businessman who has been successful is in Government—he is crooked—corrupt.

A few may be but they have little influence and at the first hint, out they go on Ike's order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BROWN].

The question was taken; and on a division (demanded by Mr. BROWN of Ohio) there were—ayes 77, noes 0.

So the amendment was agreed to.

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Ohio: Page 4, line 6, after the word "by", insert the word "statutory"; page 4, line 7, after the word "operative", add a comma and the words "or executive."

Mr. BROWN of Ohio. Mr. Chairman, this is simply for the purpose of clarifying the meaning of this section so as to make certain, in the bill and in the act, that statutory committees or advisory groups set up by law are exempt from any provisions of this bill, if it is enacted into law.

Mr. FASCELL. Mr. Chairman, I have an inclination that we might get together, except for the last statement of the gentleman of Ohio, and if the last statement is correct, I would have to rise in opposition to the amendment very strongly. As I understand, you seek to add the word "statutory" after the word "by" on line 6, page 4; is that correct?

Mr. BROWN of Ohio. That is correct.

Mr. FASCELL. That phase of it, I say very quickly, I personally would have no objection to. Now, on line 7, after the word "operative" you add the words "or executive."

Mr. BROWN of Ohio. Yes. I struck out the word "other", after my discussion with you earlier, and used the word "executive." In my opinion that was our understanding.

Mr. FASCELL. It is certainly not the intention of this committee by this legislation to include any committee which is set up by statutory law which has administrative or operative or executive functions, but if the committee is set up by statute and its function is purely advisory, it would still come within the purview of this bill, unless the statute setting up the committee otherwise dictates. Now, if in this colloquy we understand each other that by your amendment you do not exclude advisory committees set up by statute which are purely advisory in nature and do not have an administrative, operative, or executive function, then I say we are in agreement.

Mr. BROWN of Ohio. I think we have a meeting of minds. I had in mind, as a reason for offering this amendment, the situation that exists in the Department of Health, Education, and Welfare that the gentleman mentioned in general debate on the floor today, wherein certain duties and responsibilities are placed upon a committee that passes upon the need for hospitals under the Hill-Burton Act, for example.

Mr. FASCELL. I agree with the gentleman thoroughly.

Mr. BROWN of Ohio. And I think there was one committee or perhaps two in the Defense Department that come under this same category, and have to clear certain things from a scientific angle.

Mr. FASCELL. I will say to the gentleman that it certainly was the committee's intent and still is to exclude from the purview of this legislation any advisory committee set up by law which performs administrative or operative functions.

Mr. BROWN of Ohio. There was a feeling expressed to me on behalf of, for instance, the medical committee I just mentioned and 1 or 2 other committees in the Department of Defense, that the words "administrative and operative" were not sufficient, because they do have certain executive functions.

Mr. FASCELL. As long as we are clear that it does not exclude a committee set up by statute which is purely advisory in nature.

Mr. BROWN of Ohio. That is my interpretation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BROWN].

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS of Mississippi: On page 4, line 7, before the period, insert the following: "or (3) appointed to give scientific advice."

Mr. WILLIAMS of Mississippi. Mr. Chairman, in view of the colloquy between the gentleman from Ohio [Mr. BROWN] and the gentleman from Florida [Mr. FASCELL] just a moment ago, I am not quite certain whether it is intended by this legislation to exempt the operations of advisory committees set up by the Public Health Service, the Food and Drug Administration and other such agencies of the Department of Health, Education, and Welfare, whose duty it is to pass on the scientific aspects of various drugs and treatments.

Several days ago I made an inquiry of the Food and Drug Administration regarding their position on this legislation, and the effects that it might have upon their operations. In reply, I received a 2-page letter from Mr. Harvey, the Deputy Commissioner, in which he took exception to the provisions of this bill with respect to the 30-day notice, the keeping of records and several other phases.

At this point, Mr. Chairman, under permission previously granted me in the House, I submit a copy of this letter for the RECORD.

The matter referred to is as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
FOOD AND DRUG ADMINISTRATION,
Washington, D. C., July 9, 1957.

Hon. JOHN BELL WILLIAMS,
House of Representatives.

DEAR MR. WILLIAMS: This complies with your request for a statement of the effect H. R. 7390 would have on our administration of the Federal Food, Drug, and Cosmetic Act were the proposed bill enacted.

Among other things, the bill would establish rigid standards for the organization and conduct of meetings of advisory committees, including the keeping of minutes. It would require a full-time salaried employee of the Government to form or approve the agenda for the advisory committee meeting. It would require meetings of the committee to be at the call of and under the chairmanship of a full-time salaried officer or employee of the Government. Additionally, under the bill, we would be prohibited from establishing an advisory committee until 30 days after giving advance notice of our intention to the Congress.

These procedures would interfere seriously with the present excellent arrangements the Food and Drug Administration has for securing informal advice from outstanding groups of scientists on matters that require immediate consideration. It would do so in a number of ways:

To require 30 days' advance notice of our need to consult a committee would make it difficult, if not impossible, to follow the practice heretofore employed of convening outstanding scientists to secure their advice when they are attending national or regional meetings of their professional societies or associations. A number of outstanding medical groups have formed committees that are advisory to the Food and Drug Administration.

It may become necessary on short notice to solicit the advice of one of these groups. For example, recently when we were considering a new-drug application for an oral preparation to be used in the treatment of certain types of diabetes, we felt it desirable to consult outstanding diabetes specialists of the Nation to determine whether in their opinion the safety of the new drug had been established so that it could be released for general medical use. The consultation had to be prompt because the Food, Drug, and Cosmetic Act provides a strict time limit within which we must act on new-drug applications. Consequently, we arranged to consult these experts at the same time they were attending the national meeting on diabetes. A 30-day delay would have foreclosed our opportunity of consulting these experts while they were assembled already and might well have closed the door to our opportunity of consulting them as a group within the time limit allowed for the reaching of a decision.

It would be contrary to sound policy and accepted scientific procedure for the Food and Drug Administration, when asking a technical question of a medical society, to insist that the committee formed to develop the answer be limited by the restrictions in the bill. It would in appearance, if not in fact, indicate a Government dictation of the conclusions reached by such groups which is exactly what we must avoid when we request their help.

The requirements of the proposed law that formal minutes be kept on committee meetings would necessarily restrict the scientific discussions that scientists must engage in in order to make sound recommendations. This is true because favorable opinions, no matter how well qualified, could give rise to false or premature hopes as to the efficacy of a medicine, and unfavorable comments could become a source of misunderstanding and unjust harm to the reputations of individuals and organizations engaged in experimental and developmental projects if such comments were made a matter of record before full evaluation of a drug had been completed.

Further, the proposed law would appear to be in substantial conflict with the provisions of the Pesticide Chemicals Amendment of the Federal Food, Drug, and Cosmetic Act (sec. 408; enacted as Public Law 518, 83d Cong.). This law provides specifically that members of committees appointed in accordance with its provisions to advise this Department with respect to petitions for tolerances for pesticide chemical residues shall be selected by the National Academy of Sciences. The legislative history of this provision shows that the Congress did not intend in authorizing such committees, to impair the basic flexibility and independence of action necessary to the proper functioning of a committee. To provide the above-mentioned restrictions of H. R. 7390, with respect to advisory committees on pesticide chemicals, would appear to nullify the letter and the intent of section 408 of the Food, Drug, and Cosmetic Act.

Sincerely yours,

JOHN L. HARVEY,
Deputy Commissioner.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I furnished the gentleman from Florida [Mr. FASCELL] with a copy of this letter from Mr. Harvey, and at this point I should like to yield to him for comment on it, if he will.

Mr. FASCELL. Mr. Chairman, the gentleman may be assured of this, following the colloquy just held between myself and the gentleman from Ohio [Mr. BROWN], that it is not the intention of this legislation to require any committee authorized by Congress which has an administrative, operative or an executive function as distinguished from a purely advisory function. The criteria is not what this committee may or may not do. It is not the nature of the advice that it seeks to give. The criteria is, is it purely advisory or does it have a function other than the giving of advice which has been delegated to it by Congress?

The reason for that is that we seek to eliminate the possibility of the executive functions being delegated to committees without the authority of Congress. That is the purpose of it.

I would assure the gentleman that we have considered this matter very, very carefully and seriously. The legislation still has to be considered in the other body. We believe that we have covered all aspects dealing with scientific, technical and defense information.

This document deals with the Department of Defense. They have over 500 committees. Each one of them is listed. We have considered the problem of committees to which Congress has delegated a function other than the giving of advice. Therefore, we arrive at the exclusion which is in this bill.

Furthermore, we would submit that even a purely advisory committee would not be unduly restricted by the requirements of keeping minutes or submitting an agenda and the flexibilities which we have just written in by amendments would amply take care of the difficulty that has been raised or the question that has been raised by the Department of HEW.

Mr. WILLIAMS of Mississippi. Then, as I understand it, the gentleman feels that this legislation does not go to the extent of hampering the operations of the Food and Drug Administration and these other health agencies?

Mr. FASCELL. We are convinced that it does not. We seek only to require purely advisory committees to meet these basic minimum requirements in the bill.

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

(By unanimous consent, Mr. WILLIAMS of Mississippi was given permission to proceed for 5 additional minutes.)

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

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. I am interested in this colloquy between the chairman and the gentleman from Mississippi. Where in the bill do you make these allowances for these advisory committees and statutory committees?

Mr. FASCELL. That is right there on page 4, subsection (d):

This section—

Meaning the bill—

shall not apply with respect to any advisory committee (1) which consists entirely of fulltime salaried officers or employees of the Government, or (2) which is authorized by statutory law—

That is the way we have amended it now—

to perform administrative, operative, or executive functions.

So the bill clearly excludes those types of committees.

Mr. FOGARTY. What about these other administrative committees ap-

pointed by the Surgeon General or the Department of Health, Education, and Welfare on emergency problems like this Salk vaccine and like the recent problem of the Asiatic flu epidemic in this country? It seems to me this would prohibit the Surgeon General from appointing such a committee unless he advised Congress 30 days prior thereto.

Mr. FASCELL. I can assure the gentleman that this legislation does not prohibit the secretary of a department from getting the expert or the consultant advice he needs with respect to an emergency on any matter. He has that authority under other law. This section merely states that if he is going to set up a new committee which is purely advisory, which has not been authorized by Congress in law, then in that case he would have to provide Congress with a notice of the intention to set up that committee.

Mr. FOGARTY. I have been informed by the General Counsel's office of the Department of Health, Education, and Welfare that they think this would prevent them from setting up some of these advisory committees.

Mr. FASCELL. I would respectfully take issue with the gentleman on that. We feel this is a matter which has been thoroughly considered. However, if some new question has arisen which we have not considered, all I can assure the gentleman is that it will have every opportunity to be thoroughly considered in the other body.

Mr. FOGARTY. They seem to think it would be impossible for the appointing authority to act speedily in the establishment of an advisory committee when emergency or other considerations call for the establishment of such a committee within the 30-day period. That is their feeling on the bill as they have read it and as they interpret it.

Mr. FASCELL. If they are convening a committee which has not been authorized by law and it is a new committee which is not now in existence, and it is a committee which is purely advisory, then in that case they would have to comply with the provisions of this law if they formalize or establish such a committee, panel, or group; but I repeat to the gentleman that does not prevent the head of a department under other law from getting the temporary or intermittent services of experts or consultants at any time.

Mr. FOGARTY. What is the other law to which the gentleman refers?

Mr. FASCELL. Section 15 of the Administrative Expenses Act.

Mr. FOGARTY. Does this section also hold it down to whether or not Congress is in session?

Mr. FASCELL. No.

Mr. FOGARTY. It does not?

Mr. FASCELL. It does not. Section 15 does not have any restrictions with respect to Congress being in session or out of session.

Mr. FOGARTY. So if Congress is not in session, they have to give this 30-day notice anyway?

Mr. FASCELL. Under the provisions of this bill, the answer to that is yes, but by virtue of section 15 the head of a department can secure the services of an expert or consultant despite this.

Mr. FOGARTY. Why should they make a report to Congress when Congress is not in session?

Mr. FASCELL. The main reason this provision is included in the bill is because there was considerable agitation in the committee to write into this law that no advisory committee could be established unless the Congress authorized it. Therefore, realizing that an advisory committee is an excellent managerial tool and not wishing to go that far in this legislation in restricting the use of advisory committees, we compromised in this legislation by providing that the heads of the departments could make a determination that this committee was necessary under existing law or under some other law or for reasons he set forth, as provided in the bill, provided he notifies the Congress in advance. This eliminates the question of then legislating that every advisory committee would have to be authorized by statute.

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

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask unanimous consent to proceed for 30 seconds.

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

There was no objection?

Mr. WILLIAMS of Mississippi. Mr. Chairman, in view of the explanation given by the gentleman from Florida, and assuming that if he is in error, the matter will be thoroughly explored and corrected by the other body, I ask unanimous consent that I may be permitted to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi that his amendment be withdrawn?

There was no objection.

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

The Clerk read as follows:

Amendment offered by Mr. HALLECK: On page 1, lines 9 and 10, strike out the words "not less than 30 days before such advisory committee is established."

Mr. HALLECK. Mr. Chairman, earlier in the debate on this measure, I indicated I had serious misgivings about it. As we have proceeded in the consideration of the bill, I must say that those misgivings have been heightened. Earlier it was developed that certain witnesses apparently wanted to be heard and were not heard. The majority report contains statements and recommendations from the departments raising objections here and there not only overall to the bill, but to specific provisions of the bill. Some of those have been corrected in part at least by some of the amendments that have been adopted. There are others that have not been so corrected. So I must say I am a little afraid that when we get through with this bill and, if it does become law, that all we will have done is to tie up a lot of people in the country who could be helpful and useful in the operation of the Government, with so much redtape and such rigid directives and regulations that we may find ourselves in a much worse position than we have been.

I think first of all I ought to say that it is my understanding that the President is against this measure. Referring to the statements of the departments, it is obvious that they are against it. As I said, they have made certain suggestions, not all of which have been followed. I think we tend sometimes, as we discuss a matter of this sort, to think about so-called business people coming down here to advise. Well, I suppose in the Department of Labor, the leaders of organized labor are called in by the Secretary of Labor to consult with him and to advise him. I know that to be true. I have no doubt but what the people running the Department of Defense are calling in people all the time. The report indicates that to be true. They do that because they need their advice. Why, we hear all the time that the Government seems to be too far from the people. I am a little afraid that this measure overall is going to remove the Government just that much farther away from the people. If that is the end result, then instead of bettering a situation, we are going to make it worse.

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

Mr. HALLECK. I yield.

Mr. McCORMACK. In connection with the amendment offered by the gentleman, your amendment would strike out "not less than 30 days before such advisory committee is established"; is that correct?

Mr. HALLECK. That is correct, yes.

Mr. McCORMACK. That means, of course, that the head of any agency before he could formally establish a committee would have to make a report to both branches of the Congress, as provided in the bill.

Mr. HALLECK. If that language is taken out, instead of notifying 30 days before he can establish it, he would have to notify or transmit to the Speaker and to the President of the Senate setting forth the information.

Mr. McCORMACK. But that would be before he made the actual appointment. That would be before the appointments were formally made; is that correct?

Mr. HALLECK. I would say yes, a reasonable time before.

Mr. McCORMACK. In other words, to report to the Speaker and to the President of the Senate are conditions precedent to actual establishment of the group.

Mr. HALLECK. That is right.

Mr. McCORMACK. I wanted to find out exactly what was in the gentleman's mind.

Mr. HALLECK. I might say, addressing myself to this particular amendment, that you will find in the report, both in the majority report and in the minority views, arguments and contentions having to do with this particular matter. Let us assume, and heaven forbid the day should come, that tomorrow we found ourselves in war; certainly every agency of Government and most of all the Defense Department would need

to be calling in from all over the country the leaders of labor, business, industry, and agriculture and every segment of our economy, every segment of our national effort to advise with them about what to do to meet the emergency. The automobile factories would have to be closed overnight. They would be the first people called in.

What sort of ridiculous arrangement is it that before any advisory people could be called in you have to give 30 days' notice? To me it just does not make sense. What is the reason why such preliminary 30 days' notice should be given. Is it contemplated that the 30 days' notice being given will result in avoiding an advisory committee? I do not understand that to be the purpose, because the whole purpose of the legislation it would seem to me is to have all of these committees wherever they are constituted operating in what might be called a goldfish bowl.

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

Mr. HALLECK. I yield.

Mr. McCORMACK. I do not think that the time is so important. I agree with the gentleman that perhaps the 30 days is some figure the subcommittee picked out of the air. We figured some particular time must elapse, that some notice must be given.

Let me ask the gentleman from Indiana if he would be willing to modify his amendment so far as the number of days is concerned? I would agree so long as there was notice prior to the actual formation of the committee. Strike out the words "not less than 30 days" and leave the rest of the language in the bill so it will read: "shall be established in a department unless before such advisory committee is established, the head of such department has transmitted," and so forth. That would accomplish what the gentleman has in mind as reflected in my previous colloquy with him.

Mr. HALLECK. Let me see; maybe I am a little dense, but it seemed to me that that was exactly the result that we would reach if the words "not less than 30 days before such advisory committee is established" were taken out. Then the notice still has to be given, but after the notice is given the advisory committee, or panel, or group, could be convened. That is all I am asking, I may say to the gentleman from Massachusetts.

Mr. McCORMACK. We have a meeting of minds; it is only a question of phraseology. Whether it is 30 days, 10 days, or 15 days, is immaterial to me. I think there should be prior notice. If the gentleman will modify his amendment to read "Strike out 'not less than 30 days' ", it would meet the situation as far as I am concerned and I would agree to it.

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

(By unanimous consent, Mr. HALLECK was allowed to proceed for 3 additional minutes.)

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

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

Mr. HALLECK. I will yield if it has a bearing upon the change of language I am interested in; but let me say before I yield to anybody that if the 30 days' requirement goes out then such committee could be convened after notice had been transmitted to the Speaker of the House of Representatives and the President of the Senate; and as far as I am concerned that is all I was undertaking to do, and unless somebody can point out something that is wrong about it I would be inclined to modify the amendment to comply with the suggestion of the majority leader.

Mr. FOGARTY. I just wanted to say that I agree with the gentleman and feel that such modification would take care of an emergency situation and that I think it would be more effective than having to wait 5, 10, or 15 days after the report is made.

Mr. HALLECK. Make the report, then start.

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

Mr. HALLECK. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I think to clarify it, in line 1 of page 2 if you would add after the word "meant" the word "first", put in the word "first", that would clarify the matter.

Mr. HALLECK. I think that would do it, but the suggestion of the gentleman from Massachusetts handles it.

Mr. Chairman, I ask unanimous consent that my amendment be amended to read "Strike out not less than 30 days."

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

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. HALLECK: On page 1, line 9, strike out the words "not less than 30 days."

Mr. HALLECK. Mr. Chairman, in the time remaining I would like to say one thing further. The gentleman from New York [Mr. CELLER] made some remarks about what we have come to refer to through the years as the WOC's. I have known some of those people who have come down here. Some of them have come from my district. One of them I know very well. He is not a big-business man; he is a small-business man. He came down here for 6 months, he gave of his time, and he became expert in the field of communications. He is on call out there in Indiana now if trouble comes to get on down here to take up a job in communications, the most vital thing that we must have if we get into real serious trouble. So to indict all of these people who are in that category, and I say they are in the overwhelming majority of those who have come down here, to undertake to indict them as sinister people, selfish, dishonest, seeking by coming in through the back door to get some undue advantage in the Government is not just.

I must speak my word for those people.

In conclusion may I say again, it is apparent to me that the people who are most vitally interested in this measure have not been sufficiently heard, their views have not been given sufficient consideration and, to my mind, nothing could be better for the orderly progress of the affairs of Congress than to recommit this bill to the committee.

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

Mr. Chairman, we have had a rather pleasant exhibition this afternoon. My dear friend from Indiana who opposed the poultry bill yesterday opposes this bill. He is getting in the light of being in opposition within his own party. The gentleman from Michigan has meandered around here, there, and everywhere else, mentally, of course, as he usually does.

The gentleman from Indiana talks about indicting everyone. Why, if my friend will read the hearings he will see we were very certain that Sinclair Weeks did not indict everyone. It was Sinclair in his letter to the committee that raised the sinister question and I resented it. It was my examination of the representatives of the Commerce Department that expressed my resentment and the resentment of the members of the subcommittee, both Democrats and Republicans. This bill came out of the committee without any opposition. Then it suddenly develops it all came from Sinclair Weeks. I like Sinclair personally. For years he has been one of the best assets the Democratic Party in Massachusetts has had. I like him, and when I meet him I say "Hello, Sinclair. How are you?" Sinclair represents the old standpat-ism. All of this opposition emanates from Sinclair; none of it in committee. I presided over the subcommittee when it was reported to the full committee and I presided over the full committee when it was reported out. We had a most harmonious and pleasant meeting on both occasions.

With reference to my dear friend from Michigan, I understand his pleasure in being consulted by the executive branch once in a while, and I am so happy when he is, and on this occasion I am very happy.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield for a correction?

Mr. McCORMACK. For a correction?

Mr. HOFFMAN. I am never consulted by anybody. Even the gentleman himself says that he has the least possible admiration for me.

Mr. McCORMACK. Now you raise another issue.

Mr. HOFFMAN. Well, it is the same old thing.

Mr. McCORMACK. You raise the issue of veracity.

Mr. HOFFMAN. Yes.

Mr. McCORMACK. Well, I did not want to say it, but did you not tell me after it was reported out that the White House had contacted you?

Mr. HOFFMAN. Contacted me?

Mr. McCORMACK. I did not want to say it, but you raised the question of veracity.

Mr. HOFFMAN. They would not contact me in a hundred years.

Mr. McCORMACK. Did anybody contact you?

Mr. HOFFMAN. Not that I know of.

Mr. McCORMACK. Did you not tell me that somebody in the White House had contacted you?

Mr. HOFFMAN. The only one I am trying to get past is St. Peter.

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

Mr. McCORMACK. Wait until I get through with my friend from Michigan. This is a very pleasant afternoon. Did not the gentleman from Michigan tell me after the bill was reported out, when we were going to bring it up under suspension of the rules, that he did not want me to do it because he had been contacted?

Mr. HOFFMAN. So much, yes.

Mr. McCORMACK. Because he had been contacted?

Mr. HOFFMAN. Yes; as to suspension—no further.

Mr. McCORMACK. So I am right.

Mr. HOFFMAN. No. You have not gone to the tail end of the situation yet.

Mr. McCORMACK. An administrative assistant at the White House, somebody from the White House. I did not say the President.

Mr. HOFFMAN. You expressed your opinion to me long, long ago, it was accepted, and I am trying to reform.

Mr. McCORMACK. Of course, I cannot talk about political reform, but I can talk a little bit about spiritual reform.

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

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

Mr. HALLECK. We always appreciate hearing from our great majority leader, and I agree with him that we have gone along very well in the consideration of this measure.

Mr. McCORMACK. It has been very happy, and let it pass by a voice vote.

Mr. HALLECK. The gentleman has referred to our Secretary of Commerce, who is a longtime friend of mine. I would just like to say that I think he has made a great Secretary of Commerce and has done a good job down there, and a lot of people appreciate it.

Mr. McCORMACK. He ought to give you a lot of appointments now, and I hope he does.

Mr. HALLECK. When the gentleman, however, says that he seems to be the only person in opposition, a reading of the report, and beginning on page 7 under the heading "Agency Comments" we find here the Department of Agriculture complains of the bill; the Bureau of the Budget complains of it; the Department of Commerce; the General Accounting Office; General Services Administration.

Mr. McCORMACK. General Accounting Office? Why did you not read the hearings? The General Accounting Office suggested amendments, and then they were for it.

Mr. HALLECK. Department of the Interior. This is the majority committee report analyzing and summarizing what these agencies had to say.

Mr. McCORMACK. I heard the gentleman from Michigan make that speech.

Mr. HALLECK. The Department of Justice objected; the Department of Defense objected; the Federal Civil Defense Administration objected; the Department of Labor objected; the Post Office Department objected.

So, all I wanted to do was to have it understood that it just is not the Department of Commerce that expressed opposition and concern. Yes, and he suggested these improvements to protect all of the agencies of the Government who will have to live with this legislation.

Mr. McCORMACK. The gentleman from Indiana is not saying anything in contradiction to what I have said. What I said was it came out of the committee without opposition. Then I said the opposition developed afterward. Then I said the opposition developed from Sinclair Weeks. Of course, those Departments the gentleman mentioned, I know about their opposition, and I know the position of those Departments. You talk about the General Services Administration. Why, the General Services Administration testified that their advisory committees have been complying with the provisions of this bill prior to the committee reporting it out.

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

Mr. McCORMACK. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thought that I had misread some of these reports myself after I listened to the statement just made, but I see on page 8 of the report what the General Accounting Office actually said in its letter of March 1, 1957. That is this:

> We believe the prescribing of such minimum standards by statute will not only minimize violation of the antitrust statutes, but will also tend to avoid conflicts of interest. Certainly, if such a bill be enacted into law, there will be afforded some means of control of advisory groups composed of experts and consultants, particularly, where they are employed without compensation.

That does not seem to me to be in opposition to the bill. To a lesser degree, the Bureau of the Budget, while they say they are not satisfied it is needed and feel perhaps it can be done by administrative reform, indicate that they believe such action as this should be taken by somebody.

Mr. McCORMACK. The only Department that appeared before the subcommittee and vigorously opposed the bill was the Department of Commerce. And the poor fellows who appeared were under pressure and came up with a chip on their shoulder. Some of us tried to get them to be a little bit more relaxed, so that they would not feel they were going to be cross-examined, and the hearings show that. I particularly mentioned it. I said, "You are coming up here with a chip on your shoulder. You do not have to do that." Does the gentleman remember that?

Mr. Chairman, this is for the benefit of all of us in Congress no matter what our party designation may be. It is well for us to have this information. It is not peculiar to any administration. These conditions are not peculiar. They might be a little more aggravated under some than others, and it might be more in this department than in some other department.

The General Accounting Office was giving full publicity. But the real significance of this bill is that it gives publicity and gives notice to Members of Congress upon which we can make reasonable inquiry if we desire to do so. So this bill is not partisan in nature. It is for the protection of ourselves, of Congress as such, and of each Member of both branches of the Congress without regard to political party.

The bill, as amended, is in very excellent shape, and I hope it will pass.

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

The amendment was agreed to.

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

Mr. Chairman, while the amendments adopted have materially improved the legislation, I must inform the membership on our side of the House and to the Democrats as well, that the bill is not endorsed by the administration.

I feel that a measure of this sort should have had a wider hearing, more consideration than it has had. Two very important Departments of Government, the Department of Defense and the Post Office Department, were led to believe that they would have a hearing. They were not given that opportunity. I am not making any charges as to why they were not given the opportunity, because I think it was the result of an honest mistake which could happen to anyone. But they did not get the opportunity. I think they should be given that opportunity. I believe that the consideration of this now is premature. I believe the proper thing for us to do is to send the bill back to the committee on the motion that will be made by the gentleman from Michigan [Mr. HOFFMAN].

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

Mr. Chairman, I should like to address myself to some of the remarks that have been made. First of all, all the agencies in summary in the report on the bill have either used the requirements that are set forth in section (b) of this legislation or have said generally that the objectives of the legislation are all right, but they believe they ought to be achieved administratively.

While that sounds very good, the facts are on the record in the testimony that since 1950 only about 50 percent of these thousands of committees have condescended to follow the suggestion of the Department of Justice to meet these very simple and elemental requirements.

We have had ample hearings. The Committee on Government Operations has for some years gone into the question of the practices of the advisory committees, experts, and consultants. These 3 books alone represent the replies from the agencies and the departments. Various hearings we have held over a period of years. Consideration was given by the committee to the very

valuable hearings held by the Judiciary Committee, and the Intergovernmental Subcommittee of the Committee on Government Operations. They went into all of these cases of the abuses which certainly in my opinion were scandalous and gave every reason for us to put in this report the language that we did.

So I submit this legislation is a fair minimum. The requirements are flexible. It is not going to hobble anybody.

One important point: We recognize in this legislation the excellent managerial tool that is available through an advisory committee. Nowhere have you had heretofore recognition of an advisory committee as such, unless Congress specifically passed a statute setting up such a committee. This legislation recognizes such committees, gives the department heads the opportunity fairly and squarely without any equivocation or reservation to make use of this tool, and then sets up a fair minimum standard, which is reasonable under all concepts, by which they should operate.

I trust the Committee and the House will adopt the bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMAS, 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. 7390) to amend the Administrative Expenses Act of 1946, and for other purposes, pursuant to House Resolution 296, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. HOFFMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HOFFMAN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOFFMAN moves that the bill be recommitted to the Committee on Government Operations with instructions to receive further testimony thereon from the Department of Defense and the Post Office Department.

Mr. FASCELL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the Chair was in doubt.

Mr. HOFFMAN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 225, not voting 25, as follows:

[Roll No. 137]

YEAS—183

Adair	Fenton	Moore
Alger	Fino	Morano
Allen, Ill.	Ford	Mumma
Andersen, H. Carl	Frelinghuysen	Neal
Arends	Fulton	Nicholson
Auchincloss	Gavin	Nimtz
Avery	George	Norblad
Ayres	Griffin	O'Hara, Minn.
Baker	Gross	Osmers
Baldwin	Gubser	Ostertag
Bass, N. H.	Gwinn	Patterson
Bates	Hale	Pelly
Baumhart	Halleck	Pillion
Becker	Harden	Poff
Belcher	Harrison, Nebr.	Prouty
Bennett, Mich.	Harvey	Radwan
Bentley	Haskell	Ray
Berry	Henderson	Reed
Betts	Heselton	Rees, Kans.
Bolton	Hess	Rhodes, Ariz.
Bosch	Hiestand	Robsion, Ky.
Bow	Hill	Rogers, Mass.
Bray	Hillings	St. George
Broomfield	Hoeven	Saylor
Brownson	Hoffman	Schenck
Broyhill	Holmes	Scherer
Budge	Holt	Schwengel
Burdick	Horan	Scott, Pa.
Bush	Hosmer	Scrivner
Byrne, Ill.	Hyde	Scudder
Byrnes, Wis.	Jackson	Sheehan
Canfield	James	Siler
Carrigg	Jenkins	Simpson, Ill.
Cederberg	Jensen	Simpson, Pa.
Chamberlain	Johansen	Smith, Calif.
Chenoweth	Jonas	Smith, Kans.
Chiperfield	Judd	Smith, Wis.
Church	Kean	Springer
Clevenger	Kearney	Stauffer
Cole	Keating	Taber
Collier	Keeney	Talle
Corbett	Kilburn	Taylor
Cramer	Knox	Teague, Calif.
Cretella	Krueger	Tewes
Cunningham, Iowa	Laird	Thomson, Wyo.
	Latham	Tollefson
	LeCompte	Utt
Cunningham, Nebr.	McCulloch	Van Pelt
	McDonough	Van Zandt
Curtin	McGregor	Vorys
Curtis, Mass.	McIntire	Vursell
Curtis, Mo.	McIntosh	Wainwright
Dague	McVey	Weaver
Dawson, Utah	Mack, Wash.	Westland
Dellay	Martin	Wharton
Dennison	Mason	Widnall
Derounian	Meader	Wigglesworth
Devereux	Merrow	Williams, N. Y.
Dixon	Miller, Md.	Wilson, Calif.
Dooley	Miller, Nebr.	Wilson, Ind.
Dorn, N. Y.	Miller, N. Y.	Withrow
Dwyer	Minshall	Younger

NAYS—225

Abbitt	Celler	Flood
Abernethy	Chelf	Flynt
Addonizio	Christopher	Fogarty
Albert	Chudoff	Forand
Alexander	Clark	Forrester
Andrews	Coad	Fountain
Anfuso	Coffin	Frazier
Ashley	Colmer	Friedel
Ashmore	Cooley	Garmatz
Aspinall	Cooper	Gary
Barden	Davis, Ga.	Gathings
Baring	Davis, Tenn.	Gordon
Barrett	Delaney	Granahan
Bass, Tenn.	Dempsey	Grant
Beckworth	Denton	Gray
Bennett, Fla.	Dies	Green, Oreg.
Blatnik	Dingell	Green, Pa.
Boggs	Dollinger	Gregory
Boland	Donohue	Griffiths
Bolling	Dorn, S. C.	Hagen
Bonner	Dowdy	Haley
Boyle	Doyle	Hardy
Breeding	Durham	Harris
Brooks, Tex.	Eberharter	Harrison, Va.
Brown, Ga.	Edmondson	Hays, Ark.
Brown, Mo.	Elliott	Hays, Ohio
Brown, Ohio	Engle	Healey
Buckley	Evins	Hébert
Burleson	Fallon	Hemphill
Byrd	Farbstein	Herlong
Byrne, Pa.	Fascell	Holifield
Cannon	Feighan	Holland
Carnahan	Fisher	Huddleston
Hull	Metcalf	Roosevelt
Ikard	Michel	Rutherford
Jarman	Miller, Calif.	Sadlak
Jennings	Mills	Santangelo
Johnson	Montoya	Scott, N. C.
Jones, Ala.	Morgan	Seely-Brown
Jones, Mo.	Morris	Selden
Karsten	Moss	Shelley
Kee	Moulder	Sheppard
Kelley, Pa.	Multer	Shufford
Kelly, N. Y.	Murray	Sieminski
Keogh	Natcher	Sikes
Kilday	Norrell	Sisk
Kilgore	O'Brien, Ill.	Smith, Miss.
King	O'Brien, N. Y.	Smith, Va.
Kirwan	O'Hara, Ill.	Spence
Kitchin	O'Neill	Staggers
Kluczynski	Passman	Steed
Knutson	Patman	Sullivan
Landrum	Perkins	Teague, Tex.
Lane	Pfost	Thomas
Lanham	Philbin	Thompson, La.
Lankford	Pilcher	Thompson, Tex.
Lennon	Poage	Trimble
Lesinski	Polk	Tuck
Lipscomb	Porter	Udall
Long	Preston	Ullman
Loser	Price	Vanik
McCarthy	Rabaut	Vinson
McCormack	Rains	Walter
McFall	Reuss	Watts
McGovern	Rhodes, Pa.	Whitener
McMillan	Riehlman	Whitten
Macdonald	Riley	Wier
Machrowicz	Rivers	Williams, Miss.
Mack, Ill.	Roberts	Willis
Madden	Robeson, Va.	Winstead
Magnuson	Rodino	Wright
Mahon	Rogers, Colo.	Yates
Marshall	Rogers, Fla.	Young
Matthews	Rogers, Tex.	Zablocki
May	Rooney	Zelenko

NOT VOTING—25

Allen, Calif.	Boykin	Morrison
Anderson, Mont.	Brooks, La.	O'Konski
	Coudert	Powell
Andresen, August H.	Dawson, Ill.	Reece, Tenn.
	Diggs	Saund
Bailey	Holtzman	Teller
Beamer	Kearns	Thompson, N. J
Blitch	McConnell	Thornberry
Bowler	Mailliard	Wolverton

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Wolverton for, with Mr. Holtzman against.

Mr. Reece of Tennessee for, with Mrs. Blitch against.

Mr. Coudert for, with Mr. Teller against.

Mr. Allen of California for, with Mr. Bailey against.

Mr. Beamer for, with Mr. Thompson of New Jersey against.

Mr. Kearns for, with Mr. Dawson of Illinois against.

Mr. McConnell for, with Mr. Morrison against.

Mr. August H. Andresen for, with Mr. Powell against.

Mr. Mailliard for, with Mr. Thornberry against.

Until further notice:

Mr. Boykin with Mr. O'Konski.

Mr. JENKINS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BALDWIN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

DEEPENING OF THE DELAWARE RIVER CHANNEL

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. CANNON] for 5 minutes.

Mr. CANNON. Mr. Speaker, as I have had occasion to say before, no private citizen renders a more valuable service to good government than our friend, Drew Pearson. He may not be infallible. But his batting average for accuracy is so impressive as to afford cause for credence in statements made in his daily column.

My only protest, if it may be called a protest, is that he does not always give opportunity for the traditional day in court—no opportunity to refute statements.

That is particularly true of his statement in this morning's column to the effect that the chairman of the Committee on Appropriations quietly pushed through an appropriation for a 40-foot channel in the Delaware River.

I am the last man on the committee of 50 members who could be charged with pushing that item through. And certainly there was nothing quiet about it.

It is not a new subject. And there could have been no element of surprise about it. Proponents of this project have been industriously building up this proposal for the last 3 years.

Authorization for a 40-foot channel in the upper Delaware River passed both the House and Senate and was signed by the President in 1954. A Senator appearing before the House committee said:

> In the Senate there was quite a controversy whether or not this would be a 40-foot channel. After extended debate the Senate approved the authorization by a more than 2-to-1 vote.

Under that authorization the President's budget for the fiscal year 1956 proposed $6 million for the 40-foot channel contingent on reaching an agreement with the local interests—United States Steel—to contribute at least $18 million. The Senate added it to the bill but the House managers threw it out in conference.

On June 16, 1955, when the bill was under consideration in the House an amendment was offered from the floor to include $18,500,000 for the purpose but after extended debate was rejected.

This year the budget for the fiscal year 1958 included $9 million for a 35-foot channel which the committee adopted with instructions to increase the depth to 40 feet.

At all times I have opposed this expenditure because it was apparently for the sole benefit of a few of the larger steel companies. A Member of the House in the course of debate characterized it as a proper bill for the Private Calendar and said it ought to be entitled "A Bill for the Relief of the United States Steel Corp." I opposed it because it would in effect constitute a Federal subsidy to a few of the larger steel companies thereby putting the Government in the position of supporting unfair competition; because the steel companies affected can easily solve their problems by locating their plants on deeper water or by using superbarges similar to those on the Great Lakes; because the larger channel will open up the river to heavier tides and storms increasing the maintenance problems of that area; because the cost of chiseling through 7 to 10 miles of solid rock is excessive; because as pointed out in House floor debate on the $18,500,000 amendment, the need for the deeper channel was originally occasioned by four steel ore boats being built in Japan with cheap foreign labor in competition with American labor; and again because President Eisenhower asked that the steel companies for which this 40-foot channel is to be provided, contribute $18 million as their fair portion.

And, Mr. Speaker, these proceedings were not had under a bushel. Extensive hearings were held. Two Senators and 12 Congressmen appeared before the committee in the hearings on the bill, as well as representatives of local business organizations opposed to the appropriation, and other interested citizens. The printed hearings were distributed to the press and were available for all who desired them.

Now, Mr. Speaker, like Mr. Pearson, I am not infallible. I may be entirely mistaken in my judgment in opposition to this appropriation. It is approved by many men wiser than I am. And they have given in the hearings and in debate here on the floor substantial reasons for their support of the appropriation. I have just been informed that the Senate committee has not only approved the item unanimously but has proposed an amendment adding $2 million to the amount passed in the House. It is quite possible that I may be entirely wrong about the matter.

But certainly I cannot be charged with pushing the appropriation and no one in the House has reason to be in doubt about my position on it.

Mr. Speaker, I herewith append the article referred to, and ask unanimous consent that it be included in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The article referred to is as follows:

UNITED STATES STEEL ASKING COSTLY PROJECT

(By Drew Pearson)

> While United States Steel was touching off a chain reaction of inflation which will hit everything from bobby pins to automobiles, it was simultaneously pulling wires for a 40-foot channel in the Upper Delaware River so bigger ore ships can reach its giant Fairless Works at Morrisville, Pa.
>
> Deepening the channel will cost the taxpayers an estimated $91,738,000—a free gift to United States Steel because it is the only company planning to use super ore carriers on the Upper Delaware.
>
> This costly project, benefiting one private company, was quietly pushed through the House Appropriations Committee by Chairman CLARENCE CANNON, Democrat, of Missouri. It is now being considered by a Senate Appropriations Subcommittee headed by Senator ALLEN ELLENDER, Democrat, of Louisiana.
>
> Property owners along the Delaware claim a deeper channel will increase the flood menace. They point out that the last damaging flood in August 1955, was caused by hurricane-driven water forced up the Delaware. A 40-foot channel would permit more floodwater to be driven up the river. If the taxpayers have $91,738,000 to spare, they say, it should be spent on flood control for the benefit of all the property owners.
>
> The White House is incensed over the way United States Steel thumbed its nose at President Eisenhower by hiking the price of steel 1 day after his appeal against inflation. It remains to be seen, however, whether the White House will oppose spending $91,738,000 to dredge a private, dead-end passageway up the Delaware for the same United States Steel. Observers note that in the past Ike has frequently rewarded his opponents in the field of big business; even appointed Ben Fairless, a backstage power in United States Steel, to a high advisory post in his administration.
>
> UNITED STATES STEEL DIVIDENDS
>
> Here's what a tough time United States Steel has had during the past 10 years. If you invested $10,000 in United States Steel in 1947, you will find its value today has shot up to $61,506. During that same 10-year period, it paid dividends of $12,774.
>
> Thus the income and the value added together total $74,280. If you deduct your original investment of $10,000, you received a profit during the 10-year period of $64,280.

AMENDING REORGANIZATION ACT OF 1949

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8364) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

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 consideration of the bill, H. R. 8364, with Mr. BLATNIK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. FASCELL] is recognized for 30 minutes, and the gentleman from Michigan [Mr. HOFFMAN] will be recognized for 30 minutes.

Mr. HOFFMAN. Mr. Chairman, I wish to state that the gentlewoman from Indiana [Mrs. HARDEN] will be in charge of the bill on this side.

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us the bill (H. R. 8364) which amends the Reorganization Act of 1949, as amended. It makes two amendments to that act. One is to authorize the President to submit reorganization plans up to June 1 of 1959 although they might become effective after that date, whereas without this legislation that authority would have expired.

Mr. Chairman, the bill also amends the act to provide that plans submitted to Congress may be disapproved by a majority vote of either the House or the

Senate instead of an authorized majority of either House as is the law at the present time. These are the two amendments that are made to the act in this bill. One extends the act, authorizes the President to submit plans to June 1, 1959. The reason we selected that date, of course, was to assure that there would be 60 days for consideration during June and July before Congress adjourned.

The original request of the President was for a 4-year extension. The committee, however, felt that since in 1953 and 1955 there were only 2-year extensions we also recommended an extension for this period of time. We would bring the expiration within the term of this administration and not extend over to the next administration. This would give the Congress the opportunity at that time to decide if it wanted the legislation further extended. We felt that a 2-year extension was ample.

There was some opposition with respect to extending this act at all and the fact that Congress would not be able to work its will on these matters. As a result of that type of discussion we proposed this other amendment in the bill which was to do away with the necessity for a majority of the authorized membership to disapprove any Presidential plan and proposed in the legislation that it would be by a simple majority of either the House or the Senate, making the act more flexible and making it easier for Congress to disapprove a Presidential proposal.

Mr. MORANO. If the gentleman will yield, does the gentleman by authorized majority mean a constitutional majority?

Mr. FASCELL. No. We provide in this amendment that it will take only a simple majority.

Under existing law, of course, a reorganization plan submitted by the President would take effect after 60 days unless within that time a resolution of disapproval has been passed by at least one branch of Congress. Under the old law it had to be passed by a majority of the authorized membership; under the proposed amendment it would be a simple majority.

There has been some discussion as to whether or not a case has been made for extending the act. In response to that I would say the administration thought it of sufficient importance to make a special request for the extension of the Reorganization Act. In addition to that we know Congress has already extended it from time to time and that under the Reorganization Act we have had a great many plans submitted and reorganizations effected. It is true that since January 1, 1955, only five reorganization plans have been submitted to the Congress. In 1956 both plans were rejected. There is one pending in 1957.

The testimony before the committee was that while they had no specific plans in mind at the present time, the administration did contemplate some changes of a major nature in the years to come and, therefore, felt it was vital and of importance for them to have an extension of this act. The committee's feeling in this regard was that we have had some very successful reorganizations and that certainly this administration should be extended the right to submit those plans to this Congress.

Those of us who are familiar with the act know there are limitations in the legislation, and thus despite the fact that some may consider it unconstitutional, some may not like to legislate negatively, the plain fact is, today we are here seeking to extend the act under which great improvements have been made. So I would say despite these objections which were raised in the committee, and are in the report, of unconstitutionality, and the fact that a strong enough case has not been made, the committee felt that with the amendment we have proposed to the act it would give Congress a degree of control greater than that which was requested by some of the opponents who would rather have Congress legislate directly on the subject of executive reorganization or give the right to have Congress amend the plans as they are presented by the President of the United States.

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

Mr. FASCELL. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman from Florida has made a very frank statement as to the situation that exists in relation to this bill. In committee there was a danger as to whether or not the bill would be reported out of the committee. I am on the subcommittee that the bill was referred to and a member of that full committee. Probably I had considerable to do in connection with the bill being reported out of both the subcommittee and the full committee. I would like to have the attention of the Republican leadership just to give them some information which might be of some interest.

Personally, I favor the constitutional majority, but I am supporting the bill because this is a compromise and a fair, reasonable one within the committee, without which there might have been difficulty in getting any bill out of the committee. When I make an agreement in committee I go through with the agreement that I make. As I said, I personally favor the constitutional majority; in fact, I think I am the one who was mainly instrumental in putting it in the law and having it enacted into law several years ago.

We are faced with a very practical situation. My agreeing to this amendment enabled others who opposed the bill to harmonize their differences, our differences, so that the bill was reported out of the committee. All of us who favor the extension of the law suggest we not haggle over that, but be sure we pass the bill.

In practical operation the average vote on rollcall is about 400. That would mean there would have to be 201 to reject any reorganization plan. It is true that under the constitutional majority there would have to be 218, and I admit on occasions the necessity of getting that extra vote might be important; but, generally speaking, if you can get 201 you can get 218. Perhaps in rare cases you may not be able to do that.

I am suggesting to the gentlemen on the other side that my cooperating with them as I have means it might be well for those of us who support the bill not to get into a controversy over whether it is a constitutional or simple majority, but to adopt the recommendation of the committee and put the bill through as reported by the committee.

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

Mr. FASCELL. I yield to the gentleman from Massachusetts.

Mr. MARTIN. If we adopt the amendment, we would be compelled to send the measure to the other branch, which under the present circumstances might tie the legislation up for some time. If we do not adopt the amendment, there would not be the necessity of waiting on the other branch, and the bill could go directly to the President.

Mr. McCORMACK. The Senate bill was a simple majority, I think, although I am not sure. If the bill passed the Senate with a simple majority it would go direct to the White House, but I am not sure it was a simple majority or a constitutional majority.

Mr. MARTIN. I understand it was a constitutional majority.

Mr. McCORMACK. My vague impression is it was a constitutional majority, too.

Mr. FASCELL. The gentleman is correct.

Mr. MARTIN. If we eliminated section 2, we would conform absolutely to the Senate bill and that would be the end of the controversy?

Mr. McCORMACK. That would eliminate the simple majority. I am backing up the committee. I do not know what will happen. There might be a reversal of opinion and you might be faced with a possible defeat of the bill. There are some on the gentleman's side who are opposed to the bill. We know of the difficulty through the years to get legislation of this kind enacted into law, and I, as majority leader, am conveying to my friends how much I cooperated with the administration and with your leader and my President in getting a bill out of the committee, and I would not want to see anything done that would make it more difficult for passage in the House.

Mr. MARTIN. I appreciate the generous spirit of the majority leader.

Mr. McCORMACK. Oh, it was very generous, I assure you.

Mr. MARTIN. I was hopeful you might be a little more generous and make sure that the bill was passed immediately. And I would further say you need not worry about the votes on this side.

Mr. McCORMACK. Well, I am not so sure.

Mr. MARTIN. Well, we are not so sure about anything in this world.

Mr. McCORMACK. That is true, but an ounce of prevention is worth a pound of cure. I do not care what the gentleman does, but, if you offer the amendment and it is adopted, I will vote against the bill, because I am going through with the promise I made in committee. And I keep my word. I do

not know how many others on my side will follow that.

Mr. FASCELL. I thank the distinguished majority leader for the observations concerning the legislation, and I would suggest to the minority leader that it would be a very simple matter, if the legislation is adopted, to get it over to the Senate so that they can act on it in a hurry.

Mr. Chairman, that concludes my presentation on this legislation. The committee believes, in all fairness, that the amendment of the simple majority that we have in the bill responds to a great many members who have objected to the extension of this act, because it is a delegation outside of the hands of the Congress. And, in doing so, we are acting in complete fairness for this administration to have the right to have this legislation which has been used by other administrations in effecting reorganization plans. And we submit, in all fairness, that that should be done, and that is why we adopted the 2-year provision.

Some 56 reorganization plans have been transmitted to the Congress. Forty-one have become effective. Fifteen reorganization plans were transmitted during the past 4 years and 12 were permitted to take effect. And, I repeat again, 2 were submitted last year, both rejected, and 1 is now pending. The administration says it has in the mill certain major recommendations for reorganizations that it would like to submit to the Congress in the next 2 years and therefore seeks the passage of this legislation.

Mrs. HARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I wrote additional views in the report which you have before you on this bill which set forth my position on this legislation. I dislike to oppose the administration or the leadership on my side of the aisle, but I regard this as a fundamental matter.

One of my main objectives in my service in the Congress is to strengthen the Congress and let it assume the policy-making responsibilities which the Constitution placed in it. I am disturbed each time when authority over public affairs gravitates away from the elected representatives of the people and into the bureaus and agencies in the executive branch of Government. This piece of legislation is of that type, and it disturbs me that we so casually continue to vest this authority in the executive branch of the Government when no case has been made that would justify it.

Now, I voted for the two previous extensions of this legislation. I did so because both of those previous extensions occurred when we were receiving reforms recommended by the first Hoover Commission and the second Hoover Commission for streamlining the executive branch of the Government. The second Hoover Commission, however, issued its final report in December 1954, and in the last year. 1956, the administration only found two reorganizations to send up to the Congress.

One dealt with creating Assistant Secretaries for Research in the Department of Defense. The other dealt with separating the deposit insurance function from the Home Loan Bank Board. Both were ill-advised reorganizations. Both were defeated unanimously and without debate in the Committee on Government Operations. Both were defeated unanimously and without debate by the House of Representatives. Assistant Secretaries for Research were promptly created by legislation.

This year one plan has been sent up with respect to the Reconstruction Finance Corporation which has legally gone out of existence, on which there is no controversy. It has already taken effect.

The gentleman from Massachusetts [Mr. McCORMACK], as I pointed out in the discussion under the rule, asked, "Just why do you need this power? What reorganizations do you plan?" And he could not get any answer that would justify continuation of this power.

What I am bothered about is that we lightly continue this delegation of legislative authority which was made many years ago, without adequate consideration. What has happened to us in our respect for our own responsibility and authority that our leadership would recommend that we continue a delegation of legislative power to the executive branch of the Government without even adequate discussion?

That is why I felt compelled to call the attention of Members of the House to what we are doing here. We have continued this authority so frequently that now we are numb and, as the gentleman from Florida already has argued, we crossed that bridge years ago. No longer do we regard ourselves as having the right to terminate this legislative power in the executive branch of the Government. I say that we ought to be very chary about delegating our constitutional power, and require the administration to come up and make out a case that they need it. Then I will be for granting it.

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

Mr. MEADER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman's position has always been clear through the years. So, also, has the position of the gentleman from Michigan [Mr. HOFFMAN] throughout the years. I think the gentleman will agree that the statement I made just a minute ago was a very frank one and a very honest one; was it not?

Mr. MEADER. I think the gentleman would find—and I have not attempted to take a poll of the Committee on Government Operations—a great many Members on both sides of the aisle who are disturbed about this light continuation of this grant of legislative power to the Executive.

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

Mr. MEADER. I yield to the gentleman.

Mr. HARDY. I thank the gentleman. Mr. Chairman, I should like to associate myself with the gentleman in the general nature of the remarks which have been made by him. I have read his additional views in the committee report and I find myself in substantial agreement with them. I joined other members of the committee in voting to report this legislation out. I am frank to say that I would not have joined them if we had not had section 2 in the bill. If that were taken out I would vote against it because I do not think there is any real reason for a continuation of it in its present form.

Mr. MEADER. I thank the gentleman for his statement.

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

Mr. MEADER. I yield to the gentleman.

Mr. HOFFMAN. If I understood the gentleman from Massachusetts [Mr. McCORMACK] correctly, he was in favor of a bill which would require one House at least to express disapproval by a two-thirds constitutional majority, but that he had some sort of agreement with some member of the committee to take what we now have and that was his only reason for accepting this bill. I did not make any agreement with anybody about anything. I have always opposed this type of legislation because it is in conflict with the method prescribed by the Constitution.

Mr. MEADER. Mr. Chairman, with respect to the vote by which either House may reject a reorganization plan, my record is clear on that subject from the very first term that I served in Congress. I offered an amendment to the Emergency Reorganization Act that we had during the Korean war, which passed this body and provided that plans could be rejected by a simple majority. In subsequent Congresses I have introduced legislation to strike from the Reorganization Act the requirement that there be a vote of a majority of the authorized membership, in other words, 218 votes in the House, and 49 votes in the Senate.

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

Mr. MEADER. I yield to the gentleman from Virginia.

Mr. HARDY. Actually this provision which we have set up for the President to reorganize does not really help very much. He can send the same thing down in legislation prepared at the White House or in the agencies for consideration by the committees. It would just have to be acted on on both sides. It would just take a little longer. Certainly if we give him the right to continue and then deny it by a simple majority, that is all anybody ought to want to give away of our own responsibilities. I think we ought to give back some of them. That is what I am trying to do.

Mr. MEADER. When this bill was first considered in the 83d Congress the committee was prepared to accept that voting procedure and the President was prepared to accept it, until some of the advisers in the bureaus or agencies said this would make it too easy for the Congress to turn down a plan. As you recall, here on the floor of the House we had

quite a debate over whether it should be a constitutional majority or simply a majority of a quorum. Certainly I would oppose striking section 2 of the bill. I believe Congress certainly ought to amend the law, if they are going to extend it, in order to make it possible for either House to defeat a reorganization plan.

The gentleman from Michigan [Mr. HOFFMAN] will recall the first reorganization plan of 1950, which abolished the Board of Directors of the Reconstruction Finance Corporation and provided for a single Administrator with unlimited term. The effect of that plan was to take away all of the safeguards and the checks that Congress had written into the Reconstruction Finance Corporation Act, under which billions of dollars of public money were handled, and invest all that power in one czar who never had to come before the Senate again to get their approval of the conduct of his office. He would be in office permanently with no limitation on his term. When that plan came before the House of Representatives it was voted against by 200 Members of the House of Representatives but 198 voted for it. Since we did not have 218 Members, the plan took effect, even though a majority of the House was opposed to it.

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

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

Mr. HOFFMAN. It is a little difficult for me to understand the position of my good friend from Virginia [Mr. HARDY] and some others on that side. They just finished putting a straitjacket on the executive branch downtown. Now they are crying because they want to put a little one on the administration and the administration does not want it.

Mr. HARDY. I would have to disagree with that thinking. In both cases it is entirely consistent. We are trying to keep in the Congress the authority which belongs to us.

Mr. HOFFMAN. All I am complaining about is the way you treat the executive departments and then complain because they hand a little bit back to us.

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

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

Mr. GROSS. What was the purpose of this backdoor method of legislation in the first place if it was not to produce efficiency and economy in Government?

Mr. MEADER. That is the purpose of it.

Mr. GROSS. Does the gentleman think it has accomplished that?

Mr. MEADER. I could hardly answer that in the short time I have remaining. I voted for the act when the recommendations for the first Hoover Commission were before us, because I thought the President could send up programs for streamlining and transferring functions within the executive branch of the Government as recommended by the Hoover Commission, and that they probably would get more speedy and effective consideration by this bobtailed method of adopting national policy. For the same reason I supported the second extension that has come up since I have been in Congress, because we had before us the recommendations of the second Hoover Commission. But my point is that enough time has elapsed after the studies of these two reorganization commissions to have set up any worthwhile plan. There is nothing on file showing a need for continuing this authority and to grant it when there is no reason for it, just shows me how lightly the Congress regards its constitutional prerogatives and responsibilities.

Mr. GROSS. The administration or any department of the Government can obtain consideration of any meritorious legislation that is sent to the Congress through regular procedure; is that not true?

Mr. MEADER. The administration has been very successful in getting favorable legislation through the committees and through both branches of the Congress. Let me say in that case, as is not the case under reorganization plans, the members of committees who may be thoroughly familiar with the field in which their committee legislates will have an opportunity to correct language and to mold and to shape the legislation. But, under a reorganization plan, which is not subject to amendment, it cannot be modified by the policymaking authority of this Congress. We must take it or leave it as it is written. We cannot even correct a typographical error in a reorganization plan.

Mr. GROSS. I just want to say I associate myself with and commend the gentleman's opposition to this bill. I am opposed to it with or without section 2.

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

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

Mr. FASCELL. Will not the gentleman agree that section 2 makes an improvement in the bill from the standpoint of the gentleman?

Mr. MEADER. Yes, indeed, and I said so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. BASS.]

Mr. BASS of Tennessee. Mr. Chairman, this proposed legislation is one which is called the extension of the Reorganization Act. I think the real description of this bill or legislation can be found on the first line in the second paragraph on page 3 of the report where it says "proven tool." That is exactly what this business is. It is a proven tool used to implement legislation by negative action. I was surprised actually when I came to the Congress and found that this sort of law existed which allowed the Congress of the United States to abrogate its responsibility by a failure to function with reference to legislation which affects the entire Nation. These reorganization plans come before the Congress and they become the law. They become statutes. They are things that the people of the country have to live under. Yet, we, as Members of the Congress, fail to act on this legislation. It becomes law if we do not act. I made that statement before a group in my district about 2 months ago. The man who is chairman of the legislative committee for a chamber of commerce asked me a question about some of the Hoover Commission recommendations. I explained to him how this reorganization plan worked. He could not believe that the Congress of the United States would allow such a thing to go on. That you just put something before the Congress that is sent up by the executive department and, if it is not voted down, then it becomes the law without affirmative action.

I do not believe 1 person in 10,000 of the informed American public knows that such a situation as this exists in the lawmaking body of the United States of America. Let me go into a little bit of this Hoover Commission deal which this reorganization plan actually has affected more than anything else. The so-called Hoover Commission or the Commission on the Reorganization of the Executive Branch of the Government has gone over the country saying, "We have recommended this which would save $2 billion—this which would save $6 billion—and this which would save $12 billion." If you would add up all of the billions of dollars that Mr. Hoover and some of his spokesmen have said they would save if these plans were adopted, we would not have a $72 billion budget this year.

In fact, I think we could have operated the entire Government on $100,000 if we had saved all the money they said they had told us how to save, and yet they say the Congress of the United States was absolutely responsible for not saving this because all we have to do is just to fail to act and make all of this possible.

The advocates of the Hoover Commission tell you that the President has sent up all of the recommendations this commission has made, to both the Democratic President and the Republican President, when the fact of the matter is that the second Hoover Commission spent $2 million in making these investigations and only two of those proposals have been submitted by the executive branch of the present administration to the Congress, and neither one of them became effective. We spent $2 million for them only to find out we did not need them in the first place. I think that legislation which continues such an act as this should be defeated.

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

Mr. BASS of Tennessee. I yield.

Mrs. CHURCH. Mr. Chairman, I am sure that the gentleman does not want to leave the House with the impression that the only recommendations that the second Hoover Commission made were the two, recently referred to, that were sent down to the Congress by the White House.

Mr. BASS of Tennessee. No; I said that the White House only sent two of the recommendations to Congress.

Mrs. CHURCH. But I call the gentleman's attention to the fact that a large portion of the Hoover recommendations did not need legislative enactment to become effective; and I am sure that

the gentleman would not want to overlook that fact.

Mr. BASS of Tennessee. I was referring to those which required negative legislative action. What I am saying and what I am advocating is that they should have legislative action instead of negative action.

Mrs. CHURCH. I would assure the gentleman that I am not rising at this time to dispute his statement in that regard, but rather to refute the implication that all the recommendations by the second Hoover Commission had been rejected by the House. As a matter of fact the recommendations of the second Hoover Commission fell into two classifications: those which did not require legislative action and those which did require legislative action. Of those which could be put into force by executive direction, a large majority have already been put into effect. It is the Congress which has so far largely failed in taking necessary action on those Hoover recommendations that need legislative approval.

Mr. BASS of Tennessee. I understand thoroughly the purported obligation and work of the Hoover Commission. But the cost of government has continued to grow and no savings have been affected. I think it was a waste of time, a waste of money, and a waste of a lot of space in newspapers all over the country in an effort to make the American people believe they were making some recommendations which were going to save America vast sums of money. Instead I say this commission should not have been established in the first place and I say this bill should be defeated.

Mrs. HARDEN. Mr. Chairman, I have no further requests for time.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I first came to this body in the 80th Congress and was assigned to the Committee on Expenditures in the Executive Departments, now the Committee on Government Operations. At that time the distinguished gentleman from Michigan [Mr. HOFFMAN] was chairman of that committee.

In passing, I want to say that I have never seen a fairer chairman of any legislative committee. He would begin the questioning with the very lowest man in seniority, with the lowest man on the Democratic side, and then he would proceed by stages to the top-ranking man on his own side. He was quite helpful to the freshmen members on that committee, and I enjoyed my service on that committee.

As a member of that committee I helped to set up the first Hoover Commission. I was very enthusiastic about the reports and recommendations of the first Hoover Commission, and joined with the committee and did my utmost to see that the Hoover Commission recommendations that were sent down in reorganization plans by the President were put into effect. I recall that I favored requiring both Houses of the Congress to disapprove the President's reorganization plans, else have them go into effect at the end of 60 days.

The gentleman from Michigan [Mr. HOFFMAN] opposed this procedure and I took him to task for his opposition. I see now that he was right and I was wrong. Previous speakers have sought to justify this bill by saying that we have already crossed the bridge by previous legislation which reversed the legislative process, as this bill does. I crossed this bridge with the gentleman from Indiana but I say to you now that I made a mistake. I am convinced that this is the wrong way to legislate. I am admitting my mistake in supporting such legislation and I am going to march back over that bridge and try to get back into the Congress the power to legislate. I agree with the gentleman from Michigan [Mr. MEADER] that this Congress has frittered away and given away its powers and authority. I am no longer going to be a party to that. We have divested ourselves of certain powers, we have tried to divest ourselves of the responsibility of writing our tariff laws and soon found out that we no longer have anything to say about the writing of our tariff laws and can bring no relief to our distressed industries. That is another illustration of the way this Congress has just given away its powers and what we have not given away ourselves the Supreme Court has assumed to exercise. Before you you know it, we are going to be nothing but a rubber stamp for the executive department. I want to see the process reversed, and I hope we will march back over this bridge, for fortunately we did not burn our bridges behind us. We went over it, we made a mistake when we went out into this uncharted territory, and I hope today we are going to recross it and make a beginning toward getting again for the Congress the powers and the rights—of course the responsibility is still ours—but we must get the powers back—that we have frittered away and given away and let the Chief Executive and the Supreme Court assume.

I am just hoping that we will defeat this bill today. Certainly the amendment improves it and if it has to be passed I hope the amendment will be kept in the bill.

The Hoover reports have, no doubt, done some good. They might have made some of our departments a little more efficient, but if they ever have saved a dime, I do not know it. I took part in the debate on all of these plans when they were sent down and did my utmost to see that they were adopted by this House, but I do not think they have done very much good and I do not know of a single dollar that has been saved by the adoption of these plans. But I am not here going to attack the Hoover Commission or its reports or recommendations. Mr. Hoover rendered a patriotic service, especially as Chairman of the first Hoover Commission. But the economies he predicted just have not materialized.

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

Mr. FASCELL. Mr. Chairman, I yield the gentleman 3 additional minutes.

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

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

Mr. HALLECK. I would like to say for myself on the gentleman's time because our time over here has been yielded back, that I helped create both Hoover Commissions and I am one of those who believes their recommendations have been very helpful. They have been helpful to all the people. I believe that many that have been adopted have been worth while and in the public interest. Mr. Hoover in his work on that Commission has done another magnificent service for all the people of our country. I thank the gentleman for giving me this opportunity. I may say further, it is obvious from what has been said on the other side that section 2 which provides for the simple majority in this bill, because it has been advocated on the other side undoubtedly will remain in the bill. We must apparently be resigned to that.

Mr. LANHAM. Mr. Chairman, as I said a few moments ago, the Hoover Commission recommendations that have been put into effect have in some instances done some good. I do not think they have saved us a penny in money, and on the other hand in some respects they have weakened the influence of the Congress on the quasi-legislative boards and commissions set up by the Congress as its agents, through giving the President the right to name the chairmen of these various bodies. It gives the President domination over them by giving him the right to designate a chairman and by putting so much power in the chairmen. You have seen it at work in the Atomic Energy Commission, you have seen it in many of the other quasi-judicial or legislative organizations established by the Congress as arms of the Congress, yet now dominated by the Executive. I think the whole thing is very dangerous and that we ought to get back into our own hands these powers and we ought to retain the responsibilities the Constitution places upon the Congress, and discharge them ourselves instead of trying to delegate them to the Chief Executive.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I rise in support of the committee bill. I believe that I have some background of knowledge of reorganization plans.

I notice on page 4 that 56 reorganization plans have been transmitted to the Congress and 41 have become effective. If my memory serves me right, I served as chairman of the reorganization subcommittee for 4 years, and I handled 45 of those Presidential reorganization plans, and 39 that I handled became law. I also served on the second Hoover Commission, and the gentleman from Michigan [Mr. MEADER], who spoke a few minutes ago, has taken a completely consistent position with that which he has taken all along in regard to the extension of the Reorganization Act. He has always been against it.

I took the other side of the position for many, many years, but I am begining to also feel that the Congress should take back into its hands as much authority as it can in the field of policy.

I believe that in the delegation of authority by the Congress we are weakening the function of the Congress and therefore I think that this bill should be supported. It gives to the President the right to send up reorganization plans. As long as amendment No. 2, the amendment which provides for a simple majority rather than a constitutional majority stays in the bill, I am willing to go along with it, because this will give to the President the right to call to the attention of the Congress any important reorganization plan he wishes to make but at the same time it will in effect give back to the Congress the regular legislative power, the power of a majority vote of the Congress over that reorganization plan which the President may propose.

So, I am supporting the committee bill with this provision in it, because I think it is a step back toward giving the Congress the power that they should have, according to the responsibility which is placed upon the Congress.

There is one more comment I wish to make. After serving for some 18 or 19 months on the second Hoover Commission, I came to the conclusion—and I so stated in my concluding minority report—that the Congress should look with a great deal of caution upon the creating of commissions, particularly commissions which have the responsibility of formulating policy, because those commissions, regardless of how respectable the people are that are chosen, how widely they come from different fields of life, they still do not have a responsibility to the electorate. It is the Members of Congress in both branches that have the responsibility to the electorate. They are the ones that have to go back home every 2 years in this body and every 6 years in the other body and pass muster before the people of the districts as to whether the decisions they have made on policy are right or wrong. But, if the Congress appoints a commission, the commission serves its time, it renders its report, it has no responsibility, it either expires or the members resign, they have no responsibility except to their own prejudices or their own beliefs. They have no responsibility to the people, and therefore I think that any step toward giving back to the Congress the authority commensurate with the responsibility which the people expect us to exercise is a good step. Therefore if this amendment stays in the bill, I will support it, and if the amendment is stricken from the bill, I will vote against the bill.

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

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

Mr. HARVEY. It was my privilege to serve with the very eminent gentleman from California on the subcommittee for reorganization that implemented the very many Hoover Commission recommendations. I first of all would like to say that I think the gentleman from California, serving as chairman of that subcommittee, did a very fine piece of work, and I was very much encouraged myself with the results of that effort.

I was a little astonished to hear my good friend from Georgia [Mr. LANHAM] state a moment ago that he felt that no economies, of any significance at least, had resulted from those reorganizations. I would like to ask the gentleman from California what his reaction is as to the results of those reorganizations.

Mr. HOLIFIELD. I would have to give my answer in two phases. I think that the recommendations of the first Hoover Commission which had to do with economy and efficiency in Government were on a solid basis, that we moved in many fields of legislation and that we did accomplish economy in certain of those fields and efficiency in some of those fields. I have no way of computing the amount in dollars. However, when the second Hoover Commission departed from trying to improve the structure and the function of government organizationwise, and got into the field of policy, it was my opinion, and I expressed it on several occasions in my minority reports, that they were at that time encroaching upon the area of responsibility which the Congress should exercise. I prophesied that no good results would come of most of the recommendations of the second Hoover Commission.

The President's failure to send to the Congress reorganization plans based on the second Hoover Commission's recommendations is proof that the President and his advisers either lacked confidence in the merit of the recommendations or they realized that they were encroachments on the policymaking function of the Congress.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-3), as last amended by the act of March 25, 1955 (69 Stat. 14), is hereby further amended by striking out "June 1, 1957" and inserting in lieu thereof "June 1, 1959."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 4, after "5 U. S. C." add "133."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. Subsection (a) of section 6 of the Reorganization Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-4) is amended by striking out "by the affirmative vote of a majority of the authorized membership of that House."

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

Mr. Chairman, I said earlier in the debate that I have supported through the years the provision for constitutional majority action in the Congress. This measure as it comes before us now provides for a simple majority. It is apparent that probably that is the best that we can hope for in this extension. In any event, if that is the situation, I want it to be understood exactly what is before us.

I might say this further word. I voted for the arrangement for the constitutional majority when the President of the United States was of the party other than my own. So far as I am concerned, I would much prefer to grant that same consideration and authority to the President who is now of my party. Certainly I have no less confidence in him than I had in his predecessors. But as a matter of practicality, and that is what we are confronted with here at the moment, which is very obvious, I shall support this measure as it is written.

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

Mr. HALLECK. I yield to the gentleman.

Mr. FASCELL. I will state to the gentleman that it was not a question of lack of confidence that brought this about. It was a question of responding in some measure to those Members who felt that Congress should retain some form of control, as a matter of principle, without regard to who might be in the White House.

Mr. HALLECK. I trust that that is what it was. I certainly would not argue that anyone else felt any differently, because I certainly would not want to suggest that anyone on the gentleman's side of the aisle is exhibiting any less confidence in our present President than I exhibited in years past when I voted for the other arrangement. In any event, with these remarks, so far as I am concerned, I hope the measure passes.

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

Mr. Chairman, it is late and I shall take only a minute.

I am intrigued by the statements made this afternoon by those who say that this procedure in the past was bad but with this simple majority provision it is a little less worse. That is what it amounts to. The procedure in the past was bad, no good, but this makes it a little more palatable. I am opposed to this procedure in toto and have opposed it ever since I have been a Member of Congress. Unlike the gentleman from Indiana, I hope the bill is defeated.

Certainly some of the Hoover Commission recommendations have been meritorious, but there is not a single one of them that could not have been handled in and through the normal processes of legislation.

This bill will extend a wholly unwarranted delegation of legislative power and to that I am opposed.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BLATNIK, 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. 8364) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, pursuant to House Resolution 310, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. HOFFMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HOFFMAN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOFFMAN moves that the bill be recommitted to the Committee on Government Operations.

Mr. FASCELL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BASS of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 46, nays 337, not voting 50, as follows:

[Roll No. 138]

YEAS—46

Abernethy	Flynt	Passman
Alexander	Forrester	Pilcher
Alger	Gross	Poage
Ashmore	Hale	Riley
Barden	Hébert	Rivers
Bass, Tenn.	Hemphill	Robeson, Va.
Bennett, Mich.	Hoffman	St. George
Bosch	Johansen	Selden
Chelf	Kitchin	Shuford
Christopher	Landrum	Whitener
Cooley	Lanham	Whitten
Davis, Ga.	Lennon	Wier
Dies	McMillan	Williams, Miss.
Dorn, S. C.	Mason	Winstead
Dowdy	Matthews	
Evins	Meader	

NAYS—337

Abbitt	Betts	Carrigg
Adair	Blatnik	Cederberg
Addonizio	Boggs	Chamberlain
Albert	Bolling	Chenoweth
Allen, Ill.	Bolton	Chiperfield
Andersen, H. Carl	Bonner	Chudoff
Andresen, August H.	Bow	Church
Andrews	Boyle	Clark
Anfuso	Bray	Clevenger
Arends	Brooks, La.	Coad
Ashley	Brooks, Tex.	Coffin
Aspinall	Broomfield	Cole
Auchincloss	Brown, Ga.	Collier
Avery	Brown, Mo.	Colmer
Ayres	Brown, Ohio	Cooper
Baldwin	Brownson	Corbett
Baring	Broyhill	Cramer
Bass, N. H.	Budge	Cretella
Bates	Burdick	Cunninghom, Iowa
Baumhart	Burleson	Cunningham, Nebr.
Becker	Bush	Curtin
Beckworth	Byrd	Curtis, Mass.
Belcher	Byrne, Ill.	Curtis, Mo.
Bennett, Fla.	Byrne, Pa.	Dague
Bentley	Byrnes, Wis.	Dawson, Utah
Berry	Canfield	Delaney
Dennison	Cannon	Rabaut
Denton	Carnahan	Radwan
Derounian	Jones, Mo.	Rains
Devereux	Judd	Ray
Dingell	Karsten	Reece, Tenn.
Dixon	Kean	Rees, Kans.
Dollinger	Keating	Reuss
Donohue	Kee	Rhodes, Ariz.
Dooley	Keeney	Rhodes, Pa.
Dorn, N. Y.	Kelley, Pa.	Riehlman
Doyle	Kelly, N. Y.	Roberts
Durham	Keogh	Robsion, Ky.
Dwyer	Kilburn	Rodino
Edmondson	Kilday	Rogers, Colo.
Elliott	Kilgore	Rogers, Fla.
Engle	King	Rogers, Mass.
Fallon	Knox	Rogers, Tex.
Farbstein	Krueger	Rooney
Fascell	Laird	Roosevelt
Feighan	Lane	Rutherford
Fenton	Lankford	Sadlak
Fino	Latham	Santangelo
Fisher	LeCompte	Saund
Flood	Lesinski	Saylor
Fogarty	Lipscomb	Schenck
Forand	Long	Scherer
Ford	Loser	Schwengel
Fountain	McCarthy	Scott, N. C.
Frazier	McCormack	Scott, Pa.
Frelinghuysen	McCulloch	Scudder
Friedel	McDonough	Seely-Brown
Fulton	McFall	Sheehan
Garmatz	McGovern	Sheppard
Gary	McGregor	Shelley
Gathings	McIntire	Sieminski
Gavin	McIntosh	Sikes
George	McVey	Siler
Granahan	Macdonald	Simpson, Ill.
Grant	Mack, Ill.	Simpson, Pa.
Gray	Mack, Wash.	Sisk
Green, Oreg.	Madden	Smith, Calif.
Green, Pa.	Magnuson	Smith, Kans.
Griffin	Mahon	Smith, Miss.
Griffiths	Marshall	Smith, Wis.
Gubser	Martin	Spence
Gwinn	May	Springer
Hagen	Merrow	Staggers
Haley	Metcalf	Stauffer
Halleck	Michel	Sullivan
Harden	Miller, Calif.	Taber
Hardy	Miller, Md.	Talle
Harris	Miller, Nebr.	Teague, Calif.
Harrison, Nebr.	Miller, N. Y.	Tewes
Harrison, Va.	Mills	Thomas
Harvey	Minshall	Thompson, La.
Haskell	Montoya	Thomson, Wyo.
Hays, Ark.	Moore	Tollefson
Hays, Ohio	Morano	Trimble
Healey	Morgan	Tuck
Henderson	Morris	Udall
Herlong	Moss	Ullman
Heselton	Moulder	Utt
Hess	Mumma	Vanik
Hiestand	Murray	Van Pelt
Hill	Natcher	Van Zandt
Hillings	Neal	Vorys
Hoeven	Nicholson	Vursell
Holifield	Nimtz	Wainwright
Holland	Norblad	Walter
Holmes	Norrell	Watts
Holt	O'Brien, Ill.	Weaver
Horan	O'Brien, N. Y.	Westland
Hosmer	O'Hara, Ill.	Widnall
Huddleston	O'Neill	Wigglesworth
Hull	Ostertag	Williams, N. Y.
Hyde	Patman	Willis
Ikard	Patterson	Wilson, Calif.
Jackson	Pelly	Wilson, Ind.
James	Perkins	Withrow
Jarman	Pfost	Wright
Jenkins	Philbin	Yates
Jennings	Pillion	Young
Jensen	Poff	Younger
Johnson	Polk	Zablocki
Jonas	Porter	Zelenko
Jones, Ala.	Preston	
	Price	
	Prouty	

NOT VOTING—50

Allen, Calif.	Dellay	O'Hara, Minn.
Anderson, Mont.	Dempsey	O'Konski
Bailey	Diggs	Osmers
Baker	Eberharter	Powell
Barrett	Gordon	Reed
Beamer	Gregory	Scrivner
Blitch	Holtzman	Smith, Va.
Boland	Kearney	Steed
Bowler	Kearns	Taylor
Boykin	Kirwan	Teague, Tex.
Breeding	Kluczynski	Teller
Buckley	Knutson	Thompson, N. J.
Celler	McConnell	Thompson, Tex.
Coudert	Machrowicz	Thornberry
Davis, Tenn.	Mailliard	Vinson
Dawson, Ill.	Morrison	Wharton
	Multer	Wolverton

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Holtzman with Mr. Wolverton.
Mr. Dawson of Illinois with Mr. Taylor.
Mr. Teller with Mr. Kearns.
Mr. Thornberry with Mr. Coudert.
Mr. Bailey with Mr. McConnell.
Mrs. Blitch with Mr. Reed.
Mrs. Knutson with Mr. Dellay.
Mr. Celler with Mr. Mailliard.
Mr. Gordon with Mr. O'Hara of Minnesota.
Mr. Kirwan with Mr. Osmers.
Mr. Kluczynski with Mr. Scrivner.
Mr. Machrowicz with Mr. Kearney.
Mr. Morrison with Mr. Wharton.
Mr. Powell with Mr. O'Konski.
Mr. Barrett with Mr. Allen of California.
Mr. Boykin with Mr. Baker.
Mr. Boland with Mr. Beamer.

Mr. DAWSON of Utah changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, which is similar to the bill just passed.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205), as amended by the act of February 11, 1953 (67 Stat. 4) and the act of March 25, 1955 (69 Stat. 14), is hereby further amended by striking out "June 1, 1957" and inserting in lieu thereof "June 1, 1959."

Mr. FASCELL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Strike out all after the enacting clause and insert the provisions of H. R. 8364 as it passed the House.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The proceedings by which the House bill (H. R. 8364) was passed were vacated, and that bill was laid on the table.

ATOMIC ENERGY COMMISSION

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1918) to amend Public Law 31, 84th Congress, 1st session, to increase the authorization for appropriation to the Atomic Energy

Commission for the construction of a modern office building in or near the District of Columbia to serve as its principal office.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Public Law 31, 84th Congress, 1st session, is hereby amended, by striking the figure "$10,000,000" and inserting in lieu thereof the figure "$13,300,000."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 6978) was laid on the table.

AUTHORIZATION TO ACCEPT AND WEAR CERTAIN AWARDS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8633) to authorize the Honorable WAYNE L. HAYS, the Honorable WALTER H. JUDD, the Honorable JOHN J. ROONEY, and the Honorable JOHN TABER, Members of the House of Representatives, to accept and wear the award of the Cross of Grand Commander of the Royal Order of the Phoenix, tendered by the Government of the Kingdom of Greece.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Honorable WAYNE L. HAYS, Representative from the State of Ohio, the Honorable WALTER H. JUDD, Representative from the State of Minnesota, the Honorable JOHN J. ROONEY, Representative from the State of New York, and the Honorable JOHN TABER, Representative from the State of New York, are authorized to accept the award of the Cross of Grand Commander of the Royal Order of the Phoenix, together with any decorations and documents evidencing such award. The Department of State is authorized to deliver to the Honorable WAYNE L. HAYS, the Honorable WALTER H. JUDD, the Honorable JOHN J. ROONEY, and the Honorable JOHN TABER any such decorations and documents evidencing such award.

SEC. 2. Notwithstanding section 2 of the act of January 31, 1881 (ch. 32, 21 Stat. 604; 5 U. S. C. 114), or other provision of law to the contrary, the named recipients may wear and display the aforementioned decoration after acceptance thereof.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PHILIPPINE INDEPENDENCE DAY

Mr. BROOKS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

Mr. SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS of Texas. Mr. Speaker, when the House approved S. 1141 on July 1 we had in mind a suggestion of Gen. Carlos P. Romulo, Philippine Ambassador to the United States, that Congress approve this legislation in time for the Filipino people's celebration of their own Independence Day—July 4.

General Romulo, in an extraordinary appearance before a congressional committee, testified at a hearing of the Subcommittee on General Government Activities that his people would appreciate the fact that the donation of the Philippine records mentioned in the bill coincided with the Independence Day celebrations of both our countries. The Independence of the Filipino people is commemorated on July 4, General Romulo stated, "in grateful recognition of the part played by the United States in giving the Filipino people the opportunity to earn their independence."

This gesture on our part was so well received in the Philippines that the President of our fellow democracy, His Excellency Carlos P. Garcia, sent the following radiogram of appreciation to the White House:

The Filipino people join me in conveying to Your Excellency and to the United States Congress our deepest appreciation for the legislation handing back valuable historical documents and records seized during the Philippine Insurrection of 1898. Its signing on the eve of the anniversary of our national independence will be cherished by the Filipino people, especially by our historians and scholars who are now provided with a veritable source of historical materials. This is indeed another manifestation of the cordial relations existing between our two countries.

In a second message sent by President Garcia on July 4—the 11th anniversary of Philippine independence—he said:

Cemented with such special kind of friendship which heretofore never existed between two nations, the American and Filipino peoples rise today in observance of their birth as free nationals to enjoy the blessings of democracy and freedom under which ideals they fought side by side in times of peace and war.

Mr. Speaker, from these two messages from the President of the Philippine Republic, we may all conclude that the Filipinos are a grateful people dedicated to the cause of freedom. And I believe it is also clearly apparent that their representative to the United States, General Romulo, has kept them well informed of our work and abiding interest in the Philippine Republic as well as doing a singularly outstanding job in conveying to us the sentiments of his people.

It is indeed fortunate for both our countries that we have such a splendid and able representative of the Philippines to speak for his people in the United States.

PROGRAM FOR TOMORROW

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have asked for this time in order to ask the majority leader about the program for tomorrow.

Mr. McCORMACK. The first order of business will be H. R. 4520, relating to the permanent certification of air carriers operating between the United States and Alaska.

The next order of business is the bill H. R. 72, in which the gentlewoman from Massachusetts is interested.

Mrs. ROGERS of Massachusetts. That is a bill about which I am greatly troubled. It would take away certain rights of fathers, mothers, grandchildren, brothers, and sisters, of certain veterans. I am very much worried about this bill.

Mr. McCORMACK. The next order of business is the bill H. R. 3753, extending loans to homesteaders and desertland entrymen.

I am glad to give the gentlewoman the information either as leader of the Republican Party or in her individual capacity.

Mrs. ROGERS of Massachusetts. I thank the gentleman. He is helpful as always.

CONGRESS AND THE COURTS

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

Mr. SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, Members of Congress and the general public are understandably concerned by certain recent decisions of the Supreme Court bearing upon Congressional investigations, the constitutionality of Congressional enactments directed against communism and subversion, the general power of Congress to legislate and conduct inquiries in vital areas of Government, and opening the files of the FBI in criminal cases.

Several decisions of the Court have given rise to sharp controversy, differences of opinion and anxiety, not only in Congress, but in the bar and other well informed segments of the American public. These decisions have also touched upon such extremely vital and crucial questions as the right of the several States to prohibit subversion, the right of local government agencies to select teachers in the public schools, the right of Congress to punish subversive activities in the Nation, and the right of Congress to investigate un-American, Communist activities. In the specific cases as decided, Congressional enactments were nullified or limited, Congressional investigations were criticized and checked, and the power of the States to legislate in certain fields heretofore recognized as legitimate subject matters for State legislative control was annulled. The FBI was allegedly shackled and the national security endangered.

I do not know of any Member of Congress who does not freely acknowledge the vital importance in our system of Government of the Supreme Court. As

one of the three great coordinate branches of the Government this august and distinguished body is vested by the Constitution and the law with clearly expressed powers to interpret the Constitution and the laws of the United States. Historically, it has been a court of great dignity and great importance. Time and time again since the beginning of the Government it has laid down broad principles of law, equity and justice which have served in innumerable cases to provide stability and continuity to the Government and to protect the most sacred rights of the individual and the rights of minority groups as well as majority groups.

The power of Congress to investigate for the purpose of taking remedial legislative action has never been successfully questioned. For the most part, it has been the methods and procedures followed by Congressional committees that the judicial branch had sought to check.

It is stated by the Court that "Congress has no power to expose for the sake of exposure", and I think no one would seriously challenge that statement. The point is that there is something more than exposing in these cases. Exposure is merely a necessary incident. There is, so Congress and the courts have found, a clear and present danger to the American system of government in the form of an intensive, well-organized, cleverly conducted scheme to destroy it, to replace it with Marxist communism. How in this situation can anyone contend that this Government does not have the power to protect itself from destruction, or that the Congress is prohibited, insofar as it can, from protecting the Government from destruction.

Informing the public is a necessary part of the legislative process, and that means exposing threatening national conditions to public scrutiny and examination so that public sentiment may be generated in support of appropriate remedial legislation. It is not possible for Congress or the American people to act intelligently on public questions without first being adequately informed as to the basis for changes in law or procedure necessary to cope with existing conditions. Some justification must be furnished for legislative and Congressional action, and there is no way by which this end can be achieved except by appropriate public inquiries by Congress designed not only to inform itself, but also to inform the American people.

As long ago as 1924, one of the most able and distinguished Justices of the present Supreme Court in an article entitled "Hands Off the Investigations" made out a strong case for "unfettered" Congressional inquiries challenging those who, at the time, were trying to cripple pending investigations of serious abuses and corruption in the oil industry involving high Government officials and prominent businessmen. This learned, scholarly Justice observed that, and I quote, "the condemnation of the most powerful is reserved for the exposers and not for the exposed." This pithy statement vividly describes the present attitude of some toward the investigation of communism. In the article, alluding to the fact that Congressional inquiry is a power which has been exercised since 1789, and inveighing against those who would urge curbs upon Congress, this very able, experienced Justice declared that—

> Never in the history of this country have Congressional investigators had to contend with such powerful odds.

The Justice stanchly defended the then investigating committees, being assailed for irrelevant, unfair, and unsubstantial charges and the character of some of the witnesses.

He stated further:

> This is the kind of hairsplitting that has for decades been attacked as a disgrace to American criminal procedure.

And that—

> Nothing in the experience of the Walsh-Wheeler investigations reveals the need of changing the process or confining the limits of congressional investigations. The proper scope and methods of procedure appropriate to congressional investigations depend on the conception of the part they play in enabling Congress to discharge its basic duties.

Quoting the great President Wilson on this point with approval, the learned Justice referred to the late President's statement as follows and the quotes are from President Wilson:

> It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinze these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function.

I think it would probably be more accurate to state that the informing function of Congress is an essential part of its legislative function. If these statements and principles were properly applicable in that instance to the defense of property rights and exposure and punishment of those violating them by corruption and malfeasance, how much more pertinent they are in connection with our present urgent program to check, defend ourselves against by every available measure, and to punish, according to due process of law, the diabolical conspirators who are seeking to destroy the Government in the furtherance of the Marxist superstate.

The Justice's excellent article goes on to point out that "undoubtedly the names of people who have done nothing criminal or wrong have been mentioned in these investigations." And this statement is extremely pertinent in view of current charges of unfairness and impropriety, almost continuously leveled against our committees: The question is not whether people's feelings here and there may be hurt, or names dragged through the mud, as it is called. The real issue is whether the danger of abuses and the actual harm done are so clear and substantial that the grave risks of fettering free Congressional inquiry are to be incurred by artificial and technical limitations upon inquiries.

Quoting Wigmore to the effect that the system of rules of evidence used in trials before juries "is not applicable by historical precedent, or by sound practical policy to inquiries of fact determinable by administrative tribunals," he asserted it is still less applicable to inquiries by Congressional committees.

Congressional inquiry—

The article continues—

> ought not to be fettered by advance rigidity * * * because such curtailment would make an effective investigation almost impossible.

The article proceeds:

> Taken in connection with the proposal to curb the investigating powers of Congress, what is urged, in effect, is that we abandon the technical limitations which have been established to protect men from being sent to jail too readily, but introduce them into a field where they have never been resorted to and where they are wholly out of place, namely, in the exercise of the informing function of Congress.

And there follows what I believe to be a most commendable statement:

> A good deal must be left to the standards which Congress imposes upon itself and its committees; a good deal must be left to the duty of newspapers to report fairly and not sensationally, and to interpret wisely; a good deal must be left to the good sense of people.
>
> In conclusion, there is no substantial basis for criticism of the investigation. Whatever inconveniences may have resulted are inseparable incidents of governmental power, and to talk about these incidents is to deflect attention from wrongdoing and its sources.
>
> The procedure of Congressional investigation should remain as it is. No limitation should be imposed by Congressional legislation or standing rules. The power of investigation should be left untrammeled, and the methods and form of each investigation should be left for determination of Congress and its committees, as each situation arises. The safeguards against abuse and folly are to be looked for in the forces of responsibility which are operating from within Congress, and are generated from without.

I think, Mr. Speaker, it would be very difficult for anyone to quarrel with the learned justice's admirable statement on the subject of Congressional investigations. It reflects to my mind the basic principles which should govern the Congress in conducting its investigations. I believe that these principles should be amplified to cover possible abuses in the investigatory process.

So long as human beings are possessed of the frailties of nature, mistakes of judgment will be made. This is true of Congressional committees and it is true of courts and it is true of everything else that human beings touch upon. Neither Congress, the courts nor the Executive are infallible. Our system of checks and balances exists to try to minimize these mistakes, and it has worked with better success than any other system. But doubtless it has also given rise to serious abuses and limitations.

I greatly deplore any mistakes that may have been made by our Congressional committees in violating the rights

of individuals hailed before Congressional inquiries. I think that we should literally and actually lean over backward, in order to insure such individuals full due process of the law and the protection of all their rights. Where we fail in this function, it is appropriate that the courts should intervene to insure justice. But we should not allow any individual to flaunt, defy, or make a mockery out of our duly constituted committees in the performance of their tasks, and as we all know that has happened time and time again, particularly since the onset of our intensive investigation of communism, subversion and un-American activities.

If any individual wants to take the fifth amendment and thus refuse to give his testimony on the ground that it would incriminate him, that is his undoubted right, and it should be scrupulously recognized by our committees. Every witness appearing should be granted a fair, impartial hearing. All his constitutional rights should be observed and recognized. He should not be subject to abuse, vilification, or oppressive treatment. At the same time he should be required to observe the rules of order and propriety that pertain to Congressional hearings and should never be allowed to heap insult, disparagement, or disrespect upon the committee or its members.

I believe this question of committee procedure merits our most careful attention in order to bring uniformity of rule as well as safeguards of individual rights into an area which is so vital to representative government. Unlike communism and the police state, our system and our Constitution recognize the individual, not the state itself, as the paramount concern of government. Let us continue to strengthen all those rights and safeguards that seek this indispensable end.

THE DANGER OF INFLATION

The SPEAKER. Under the previous order of the House, the gentleman from Illinois [Mr. VURSELL] is recognized for 20 minutes.

Mr. VURSELL. Mr. Speaker, no legislative body in the world is charged with so great a responsibility as is the Congress of the United States.

Our first obligation to our people, in cooperation with the executive department, is to maintain peace.

Our second responsibility is to maintain a strong and sound economy. In other words, our two great responsibilities are peace and prosperity.

Our executive department, under the able leadership of President Eisenhower, assisted by the tireless efforts and great ability of the Secretary of State, Mr. Dulles, and his well-informed officials in the State Department, have done over, the past few years a tremendous job for peace at home and throughout the world. They have performed their work so well that it appears peace for our people and the people of the world becomes more hopeful with the passing months.

We have been able to maintain peace for our country for over 4 years, and the goal of world peace may become a reality sooner than we think if we continue to keep our domestic economy strong.

If we win the fight for world peace, it will be because we have given constant thought and attention and great effort to our foreign policy. It will be because we have followed the right policies and have paid the price in billions of dollars. We have spent billions of dollars in building the strongest military peacetime force in the world. We have spent billions of dollars through research in modernizing and adapting our military force to atomic warfare.

We have helped other free nations of the world build up their military and economic strength for the purpose of deterring Russia from starting another war, and to make certain of her quick defeat and destruction if she should.

In our present budget of approximately $71 billion, about 60 percent of it is to keep our military and the military and economic power of the free nations of the world in a strong posture for peace.

WHAT ABOUT OUR DOMESTIC ECONOMY—NOW THREATENED WITH INFLATION?

Mr. Speaker, while on the home front we have avoided a depression in our transition to an uneasy peacetime economy, and the Nation generally has enjoyed a rather buoyant prosperity, there are ominous signs of serious economic trouble in the near future unless this Congress and the executive department come to grip with the present creeping inflation that may rapidly gather speed and momentum unless we are able to stop it.

Most members of the Congress, in both bodies, know how dangerous and destructive inflation can be. We have seen its deadly effect on the economy of other nations in the recent past. We know it can destroy our present prosperity by further reducing the purchasing power of the dollar, and that it will, unless it is checked.

Mr. Speaker, I have talked with some able members of Congress who say inflation is a greater threat to our country at the present time than is Russia.

I take this time to raise the question: Why don't we in the Congress forget any and all political lines; get together to give serious consideration to this problem, and try to decide on a course of action that will combat this number one enemy to the economy of our Nation?

Mr. Speaker, it would seem that we should have been spending much of our time for the past few months in considering this question. Certainly it is more urgent and of much greater importance than many matters that have had our time and attention. I dislike seeing this Congress adjourn, and leave the country to the danger of increased inflation, until we meet here next January, without making an effort now to do something about it.

President Eisenhower, in one of his early messages to this Congress, pointed out the threat and danger of inflation by calling attention to it—urging the labor leaders and the business men of the country to hold the line on price and wage increases.

Mr. Speaker, the President again, at a recent press conference, called attention to the danger of inflation in the following words:

> There must be statesmanlike action both by business and labor. Frankly, I believe that bodies of directors of business or business organizations should take under the most serious consideration any thought of a price rise, and should approve it only when they can see that it is absolutely necessary to continue to get the kind of money they need for the expansion demanded in this country.

Continuing, he said:

> And at the same time, labor should demand wages, wage increases that conform roughly to the increase in productivity of the individual, and the only exception I think they ought to make to that, when there are demonstrable injustices existing in particular areas.

On July 3, the President in his press conference again referred to the danger of inflation when he replied to a question put to him, as follows:

> I do stand firmly upon the idea I advanced, which is that Government alone cannot keep a stable economy; the Government alone cannot preserve a sound dollar. There has got to be a free economy, statesmanlike action on the part of all business elements, businessmen and labor, or we are lost.

Secretary of the Treasury, Mr. Humphrey, has strongly warned against it, and, in cooperation with the officials of the Federal Reserve Board, has made a constant effort to slow down or check it. But it is apparent, their efforts and power alone are not sufficient to cope with the type of inflation that is slowly but steadily making inroads on the health of our economy.

Mr. Speaker, true, the Congress has cooperated to a considerable extent through its efforts to reduce Government spending, but that is not enough to cope with the type and cause of the present inflationary pressure that in recent months continues to force the cost of living higher, and lowers the purchasing power of the dollar.

HOW INFLATION HITS THE BUDGET

David Lawrence, who by many Members of Congress is recognized as one of the ablest financial writers of the Nation, and whose views are highly respected by business leaders generally is quoted from a recent article published in the New York Herald Tribune in the July issue of the Reader's Digest as follows:

> Out of the $62.7 billion by which the proposed budget exceeds the 1940 budget, $41.2 billion are the result of inflation.
>
> The economists of the economic division of the U. S. News and World Report, after a recent study of all the Federal budgets, found that in the purchasing power of the 1940 dollar, the present proposed budget would be only $30.9 billion instead of $71.8 billion.

Mr. Speaker, since 1939 and 1940, when the dollar bought 100 cents worth of merchandise, inflation has driven down its purchase power until today it is about 50 cents.

It certainly is the duty of the Congress and the executive department of government to combine forces in finding ways and means to prevent present inflationary trends from further reducing

the purchasing power of the dollar. Wages and prices should be stablized in an effort to arrest inflation rather than be permitted to increase.

In the years prior to 1953, when President Eisenhower came to office, the dollar had lost nearly half of its value. As a result of this inflation prices also increased nearly 100 percent; in fact during the last 4 years of the Truman administration, from December 1948 to December 1952, inflation drove prices upward, in that short time, 10.8 percent.

Due to the cessation of the Korean war, and for other reasons, inflationary pressures abated to a considerable extent. During the year 1953 we had only a seven-tenth of 1 percent increase.

With the threat of a depression in 1954, there was a decrease or a reduction in the cost of living of one-half of 1 percent.

In 1955, due to the increase and great expansion in business, the cost of living rose three-tenths of 1 percent.

Unfortunately, in 1956, there was an alarming inflationary increase of 2.9 percent, and there has been a small but constant increase in the cost of living each month to a total this year, through May, of 1.4 percent.

While the forces in the administration which have constantly combated inflation are to be commended for slowing it down, it is still apparent that other forces must be mobilized to stop its upward trend and stabilize prices and wages, and the purchasing power of the dollar at its present level.

There is no denying the fact that our policy over the past years, partly due to the dislocations of war, and the frequent rise of wages and salaries to keep up with the increase in the cost of living have been responsible, to a great extent, for its almost constant upward trend.

There are other factors also which have helped to accelerate inflation. If we are to stop inflation and the further devaluation of the dollar without again applying wage and price control legislation, which nobody wants if it can possibly be averted, it will take the power and influence of the President, the united efforts of the Congress, the power and influence of George Meany, Walter Reuther and other leading labor officials, and the united power and influence of the business organizations of our country, such as the National Association of Manufacturers and the National Association of Commerce; the cooperation of all of the State chambers of commerce, the representatives of the farm organizations, and the representatives of business generally.

I believe the American people with the type of leadership I have suggested can and will patriotically and voluntarily help stop this inflation when they understand its great danger, if they have the assurance that a mass movement led by the President, the Congress, influential labor leaders and the business interests were furnishing enthusiastic cooperation and leadership.

I have confidence that in a movement of this kind the responsible leaders of labor and business, in the interest of the members of their organizations, would want to stop the increase in the cost of living, and would accept and carry out the suggestions of the President to stop wage increases, unless within the range of very exceptional cases.

Certainly the business interests of the country would realize the gravity of the situation and in their own interest would seek to stabilize and reduce their prices whenever possible, and use their influence to reduce the cost of living.

Such voluntary action on the part of both business and labor would stop the deflation of the purchasing power of the dollar, and thereby help all of the people in every walk of life and hurt no one.

I have taken the time to briefly discuss this matter today in the hope that the leaders in the Congress, Republicans and Democrats, in both bodies, will join in a bipartisan spirit and combine their efforts in a program calling upon labor officials, business officials, and the people generally to join in a voluntary movement to stop the increase in the cost of living through inflation, and to stop the devaluation of the purchasing power of the dollar.

Possibly a resolution to this effect, unanimously endorsed by both bodies, might be most helpful.

THE FOREIGN-AID PROGRAM

The SPEAKER. Under the previous order of the House, the gentleman from Ohio [Mr. Bow] is recognized for 60 minutes.

Mr. BOW. Mr. Speaker, as many Members probably know, the Foreign Affairs Committee has voted out House Joint Resolution 16, by a vote of 18 to 8, which is pending now before the Rules Committee.

Inasmuch as certain members of the Foreign Affairs Committee filed minority views, I feel that it is proper that I address the House on the questions relating to those minority views, to explain my position in reference thereto.

This bill would direct the President to seek a modification of the NATO Status of Forces Treaty, and all other similar agreements, so that foreign countries will not have criminal jurisdiction over American Armed Forces stationed within their boundaries.

This resolution, or its identical predecessor, House Joint Resolution 309, has been before the committee since May 18, 1955.

Extensive hearings were held on House Joint Resolution 309 in the 84th Congress. The transcript thereof was available to the 32 members of the committee of the 85th Congress. The six new members of this committee had ample opportunity to familiarize themselves on matters of foreign policy and the constitutional and legal problems involved.

The committee apparently felt that no purpose would be served by hearing additional testimony from proponents of the resolution and similar resolutions, or from those opposed to the endeavor to secure modification of these agreements. However, the committee saw fit to include in its report certain communications from the Department of Defense, and the Department of State, expressing their alarm.

There is also a minority report submitted to you. Since apparently this report contains very little in support of the action of the committee, I find it necessary to answer the objections made by the executive departments, and particularly the objections made by the minority report. There are no new facts in this report. The arguments are familiar. They follow the pattern set by those who are still trying to justify the surrender of American rights to foreign nations—a giveaway program which followed our donation of money and other assistance to many nations throughout the world, and, of course, the scare argument is stressed by all opposed to my resolution.

MINORITY OBJECTIONS

For your convenience, if you have the minority report before you, let us consider the points which are endeavored to be made therein.

First, we learn that the signers of this report are opposed to the Bow resolution in its present form because it is untimely, unconstitutional, and if put into effect would endanger the security of the United States.

UNTIMELINESS

Now, if there is anything untimely about the presentation of this resolution, it results from the fact that the House Foreign Affairs Committee refused to report the resolution, or its predecessor, to the House for action earlier. All last Congress the committee kept House Joint Resolution 309 bottled up in spite of the fact that an amendment which I offered to the reserve bill on May 18, 1955, was adopted by a vote of 174 to 56. This amendment would have prevented the sending of servicemen enlisted, inducted, or ordered to duty after that date to countries which refused to waive criminal jurisdiction over our troops. The adoption of the amendment was an expression of the sentiment of the House and an indication that my resolution, House Joint Resolution 309, would be favored by the Members if they were given the opportunity to vote on it.

WAIT FOR COURT DECISIONS

When the committee filed its report last year on the Mutual Security Act of 1956 it endeavored to excuse its action in voting against bringing House Joint Resolution 309 to the floor, and one of the excuses was the same as is offered again by the minority members of the committee, that we must wait until the Supreme Court has handed down additional decisions on these matters. They listed in that report six cases, all of which are now decided. The decisions in several of those cases should be enough to answer all of their questions. But, since the answer is not to the liking of the minority group they now say we must wait for a decision in the Girard case. We should not wait to act in this matter for this decision. Regardless of the trend the decision may take, some modification of existing agreements by their termination, or replacement by new agreements, will be necessary.

AMERICANS AROUSED

There is no doubt that the Girard case has awakened the American people to

the true situation, which has existed for more than 4 years. Very few Americans, unless they had relatives or friends serving abroad who ran afoul of foreign laws, had heard about the NATO Status of Forces Agreement or the many other similar executive agreements. Even those who had some knowledge of their existence were lulled into an acceptance of them as necessary by misrepresentations of facts and of law made by those interested in putting them over and keeping them in force.

NO PROTECTION ON DUTY

The Girard case has merely brought to light that this committee, the Senate, the Senate Foreign Relations Committee and the American people were misinformed by the repeated assurance of executive departments that all these agreements protected a soldier on duty against foreign justice. It was fully revealed in various cases that actually the United States nowhere could be sure it had this right; that some of the NATO countries refused to admit that the right of the United States to say when one of its servicemen, accused of an offense, was, or was not, on duty. In fact, there are agreements which specifically give the foreign authority the right to determine this, and one of these now has been disclosed to be the agreement with Japan.

Now, the State Department and the Defense Department have well-organized propaganda machines, and ever since the decision was made to surrender Girard to Japanese justice these machines have been grinding out releases calculated to condition the American people to the idea that Girard exceeded his authority and intended to cover up the fact that our diplomats apparently had something put over on them in this Japanese agreement. The Justice Department has now carried this campaign into the Supreme Court in its effort to influence the decision.

I regret very much that the minority report, by inference, suggests that there is some question as to whether or not Girard was on duty, and that we have to wait for his trial in order to find this out. There is no question if you are an American and governed by American history and precedence but that Girard was on duty. There was no doubt in the mind of his commanding general, who made the certificate saying as much. There is only doubt in the minds of those who are so anxious to accept foreign standards for everything—for justice, for personal rights, for security.

THE CONSTITUTIONAL QUESTION

The minority report says that the Bow resolution is unconstitutional. Let us consider this, but first, let us consider the other constitutional questions involved which the committee blithely ignores. I remind the Members of the House, that the Constitution of the United States gives certain powers to the Congress: The power to raise and support armies—the power to provide and maintain a navy—the power to make rules for the government and regulation of the land and naval forces—the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

All of these powers must be exercised in carrying out one of the purposes expressed in the preamble of the Constitution—to provide for the common defense.

The House of Representatives and the Senate, acting in concert, exercise these powers. They have followed through. We have land and naval and air forces. We have rules for their government and regulation. We have the Uniform Code of Military Justice adopted by Congress as part of these rules for government and regulation of our forces.

The provision of the Constitution which states that the President shall be Commander in Chief of the Army and Navy of the United States does not give him the right to make laws for the government of those forces. He has directive power only, similar to that exercised by generals and admirals, but over them. He would have no forces to direct if Congress did not provide them.

Although he has the power to make treaties, he cannot use this power to indirectly provide laws for the government of our Armed Forces, replacing the Uniform Code of Military Justice adopted by Congress. That is what these various status of forces agreements do.

This power to make rules to govern our armed forces given to Congress by the Constitution implies also the converse—that the land and naval forces have the right to be governed by the laws made by the Congress of the United States—not by any provisions of a treaty or executive agreement, and not by the provisions of any laws of a foreign country. The Code of Military Justice applies to all members of our armed forces everywhere.

These are the first constitutional questions which are involved—the right of Congress to make the laws governing the Armed Forces, and the right of a serviceman, under the Constitution, to be governed by the laws which the Congress has made. When the United States District Court for the District of Columbia said that this right which was in Girard had been violated, then the Court was recognizing the fact which I have repeatedly stated, that the NATO agreement and all similar status agreements ignore and flaunt the Constitutional power of Congress.

COVERT AND KRUEGER DECISIONS

In this connection I call your attention to the decision of the Supreme Court in two of the cases which the Foreign Affairs Committee listed last year. I refer to the two court-martial cases of Krueger against Kinsella and Covert against Reid, which were joined by the Supreme Court in one opinion. The Court in its opinion stated that there is nothing in article VI, the supremacy clause of the Constitution, which intends that treaties and laws enacted pursuant to them do not have to comply with the provisions of the Constitution. The Court said:

> It would be manifestly contrary to the objections of those who created the Constitution, as well as those who were responsible for the Bill of Rights—let alone alien to our entire constitutional history and tradition—to construe article VI as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions. In effect, such construction would permit amendment of that document in a manner not sanctioned by article V. The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and the Senate combined.

I think it is clear from this that the NATO Status of Forces Agreement and all of the executive agreements of like nature are unconstitutional.

I might add, in passing, that the majority opinion of the Court in this case also disposed of the statement frequently made that the Constitution can have no operation in another country. The Court said that this statement, for which the authority of In re Ross is claimed, has long since been directly repudiated by numerous cases.

PERSONAL RIGHTS LOST

Another personal loss of constitutional rights necessarily follows when any accused serviceman is turned over to foreign courts. I am not going to enumerate again all of these rights which are granted to every citizen of the United States by our Constitution. The Senate in its resolution giving advice and consent to the ratification of the NATO Status of Forces Treaty, recognized that servicemen might lose their rights in foreign courts. They directed that the Defense Department require Army commanders to study the laws of the foreign countries and to take action to protect the rights of our servicemen. Studies of the laws made by the Judge Advocate General disclose that certain rights are almost certain to be lost in every case. The direction of the Senate has not been explicitly followed, because for purposes of administration and political reasons, the Defense Department apparently has considered accused servicemen expendable. They also have succumbed to the comforting assumption that all accused servicemen are guilty and in the minds of the defender of these agreements should not have the protection of our Constitution.

The fact that foreign justice could sometimes be injustice was recognized by the makers of these agreements because they included certain so-called safeguards which were supposed to give the accused a minimum protection from such injustice. I think the fact that these provisions were included is eloquent testimony of the deficiencies of foreign justice. Our Attorney General told the Senate committee that these agreements represented "civilized standards of justice." That is a new concept of a system of laws. It is indirectly sneering at the whole system of our Government, bought and paid for by our forefathers, but sold very cheaply by our internationalists today.

Put a man in a position of power, or give an ambitious man an opportunity to advance himself by adopting the tenets of internationalism advocated by his superiors, and he can go far in our Government. You also find surprising conclusions reached for purposes of expediency. For instance, an Assistant

General Counsel of the Defense Department told the Senate Armed Services Committee that he could see nothing inherently wrong in the practice abroad of joining a civil action with a criminal charge, even though he knows it is contrary to our established system of jurisprudence.

This is one of the quirks of criminal procedure in foreign countries—that frequently a civil claim is joined with and prosecuted with a criminal charge. Actually, what hapens in that, in order to afford a foreign national an opportunity to prosecute his civil claim cheaply, a criminal charge is first filed against the accused. The Army commander in France has said this was a disturbing factor in the morale of his troops. The Air Force commander in Japan has made similar observations about Japanese charges of negligence. We know that in our system of jurisprudence less evidence is required to support a money judgment than a finding of guilt in a criminal proceeding. The prosecuting witness in these combined cases always has a financial stake in securing a conviction. One has to speculate as to how much protection the Department of Defense willingly gives to our servicemen. Even the General Counsel of the Department, ignoring the ethics of his profession, followed the line of trying to convict Girard by publicized derogatory statements.

The NATO agreement and all other status agreements deprive American citizens of rights given them by our Constitution, and no one in the Government of the United States, according to our Supreme Court, has that right.

CONSTITUTIONALITY OF RESOLUTION

The only constitutional question with which the minority of the committee have concerned themselves, however, is the question they raise as to my resolution. They say that it invades the treatymaking power of the President, requiring him either to renegotiate or to denounce the treaties. Well now, let me say there is only one treaty which is referred to in the resolution—that is the NATO treaty. All other agreements are purely executive agreements.

The Government in the Girard case briefs has even adopted a new word for them and called them arrangements, so that, so far as the Japanese agreement and some 40 or more other agreements are concerned, they are not treaties.

The argument of the minority seems to be that regardless of how the President may exercise his treatymaking power, that the people of the United States are precluded from ever objecting—they dare not say they do not like whatever arrangements the President has made with the foreign country. That is rather absurd.

PRECEDENTS FOR RESOLUTION

I call your attention to the fact that the Status of Forces Agreement contains provisions as to the means by which it may be modified or abrogated, and that House Joint Resolution 16 conforms strictly to the provisions of the agreement as to either right. It is not an enactment of a law of itself to modify or terminate an agreement. There is considerable authority for participation by the House in a resolution of this kind.

In 1846 Congress, by joint resolution, on April 27, authorized the President at his discretion, to notify the British Government of the abrogation of the convention of August 6, 1827, relative to the joint occupation of the Oregon Territory. President Polk had requested the resolution, thus supporting the theory that international conventions to which the United States is a party, even those terminable on notice, are terminable only by act of Congress.

In 1883 Congress, by a joint resolution, directed the President to give notice to Great Britain of the termination of articles 18 to 25 inclusive of the treaty of Washington of May 8, 1871. The resolution was in these terms:

Resolved, That in the judgment of Congress the provisions of articles 18 to 25, inclusive, and articles 30 of the treaty * * * ought to be terminated at the earliest possible time * * * ; and to this end the President be, and he hereby is, directed to give notice to (Britain) that the provisions of the articles aforesaid will terminate and be of no force on the expiration of 2 years next after the time of giving such notice.

2. That the President be, and hereby is, directed to give and communicate such notice of termination on July 1, 1883, or as soon thereafter as may be.

This resolution was limited entirely to the direction to the President to give the notice terminating the provisions in the treaty relating to Canadian fisheries and to coastal trading privileges. It was approved by President Chester A. Arthur, March 3, 1833—volume 22, Statutes at Large, page 641—and on July 2, 1883, he gave the required notice.

Instances of instruction by legislation are contained in the Payne-Aldrich Tariff Act of 1909 (36 Stat. 33) which contained this direction to terminate certain commercial agreements:

4. The President shall have power and it shall be his duty to give notice, within 10 days after the passage of this act, to all foreign countries with which commercial agreements have been negotiated * * * of the intention of the United States to terminate such agreements at a time specified in such notice, which time shall in no case * * * be longer than the period of time specified in such agreements respectively for notice for their termination.

When the French Government protested the receipt of a notice of termination from our Secretary of State, the following reply was forwarded:

As you are aware, the President of the United States, in giving the formal notice on August 7, 1909, has been obliged to follow implicitly the prescriptions of the new tariff act of the United States. (Foreign Relations of United States, 1909, pp. 46, 284, 270, 288, 389; John Mabry Mathews, American Foreign Relations (1938), p. 598; Green H. Hackworth, Digest of International Law (1943) (vols. 429–430).)

In the Seaman's Act of 1915 (38 Stat. 1164) Congress directed the President to terminate treaty provisions in conflict therewith:

16. In the judgment of Congress articles in treaties * * * insofar as they provide for the arrest and imprisonment of seamen deserting * * * merchant vessels of the United States in foreign countries * * * and other treaty provisions * * * in conflict with this act * * * ought to be terminated, and to this end the President * * * is hereby requested and directed, within 90 days after passage of this act, to give notice to the several Governments, respectively, that so much * * * of all such treaties * * * will terminate on the expiration of such periods after notices have been given as may be required in such treaties.

President Wilson gave the required notice—Samuel B. Crandall. Treaties: Their Making and Enforcement, second edition, 1916, page 460.

A direction to the President, contained in the Merchant Marine Act of 1920 (41 Stat. 1007) to terminate treaties restricting the right of the United States to impose documentary customs duties was not complied with by President Wilson because he stated that:

The treaties contained no provisions for their termination in the manner contemplated by Congress.

The point was made that the direction sought to terminate only so much of the treaty as imposed any restriction on the United States as to customs duties and tonnage dues and did not comprehend abrogation of the treaties in their entirety.

Earlier, in 1879, Congress enacted a bill forbidding any ship from bringing more than 15 Chinese immigrants to the United States on any one trip. President Hayes vetoed the bill on March 1, 1879, because the legislation would mean virtual exclusion of all Chinese and accordingly be in conflict with the Burlingame Treaty of 1868 which accorded the privilege of unlimited entry of Chinese. In his veto, President Hayes said:

The authority of Congress to terminate a treaty with a foreign power by expressing the will of the Nation no longer to adhere to it is as free from controversy under our Constitution as is the further proposition that the power of making new treaties or modifying existing treaties is not lodged by the Constitution in Congress, but in the President, by and with the advice and consent of the Senate.

As early as 1856, the Senate Foreign Relations Committee, in a report sustaining the validity of a Senate resolution authorizing transmission of a notice of termination, to be adopted in fulfillment of a Presidential request addressed to the Senate alone, explicitly acknowledged that other procedures, such as one involving adoption of an authorizing resolution by both Houses, would be equally appropriate. Similarly, the Supreme Court, which in a dictum set forth in an early decision, had intimated that the power to terminate was vested in the President, more recently has also acknowledged that no constitutional inadequacy attaches to denunciation of treaty provisions by Presidential notice of termination issued pursuant to direction contained in the Seamen's Act of 1915.

Perhaps the strongest claim of constitutional competence on behalf of participation by the House has been made by Edward S. Corwin who once asserted that—

Legislative precedent, which moreover is generally supported by the attitude of the Executive, sanctions the proposition that the power of terminating the international compacts to which the United States is

party belongs, as a prerogative of sovereignty, to Congress alone.

Concurring, though less emphatically, John Bassett Moore also observed that notice of termination "when given by the President usually has been given under the authority of a joint resolution of Congress."

From these precedents and assertions perhaps the only conclusion that safely may be drawn is that "history shows that treaties and executive agreements have been modified or abrogated as a result of various procedures which emphatically assert that alternative methods are even more characteristic of the unmaking of international acts than of their making", and that perhaps, "the choice of method would seem to depend either upon the importance of the international question or upon the preference of the executive"—*Charlton* v. *Kelly* ((1913) 229 U. S. 447, 476); *Van der Weyde* v. *Ocean Co.* ((1936) 297 U. S. 114, 117–118); Mr. Justice Iredall, in his concurring opinion in *Warve* v. *Hylton* ((1796) 3 Dall 199, 256, 260), also acknowledged the validity of joint action by the two Houses of Congress. Senate Report No. 97, 34th Congress, 1st session, as reproduced in Senate Document No. 231, 56th Congress, 2d session, part 8, pages 107–109, 111–112; see also CONGRESSIONAL RECORD, volume 14: page 2333. Edward S. Corwin, The President's Control of Foreign relations, 1917, page 115; Hackworth, in the works cited, page 319; Wallace M. McClure. International Executive Agreements, 1941, page 16; Mathews, in the works cited, page 616; Moore, in the works cited, page 322.

You will find that these precedents quite outweigh the citations given you by the minority in this report. In fact, the minority was guilty of only a half truth in quoting from the veto message by President Hayes referred to above.

The quotation which the minority has furnished you in the case of United States against Curtiss-Wright Export Corp., also only goes halfway. The Court further found, in that case, that the President, no matter how broad his power in foreign relations might be, could not ignore the limits imposed by our Constitution. On this point the Court said:

> It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary, and exclusive power of the President as the sole organ of the Federal Government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution.

I believe that the Congress in determining the constitutionality of this contemplated action may well give heed to the statement by Thomas H. Benton, who served in the United States Senate for 30 years, contained in his work entitled "Benton's 30 Years View":

> The boundaries between the treatymaking and the legislative departments of the Government became a subject of examination after the war (1812) and gave rise to questions deeply affecting the working of these two departments. A treaty is the supreme law of the land and as such it becomes obligatory on the House of Representatives to vote the money which it stipulates and to cooperate in forming the laws necessary to carry it into effect. That is the broad proposition. The qualification is in the question whether the treaty is confined to the business of treatymaking power? To the subjects which follow under its jurisdiction? And does not encroach upon the legislative power of Congress? This is the qualification and a vital one: for if the President and the Senate, by a treaty with a foreign power, or a tribe of Indians, could exercise ordinary legislation, and make it supreme, a double injury would have been done, and to the prejudice of that branch of the Government which lies closest to the people, and emanates most directly from them. Confinement to their separate jurisdiction is the duty of each; but if encroachments take place, which is to judge? If the President and Senate invade the legislative field of Congress, which is to judge?
>
> Or who is to judge between them? Or is each to judge for itself? The House of Representatives and the Senate in its legislative capacity, but especially the House, as the great constitutional depository of the legislative power, becomes its natural guardian and defender, and is entitled to deference, in the event of difference of opinion between the two branches of the Government. The discussions in Congress between 1815 and 1820 greatly elucidated this question; and while leaving unimpugned the obligations of the House to carry into effect a treaty duly made by the President and the Senate within the limits of the treatymaking power—upon matters subject to treaty negotiations—yet, it belongs to the House to judge when these limits have been transcended, and to preserve inviolate the field of legislation which the Constitution has entrusted to the immediate representatives of the people.

WILL OF THE PEOPLE

I have received thousands of letters in the past 2 years approving my efforts and decrying these agreements and asking who is responsible for them. I could count on one hand the letters which are critical of my efforts or which approve the surrender of our soldier's rights. I am confident that in the letters which other Members of this House and Members of the Senate have received from the folks back home, you will find the same overwhelming percentage of constituents against these agreements and demanding action.

The Members of the House and of the Senate are representatives of the people. Extraordinary confidence is placed in them by their constituents. The overwhelming sentiment in this Nation is that these agreements should never have been made and that they should be modified or terminated as soon as possible.

The people are entitled to have an expression of their will adopted by both Houses so that the President may be advised and the State Department be strengthened and have restored to it a national purpose instead of the international feeling that pervades our diplomatic corps.

SENSE RESOLUTION

The minority report several times refers to the Bow resolution "in its present form", and there is a suggestion that it could be amended to avoid the constitutional issue as to the President's powers. What these minority Members are looking to is some watered-down, weak-kneed expression of opinion commonly called a sense resolution which will have no effect.

OTHER CASES

The minority disposed of the constitutional rights of an American serviceman by saying that the United States serviceman has no constitutional rights to an American trial when he is off duty, citing the case of May against Wilson.

This is a rather broad interpretation of the court's opinion in that case. An opinion, incidentally, which was given verbally from the bench without too much consideration of the question involved.

Another case sometimes used by the Government is that of Cozart against Wilson, in which the decision was based on the first decision in the Krueger and Covert cases, which was subsequently repudiated by the Supreme Court. This case, therefore, seems to have little merit. In fact it was reversed by the Supreme Court on writ of certiorari and sent back to the district court to be dismissed for mootness.

ISSUE STATED BY MINORITY

We come now to the issue stated by the minority as being protection of the security of the United States as well as giving protection to United States troops stationed abroad.

Here again we find a misstatement of fact. We know now that status-of-forces agreements do not protect our servicemen in foreign countries on duty. There is the suggestion that we are unwilling to grant immunity to foreign soldiers for off-duty offenses. This is not true. The American Legion has long been on record and told the committee 2 years ago they favored giving jurisdiction over their troops to foreign countries if the United States had jurisdiction over its own.

It is a familiar argument that we do not want to give this right, and is based on hypothetical assumptions of rape, murder, arson, and heinous crimes by hordes of foreign troops.

Consider the percentage factor. Secretary Wilson told the Senate Foreign Relations Committee there might be a total during the year of 12,000 foreign servicemen in our country, but never at one time more than 4,000. We have a million men scattered around the world. When foreign troops are in this country in proportionate numbers they will be warring on us.

Of course we cannot protect our forces from all the hazards of service anywhere—here or abroad—but there is no reason why we should increase the hazards of foreign service and make second-class citizens of our soldiers in foreign countries.

CONSEQUENCES

These are the consequences that alarm the minority group in the committee.

First, there is the objection that the resolution now affords only 2 months in which negotiations for a change might be made, before the President is required to denounce the NATO Treaty. This is

the only question raised in the entire report which seems to bear discussion.

I want to say that even though the President denounces the treaty on August 23, 1957, it does not mean the immediate termination of the agreement. The denunciation cannot take effect for 1 year thereafter and I believe that during that year the President should be able to determine whether or not foreign governments feel that it is more important to them to have the right to prosecute and punish our servicemen for offenses, than it is to have the protection of those same troops.

I wish to point out further that there is no time limit imposed on the President to carry out his endeavor to modify the Japanese agreement and all other executive agreements. I have felt that probably some time limit should be put upon such efforts, because we know that the State Department could say that negotiations were pending and the present situation could continue for an interminable length of time.

Negotiations have been going on for 2 years to try to put the NATO Status of Forces Treaty in effect with Germany. Apparently foreign governments are too smart now to subject their troops to prosecution in neighboring countries. They know too much about each others' system of justice. So, if we are to avoid a dragging of feet in carrying out the provisions of this resolution, we probably should have some time limit upon the efforts to modify or to terminate the many executive agreements.

If it is the wish of Members of the House that the President be given more than 1 year from the date of denunciation in which to determine the future of our troops in Europe, then I would not object to a simple amendment of section 1 (b) which would strike out the word "at" immediately after the comma in line 8 on page 2, and insert instead the words "within 1 year after." That would afford an additional year for negotiation before denouncing the treaty.

Now the adoption of this resolution does not mean the loss of our bases overnight, if, indeed, ever. As I have just said, even though the President denounces the NATO Status of Forces Treaty on August 23, 1957, our troops would still be subject to the provisions of that treaty for another year, and again I say there is no limit to the time which might be consumed in trying to make new arrangements with other countries throughout the world.

YANKS, GO HOME

Now we come to the subtitle in the minority report—"Yanks, Go Home." Here we find a statement by the minority that the Soviet Union has been forced to give up the exclusive jurisdiction over its troops which it enjoyed until recently in all of its satellite countries. I question this. It is true that the Defense Department in making its annual glowing report to the Senate Armed Services Committee on the workings of the status agreements, told the committee that Russia had been negotiating agreements with several of its satellites reported to be similar to the NATO Status of Forces Treaty. However, the Department went a step further than the minority in its report. The Department said:

> There is reason to doubt, however, whether the Russians have, in fact, surrendered any substantial jurisdiction over their military personnel to the satellite countries.

The presence of our troops abroad will not be insured by a continuance of the existing arrangements, neither will a request for modification of the provision on criminal jurisdiction immediately cause the demand for withdrawal.

The committee, in its report last year on the Mutual Security Act, said:

> The bargaining power of the United States has diminished in important respects during recent years, particularly because economic aid has declined. In addition, international tension has lessened and none of our allies anticipates military aggression by the Soviet Union in the near future.

Further that—

> In nearly all of the countries where our troops are stationed, a speaker receives hearty applause if he speaks against the subservience to the United States and urges his government to follow an independent course.

All this came about in spite of the rights which foreign governments exercised in prosecuting and punishing our servicemen. We lost our bargaining power in spite of throwing billions of dollars into economic aid and military assistance. We built up the economy of Europe particularly. It would seem that money and the right to prosecute our servicemen has not made friends of our so-called allies. I can see no reason for continuing the rather absurd obsequiousness to foreign countries, which has controlled our approach in foreign policy.

MISREPRESENTATIONS

Another subtitle in the minority report is appropriate for use in referring to the misrepresentations of the executive departments which fill the pages of the hearings before Senate and House committees—misrepresentations to the public in press releases from these departments.

I know that 2 years ago some persons were concerned about the possibility of cruel and inhuman punishments. I do not believe, however, that anyone can find in any of my statements to the committee or in this House reference to chopping off of hands, or maiming, or flogging. The only reference I ever made to a beating was recounted in the story of a prisoner who served his time in Japan and was beaten by prison guards.

It has not been necessary for me to try to arouse public sentiment by such references. I resent the minority saying that criticism of these agreements has been based upon misrepresentation of the facts.

You do not need to suffer the loss of a hand or be flogged to receive cruel punishment. Consider the case of a marine who has served a sentence in Japan. The observers of his trial said:

> The United States representatives are of the opinion that the three accused were not afforded a fair trial. We are of the opinion further that the accused stand unjustly convicted.

These observers said that the testimony of the prosecuting witness was "not only preposterous and fantastic, it is in some respects patently impossible." General Hickman, in reporting to the Senate Armed Forces Committee, said that the defects of justice in this trial had not been cured after appeal to the highest court in Japan.

Now, if you are found guilty unjustly in a foreign court and imprisoned in a foreign prison under conditions which are worse than the worst prisons in this country, to my way of thinking you have received cruel punishment. It may not be unusual for the innocent to be imprisoned unjustly in Japan, but I may say that is unusual punishment in the United States.

It is obvious the minority did not read the reports of observers of trials in foreign countries which were filed with the committee by the Defense Department at my request. Many of the reports of trials were not furnished. The department did not send in the reports where they said appeals were pending—and we know that appeals were pending because justice had not been done. My examination of the reports showed a complete failure of interpreters in translating—proceedings dragging out over weeks or months—copies of charges not furnished to the accused until the opening day of trial—changes or substitution of judges during trial—convictions on written statements of witnesses taken before trial without cross-examination—and other items not countenanced in our jurisprudence.

The misrepresentations come in statements to the effect that "no reports of injustice or conviction of the innocent have ever been brought to light."

Foreign governments are always patted on the back in these reports, because presumably they have waived jurisdiction in about two-thirds of the cases. In its last report to a Senate committee, the Defense Department said waivers were given in 66.79 percent of cases during the last reporting period. These figures prove nothing. Particularly they do not prove that our soldiers are committing numerous serious crimes, or that foreign authorities have the quality of mercy unstrained. If there were any studies available anywhere which would show that in every case of a waiver the American military authorities found it necessary to court-martial the supposed culprit, then we might give more consideration to the figures employed. Until then we must assume that most of the arrests are very minor cases—perhaps many of them not offenses but only supposed offenses—spawned in the minds of foreign police.

THE EXHIBITS

Now, let us consider some of the statements of the executive departments which the committee has seen fit to attach to its report, particularly the letters of Secretary of Defense Wilson and appendixes thereto, and the letter and statement of the Department of State. Both Departments repeat the two fallacious premises which the makers of the agreement had to adopt to justify them.

One premise is that our troops are in foreign countries for our benefit and not for the foreign countries' benefit.

The other premise is that although our troops are friendly forces in a friendly country by consent, there is nothing in international law which would protect them from jurisdiction of all kinds by countries in which they are stationed.

Added to these contentions as a clincher is the scare argument that we might have to take our troops back home where they belong if we do not permit these countries to exercise jurisdiction.

Now, Mr. Wilson has learned a lot in his job since he appeared before the Senate Foreign Relations Committee in 1953. With all due respect to his executive ability, I fear that his knowledge of this subject and of the legal questions and constitutional questions involved, or even the practical questions, is not as broad as his letter seeks to indicate.

The scare arguments, of course, are used widely by the executive department in releases to condition the American people to the decision to surrender Girard and an acceptance of the agreements as a necessary evil.

I have already pointed out that the adoption of my resolution does not mean the withdrawal of our troops from foreign countries overnight. What my resolution tries to do is put some backbone in our diplomats who Mr. Wilson says have tried unsuccessfully to obtain exclusive jurisdiction since 1953 and have not succeeded. I am not surprised that they did not succeed. You have to have a will and a desire to succeed. These diplomats decided long since to treat our servicemen as pawns in a giveaway program, and they have not changed their minds. Perhaps the resolution will not change their minds. Perhaps what we need is a form of legislation which would give to foreign countries criminal jurisdiction over our diplomats. They might feel differently then about the rights of other Americans.

CONCERN FOR OUR SERVICEMEN

You know that the high brass in the Army are not affected by the Status of Forces agreements either. So it is easy for General Gruenther and General Norstad to have supported these agreements. From the high plane to which they have been elevated, just like Mr. Wilson, they can look down on our servicemen and say that they have great concern for their welfare.

Let us consider how much Secretary Wilson knew about the Girard case before I wired him a protest on May 17, 1957, when the decision was announced that Girard would be surrendered to the Japanese. I was told by reliable authority in the Defense Department that the Secretary had never heard of the case until he received my wire. Is that evidence of concern? It was not until 7 o'clock that evening that announcement was made that he had temporarily ordered Girard held in American custody until he could review the matter. Army Secretary Brucker apparently knew nothing about the case either. At least he expressed himself later against the surrender of Girard. These men cannot take a personal interest in the lowly serviceman. They may wish to do so, but it is hypocrisy for them to claim they can do so.

Consider General Norstad, who told this committee that during the 4 months preceding his appearance before the committee, he had visited all of the NATO capitals. He said he talked to the heads of government, to the members of government and to the parliaments of these countries. He said they had all been extremely friendly to him. He says these nations are friendly. Yet he seems to think they would immediately become hostile if we tried to secure full jurisdiction over our troops. Apparently he views them as potential enemies if we should withdraw our troops from the defense of their countries. He warns that we would have to sit here and defend the United States with all the powers or the rest of the world against us. The general makes the future security of the United States hang on the continued surrender of the constitutional rights of our servicemen to foreign countries. I dislike to admit that it is only in this way we can buy friends and allies and adulation for the general as he travels over his NATO domain.

It seems obvious that adverse reports on the status agreements do not percolate upward to the general's level. He contradicts the statement of the army commander in France about the morale of American troops, and of the Air Force commander in Japan who found that Japanese justice had a noticeable effect on the attitude and morale of his personnel.

The general also seems to have been misinformed about French laws. He told the Foreign Affairs Committee that the objection that French law was unfair to our people because it contained no presumption of innocence is "absolutely and incredibly wrong." In this case he contradicts the Judge Advocate General of the Army.

It is categorical statements such as these which make one question all of the general's statements.

Let us not be naive about his testimony. As supreme commander in NATO he is obliged to support the Status of Forces Treaty. He could not risk reporting anything derogatory in the workings of the treaty even if he was informed.

INTERNATIONAL LAW

Secretary Wilson points out that no country need allow any of our troops to enter its territory or to fly from airbases on its fields or to conduct maneuvers across its countryside or to allow American naval activities to be based at its seaports. This is an obvious statement. But, if a friendly nation consents that our forces shall enter its territory or construct airbases or hold maneuvers or send ships to its ports—then, it is a rule of international law that—Attorney General Brownell and State Department lawyers notwithstanding—we have jurisdiction over all members of our Armed Forces for all purposes. This is a right which is implied from the consent. It is not extraterritorial as some say.

ORIGIN OF NATO SOF AGREEMENT

The author of the Wilson letter would have it appear that foreign nations imposed conditions upon their consent and that the principal condition imposed was that such nations enjoy the right to prosecute and punish American servicemen.

I do not believe that.

Witnesses for the executive departments were asked at committee hearings who demanded this right. There has been no answer yet. No one has said France wanted it, Italy asked for it, Belgium demanded it, Great Britain would not consent otherwise, and so on.

The fact of the matter is we had representatives who wanted to act like big brothers to the world—they were distributing largess—largess amounting to billions. But they were afraid other countries might think we were superior, so they adopted a policy of abasement and depreciation of our people, our customs, our traditions, and our Constitution. Our servicemen became a sacrifice on the altar of appeasement.

Going back historically, the Brussels Treaty and a status agreement between the signatories, is blamed by the State Department as the origin of the NATO agreement. If you remember, the Brussels Treaty was brought about solely because we enacted laws to encourage foreign governments to take our money. In effect, we had said we would assist in the economic recovery of all nations that would organize for the purpose of economic cooperation. European countries were quick to take advantage of this. The United States Government was not a party to the Brussels Treaty. We did respond to the request for assistance.

It was easy for the nations banded together by the Brussels Treaty to make an agreement that if any one of them sent troops into another country that the host country would enjoy jurisdiction. None of the countries involved expected to send any forces to another. Ancient jealousies and recognition of each other's laws discouraged that.

Later it was just as easy for the NATO countries to accept the proposition of our representatives to give them jurisdiction on a reciprocal basis—because those countries knew that, practically speaking, their troops would not be subjected to the jurisdiction of our courts—or if they were, that our type of justice would insure them much greater protection than their laws gave to our servicemen.

ATTORNEY GENERAL'S OPINION

The author of the Wilson letter says:

> I am altogether persuaded by the opinion of the Attorney General that international law does not support an absolute immunity for our servicemen from the jurisdiction of foreign courts.

The aura that surrounds the position of Attorney General may blind people to the fact that he can be wrong. Attorneys General on many occasions have been wrong. This is because after all they are merely Government lawyers. The title does not alter the fact that it is their job to support a position taken by an Executive or executive department

when called upon to do so. Attorney General Brownell was obliged to support the NATO Status of Forces Treaty because it was an accomplished thing when he took office. He was not asked for an opinion, as a lawyer, before the treaty was negotiated. He was obliged to approve and espouse as his own a brief prepared by an employee whose position in the Justice Department was as obscure as some of the courts whose decisions were used to support the proposition that no rule of international law existed to protect visiting forces in a friendly country.

In a brief in the Girard case, Government lawyers now refer to writers of international law who have said there was a rule protecting visiting forces in friendly countries, as only theorists—implying that they are not to be relied upon. Even the majesty of the Department of Justice does not take the author of the Attorney General's brief out of the class of "theorists" merely because he may have much less reputation in the international field of law than those whom the Government derides.

Are we to assume now that the author of this brief of the Attorney General is omnipotent? Are his legal attainments greater than those of Chief Justice Marshall? Is he superior to the Members of the Supreme Court who have followed the Marshall decision in the exchange case and said:

> Foreign armies stationed in a friendly country by permission of its government are exempt from the civil and criminal jurisdiction of the place.

Does he know more international law than the Attorney General of Canada, who supported the position of the United States in 1943 in the Supreme Court of Canada, and agreed that we should have jurisdiction over our troops in that country?

Why does the author of this brief force the Attorney General now to turn his back upon the position taken by our Government for more than a century? Why repudiate now the position which we took in the Supreme Court of Canada, where in a brief filed by our Government we asserted our right to have jurisdiction over our troops in Canada. Why did the author of the brief ignore the statement which still appears today in the United States Manual of Courts-Martial of 1951, as follows:

> Under international law, jurisdiction over members of the Armed Forces of the United States or other sovereign who commit offenses in the territory of a friendly foreign state in which the visiting force is by consent quartered or in passage remains in the visiting sovereign.

Why does not the Attorney General advise the Department of Law of the United States Military Academy that it is wrong to instruct cadets that the jurisdiction of courts-martial is exclusive when the Army marches through a friendly country, or is stationed therein, and that the consent of the friendly government for exemption from its civil and criminal jurisdiction is assumed as a matter of course?

When the author prepared the memorandum which the Attorney General submitted to the Senate Foreign Relations Committee and which has since been used to support the proposition that Chief Justice Marshall was wrong, a Japanese court had not yet pronounced its opinion on the question. I think it is indicative that the author of the Attorney General's brief is wrong when you read the opinion of a Japanese court in May of 1956, which said:

> An armed force constitutes the fighting power of a country and is a symbol of its dignity. Consequently, it is a well established rule of international law that an armed force stationed in a foreign country in accordance with a treaty, is not subject to civil or criminal jurisdiction of the receiving state. Neither are members of the Armed Forces subject to the jurisdiction thereof for acts performed in furtherance of official duty, that is, the acts done in the performance of official duty whether such acts were done within the area of their station (barracks) or outside such area.

When a court in Japan will admit that, without the executive agreement Japan has, they could not exercise any jurisdiction over our troops—then I believe the brief the Attorney General is using is just an argument of expediency—not of law.

FRIENDLY FOREIGN ARMED FORCES ACT

The Wilson letter refers to something which I wish people would get straight—and that is the enactment by Congress in 1944 of the Friendly Foreign Armed Forces Act. The debate in consideration of this act in the Senate and an amendment presented thereto by Senator REVERCOMB, has been claimed to indicate that we did not recognize this rule of international law. Actually, the amendment offered by Senator REVERCOMB at that time which would have stated the right of foreign governments to exercise jurisdiction over their troops, was voted down because the Members in the Senate thought it was not necessary. It was not necessary because the visiting forces already, under international law, had jurisdiction.

Senator Connally, longtime chairman of the Senate Foreign Relations Committee, stated this clearly during debate:

> Mr. President, is not the whole question one of permission to the foreign force to be here? We can exclude them if we desire to do so, but does not our consent to their being here carry with it incidentals, and is not one of these incidentals that the force may exercise its discipline and its control, and punish infractions on the part of its members. That being the case, why is it necessary for us specifically to provide that they can exercise their jurisdiction here? It goes back to the fundamental question of whether we shall let them be here at all. We do not have to admit them. If we permit foreign troops and foreign naval officers and naval organizations to be within the United States, the implication and the natural inference is that they can exercise their normal functions.

The Friendly Forces Act was passed solely to help certain foreign governments to exercise their jurisdiction.

WHOSE BENEFIT?

I do not intend to say very much about the frequently repeated claim that our forces are abroad in the world for our benefit. No matter how many times it is repeated or asserted, you cannot change the facts. We are trying to defend the world.

The Security Treaty with Japan very clearly states that Japan wants the United States to keep forces in Japan for the protection of Japan. That is the reason our forces are there. That is the reason Girard is now in Japan awaiting the decision of the Supreme Court to decide his fate. The same is true of Europe. We were assisting the European countries to recover their economic independence. They were not able to support troops for their own protection. Even today many of these countries are relying on our protection and making no effort to finance their own defense.

France sent troops to Africa to sustain colonialism because we were providing her defense at home. Great Britain is changing her defense plans to leave more responsibility to the United States.

A truthful statement on this subject came from Deputy Under Secretary of State Robert Murphy, who told the House Foreign Affairs Committee in July 1955, that our allies want our troops to stay in Europe. He said:

> In military terms they represent a body of trained and skilled manpower for which no substitution from European sources is practical. They operate ports and airbases and other technical facilities which are vital to effective defense in modern warfare.

THE SIMPLE QUESTION

I was asked the other day by a radio commentator of considerable reputation this question:

> What does Secretary Wilson mean when he says that "foreign governments would probably insist on the withdrawal of our troops if we try to regain jurisdiction over them"; does the Secretary mean that these governments would rather be taken over by the Communists than to have American troops on their soil they can't prosecute?

That is a simplification of the whole problem.

If foreign governments, presumed to be allies and friends, would prefer to be without our protection and defense and lay themselves open to Communist conquest merely because we want to have jurisdiction over our troops, to which we are entitled by international law, then why do we expose our troops to the perils of foreign service?

As I have said before—it is time we found out who our real friends are in the world.

Over 300 American servicemen have now served or are serving sentences of imprisonment in foreign jails because of the status agreements. Our so-called allies are not our friends if they make the continuance of their jurisdiction the price we must pay to keep them from embracing communism.

It should be enough for us to donate money, services, equipment, and protection to other nations. We should not force our servicemen to also pay for the privilege.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. VINSON (at the request of Mr. McCORMACK) for 10 days on account of official business.

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. BAILEY, for 30 minutes, on Thursday.

Mr. HOLIFIELD, for 30 minutes, on Thursday and Friday next.

Mr. BOW, for 60 minutes, today.

Mr. AUCHINCLOSS (at the request of Mr. CANFIELD) for 15 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. DOYLE and to include material relating to the signers of the Declaration of Independence and the signers of the Constitution of the United States, notwithstanding that it will exceed 2 pages of the RECORD and is estimated by the Public Printer to cost $558.25.

Mr. SILER.

Mr. PORTER.

Mr. COLLIER.

Mr. DAWSON of Utah and to include extraneous matter.

Mr. HOFFMAN and to include extraneous matter.

Mr. FOGARTY (at the request of Mr. McCORMACK).

Mr. WOLVERTON (at the request of Mr. McCORMACK) and that Mr. WOLVERTON'S remarks in the RECORD immediately follow the remarks of Mr. FOGARTY.

Mr. TUCK (at the request of Mr. McCORMACK) and to include extraneous matter.

Mr. McGOVERN (at the request of Mr. McCORMACK).

Mr. VURSELL and to include extraneous matter.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1528. An act for the relief of Arthur Green; to the Committee on the Judiciary.

ADJOURNMENT

Mr. FASCELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.) the House adjourned until tomorrow, Thursday, July 11, 1957, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1027. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to amend the law relating to mining leases on Indian lands and Federal lands within Indian reservations"; to the Committee on Interior and Insular Affairs.

1028. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases where the authority contained in section 212 (d) (3) of the Immigration and Nationality Act was exercised in behalf of such aliens, pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary.

1029. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases of aliens who have been found admissible into the United States, pursuant to section 212 (a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1030. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the act entitled 'An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes,' approved August 11, 1950"; to the Committee on the District of Columbia.

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. WALTER: Committee on the Judiciary. A report pursuant to House Resolution 107, pertaining to Japanese agricultural workers; without amendment (Rept. No. 780). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H. R. 2136. A bill to amend section 124 (c) of title 28 of the United States Code so as to transfer Shelby County from the Beaumont to the Tyler division of the eastern district of Texas; without amendment (Rept. No. 781). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H. R. 7153. A bill giving the consent of Congress to a compact between the State of Oregon and the State of Washington establishing a boundary between those States; with amendments (Rept. No. 782). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 4410. A bill to suspend and to modify the application of the excess land provisions of the Federal reclamation laws to lands in the East Bench unit of the Missouri River Basin project; with amendment (Rept. No. 783). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. House Joint Resolution 2. Joint resolution to provide for transfer of right-of-way for Yellowtail Dam and Reservoir, Hardin unit, Missouri River Basin project and payment to Crow Indian Tribe in connection therewith, and for other purposes; with amendment (Rept. No. 784). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRAZIER: Committee on the Judiciary H. R. 106. A bill to amend the Bankruptcy Act to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts; with amendment (Rept. No. 785). 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. HARRISON of Virginia:

H. R. 8621. A bill to provide that a statement of amounts expended by the United States for overseas travel or subsistence of Members of Congress and certain other Federal officers and employees shall be printed in the Federal Register; to the Committee on Government Operations.

By Mr. HERLONG:

H. R. 8622. A bill to amend the Internal Revenue Code of 1954 with respect to the basis (for determining gain or loss) of property acquired from a decedent; to the Committee on Ways and Means.

By Mr. MILLS:

H. R. 8623. A bill to amend the Internal Revenue Code of 1954 so as to provide accounting procedures whereby dealers in personal property may exclude from gross income amounts withheld by banks and finance companies on notes purchased from such dealers employing the accrual method of accounting; to the Committee on Ways and Means.

By Mr. POFF:

H. R. 8624. A bill to amend chapter 223 of title 18, United States Code, to provide for the admission of certain evidence so as to safeguard individual rights without hampering effective and intelligent law enforcement; to the Committee on the Judiciary.

By Mr. PORTER:

H. R. 8625. A bill to repeal the Sustained Yield Act of March 29, 1944 (58 Stat. 132), and for other purposes; to the Committee on Agriculture.

By Mr. POWELL:

H. R. 8626. A bill making a permanent appropriation for the operation and maintenance of the Puerto Rico National Cemetery at San Juan, P. R., and for other purposes; to the Committee on Appropriations.

By Mr. ROBESON of Virginia:

H. R. 8627. A bill directing the Secretary of the Navy to convey certain land situated in the State of Virginia to the Board of Supervisors of York County, Va.; to the Committee on Armed Services.

By Mr. SADLAK:

H. R. 8628. A bill to amend section 1321 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. WOLVERTON:

H. R. 8629. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety; to the Committee on Interstate and Foreign Commerce.

By Mr. COAD:

H. R. 8630. A bill to extend the period for amortization of grain-storage facilities; to the Committee on Ways and Means.

By Mr. METCALF:

H. R. 8631. A bill to amend the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended, known as the Coordination Act; to the Committee on Merchant Marine and Fisheries.

By Mr. SIMPSON of Pennsylvania:

H. R. 8632. A bill to amend the Internal Revenue Code of 1954 so as to provide accounting procedures whereby dealers in personal property may exclude from gross income amounts withheld by banks and finance companies on notes purchased from such dealers employing the accrual method of accounting; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McCORMACK:

H. R. 8633. A bill to authorize Hon. WAYNE L. HAYS, Hon. WALTER H. JUDD, Hon. JOHN J. ROONEY, and Hon. JOHN TABER, Members of the House of Representatives, to accept and wear the award of the Cross of Grand Commander of the Royal Order of the Phoenix, tendered by the Government of the Kingdom of Greece; considered and passed.

By Mr. BOSCH:

H. R. 8634. A bill for the relief of Dominico Orrino; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H. R. 8635. A bill for the relief of Mr. and Mrs. Zoltan Goldstein and son, Harry; to the Committee on the Judiciary.

By Mr. FULTON:

H. R. 8636. A bill for the relief of Maria Finfinis; to the Committee on the Judiciary.

By Mr. HEALEY:

H. R. 8637. A bill for the relief of Elba O. Selva; to the Committee on the Judiciary.

By Mr. JAMES:

H. R. 8638. A bill for the relief of Jozef Podlacki; to the Committee on the Judiciary.

By Mr. MACK of Washington:

H. R. 8639. A bill for the relief of Bianca Veronica Wolk; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H. R. 8640. A bill for the relief of Vojtech Rothman and his wife, Julie Grunwald Rothman; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H. R. 8641. A bill for the relief of Lt. Col. Francis E. Resta; to the Committee on Armed Services.

By Mr. WILSON of California:

H. R. 8642. A bill for the relief of Gordon E. Martin; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Address by Hon. Homer E. Capehart, of Indiana, at Launching of the "Philip Sporn"

EXTENSION OF REMARKS

OF

HON. HOMER E. CAPEHART

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 10, 1957

Mr. CAPEHART. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the remarks I made on July 5 at the launching of the *Philip Sporn*, a new Ohio River boat produced by the Jeffersonville Boat & Machine Co. under the direction of Mr. Pat Calhoun, president of the Jeffersonville company and of the American Barge Lines.

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

ADDRESS BY SENATOR CAPEHART

The rise of inland water transportation has been one of the most astonishing and encouraging stories of the past two decades.

A little less than 100 years ago inland water transportation was a dead letter. The very mode of transportation which helped build cities like Jeffersonville and Louisville no longer was a factor in our transportation picture. But today, I am happy to say, that picture has changed. Funds voted by Congress have made possible the long-range program of the Corps of Engineers for the modernization of the Ohio River—its locks, dams, and levees.

I have always been a stanch supporter of this program and not long ago, on May 10, in a statement before the Senate Appropriations Committee, I strongly urged the support of various navigation projects on the river. I told the committee that:

"The Ohio River is a primary source of materials basic to the national security. I believe it is important rapidly to complete this program designed for modern conditions and volume of traffic which would be required for our national defense."

These navigation projects, for which Congress has appropriated funds, are to my mind examples of what Congress can do to enable private enterprise to serve the public better and cheaper.

A great deal of the credit for the growth of river transportation and the resultant solid industrial growth of cities and towns on the river is due to two gentlemen who are here today. I would like to pay tribute to them individually.

Mr. Pat Calhoun, president of the Jeffersonville Boat & Machine Co. and of the American Barge Lines, has been active in efforts to rebuild our river transportation system since World War I. Jeffboat has been building river steamers and ferryboats for over a hundred years. But what a far cry is this fine, modern new boat—the *Philip Sporn*—from the wooden paddlewheelers of the old days. To see this modern towboat, one might think it was always so in the industry. But this is not the case.

Mr. Calhoun and I have been around for quite a few years now and I think both of us remember the twenties when Pat started in the industry. It needed a lot of courage and foresight to enter the river transportation industry then, when few people had faith in its success and fewer yet enough vision to see its growth potential. But he persevered in his efforts to reestablish this once great form of transportation and I think when we look around us today we can see the measure of his courage and foresight. And I think he can also be proud of the role these yards played in serving our Nation during the war—when the need for inland water transportation was so great.

Just a few weeks ago I learned that Mr. Calhoun and his company made another contribution to our economy and the promotion of trade with our great neighbors to the south. This was the launching of the first piggyback barges to be sent to Venezuela. Here is another example of what Indiana has done to link the United States with South America in the network of inter-American trade relations.

Mr. Philip Sporn, for whom this fine boat is named, is also a citizen of whom the people of the Ohio River can be proud. Ever since 1920 when he joined the American Gas & Electric Co., of which he is now president, he has worked toward the improvement of the electric utility industry. He has led his company's pioneering efforts in several fields of electric power generation, transmission, and distribution. These efforts have not only improved the general efficiency and economy of operation of the producers of electricity but have also served to keep down the cost of electricity to the 5 million people in this great area of ours.

I am not going to take the time to record the many achievements in Mr. Sporn's career, though I would gladly like to, but I would like to point out two things which I feel are of major importance.

Mr. Sporn has devoted a great deal of time and effort to the study of nuclear energy and particularly to the possibilities of its application in the field of power generation. I understand he is at present a member of the Edison Electric Institute's technical task force in nuclear power. This group is now evaluating various reactor types for recommendation to institute members.

The second service of Mr. Sporn and his associates to which I would also like to call attention is the creation of the Ohio Valley Electric Corp., of which he is also president. This $400 million enterprise was organized by 15 private electric utility companies of the Ohio Valley region to supply the electric power requirements of the Atomic Energy Commission's new $1½ billion diffusion plant in Pike County, Ohio.

To my mind these are two fine examples of what our utility industry is doing to insure that the utilities of our Nation rank second to none in service to national security and consumer benefit.

I would like also to point out that Mr. Calhoun, Mr. Sporn, and their associates have been successful in providing to the public, through their companies, efficiencies and economies of operation which have kept down costs during a period of constantly rising costs of virtually every phase of modern-day living. This is no mean achievement.

The value of inland water transportation is so far reaching that I imagine there are few people who can envision the tremendous contributions made by this mode of transportation to our country. Before I came down here, I refreshed my memory by looking at some of the statistics concerning this industry. I was again impressed—although I served for some time as ranking minority member of the Interstate Commerce Committee and was well acquainted with the subject—by the rapid strides made by this industry in so short a time. I think you might be interested in a few facts as to what the river—and its servant, the barge lines—is doing to serve the people of Indiana, Kentucky, and the 18 other States in our inland water empire.

Taking the valley as a whole, since 1950 more than $11 billion has been invested in new and expanded industrial and atomic plants along the main stream of the Ohio River and its navigable tributaries. The communities along the banks of the Ohio have a population of 3.2 percent of the Nation's total—but during the period from 1950 through 1955 they have been the site of 6.7 percent of the Nation's new investment in manufacturing and public utility plants.

In a recent tax and investment study made by the tax foundation, Mr. Ben Fairless, of the steel corporation, is quoted as saying that the average capital investment required to provide a job for one man in our present economy is $12,000. On this basis the industrial expansion of the Ohio Valley has provided almost 800,000 jobs. This is more employment than the combined number of jobs of Pittsburgh and Cincinnati.

This booming economy has also contributed a great tax flow into the Federal Treasury. Taking only the 6 States of Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, and Illinois—which actually lie within the Ohio Valley—corporation taxes paid in 1954 amounted to $2½ billion. Social security and personal income taxes added another 4½ billion. This is more than $7 billion.

And how much money has been spent for navigation development of the Ohio River during the past years? From 1824 to 1954, inclusive, the total expenditures amounted to only $150 million—spread over 130 years. No investment of the Federal Government has ever benefited more people or provided a bigger return than this stake in the Ohio River navigation facilities.

Of particular note is the massive growth of electric utilities in the Ohio Valley. The increase in number and capacity of power stations and the increase in volume of electricity generated are looked upon as key measures of industrial progress. Along the main stream of the Ohio River the capacity of electric generating plants has grown more than twice as fast as in the United States as a whole. In 1941, it was 3 percent of the United States total and now is over 7 percent. Electricity generated along the main stream of the Ohio has shown an even more impressive growth. Plants along the Ohio generated 9 percent of the Nation's power in 1955 compared to 3.7 percent in 1939. When the navigable tributaries, other than the Tennessee and Cumberland, are included, the Ohio Valley now produces about 11 percent of the Nation's power.

The rollcall answered by new industries which have come to the Ohio Valley is much too long to list here. Along with the growth of heavy industry such as steel, oil, chemicals, and nonferrous metals have come a host of others such as rolling mills, fabricating plants, integrated chemical plants and many others.

It may be said of the Ohio—it is a river come alive.

What accounts for the rebirth of industry in the Ohio Valley, which for so long has been dormant? Certainly there are many factors which have contributed to this tremendous industrial growth. When we ask the companies who have been lured to the valley what factors attracted them, we get the same answer from them all. Directly or indirectly, most of them come back to the waterway itself. The most important of these are low-cost water transportation, a vast and growing concentration of electrical energy, an adequate supply of water, limitless coal deposits, and a sufficient and efficient supply of labor.

All of these companies and Ohio Valley industry in general are increasingly dependent on low-cost water transport. The vital relationship between the traffic on the river and the economic development of the region is demonstrated by the fact that while Ohio River traffic in ton-miles was increasing 582 percent from 1929 to 1950, per capita income in the Ohio Valley increased 221.8 percent as compared with an increase of 211.8 percent during the same period for the Nation as a whole.

The annual volume of barge traffic on the Ohio has grown phenomenally from 26 million tons in 1929 to a record of 72 million tons in 1955.

In ton-miles, traffic on the river increased more than 300 percent from 1946 through 1955; from 5 billion to 15 billion ton-miles. I have just received the latest figures in a report of July 1, which records still additional gains. These show that 76,376,633 tons of commercial traffic moved along the Ohio in 1956—nearly 5 million tons more than the previous year. Ton mileage increased to 15,-999,404,994, a gain of over 5 billion from 1955.

The 1956 annual report of the TVA indicated that over 1½ billion ton-miles of commercial traffic moved on the Tennessee River during 1955, an increase of 24 percent over 1953, and almost 6 times as much as in 1945. The traffic for the first 6 months of 1956 was in tons, a 19-percent increase over the same period in 1955. The TVA report finally indicated that about three-quarters of the interchange river tonnage in 1954 was accounted for by the Ohio Valley region.

When these factors are added up, there is no predicting what peaks of development this valley may reach, or what needs for river-related uses it may require. About 4 years ago a trade journal raised the qeustion of whether we might not some day see a 100 million tons of freight a year moving on the Ohio. Now I think it not unreasonable to look forward to 150 million tons as early as 1965.

Of course, I know that one of the chief concerns of all of you is to see that this phenomenal growth continues. I know that many of you are concerned that the practical limits of the capacity of many of the present locks will be reached in a few years. It is your feeling and I know it is shared by many others in this area, that a vigorous prosecution of the long-range program on the Ohio River is necessary for the continued economic development of the valley. There are many organizations in the area who are doing splendid work toward this goal, including, I understand, a newly formed group called the Inland Waterways Common Carriers Association of which American Barge Line is a charter member.

These are times for economy; but, as I have stated previously, I believe that the benefits to be obtained from new locks and dams should not be measured merely in the conventional manner of savings in transportation costs. The true measure of benefit lies rather in the expanded productivity, the improved standard of living for millions of people living in the Ohio Valley, the protection against disastrous floods, vastly increased revenues to local State and Federal treasuries—far in excess of the governmental costs involved—and the strengthening of national security which will stem from providing an efficient modern water highway in the industrial heart of our Nation.

You gentlemen here today have dedicated many years of your lives to the cause of water-resources development in the valley. I know that you will continue to bring to the people of the valley and the Nation a deeper understanding of the vast potential of economic growth inherent in this great river and of the problems and programs involved in the development of that potential.

I think it fitting that, in closing, I quote the words of President Hoover on the occasion of the dedication of the Ohio River canalization in 1929:

"A nation makes no loss by devotion of some of its current income to the improvement of its estate. This is an obligation we owe to our children and our grandchildren. I do not measure the future of America in terms of our lifetime. God has truly blessed us with great resources. It is our duty to make them available to the people."

This Is the Right Place

EXTENSION OF REMARKS

OF

HON. WILLIAM A. DAWSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. DAWSON of Utah. Mr. Speaker, this is a very special day for Utah and for Utahans wherever they may be. One hundred and ten years ago, on July 24, 1847, the main body of the first party of Mormon pioneers—143 men, 3 women, and 2 children—emerged from a nearly impenetrable mountain fastness into the then-barren valley of Great Salt Lake. What they, and the thousands who followed them, accomplished in that arid wilderness is too well known to need repetition here. By faith, energy, and determination they subdued the wilderness and made the desert bloom. I know of no epic to match it in American history.

Now, each July 24 is a Utah holiday during which Utahans of all faiths pause to celebrate this anniversary of pioneer settlement; to pay homage to these forebears of ours; to draw on accomplishments of the past for the inspiration for the future.

I invite my colleague to share with us the pride we feel in these Mormon pioneers who made such a contribution not only to their church but to their country. I am sure no one can ever visit that now-green valley without affirming the prophetic words of Brigham Young: "This is the right place."

Repealing a Misnamed Law

EXTENSION OF REMARKS

OF

HON. CHARLES O. PORTER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. PORTER. Mr. Speaker, I have today filed a bill to repeal the Sustained Yield Act of 1944, but I should like to point out that this is not only a misnomer but the act itself suffers considerable abuse and appears to favor a few major timber companies.

The Subcommittee on Public Works and Resources, in cooperation with a subcommittee of the Senate Interior and Insular Affairs Committee, held extensive field hearings in the fall of 1955 on Federal timber sales policies. These hearings revealed that there was considerable difference of opinion among the people in the lumber industry and in the Government agencies as to the effectiveness of a 1944 act of Congress which allowed the Secretaries of Agriculture and Interior to award timber to particular companies without the use of competitive bidding or with limitations on who could compete for the timber.

The committee found that in Oregon the Bureau of Land Management had created marketing areas under another act rather than through the use of this 1944 act. Communities were petitioning that these marketing restrictions either be eliminated or that they be changed so that certain areas that could not now bid for O & C timber would be permitted to do so. The committee also found that, in this same area where there is twice as much National Forest timber as there is O & C timber, the Forest Service had not set up any restrictions on who could bid for their timber.

Sustained yield, as such, is not only excellent planning but necessary. For 300 years, the people of America have gained an abundance of wood products, game, sports, and enjoyment from the

vast forests growing on this continent. Today, many of these forests still remain, carrying on their role as man's most versatile natural resource. It is important that they continue to serve the needs of present and future generations.

The principles of sustained yield forest management are well imbedded in the basic statutes which govern the operation of the various Federal forests.

Repeal of the act of March 29, 1944, will in no way jeopardize, influence, or affect the management of the National Forests or any other of the forest lands operated by the Government for sustained yield forestry purposes. The repeal of this act will remove the discretionary authority to grant Federal timber to individual companies or to companies in certain selected areas.

Political Chicanery Thwarts Economy

EXTENSION OF REMARKS

OF

CLARE E. HOFFMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. HOFFMAN. Mr. Speaker, the deadline on payment of income taxes coming close on the heels of a $71 billion budget shocked our people into a realization that (a) their taxes were too high, (b) the Federal Government was spending altogether too much money, (c) national financial disaster was just around the corner. The result was an insistent demand that Congress cut appropriations. That the Congress proceeded to do.

But then came pressure from many groups insisting upon new legislation; additional appropriations of billions for foreign aid, other billions for national defense, millions for Federal aid to education, to name but three.

On top of those three—and there were others—came the politician's dream. A bill to protect civil rights. One purpose was to secure the Negro vote in the 1958 and 1960 elections.

The bill was wholly unnecessary. We have a statute—Revised Statutes, section 2004 and following—which makes it a criminal offense to deny to any person his right to vote at any election because of race, color, or previous condition of servitude. We have a crime-detecting organization, the FBI, unsurpassed. We have a Department of Justice with an Attorney General and United States district attorneys and district and appellate courts with authority and the means of enforcing that statute.

Nevertheless, though not needed, to curry favor with minority groups, along came this so-called civil-rights bill. It created a new Commission which was empowered to employ an Advisory Commission with authority to make investigations, subpena witnesses, hold hearings, and make recommendations. A new snooping agency. This though the regular standing committees of the Congress have like authority, and upon these standing committees is imposed the same duties delegated to the Commission.

The bill also authorized the appointment of a new Assistant Attorney General and provided authority to employ an unlimited number of assistants to the assistant. The Congress was given not even an estimate as to the cost which would be incurred by the Commission, its employees, the Assistant Attorney General and his assistants and employees, but the bill did contain a provision authorizing the appropriation of so much as may be necessary to carry out the provisions of this act.

The foregoing is an illustration of the way the Congress, under the guise of a worthy purpose, in my judgment, needlessly authorizes the wasteful expenditure of your tax dollars. It is an example of how an economy drive is halted.

To further insult the intelligence of the average citizen, the bill, while purporting to protect civil rights, took from the citizen his established constitutional right to a trial by jury when charged with a criminal offense.

I did not vote for the bill because (a) there is now on the books ample legislation to protect the right to vote; (b) we have an FBI second to no agency in the wide, wide world capable of detecting criminal activities; and (c) we have a United States Attorney General backed by able, vigorous United States district attorneys, plus United States district and appellate courts capable of seeing that the present law protecting the right to vote is enforced.

And because, most important of all, the bill deprived a citizen of his basic, fundamental, constitutional right to trial by jury.

Incidentally, it calls for additional unnecessary Federal employees and the needless spending of additional tax dollars.

Report of Congressman John E. Fogarty, a Congressional Adviser of the United States Delegation, at the 10th World Health Assembly, Held May 7 to May 24, 1957, at Geneva, Switzerland

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. FOGARTY. Mr. Speaker, the 10th World Health Assembly met at the headquarters of the World Health Organization in Geneva last May, and I had the privilege of attending part of the sessions as a member of the United States delegation. What I saw at the assembly confirms my belief that WHO is an important international agency, and that we have a real stake in it. It is fitting that Congress has authorized the appropriation of funds to hold the 11th World Health Assembly next year in the United States. In 1958 the World Health Organization will have been in existence for 10 years. The constitution of WHO was drawn up and signed in New York City. These considerations led to the action of Congress which made it possible for the United States to invite WHO to hold its next annual meeting in our country.

I was happy to have the opportunity to extend to WHO the invitation on behalf of the United States delegation, and to tell the Assembly that the United States Congress has shown by its actions its realization that improving world health conditions is a basic part of building a more peaceful and stable world. The World Health Assembly accepted the United States invitation. The 11th World Health Assembly will therefore be held in the United States next May, along with a 2-day 10th anniversary commemorative session to mark the special occasion.

The overwhelming vote—71 out of 75—by which the Assembly elected the United States to appoint a member of the WHO Executive Board dramatically indicates the general recognition of the contributions which the United States has made to WHO. These are contributions not only in financial terms, but also in leadership and technical knowledge. These contributions have repaid us several times over in good will and in better health for hundreds of millions of people.

There was considerable recognition at the Assembly also of the assistance which the International Cooperation Administration gives to health programs in many countries. Several delegations acknowledged in their Assembly speeches the great value of United States assistance. There was no feeling that ICA and WHO are in competition, but rather that they are working side by side constructively to help countries raise health levels.

This common objective of WHO and ICA was made even more clear by the United States delegation statements during the Assembly consideration of malaria eradication. These statements reviewed the contributions of ICA to malaria eradication and affirmed our confidence that with the leadership demonstrated by WHO a coordinated worldwide campaign against malaria will be successful. They referred also to the possibility of increased United States aid to eradicate malaria as proposed by the President. Malaria indirectly costs the American people hundreds of millions of dollars each year, and this campaign, therefore, has great significance for us in economic as well as other terms.

The United States delegation, in conversations with other delegations to the Assembly, found considerable mention of the value of medical research, especially in the United States. There is appreciation of the research work being done at the National Institutes of Health of the Public Health Service and at other centers. This applies both to research in tropical diseases, which still ravage many countries as well as indirectly burden the United States, and to research in chronic diseases, like heart diseases, poliomyelitis, and cancer.

The kind of massive scientific attack on disease which our NIH research represents is basic to our efforts in our

own country, and abroad through WHO and ICA, to help free man from disease.

The World Health Organization as an international agency with limited resources does not attempt large-scale research itself, but rightly limits its part to stimulating and promoting research, and correlating work and exchanging information between laboratories in various countries. The Director General of WHO reported to the Assembly that during 1956 the Organization maintained close collaboration with nearly 1,800 scientific institutions, particularly medical research laboratories all over the world. In line with this function of stimulating worldwide research attacks on major diseases, the Assembly unanimously adopted a resolution authorizing WHO and member countries to cooperate in a comparative study of the variations between cancer types in different countries and environments. This is expected to yield valuable clues to the origins of the disease.

In addition to reviewing and adopting a program and budget for WHO for the next year, the delegates to the World Health Assembly take the opportunity to engage in a specialized discussion of some important public health topic. This year the theme was The Role of the Hospital in the Public Health Program. The United States delegation was fortunate in having as a member the director of the American Hospital Association, who made a major contribution to the technical discussions and was one of the rapporteurs.

The delegation, in fact, was constituted so that it could capably represent American concepts of public health and medicine. In addition to a very able chairman, Dr. Leroy E. Burney, Surgeon General of the Public Health Service, and officials of the Department of Health, Education, and Welfare, the Public Health Service, and the Department of State, some of whom have been closely associated with WHO matters for many years, the delegation included a trustee of the AMA, deans of schools of public health and of dentistry, a member from the Department of Defense, a public member who has distinguished herself in work in voluntary health agencies, and public health workers from State and Territorial health departments. From the Congress, Mr. Wolverton and I served as advisers to the delegation. It was a pleasure to be associated with this delegation which represented the United States in a businesslike and effective way.

Attendance at the 10th World Health Assembly confirmed my belief, which I find that Mr. Wolverton shares, about the importance of the work of the World Health Organization. Its budget is small in comparison to the massive disease problems still facing the world, and the United States, yet who is spearheading strong international attacks on such problems. It has already helped to push back the ravages of diseases like malaria, yaws, and tuberculosis, and to lessen the appallingly high number of deaths among children in many areas, through whom, we and other nations are pooling resources so that they can be used most effectively to protect all of us against disease. I am proud of the part which the United States plays in the work of the World Health Organization, and of the support which we give to this agency for health.

Report of Congressman Charles A. Wolverton, a Congressional Adviser of the United States Delegation, at the 10th World Health Assembly, Held May 7 to May 24, 1957, at Geneva, Switzerland

EXTENSION OF REMARKS

OF

HON. CHARLES A. WOLVERTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. WOLVERTON. Mr. Speaker, recently I had a most rewarding and revealing experience—that of serving as a member of the United States delegation to the 10th World Health Assembly, which met in Geneva May 7 to 24, 1957. Attending the Assembly gave me an unparalleled opportunity to appraise the character and work of the World Health Organization.

I wish that every Member of Congress—indeed every citizen of the United States—could have the close view of this great organization that I have had. No one could come away from such an experience without a sense of deep satisfaction in what we Americans are doing through this organization to relieve misery and suffering among hundreds of millions of our fellow men. And one could not help being astounded at how much is being accomplished with so little money. Hundreds and hundreds of important health projects are being carried out even in the remotest corners of the world under the stimulus and technical guidance of this organization. I know of no money that is being spent with greater effect than the small resources of the WHO. Truly, it is changing the world for the better, building a strong and more resourceful human race.

I was delighted with the refreshing atmosphere of warm good will and friendship that I found among the delegates, many of whom were old and true friends of long standing. Many, indeed, are loyal alumni of our own schools of public health. Dr. Ernest Stebbins, the dean of the Johns Hopkins School of Public Health and Hygiene, who was a member of our delegation, held an impromptu Hopkins reunion that was attended by a goodly number of delegates from all over the world. He was busy the whole 3 weeks talking with his former students.

It was clear at the assembly that health is a common denominator which brings all people together. Seventy-nine of the eighty-eight member countries sent delegations, consisting chiefly of physicians. Despite highly varied national and political backgrounds, these delegates spoke the same language on health matters. They all shared a determination to work through WHO to help all countries improve the health of their people, as human beings regardless of race, creed, color, or political belief.

The reason for this understanding became evident to me. Physicians and other health workers are traditionally dedicated to improving the lot of us all. They know instinctively that health is truly international, that disease knows no frontiers, and that for over half of all mankind poor health—sickness and suffering—is still the normal condition of everyday life. They know, too, that so long as major diseases exist anywhere they are a threat to people everywhere.

I am convinced after seeing the WHO at close range that it is of the greatest importance that the United States give vigorous and increasing support to WHO as it continues to grow in strength and influence. The organization provides a means through which the governments and people of nearly all countries work together on a constructive and friendly basis with the common aim of better health. The character of WHO is not nearly as well known as it should be, and in particular the fact that in this organization there is a degree of international understanding that, I believe, is unique. Over the years I am convinced that this aspect of WHO alone will make a major contribution to the building in all fields of the constructive and cooperative relations between countries which are essential for peace and even for survival.

The health programs of the World Health Organization also deserve to be much better known. They include worldwide services, such as rapid international reporting of disease outbreaks, promotion of uniform quarantine measures and of standards for drugs. Newsworthy of late has been the work of WHO in encouraging and coordinating international reporting and research into influenza epidemics, the viruses which cause them, and vaccines which may be effective against them. Its worldwide network of cooperating laboratories has been the world's watchdog as influenza has broken out in Asia and threatens to spread over the world.

WHO also provides a wide range of expert assistance and training to help countries build strong health programs of their own. It was brought out at the Assembly that in 1956 WHO assisted 700 projects in 120 countries and territories, and granted fellowships to 900 health workers for advanced training in the United States and other countries.

The 10th World Health Assembly looked into and discussed every aspect of the WHO programs, as carried out in 1956 and as projected for 1958. The examination of the work of WHO was not merely a formality, but gave real insight into the programs. This was due to the able reporting on the programs by the WHO Secretariat, and to the high caliber of the delegations from many of the countries.

The United States can be proud of the character and performance of our delegation at the World Health Assembly. The delegation was headed by Dr. Leroy

E. Burney, Surgeon General of the Public Health Service, and was broadly representative of public health and medicine in the United States, including such leaders as Dr. James Reuling, one of the trustees of the American Medical Association, Mr. Edward Crosby, director of the American Hospital Association, Dr. Lester Burket, dean of the Dental School of the University of Pennsylvania, and, representing the public, a charming lady from Brookline, Mass., Mrs. Viola Pinanski, who has played a prominent part in many voluntary health activities in her own community and across the Nation. The States and Territories were represented by Dr. Franklin Yoder, the health officer of Wyoming who is the president of the Association of State and Territorial Health Officers, Dr. Richard K. C. Lee, the president of the Board of Health of Hawaii, and by Mr. Blucher Poole, chief sanitary engineer of Indiana. The delegation included as well, experienced health officials of the Department of Health, Education, and Welfare and the Public Health Service, the Department of State, the International Cooperation Administration, and the Department of Defense. Mr. FOGARTY and I had the honor to serve on the delegation as Congressional advisers, and I felt proud, as I am sure Mr. FOGARTY did too, to be associated with such a group.

This delegation worked. It worked hard and effectively and was a credit to the United States in every way. Following a delegation meeting at 8:15 each morning, the delegation members participated actively not only in the formal sessions, but even more important, informally in establishing warm and friendly relationships with other delegates, and acquainting them with the United States positions on the various matters before the Assembly.

The esteem in which the United States is held in the World Health Assembly was shown when the 10th Assembly elected 6 states, each of which is entitled to designate 1 expert to fill a vacancy on the 18-man WHO Executive Board. The United States headed the list, with 71 votes out of 75 voting. I believe this vote of confidence in the United States is a tribute to the able farsighted men which the United States has placed on the annual Assembly delegations and on the Executive Board. As a result the United States has had a leading role in the sessions of the Assembly and Board.

Next year, 1958, marks the 10th anniversary of the coming into force of the constitution of the World Health Organization, which was originally drawn up and signed in New York City. The 10th World Health Assembly considered plans for the 10th anniversary, and approved the holding of a special commemorative session in conjunction with the 11th World Health Assembly, 1958. Last July the Congress declared by joint resolution—Senate Joint Resolution 183—that 1958 would be particularly appropriate for holding the World Health Assembly in the United States, and authorized an appropriation to pay the additional expenses of holding the 11th Assembly in our country. Speaking for the United States delegation, our colleague Representative FOGARTY informed the Assembly of the action of Congress and the invitation that had been sent to the Director General to hold the 1958 assembly in the United States. He affirmed the wish of our country to make the occasion an auspicious and successful one. The Assembly decided, without dissent, to accept the United States invitation. We have therefore secured a unique opportunity to demonstrate the continuing support of the United States for WHO and international cooperation in health. This will also provide the people of the United States a splendid opportunity to see the World Health Organization at close range.

At the recent Assembly the U. S. S. R. and three other Soviet States—Albania, Bulgaria, and Poland—sent delegations for the first time in 8 years, during which period they declined to support or share in the work of WHO. While delegates welcomed the return of these states, the Assembly did not give the U. S. S. R. sufficient votes to enable that country to designate a member of the executive board at this time. The statements of these states in the Assembly were in general moderate and unexceptional. Eight countries, including the United States and the U. S. S. R., joined in cosponsoring a resolution to promote worldwide cooperation through WHO in investigating the causes of cancer—an illustration of how common health interests may cut across ideological differences.

The World Health Assembly discussions made clear that malaria is still a major world problem. Each year malaria attacks over 200 million people—more than the population of the United States—and kills 2 million. Characteristic of the farsighted leadership which WHO exercises on health programs is its present drive to eradicate malaria from the world. Since mosquitoes and airplanes cross frontiers, malaria must be attacked on an international scale. WHO is able to provide technical guidance and the needed coordination of plans. In 2 years the voluntary special malaria eradication fund established in 1955 has received only $70,000, and the Assembly therefore urged countries to make voluntary contributions to this fund. The discussion on malaria came on the day following President Eisenhower's message to Congress on foreign aid, and the delegation was able to read to the Assembly the passage in the President's message in which he proposed that the United States increase our contributions to the attack against the world's No. 1 health problem. I hope that this program will receive the support it deserves. Malaria eradication will redound to the benefit of the United States through the improvement it will bring about in the economy of the underdeveloped countries. And further, there is no better way for us to show our friendship for that huge segment of the world's population that is heavily burdened by preventable disease.

The contributions which American scientists have made over the years in advancing the fight against malaria were signalized in the Assembly by the award to Dr. Paul F. Russell, the distinguished malariologist of the Rockefeller Foundation, of the Darling prize for outstanding achievements in malaria control. In accepting the prize, Dr. Russell described WHO as the "motivating mainspring in the global assault on malaria." Dr. Russell has been one of the architects of the President's malaria eradication proposals.

Of direct interest for all of us is the development of the peaceful uses of atomic energy. WHO has embarked on a constructive program to help countries develop the health and medical uses of radioisotopes and to promote protection against radiation hazards connected with the peaceful uses of atomic energy. The program includes exchange of information, training and seminars, and technical assistance. The Assembly with the strong support of the United States delegation endorsed the continuation and expansion of this program, in cooperation with the International Atomic Energy Agency when established. The United States delegation expressed gratification that WHO is recognizing its responsibilities in this field. A proposal by the delegation of India that the Assembly appeal for a ban on nuclear bomb tests was ruled out of order in committee, and the ruling upheld by committee vote. This was evidence of the determination of the WHO to proceed with its work without becoming involved in international political problems.

After considerable discussion, the Assembly adopted by vote of 50 to 10 a budget for 1958 of $13,500,000. This is a very small amount in relation to the job to be done. In my judgment, no international organization is accomplishing more for the welfare of mankind in relation to the funds which it expends. Every dollar we contribute to WHO, whether to the regular budget or to the Special Malaria Fund, is a gilt-edged investment.

The activities of the World Health Organization are almost universal in scope and respond to a universal human need. In the constitution of WHO, we have joined with other nations to declare that all peoples have the right to the highest possible level of health. WHO is helping them to achieve this rightful condition, and in so doing is bringing mankind closer together. Thus, it is directly serving the interests of the United States and of peace. It was a great personal pleasure for me to find, at first hand, what a great contribution we, as Americans, are making to build a better world through our participation in this splendid organization.

The United States of America was fortunate in having as delegates a very representative group of individuals, each of whom are actively engaged in promoting health, both in the United States and throughout the world.

The following is a list of members of the United States delegation who attended and actively participated in the proceedings of the 10th World Health Assembly:

Chief delegate: Dr. L. E. Burney, Surgeon General, United States Public Health Service, Department of Health, Education, and Welfare.

Delegates: Dr. H. van Zile Hyde, Chief, Division of International Health, Bureau of State Services, United States Public Health Service, Department of Health, Education, and Welfare; Dr. J. R. Reuling, American Medical Association.

Alternates: Mr. H. B. Calderwood, Office of International Economic and Social Affairs, Department of State; Dr. A. C. McGuinness, Special Assistant for Health and Medical Affairs, Department of Health, Education, and Welfare.

Congressional advisers: Mr. J. E. FOGARTY, House of Representatives, United States Congress; Mr. C. A. WOLVERTON, House of Representatives, United States Congress.

Advisers: Dr. L. W. Burket, dean, Dental School, University of Pennsylvania; Col. R. L. Callison, Office of the Surgeon General, Department of the Army; Dr. E. P. Campbell, Deputy Chief, Public Health Division, International Cooperation Administration; Dr. E. L. Crosby, director, American Hospital Association; Dr. R. K. C. Lee, president, Board of Health, Honolulu, T. H.; Mrs. V. R. Pinanski, consultant to the National Advisory Neurological Diseases and Blindness Council, National Institutes of Health, United States Public Health Service; Mr. B. A. Poole, chief, Bureau of Environmental Sanitation, State Board of Health, Indianapolis, Ind.; Mr. D. H. Popper, acting United States representative to international organizations, United States resident delegation and Consulate General, Geneva; Dr. E. L. Stebbins, director, School of Hygiene and Public Health, the Johns Hopkins University; Mr. R. Olaf Waring, Office of International Administration, Department of State; Mr. L. Wyatt, Division of International Health, Bureau of State Services, United States Public Health Service, Department of Health, Education, and Welfare; Dr. F. D. Yoder, president, Association of State and Territorial Health Officers, Cheyenne, Wyo.

A National Cowboy Hall of Fame

EXTENSION OF REMARKS

OF

HON. GEORGE S. McGOVERN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. McGOVERN. Mr. Speaker, for millions of Americans, the cowboy is a symbol of the development of the West. Certainly there was no figure on the American frontier any more colorful than the cowboy. Little wonder that every American boy has at one time or another played cowboy. Likewise, the cowboy is a prominent figure in our radio, television, and movie dramas. It is impossible to think about the frontier without recalling the dramatic role he has played.

The life of the cowboy was not always one of color and drama, however. His life consisted also of long hours of toil, drudgery, and hardship. He was called upon to serve in many ways that made possible the opening and development of the West.

It is entirely fitting that the rich heritage of the American cowboy should be preserved. That is why I add my support to the movement to establish a National Cowboy Hall of Fame and Museum.

Some time ago individuals from 17 Western States, particularly interested in preserving the literary and cultural heritage of the cowboy, joined together to launch at Oklahoma City, Okla., just such a hall of fame and museum. Construction of this project is underway. I am happy to say that South Dakota, which figured prominently in the cowboy era, has furnished two trustees who are giving of their excellent abilities to make this project a great national shrine to the cowboy. Mr. Bert Hall, of Kennebec, S. Dak., a distinguished author and rancher, and Mr. Ernest B. Ham, of Viewfield, S. Dak., who comes from a long line of western cattlemen, are both active in this splendid cause.

I want to urge the Members of Congress, Mr. Speaker, to give whatever support is possible to the successful completion of this worthwhile venture. I think it deserves our attention and our encouragement.

Why Steel Prices Went Up

EXTENSION OF REMARKS

OF

HON. CHARLES W. VURSELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. VURSELL. Mr. Speaker, since United States Steel recently announced an increase of approximately $6 per ton, and since steel is one of the basic products of our industrial economy, I think it is important that the Members of Congress, who have such a great responsibility to the people of the Nation, know the basic facts, or reasons, for such increase in the price of steel. I think it is well to review the facts which briefly are as follows:

On August 3, 1956, a year ago, after the steel companies had suffered a loss of millions of dollars as a result of a 34-day strike, the United States Steel Corp. signed a 3-year labor agreement contract effective July 1, 1956, which provided a total increase each year of about 24 cents per hour annually, including a cost-of-living adjustment of about four cents an hour plus other benefits.

Under that agreement, which became effective July 1, 1956, the steel company to meet the increase in labor costs for the first year increased its prices about 7 6/10 percent.

At the beginning of this, the second year of the 3-year contract with the United Steel Workers, the steel company gave the employees their second increase in wages and employee benefits, which will amount to about 21 cents per hour from July 1, 1957, to July 1, 1958, which inclueds a cost-of-living adjustment of 4 cents per hour and various other benefits.

Mr. Hood, president of United States Steel, in announcing the signing of the second year contract, and in explaining its provisions, said:

> The new pay adjustments will bring the corporation's average hourly employment cost for wage employees engaged in steel production to about $3.52 per hour, a record high.

Mr. Hood called attention to the inflationary pressures on all other costs that have been accompanying wage increases in recent years. He made the statement that from 1940 through 1956 United States Steel's employment costs per employee-hour has risen 250 percent, which purchased goods and services, taxes, and other costs had risen 315 percent, or even more substantially. Thus United States Steel's total costs per employee-hour rose 284 percent over this period.

In contrast, the price of finished steel mill products, as measured by the Bureau of Labor Statistics, increased only 138 percent. The difference between this increase in total costs and the smaller increase in prices has been absorbed by United States Steel over the years through greater efficiency of operation, intensive cost reduction, the expenditure of billions of dollars on modernization and improvement of facilities, and partly by a decline in the profit rate.

In emerging from the depression, United States Steel made a profit in 1940 of 9½ cents on each dollar of sales, a figure exceeded in numerous predepression years, but never equaled for any year since 1940, Mr. Hood pointed out. The nearest approach to that was in 1955, when the corporation earned 9 cents on each dollar of sales. Last year it earned 8.2 cents on each dollar of sales.

The pay increases that are taking effect in United States Steel under the terms of the 1956 labor contract, which terminates June 30, 1959, and which provides for further increases in 1958, are these:

> 1. A general wage increase of 7 cents per hour for all hourly rated employees, plus an increase of two-tenths of 1 cent in the present differential of 6.3 cents per hour between each of United States Steel's 32 job classifications for its production and maintenance employees.
>
> OTHER BENEFITS
>
> 2. A cost-of-living increase of 4 cents per hour for all hourly rated employees. This brings to 7 cents an hour the total cost-of-living adjustments occurring under the 3-year labor agreement in the first year of its operation. The adjustments are governed by the consumer price index of the Bureau of Labor Statistics.
>
> 3. An increase to one and one-fifth times the regular rate of pay, from one and one-tenth times the regular rate, as the compensation for nonovertime work performed on Sunday.
>
> 4. An increase to double time and one-tenth, from double time, as the compensation for work performed on any of 7 specified holidays.

In addition to these increases in United States Steel's employment costs, other increases will result from similar and simultaneous adjustments in the pay of salaried employees who are cov-

ered by labor agreements signed last summer, as well as from appropriate increases to other salaried employees, Mr. Hood reported.

As of May 20, 1957, United States Steel Corp. for the first quarter announced a quarterly dividend of $1.75 per share on the preferred stock, and 75 cents per share on the common stock. The common stock is listed at a value of approximately $69 a share on today's market.

The following table shows earnings and some other costs of operating the steel business:

FOR THE YEAR 1956

Products and services sold	$4,228,900,000
Tax payments	427,000,000
Total net income after taxes	348,100,000
Employment labor costs	1,681,000,000
Dividends paid	170,100,000
Other employee benefits	*225,352,981

*The $225,352,981 in employee benefits which already exceeds dividends paid by over $55,000,000 does not include fringed costs paid to employees, which amount to an additional 50 to 60 percent, or about $120,000,000.

And may I say that under our tax system nearly all of these dividends the stockholders receive are subject to the regular income tax which greatly reduces the net amount.

A close look at the table above indicates that taxes paid by United States Steel are $78,900,000 more than the net earnings of $348,100,000 after taxes. Net earnings after taxes for 1956 were 8.2 percent.

The Need for Protecting FBI Files

EXTENSION OF REMARKS

OF

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. COLLIER. Mr. Speaker, I take this occasion to discuss H. R. 8341, a measure of utmost importance to the preservation of our Government.

This measure deals with the FBI files, which were in effect declared sitting ducks in an open hunting season by the Supreme Court of the United States in the now-famous Jencks case. The Court in that ruling has created and compounded confusion, not only among the law enforcement officers of the executive branch, but among the jurists of the lower courts as well. The Court, I submit, was not clear in its definitions or terminology and left much of what it intended to convey in doubt. But one fact remains inescapable through this ruling. The Court, in effect, told every criminal and his lawyer that they have the right to examine the files of the Federal Bureau of Investigation if they think that through such examination they can find documentary support for whatever nefarious position they choose to take. This, of course, to be accomplished before a presiding judge has a chance to examine the files to determine if the material is or is not pertinent to the case.

The Judiciary Committees of both the House and the other body have considered this bill and one like it with favor. In an appearance before one committee, the Attorney General, Mr. Herbert Brownell, Jr., pointed out some dangers inherent in the Court's decision. He noted that already persons accused in narcotics cases had been freed in Pennsylvania and Georgia and that convictions already won in the courts might be reversed in a kidnaping case in Rhode Island. In numerous other cases the criminals or their attorneys are now preparing to base appeals on this ruling.

I recognize, as every other Member of this House does, the need to protect the innocent and to provide the accused with every possible means of preparing his defense. This is the basic function of our legal system and one of the main differences between our own and totalitarian justice where the only defense is to throw yourself on the mercy of the court.

At the same time I recognize, as does every Member of this House, that one of the prime functions of Government is to protect itself and the citizens who depend on it for protection—protection not only against aggression from abroad and subversion from within, but also from those elements within our own society who prey on their fellow humans and who stalk the jungles of our underworld. To accomplish this protection, Government has at its disposal the Armed Forces to guard against aggression from without, and the FBI to guard society against those who would corrupt or communize it. The FBI, under the direction of that eminent public servant, J. Edgar Hoover, has done a remarkable job in this important field. Now the Court would have us destroy the efficiency of this organization and its ability to function not only as the discoverer of wrong-doing, but the protector of the innocent.

What are these mysterious FBI files?

They are simply the accumulation of a generation of evidence ferreted out by the agents themselves or brought to the attention of the FBI by private citizens. Much of the material is in the so-called raw files, that is, files which up to now have been open only to expert and experienced men to evaluate the evidence and to determine if it warranted further inquiry.

Much of the material in the files is unsubstantiated stuff which is better left locked up—material containing half true or completely false allegations. It would never, under the old procedure, have gone further. But under the new Court edict, this mass of material is open to the praying eyes of lawyers and outright criminals—men who could and would use it to their own advantage and without regard for those whom it might needlessly hurt.

Equally important, the files contain names of men, who through loyal service have uncovered the criminal plots against the Government, some of them paid counterintelligence agents. To open these files would be to expose these names and thus make them useless or, indeed, in some cases to make their very existence a hazard.

Also, the files contain clues as to which direction investigations may take, and to open them would be to announce to the world—and particularly to the shrewd and evil conspirators, where they should more carefully cover their tracks, where to go underground and what incriminating evidence to destroy.

In sum, the FBI files, if open to the wrong man or men, could do this Nation untold damage.

The purpose of H. R. 8341 and its companion bill in the other body, is to protect these files, while at the same time protecting the right of defendants to fair trial. It accomplishes this purpose by directing that such files or parts of files pertinent to the defense shall be open to the defendant—but only after examination by the trial judge. We are in this measure placing the responsibility on the shoulders of experienced and trained jurists and not at the discretion of possible Communists—or men who make their living at the beck and call of the criminal element.

The bill, I feel, accomplished the purpose of protecting the life of our Nation while at the same time guaranteeing every right to those accused of crimes, whatever those crimes may be.

Interview of Hon. Richard B. Russell, of Georgia, on CBS News and Public Affairs Hour

EXTENSION OF REMARKS

OF

HON. RICHARD B. RUSSELL

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 10, 1957

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a transcript of the interview over the CBS News and Public Affairs Hour on Monday, July 8, the so-called Capitol Cloakroom broadcast, wherein I was interviewed by three of the news correspondents of the Columbia Broadcasting System.

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

CAPITOL CLOAKROOM

(Broadcast over the CBS Radio Network, July 8, 1957, 9:30 to 10 p. m.—guest: The Honorable Richard B. Russell, United States Senate, Democrat, of Georgia—CBS news correspondents: Griffing Bancroft, Bill Downs, Paul Niven—producer: Michael Marlow)

Mr. BANCROFT. Senator RUSSELL, will there be a real showdown on civil rights?

Mr. DOWNS. Senator, would this bill really punish the South?

Mr. NIVEN. Senator, would the South accept a compromise on civil rights?

Mr. BANCROFT. Senator RUSSELL, welcome to Capitol Cloakroom. One of the real veterans here, you have been in the United States Senate now for more than 24 years.

And right now you are the leader of the southern Senators in this current battle over civil rights. So let's start with that.

Do you think this time there will be a real showdown on civil rights?

Senator RUSSELL. Well, there is, of course, a very decided disposition to press this bill which is titled a civil-rights bill to a conclusion in this session of the Congress. Now we have a very attractive habit here of labeling bills, sometimes, when they don't always live up to their label.

But if you are referring to the bill that is now being discussed on the floor of the Senate, it is apparent that a very determined effort will be made to force a legislative conclusion on that measure.

Mr. BANCROFT. Well, we want to ask you what might happen on that, but first, you say whether this should properly be called a civil-rights bill.

If it is not a civil-rights bill, what is it?

Senator RUSSELL. Well, in some of its aspects it is more of a force bill aimed at the customs and laws of the South that were upheld for a hundred years than it is a civil-rights bill.

It has been presented to the public generally as being a bill to assure the right to vote. But as a matter of fact that is the mildest of all the provisions of the bill.

Mr. DOWNS. Well, Senator, there was a coalition of so-called liberal Republicans and liberal northern Democrats that got this bill to the floor in the first place.

What happens to the conservative coalition among southerners and conservative Republicans under these circumstances?

Senator RUSSELL. Well, I don't know just exactly what that term "coalition" implies. At times it seems to be used as a term of condemnation or derision.

In times past when some of the southern Democrats have voted with the Republicans not to move quite as fast in some areas as some of our Democratic Presidents would have had us to move, that's been called a coalition between southern Democrats—Mr. Reuther and his crowd always said Dixiecrats without regard to how loyal we had been to the Democratic Party—and the reactionary Republicans.

We do have a most unusual coalition this time in that the Republican leadership has joined hands with some of our very liberal friends, such as Senator DOUGLAS and Senator HUMPHREY and others to force this bill to a conclusion.

But, then, politics makes strange bedfellows. In this case we undoubtedly have a game where the South is a mere pawn on the political checkerboard. The minority groups have apparently convinced the leadership of both parties that the party that is willing to wage the furthest punitive expedition into the South will win the Presidency in 1960.

Mr. NIVEN. Senator, some Republicans have charged and northern Democrats have denied that there was a deal in the voting over the procedure of the civil-rights bill and the Hells Canyon bill.

Senator RUSSELL. Yes; I saw that in the press. If there is anything to that, I have no knowledge of it. I saw the article.

I happen to be one of the five Democrats who changed his vote on Hells Canyon. I did it because of the tax amortization feature which made it very apparent that the Federal Government was going to pay for the dam in any event. If we were going to pay for it, I thought we ought to have title to it.

Mr. NIVEN. But you did not offer and were not offered any kind of deal?

Senator RUSSELL. No; there was no deal in any sense I know of. I hope, however, such a thing as appreciation still exists even in the Senate of the United States where any Senator finds that he can out of his heart do so to vote to make this bill a tolerable bill or a reasonable bill and not a force bill, that they will vote for amendments.

I hope that the purpose of this charge was not to frighten the true liberals in the Senate who will support, for example, a jury-trial amendment.

We have a very anomalous situation when so-called liberals are trying to abolish the right of trial by jury, as is being done in this bill.

Mr. BANCROFT. Well, Senator RUSSELL, if there was a deal made, you apparently lost it anyway, because the bill went on the calendar over your objections.

Senator RUSSELL. Yes; and very frankly, when I saw the coalition that was there—that I called the Knowland-Douglas-Humphrey axis—I had very little hopes of getting a majority vote. I did make a fight because I believe in orderly procedure in the Senate, and I did not think that the procedure that was followed was orderly, and we are paying the penalty for it right now.

We put the bill on the calendar and it comes out later that there's been an error in the print of the bill that was sent over that they are undertaking to correct today.

When you get away from established precedents in the Senate, when you try to take shortcuts for temporary advantage, it nearly always brings a great deal of trouble.

Mr. BANCROFT. Well, now, coming back for just one moment to this bill, President Eisenhower, who claims that this is a moderate bill and who says at least his principle desire is to protect voting rights has expressed some surprise at your statement, I believe, about how far you think this bill could go.

And there was some talk that you might have a conference with the President to talk about this. Is there any conference now set for you at the White House?

Senator RUSSELL. Well, now you ought to go back to what you were talking about——

Mr. BANCROFT. All right.

Senator RUSSELL. Before you get down to that.

President Eisenhower also stated that he had gotten out the bill and tried to read it and had found some of its provisions very confusing.

Mr. BANCROFT. That is right.

Senator RUSSELL. And I may say that he has a great deal of company, because it is a very adroitly and cunningly drafted bill.

I have no comment to make on the other because I am of the old school, came up here at a time when Senators didn't go out and make an announcement they were trying to get down to the White House or were invited to the White House.

I would only say that I earnestly hope that I may have an opportunity to discuss this bill with President Eisenhower, either personally or with any legal adviser that he wants there, to show him that the right-to-vote provision in this bill is the least momentous of all its provisions.

Mr. DOWNS. Well, Senator, you said that in the case of jury trial, in demanding a jury trial in voting rights cases, for example, that this bill should contain that provision.

Senator RUSSELL. Yes.

Mr. DOWNS. Isn't it true, sir, that in the South, and hasn't it been proved in the South, that when you have an all-white jury voting on the rights of a Negro voter, that he doesn't have much of a chance of winning?

Senator RUSSELL. Well, that's one of the common slanders that's been repeated against the South without a word of evidence to substantiate it. You have got any number of criminal statutes on your books now where it is made a violation of criminal law, punishable by imprisonment and fine, to interfere with the voting rights of any citizen.

Now the South is entitled to have at least some proof brought forward of this charge that is repeatedly bandied that every southern white man is so irresponsible that he would forswear himself or perjure himself in a case involving a Negro citizen.

I practiced law for many years before I came into the Senate, and I did not find that to be true. And we were at least entitled, before a whole great section of this country was indicted as everyone of us being perjurers, we were at least entitled to have the Attorney General come out and say, "Here, I tried to get an indictment in this case before a grand jury for a violation of a right to vote, and I didn't get an indictment," or if "I did get an indictment," that the jury "didn't do justice."

They haven't done that; they have just gone on this wave of public sentiment, this antisouthern feeling that has been built up by just such charges as that, that the whole white South would just forswear themselves.

As a matter of fact, there is no great problem about the Negro voting in the South today. In my own State, and that's the only one I have personal knowledge of, there's no limitation or prohibition on the right of qualified Negroes to vote. Why in the city of Atlanta they elected a Negro over one white man to one of the most responsible of all the city positions, a member of the board of trustees for the schools. He was reelected within the past few months by white votes. And the Negroes vote there, they vote generally over the State. And this is just part of this campaign to make it appear that throughout the entire South that Negroes are denied the right to vote. It is certainly not the truth.

Mr. NIVEN. Senator, isn't there a good deal of social and economic pressure against Negroes to restrain them from voting?

Senator RUSSELL. I have heard that that was true in some areas. I was giving you what I know of my own knowledge in my own State. And there may be, I don't say there aren't, isolated instances where Negroes are denied the right to vote—in every State of this Union you've got wards and communities and counties where you have got so-called courthouse gangs, and they deny some white people as well as some Negroes the right to vote if they don't belong to that gang.

But we have got criminal statutes to punish that, and why doesn't the Attorney General invoke them before coming in here and making a blanket indictment of the South, "The white man in the South is so venomous against the Negro that he won't do justice." For that is not true.

The relations between the races in the South have been gravely disturbed in the last 2 or 3 years; but until that time there had never been any place in all the history of human civilization where two races so equal in number had started out with the disparity that there was between them—one coming out of slavery—and had made the progress over the period of 80 years that has been made in the South.

The white South should be commended for what they have done. They have taxed themselves even in the desolation of destruction following the Civil War to create schools. And for a hundred years, under the protection of the law, they have paid taxes and bonded themselves to build separate but equal schools for the white and colored people.

And that's the purpose of this bill, to forcibly commingle the white and Negro children of the South in the schools. This voting business is all a smokescreen for that vicious provision of the bill—and not only in the schools, but in all our places of public entertainment.

Mr. NIVEN. Well, Senator, you and other southern Democratic Senators are now emphasizing the segregation—this integration threat in the bill.

The bill was debated for about a week in the House and the southerners there did not place great emphasis on this, they seemed to debate the bill on its open merits.

Senator RUSSELL. Well, I of course don't know what took place over there. They perhaps were taken in by this campaign that

it was just a voting bill. I haven't read the debate in the House. I did read the bill here. I spent the better part of 3 days with about 40 law books running down this cunningly contrived bill. And I leave it up to you and your personal attorneys, right now, to take the remarks that I made in the Senate last Tuesday on this bill and take this bill and if he doesn't come up and tell you that it can be used as a force bill to bring the whole might of the United States Government to bear to integrate the schools of the South, why you'd better get you another lawyer.

It's very clear, when you run it down.

Mr. BANCROFT. Senator RUSSELL, it seems to me you go a little further than that. You say that not only can it do that, but that that was the intention of those who sponsored this bill.

Senator RUSSELL. Undoubtedly. This section, this part——

Mr. BANCROFT. Well then, whom do you——

Senator RUSSELL. I don't know who drafted this bill.

Mr. BANCROFT. Accuse of doing this? Do you think Attorney General Brownell——

Senator RUSSELL. I don't know whether——

Mr. BANCROFT. Deliberately brought in a bill that goes——

Senator RUSSELL. Mr. Brownell knew what was in this bill or not. I am confident he didn't draft it. But I would certainly like to meet the man who did draft it because it is a masterpiece of obscuring the purpose.

Mr. BANCROFT. If this is a deliberate plot, who do you think was——

Senator RUSSELL. I don't know who is responsible for it. But I assert unhesitatingly that this part 3 of this bill was drawn for the express purpose of obscuring a vast grant of power to destroy any system of separation of the races in the South.

And I will say that after the people of the South have known no other way of life, no other social order for a hundred years, this is a monstrous proposal to come in and to ask for any such grant of power as that over night.

This condition wasn't changed by an act of Congress, where it was debated, people had an opportunity to see what was said and discuss it themselves—it came through a decision of the Supreme Court, based on a book by the Swedish Socialist who said that our Constitution is a plot against the common people of the United States. And it came overnight—like that—with no preparation.

Mr. BANCROFT. This is the Supreme Court school segregation decision you are talking about?

Senator RUSSELL. Yes, this bill proposes to enforce judicial law, a law that has been written by the courts rather than legislative law, a law that's been written by the Congress, that's what it does.

Mr. DOWNS. Senator, you also expressed I think last week the fear or prediction that American troops could be used.

Senator RUSSELL. Why this bill is tied in with one of your old reconstruction statutes that was passed by Sumner and Stephens when they set out, as they said themselves, to put black heels on white necks in the South. The criminal counterpart of this civil statute was stricken down by the Supreme Court declaring that it was passed by an impassioned Congress at a time when the Southern States were being treated as conquered provinces.

And yet that is the law that it skillfully ties into without being apparent on its face. Why didn't they write out in this bill what they propose to do where we could read it, instead of saying "section 1895," and then having that section refer to section 1993, where it requires a lawyer who is a jigsaw puzzle expert to put it all together to see exactly what it does?

But you will see that the real lawyers of this Senate will not refute one iota of what I said when they have studied this bill, and I care not which side of it there're on. They may say "We don't intend to do it," but they won't say it can't be done.

Mr. NIVEN. Senator, can you imagine Federal troops actually being sent into the South?

Senator RUSSELL. I certainly can. I certainly can. When they can make such a political pawn out of the South, as has been done now, and where they can—when men are seeking political preferment, they make all kinds of commitments, and I can very readily see that Federal troops could be sent into the South to enforce—why we have had troops and tanks at two schoolhouses in the South already, without this law.

Mr. DOWNS. That was National Guard troops.

Senator RUSSELL. Yes, that's true. But you're just as dead if you're shot by a tank bullet from a National Guard man as if you were shot by a regular or a marine.

Mr. DOWNS. Senator RUSSELL, in answer to my question you said that you do believe, then, that this bill is really designed to punish the South?

Senator RUSSELL. I have no question about it. Now I don't know why they take such an admonitory attitude toward the South, as if we were a group of wild and uncivilized people. Some of them feel that they are doing a very meritorious thing, to resort to any means to force the South to conform to what the rest of the Nation thinks is the proper social order for the South.

Well, this is a great Nation of ours——

Mr. NIVEN. Senator, I want——

Senator RUSSELL. If a man wants to move from one State to another, if the southern people want their children in integrated schools, it's mighty easy to move to a State where they have them; they are not more than 300 miles away from anywhere in the South. If any other person preferred for his child to go to school with children of his own race, why, he might move to the South. Then he'd be safe for the time being, until this bill passes and is enforced.

Mr. DOWNS. Don't you believe, sir, that the social order in the South has changed and is changing?

Senator RUSSELL. Oh, of course, it has, and is. But it has happened through a process of evolution, and this proposes to enforce a revolution on the South and to drive men. There's a great deal of difference between leading and in driving or letting people themselves lead and drive.

We have made great progress in the South. Why, in the voting, not in my time have there been any restrictions on Negroes in general elections in the South, but we did have a law for a long time that they couldn't vote in the Democratic primaries. Now that's all been done away with, and they do vote; there's no longer a white primary. We have moved forward very rapidly when you consider the full impact of it.

It's all well and good for a man that lives in a State where it is 98 percent white and 2 percent Negro to say, "Why, where is this problem? There's nothing to it." Let him go to a State where they are nearly equal in numbers, where the races in communities are about equal in numbers, and then undertake to enforce overnight such a bill as this.

Mr. NIVEN. Senator, the colored leaders reply that, despite this evolution and this progress, large numbers of them are still denied a right which they have been guaranteed by the Constitution for 90 years.

Senator RUSSELL. You mean the right to be in integrated schools?

Mr. NIVEN. The right to vote.

Senator RUSSELL. Well, the Supreme Court said that for 90 years they had been denied the right that they were entitled to be in integrated schools. The Constitution hadn't changed; the complexion of the Court has changed.

And I deny that statement as to voting. At least, as far as the greater portion of the South is concerned, there is no real limitation or restriction on the right of qualified Negroes to vote.

Mr. DOWNS. Well, the qualifications, sir——

Senator RUSSELL. You can come to my State when they are having an election and see them; they are lined up there for blocks to go and vote, and their votes are counted just like anyone else.

Mr. NIVEN. Well, Senator, would you concede that qualification has been interpreted differently for white and colored persons?

Senator RUSSELL. I have heard that, but I don't concede it—no; I don't concede it, generally, in my State; no. There may be areas where it has been, small communities, it is probably true.

Mr. NIVEN. Well, why don't Negroes vote in larger numbers, then?

Senator RUSSELL. Well, they vote in—we have practically 225,000 registered in Georgia, and they vote. Perhaps in some of the elections they have a higher percentage voting than white people.

Oh, you pillory the South by giving the figures voting in a general election and saying only 45 percent of the people voted. But as a matter of fact we have had the one-party system in the South, and our people vote in the primaries. And you compare the vote in the primaries, when we really settle our election, and it's not too much behind the rest of the country. But we don't vote in the general election because everything has been settled in the primary.

But that's the figures they always give you, just 45 percent here in the general election.

Mr. NIVEN. But the percentage of Negro voting is not anywhere near as high as the percentage of whites voting; is it?

Senator RUSSELL. No; because there are a great many more white people in my State than there are Negroes. We have about 2,300,000 white people and about 1,200,000 Negroes.

Mr. NIVEN. Isn't that a proportionate basis?

Senator RUSSELL. Well, that may be slightly true. I concede that, because they haven't been voting long. They haven't been voting too long. We only abolished the poll tax in Georgia about 10, 11 years ago.

But where can the Attorney General come in and say, "In Georgia they violated the criminal law by denying this man, Bill Jones, the right to vote"? And he should do it and prove, "I tried to indict and I tried to convict before a jury," before you come in and indict the whole State of Georgia and say we have deprived the Negro of his right to vote illegally.

Mr. NIVEN. Sir, is it your case that until recently there were impediments in the way of the Negro voting?

Senator RUSSELL. Of course there were in voting in the primary. I explained that a while ago. They could vote in the general election, but it didn't mean anything because the man who was nominated in the primary was going to win the general election. That may be a mistake, we may have—should have been a two-party State. I sometimes think that we would have fared much better if we had been.

Mr. BANCROFT. Senator RUSSELL, I wonder if I could explore a moment what's apt to happen here on the floor of the Senate.

You are leading this strategy. And the motion made today, of course, is a motion to take up the bill.

Senator RUSSELL. Yes.

Mr. BANCROFT. Which, if it prevails, would of course be followed by the discussion and the motion to pass or to act on the bill and amendments. There has been some talk

that you might not filibuster or unduly prolong and defeat a vote on the motion to take up. How about that?

Senator RUSSELL. Well, Mr. Bancroft, I intend to act as each circumstance presents itself and as this matter unfolds in such a way that I think will cause us to be able to get our maximum strength for the amendments to this bill that will see that it is a right-to-vote bill instead of a punitive bill against the South.

Mr. BANCROFT. Well, now, on that, Senator RUSSELL, an amendment cannot be offered or acted upon——

Senator RUSSELL. Oh, no.

Mr. BANCROFT. Until after this motion to take up the bill acted on.

Senator RUSSELL. We are now debating this bill strictly on its merits. There is no part of this discussion that consists of reading long papers, the ordinary earmark of a filibuster.

Mr. BANCROFT. Well, I'm trying to find out if and when——

Senator RUSSELL. I'm not prepared to say just when we'll let the bill be made the unfinished business. We want to discuss it. We have found that there are a number of Senators who have been busy with other matters and didn't really understand the full impact of this bill.

I want the situation in the Senate to jell a little where we can see just where we are going with these different amendments.

Mr. BANCROFT. Well, then, after it has jelled a little, then presumably you will allow a vote to take place on the motion to take up?

Senator RUSSELL. Oh, I think the Senate will vote on amendments to this bill.

Mr. BANCROFT. On the motion to take up, first? And——

Senator RUSSELL. I think the Senate will vote on amendments to this bill.

Mr. BANCROFT. Then to vote on amendments?

Senator RUSSELL. Well, I'm not prepared to say just when, but I'm very confident that it will.

Mr. DOWNS. Senator, you indicated strongly that this is a political measure——

Senator RUSSELL. Yes; I feel that strongly.

Mr. DOWNS. Being presented by a coalition of Democrats and Republicans, and then——

Senator RUSSELL. I feel this——

Mr. DOWNS. Also you said perhaps it would be a good thing if the South did have a two-party system.

Do you think that your opposition to the bill, Democratic opposition to the bill might strengthen the Republican Party in the South?

Senator RUSSELL. No; not when the Republican Party is furnishing more votes for this particular bill than the Democratic Party is in the Senate. I don't think that it would. I was talking about we would have been in a better bargaining position if we had not all been tied up in what's called the Southern Democratic Group.

As it is now, the minority groups outside the South, though they are relatively small in numbers compared to the voting strength of the white South, they can go to the political leaders there and convince them that these elections depend on their action in these doubtful States.

And by having had strictly a one-party political system in the South, I think we have denied ourselves a similar bargaining power.

But the Republicans, of course, are going at it in a very poor way to improve their position by putting more votes behind this force bill than the Democratic side of the aisle, here in the Senate.

Mr. DOWNS. Well, what do you think the general outcome, say, in next year's elections will be as a result of this debate?

Senator RUSSELL. Well, I couldn't say—my crystal ball is not that good. I can't pass on what it will do.

I don't believe that the great mass of the American people favor extreme measures—we are all in favor of civil rights, everybody is in favor of civil rights.

The question is, Where do my rights end and where do yours intervene? That's the question that's involved here, wholly aside from this voting proposition and this separation of the races. And they put a tag on it and call it civil rights.

But if this bill were explained to the American people, there is no doubt in my mind that an appeal from the politicians to the people would be sustained and that the American people would vote down this bill in a referendum, because it is a very unfair piece of legislation.

Mr. NIVEN. Senator, can you project any kind of compromise on this bill that would be acceptable to you?

Senator RUSSELL. Well, I would have to see it. I would have to see it. I am perfectly willing to entertain any ideas that any responsible leader of those that are pressing this bill might care to discuss. I do resent this whole theory of the bill that the South needs a guardian in the person of the Attorney General.

Now if there is any one State where the Negro is denied the right to vote, you have got clauses in the Constitution guaranteeing a republican form of government. Apply that without coming in here and abolishing the right of jury trial and tying it into the force bills of reconstruction so you will have the power to bring the Armed Forces of the United States to bear on the southern people.

We—the country as a whole doesn't realize what we have gone through with in this whole period. We have been a very poor people. It was from 1940, 80 years after 1860, until the tax values of my State got back to where they were, prior to the great fratricidal war.

And we have taxed ourselves, taxed our poverty heavier proportionately than any other section of the country to try to carry on this separate but equal system of education. And you can get your statistics and you will see that the tax according to wealth has been heavier in the Southern States than anywhere else for education.

We don't like to be threatened with this kind of force legislation.

Mr. NIVEN. You may recall that a national poll a couple of years ago found that 55 percent of Southern whites expected that integration in public schools would eventually take place. Would you agree with that?

Senator RUSSELL. I didn't see it, but I am not in a position to challenge your statement because I don't know. I didn't understand your question.

Mr. NIVEN. Apart from your preferences in the matter, do you feel that school integration is inevitable in the long run?

Senator RUSSELL. Well, forever is a long time. In the foreseeable future I don't see any integration of the schools in my State, particularly with this force legislation, because you can badger and arrest and bait people until they get in a frame of mind to close down the schools before they will do it.

Mr. BANCROFT. Senator RUSSELL, you said that amendments, in your opinion, amendments to this bill would be voted on, and I——

Senator RUSSELL. Yes.

Mr. BANCROFT. Presume you think some would be accepted?

Senator RUSSELL. Well, I would certainly devoutly hope so. If it is not amended it will be the worst piece of legislation ever considered.

Mr. BANCROFT. Now I presume one would be the jury trial amendment, for example, the one that was defeated in the House?

Senator RUSSELL. Yes, and the one to strike part 3 of this bill, the force provision. It is not related to the right to vote.

Mr. BANCROFT. In other words, Senator, that would leave in it simply the provision for a civil-rights commission and a new division in the Department of Justice?

Senator RUSSELL. Yes. Of course, that's a rather unusual provision.

Mr. BANCROFT. Would you accept that much of the bill?

Senator RUSSELL. No; I wouldn't be prepared to vote for a bill that was such a reflection on the people of Georgia as I deem this one.

Mr. BANCROFT. In other words, no matter how many amendments are adopted you still won't vote for this bill?

Senator RUSSELL. Oh, I didn't say that, now. You just narrowed it down. You just narrowed it down to—in the first place, this bill is wrong in policy. Here you have got a proposal that you are going to establish an entirely new division in the Department of Justice to take up all these cases, whether a man wants it done or not, and do it at Government expense.

Now the National Colored People Association and their kindred organizations have had no difficulty at all in getting up money to bring all these lawsuits.

You are starting a new system there, and the next thing you are going to do is to have some system where labor will be able to have a division in the Department of Justice to enforce their rights on employers at the expense of the Government, or vice versa, and in other fields. I don't approve of that.

I could not support such a measure. I think it is wrong in policy where a man is able to hire a lawyer, to say because it is a certain kind of case that the Attorney General can proceed at the taxpayers' expense whether the man involved wants him to or not. I don't approve of that general philosophy.

Mr. BANCROFT. Well, I'm afraid that's all the time we have, and Senator RUSSELL, we want to thank you very, very much for being with us on Capitol Cloakroom, and we will watch with interest to see what happens down there on the floor of the Senate.

Thank you, sir.

Return of Seized Alien Property

EXTENSION OF REMARKS

OF

HON. HOMER E. CAPEHART

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 10, 1957

Mr. CAPEHART. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an editorial entitled "It Is Not Ours To Keep," which appeared in the Easley Progress of Tuesday, July 2, 1957, in Easley, S. C., and a statement by the Senator from South Carolina [Mr. JOHNSTON], concerning the Trading With the Enemy Act and proposals for the return of vested assets.

There being no objection, the editorial and statement were ordered to be printed in the RECORD, as follows:

[From the Easley (S. C.) Progress of July 2, 1957]

IT IS NOT OURS TO KEEP

From time to time we have noted in the press veiled suggestions of improper motive in legislation introduced by Senator OLIN D. JOHNSTON to restore the property of German nationals seized during the war. The criticism has all along seemed unfair. In the first place Senator JOHNSTON risked his life as an

active participant in the first war against Germany as an enlisted man. In the second place, being upon the Judiciary Committee of the Senate, he would not be so foolish as to introduce improper legislation in his official capacity. He would have no cause to do it in a private capacity. Because of the continued charges of persons unfriendly to him the Senator has released a full statement on the question of the return of enemy aliens' property, which we have found most interesting and clarifying. A little thought on the part of the citizen would bring him to the same conclusion that the long report leads to. The seized property held so long by the United States is not German Government property but that of citizens of Germany who happened to have it in the United States when the war began. We are of course entitled to keep spoils of war taken from the enemy government; but it is not our character and viewpoint to keep the property of individuals longer than our own safety requires. Many of these aliens were friendly to the United States. One who died in a Hitler concentration camp by his will left a large sum of money to our Rockefeller Foundation. But even though the alien was hostile, a peace treaty removes that barrier and if we keep his private property we are doing wrong. Some self-styled superpatriots can't see through that conclusion of commonsense, justice, and decency. They are the only ones who have been unfair to Senator JOHNSTON in introducing his Judiciary Committee bill to complete the adjustment of seized alien properties.

STATEMENT OF OLIN D. JOHNSTON, UNITED STATES SENATOR FROM SOUTH CAROLINA, CONCERNING THE TRADING WITH THE ENEMY ACT AND PROPOSALS FOR THE RETURN OF VESTED ASSETS

Because of a widespread misunderstanding of the responsibilities and functions of the subcommittee on the Trading With the Enemy Act of the Senate Committee on the Judiciary and pending bills affecting alien property, a statement may help to dissipate much of the confusion in the public mind with respect to such bills which provide for the return of the privately owned properties of our former German and Japanese enemies seized under the provisions of the Trading With the Enemy Act.

The Trading With the Enemy Act was enacted on October 6, 1917. Its principal purpose was (a) to immobilize the properties of enemy nationals in World War I; (b) to prevent commercial transactions between the merchants of the United States and Germany and her allies; and (c) to hold the properties in trusteeship for the ultimate disposition of such assets by the Congress. Confiscation of such properties was never in the mind of the Congress when the original statute was enacted.

In 1923, the Congress authorized by the Winslow Act the returning up to $10,000 in value of the vested properties seized during World War I. In the War Claims Settlement Act of 1928, Congress returned 80 percent in value of the seized properties; the remaining 20 percent was retained as security for the payment of American war-damage claims, costs of administration, etc. In 1934, because of the worldwide depression and the defaults of the Hitler Government, further returns of the balance of 20 percent were prohibited by the Harrison Act.

Shortly after the commencement of World War II, the provisions of the Trading With the Enemy Act were reactivated, enlarged by executive orders under the War Powers Act. Provision for the appointment of a Custodian of Alien Property was made.

In 1948 the War Claims Act was passed to provide payment of claims for the detention and ill-treatment of prisoners of war and on behalf of certain religious groups for property losses sustained by them as the result of the military action of the Japanese and German forces. As a ready and available source of funds necessitating no direct congressional appropriations, the Congress provided that no returns of the private properties be made and that the proceeds thereof be applied to the payment of those minor war claims. Two hundred and twenty-five million dollars of the estimated $612 millions in value of the seized properties have thus far been expended in the payments of that category of war claims. Since 1942 Congress has appropriated from the liquid assets about $52 million to the Custodian's office for his administrative expenses. That office has had an average of over 300 persons employed annually since 1942 with an annual payroll for them in excess of $3 million. That expense does not include the costs of administering the going concerns operated by the Office of Alien Property.

The properties of Japanese nationals were seized and vested up to the time of the Japanese Treaty on April 28, 1952. The President, by informal order on April 17, 1953, directed that no further seizures be made of the privately owned German properties. Thus it is apparent that much of the property was seized long after hostilities ceased and the necessity for seizures no longer existed.

The estimated values of the properties at the time of their seizures amounted to $390,808,000. The appreciation in values of the vested properties, the net income from them and other properties received through agreements with foreign governments have swelled the original total to a present estimated total of $629,701,000 as of June 30, 1956. As of that date the net value of all assets then being administered by the Department of Justice amounted to $271,879,000.

The estimated percentages of the values by countries of the vested assets are German—76.2 percent, Japanese 16.7 percent; the balance consists of properties of Italian, Hungarian, Rumanian, Bulgarian, and others.

As a result of the peace treaties with Italy, Hungary, and the others, provisions have been made for a return of the values of the properties of the nationals of those countries.

Only the properties of German and Japanese individuals and concerns controlled by them require the attention of the Congress. No governmental property of the former governments of Hitler or Tojo is included in any proposal now pending before the Congress. No return of any property will be made to any war criminal of either country.

Congress by several amendments to the Trading With the Enemy Act provided relief for American creditors against their German and Japanese debtors. Complaints arose with respect to the conduct of the business affairs of many of the properties, involving political favoritism, etc., inefficient procedures for the payment of and adjudication of conflicting title and debt claims, and also regarding the failure to make available to everyone the advances and discoveries in scientific and technical uses of a considerable part of the seized properties. As a result of these and other complaints, the Senate by resolution in 1952 created the Subcommittee on Trading With the Enemy Act to examine and review for it the administration of the Trading With the Enemy Act by the Office of Alien Property of the Department of Justice. Each succeeding Congress has extended the subcommittee.

The late Senator Willis Smith, of North Carolina, became the first chairman of this Judiciary Subcommittee. In the Republican-controlled 83d Congress, Senator EVERETT M. DIRKSEN was designated chairman. Since March 18, 1955, after the Democrats succeeded to the control of the Senate, I have served as chairman along with Senators McClellan, of Arkansas; Price Daniel, of Texas; O'Mahoney, of Wyoming; Dirksen, of Illinois; and Langer, of North Dakota, as subcommittee members.

Continuing studies, investigations, and reports have been issued as required by the Senate resolution creating and continuing the subcommittee. Extensive public hearings have been held on many bills which have been introduced affecting the provisions of the Trading With the Enemy Act. Recently, the subcommittee concluded its 25th day of public hearings. Over the years, over 3,300 pages—much in fine print—of evidence was presented to the subcommittee. Briefs, arguments, and written testimony were submitted, a preponderance of which contended that the private properties of our former enemies should not be confiscated, but should be returned either in kind or their reasonable value to their former owners. There was a considerable number who for varying reasons contended that no return should be made but that the private properties of some 40,000, more or less, German and Japanese owners should be held in lieu of reparations, due as from the Governments of Germany and Japan.

After most exhaustive and painstaking hearings and thorough consideration of the many factors involved, Senator DIRKSEN introduced S. 3423 on May 7, 1954. In brief, this bill provided for a full return, with certain exceptions, of all the privately owned properties of the former owners who were German and Japanese. The justification for such a return met with the approval of the Senate Judiciary Committee and the bill was favorably reported to the Senate. Congress adjourned in 1954 before S. 3423 had been considered.

The administration did not look with favor upon Senator DIRKSEN's bill. Among other reasons it was urged that no provision was made in it for the payment of American war damage claims.

As a result of the continued study and further public hearings, the subcommittee recommended and the full committee unanimously reported out favorably to the Senate my bill in the 84th Congress, known as S. 4205. This measure provided for a full return in kind or value of all privately owned properties which had been seized under the Trading With the Enemy Act and a full payment of all American war damage claims. These returns and payments were to be made progressively. Procedures and methods were adopted which permitted such a result without the necessity of any additional direct appropriations. Like S. 3423, S. 4205 failed of passage in 1956 by reason of the adjournment of Congress.

A modified version of S. 4205 was introduced by me on January 14, 1957, and is known as S. 600. This bill likewise directs a full return of all vested assets or their values and a full payment in installments of all American war damage claims not otherwise provided for by law. The bill contains provisions preventing a return of properties to war criminals of Germany or Japan, governmental properties, and properties to those residing in the Soviet-dominated countries.

There has been considerable criticism of these return bills and of me personally for authoring two of them. Much of that criticism may be traced to a lack of understanding of the reasons which prompted my action. I have long felt that a wider knowledge of the complex problems, the traditional American concepts of the human and property rights involved, and a fuller appreciation of our own national interests would dispel most, if not all, of the objections which reasonable persons could possibly entertain.

What are the reasons back of these full return bills? Why has OLIN D. JOHNSTON supported one and been the author of two others? What are some of the problems involved and the questions presented? How can it be in the interest of the people of the

United States to divest themselves of title to over $629 million worth of property?

So far as I am concerned, the answers are clear. My duty is plain. My responsibility with respect to the problems is not difficult to assume. What has been the American way of handling such problems?

Before our Constitution was adopted, John Adams said:

"The moment the idea is admitted into society, that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. If 'thou shalt not covet' and 'thou shalt not steal' were not commandments of Heaven, they must be made inviolable precepts in every society before it can be civilized or made free." (In Works of John Adams, by Charles Francis Adams, Boston, 1951, vol. 6, p. 9.)

There would have been no United States Constitution had the Bill of Rights (first 10 amendments) not been forthcoming as an integral part of it. While the fifth amendment provides protection for one against testifying against himself, it also contains very salient provisions which protect our property rights. Those provisions are:

"No person shall be * * * deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

The foundation of property rights originating in Holy Writ is inscribed as part of our basic constitutional rights. Our history and tradition as a free people are built upon them. The concept of our free society is founded upon them. The principle is clearly stated by a United States Senator in his testimony before the subcommittee recently when he said:

"The unpaid American war-damage claims should be paid. Private property or its reasonable value should be returned. Now, of all times, we who set the moral standards for the peoples and governments of the world must of all things adhere to them or be willing to pay in lives and our material fortune the unthinkable price involved in the savage doctrine of confiscation.

"Confiscation is the attribute of communism. Private ownership, the integrity of property rights, and contractual obligations, on the other hand, are the distinguishing characteristics and handmaidens of the free world. The issues involved are just that simple."

It is an historical fact that the United States has never practiced confiscation of its former enemies' properties. During the Revolutionary War several of the Colonies confiscated the property of the English Tories. This was compensated for in our first treaty—the Jay Treaty—with England in 1794. The formula set out in that treaty has been the uniform pattern for all of our subsequent treaties of commerce, friendship, and navigation with other foreign governments.

The language of the present Speaker of our House of Representatives which he used in 1923 in support of a full return of German properties after World War I has vital force today. He said in one of his official reports:

"From the days of Hamilton and Jefferson and Marshall down to now every man who had a reputation that extended beyond the community in which he lived * * * has looked upon the question of confiscating private property for the satisfaction of a public obligation with obloquy. That has been our policy. * * * the most savage doctrine ever announced by any people anywhere was that private property should be taken for the satisfaction of a public obligation."

Every Secretary of State of the United States without exception from Thomas Jefferson—our first Secretary—through Mr. Dulles, has opposed confiscation. Each has sought to maintain the doctrine of the inviolability of contractual rights and the sanctity of private property in time of war or national emergency.

World conditions have changed greatly since the Jay Treaty of 1794. In fact there exist today many more reasons than existed following World War I, why it is in our own national self-interest to return private property seized in time of war. A consideration of a few of those facts constitutes a compelling reason why privately owned properties should be returned and why as a Nation we should avoid the stigma of confiscation.

A most important fact to remember is that the United States today is the leading creditor Nation in the world. While no exact figures are available, we do know that Americans have private investments abroad in excess of $55 billion. As taxpayers, every American citizen has a direct interest and an investment at an initial cost of over $4 billion in over 900 of our defense installations scattered throughout the free world. As taxpayers, every American citizen has a direct interest and an investment now exceeding $4 billion in the loans made through our Export-Import Bank to private concerns and their governments abroad. These latter interests concern you and me directly because our money paid in the form of Federal taxes supports and maintains them.

Almost half of our high Federal tax burden is necessary each year for the support of our national-defense programs. We have spent over $35 billion annually for national defense since 1945. Our national-defense program is large because we seek by it to maintain our free way of life. The cornerstone of our free way of life is our right of ownership of private property. When property rights are destroyed, freedom and free government are lost. This truth is undeniable.

In addition to the direct interest so many Americans have in private investments abroad and the very large investments all Americans have in foreign countries, we have engaged in other programs since 1947 which have resulted in our people having to continue to pay heavy taxes. I refer to our foreign-aid programs. Every justification for any foreign-aid expenditure falls of its own weight when stripped of the reason that we spend this money abroad to support our free way of life and to preserve and extend American principles. Thus, it is argued that foreign-aid expenditures aggregating now almost $60 billion have been in our national self-interest. While I have not agreed with such contentions, others have agreed and they have prevailed. I do know I am taxed heavily for the support of that program.

Add these figures up and you can see a stupendous investment: $55 billion in private investments, $8 billion directly invested by all of us together with the $60 billion spent in foreign aid and the more than $35 billion each year for national defense. As the leader among the free nations of the world setting, as we must, the tone of morals in business and private conduct, for the world, can we afford the penalty of inflicting upon others any principle involving confiscation? Look at what is happening in the Middle East today. The Congress has just passed a $200 million special foreign-aid program (Eisenhower doctrine) for the ostensible purpose of keeping some of the countries in the Middle East as our allies in the struggle against communism. If, as a permanent policy, we are to confiscate these alien properties, as Egypt is confiscating the properties of the English, French, Israeli, and others, it requires little imagination to conclude that we stand to lose far more than all the rest of the world combined. Why? Because we have more at stake. It is a sad commentary on our laws that Egypt boasts in her press that she is following the provisions of the American Trading With the Enemy Act in what Nasser is now doing. Those news articles assert that if it is proper for the United States to confiscate the private property of its former enemies—the German and Japanese—then Egypt has every right to nationalize or confiscate British and other alien property in that country.

Not all of the properties whose original value at the time of vesting amounting to $390,808,000 belonged to our former enemies. Over 20 percent of that amount, namely $87,801,000 was American property. It originated in the United States. It helped our war effort through the taxes paid on it and by its owners. It is known as "estate and trust properties." Let me illustrate—an American citizen dies leaving an estate of $25,000 to his five relatives in Germany or Japan. These relatives have been denied their legacies because the Attorney General has vested these estates. Another illustration will help. An American veteran of German or Japanese origin, honorably discharged from service in the American Army dies. His social security and death benefits are seized and confiscated by the Department of Justice. His relatives are denied the right to inherit these benefits earned under American laws by American nationals. Another illustration proves how unseemly our vesting program has been constructed and administered. A young German student studying at Harvard University under the Fulbright scholarship program at your and my expense testified before the subcommittee. He was the legatee under a will of an American and entitled under that will to $2,500. This legacy has been confiscated. Think of one Department of the American Government educating this boy at the expense of all of us on one hand and another branch of our Government seizing and confiscating his private property earned and produced here on the other hand. Or, consider the case of a lady who testified before us. She married an American officer overseas. She is now an American citizen living here and rearing a family of three children. The Russians seized and confiscated her estate in East Germany. The United States seized and confiscated a substantial inheritance here in America which was left to her by an American relative. Our existing law needs to be changed to prevent these obvious injustices. These illustrations could be multiplied by the hundreds. They all go to show how wholly unnecessary and wrong it has been to so administer the Trading With the Enemy Act—a necessary war measure—but not needed in time of peace. They all go to show how essential it is for the Congress to pass corrective legislation as it did following World War I.

There is another consideration which has influenced my views respecting the necessity for the return of these private properties. It did not take us long after the close of the war to learn the bitter lesson that our real enemy is Russia and Russian communism. That country has no respect for the right of private property. We learned soon that if we could enlist the Germans in West Germany and the Japanese in the cause for free democratic representative governments, they would eventually become our stanchest and strongest allies. That effort of ours is an accomplished fact today. Thoughtful Americans realize that both Germany and Japan are our most reliable and trustworthy friends among the free nations of the world. It cost us many billions of dollars to achieve this result. We loaned and gave West Germany, consisting of about 60 million persons, over $3¾ billions. We did the same for 80 million Japanese at a cost of well over $2 billions. We made an outright gift of $2¾ billions in our settlement of post-war loans to these 60 million Germans. We are prepared to scale down the Japanese debts to its 80 million inhabitants in the same percentage of reductions. Who is there to say

that it is fair to make a gift of about $4 billions to a 140 million Germans and Japanese and retain and penalize from some 30 or 40 thousand of the same persons for the private property they either invested here or to which they are entitled by their inheritance? Such properties amounted to less than a half-billion dollars when it was first seized. If Germany and Japan owe the United States anything by way of war reparations that obligation should rest equally upon all Germans and Japanese alike. That burden should fall on all the millions of people in these countries, not on the few thousands who may benefit from small amount of properties in America.

Those Japanese and Germans who invested their properties here did so because they felt those properties were safe and secure under our constitutional protections. They felt their properties would be protected under our laws. Is it the right to deny to them the equal protection of our laws? Certainly, there can be little justification in law or morals to deny our German and Japanese friends the benefits of trust, estate, and guardianship properties originating here in the United States.

Now with respect to the payment of American war-damage claims, every sense of moral justice dictates an early payment of them. Every nation, except the United States, which engaged in World War II, has already made some provision to indemnify its nationals. We have done much, sometimes too much, for others and nothing for our own. Many civilian lives were lost, many suffered personal injuries, and there have been millions of dollars in losses in property damage. Except for the small prisoner-of-war claims and a few religious organizations operating chiefly in the Pacific area, no comprehensive war-damage claims act has been passed by the American Congress. I agree with many that this is a shameful neglect of our own. S. 600, which I introduced, makes ample provision for the payment of all proper American war-damage claims.

Notwithstanding the use of over $275 million of the vested assets by our own Government, the State Department opened an avenue for the payment of American war-damage claims and the return in value of all the vested assets. The payments may be financed through the remittances made to us by Germany and Japan in the settlement of our postwar loans and grants to those countries. This is advantageous to us for two reasons, namely, (a) it makes additional appropriations with a resulting increase in our tax burden unnecessary; and, (b) it will fix the exact amount of our total war damages so that when a peace treaty settlement is made with Germany, our negotiators will then know precisely how much in war damages is chargeable against Germany.

Such a method of payment of war claims and return of vested assets was initiated by the State and Justice Departments in presenting draft bill S. 2227, though payments in that bill were in each instance limited to $10,000. The concept employed by S. 2227 was extended in the provisions of S. 600 to provide for full return and to make full payments so that no fresh appropriations will be required.

To summarize a few of the important reasons why the United States should make a full return in kind or its reasonable value of all assets vested in wartime and subsequent vestings and also make full payment of American war-damage claims, I believe:

1. That our foreign-aid programs since the close of World War II will have been useless should we adopt a policy of confiscation which becomes a negation of the principles of the free world;

2. That our enormous national defense spending which bids fair to continue indefinitely at such an enormous rate with its crushing tax burden upon us all will have been useless unless basic and fundamental concepts of the free nations are continued unimpaired;

3. That our tremendous private and governmental investments abroad should not be subjected to or imperiled by our adoption of a policy of confiscation; hence it is essential in our own national self-interest to effectuate returns without delay;

4. That no reason in morals or justice exists why we should not finance the payments now of all legitimate American war-damage claims. No reason exists why the United States should provide funds for others and other nations so they may provide for their own, and we continue to neglect the rightful demands of our own nationals.

In conclusion the question can be asked, Why we have done all these things since the close of World War II? We have done them in the interest of a free way of life. We have done them in an effort to extend the principles of freedom, representative democracy, and the blessings of liberty to other nations and peoples. Confiscation is a barbaric relic of the Dark Ages. If we would have others do right by us, we must do right by them. Why, then, should we turn back the pages of history and embark now, at such peril to our own interests, upon a vicious program of confiscation? To me, enduring and fundamental principles are at stake.

My actions shall be charted to the only course I know to preserve those principles which have made us the greatest Nation on earth today. To do otherwise, I would betray the past, endanger the present, and imperil the future of my country. To do otherwise, I would "covet my neighbor's property," and history would convict me of violating the cherished commandment of "thou shalt not steal."

Seventy-fifth Anniversary of Dan River Mills, Inc.

EXTENSION OF REMARKS

OF

HON. WILLIAM M. TUCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. TUCK. Mr. Speaker, on July 2, 3, and 4, 1957, the Dan River Mills, Inc., of Danville, Va., observed its 75th anniversary. On Thursday, July 4, a celebration and party was held at the Danville fairgrounds which was attended by more than 30,000 people and was sponsored by Dan River Mills, of which Mr. W. J. Erwin is president.

The Dan River Mills is one of the largest textile organizations in the world and is the second largest employer in the Commonwealth of Virginia. Mr. Erwin and other officials of the mills are men of outstanding character and ability and they have surrounded themselves with employees of solid and dependable character. The relationship between officers and employees is wholesome and has stimulated a spirit of cooperation and fellowship in southside Virginia.

I do not believe we have any business organization which has contributed more to the enhancement of the cultural, educational, and economic development of southside Virginia than has Dan River Mills. We are all proud of their accomplishments and of what that organization has done to improve living conditions in our section.

At the celebration referred to above on July 4, Mr. W. J. Erwin, the able president of Dan River Mills, extended greetings to those attending the party, and the distinguished senior United States Senator from Virginia, the Honorable HARRY FLOOD BYRD, delivered a very timely and able and worthwhile address. Under leave heretofore granted me to extend my remarks in the RECORD, I am glad to include the addresses of President W. J. Erwin, of the Dan River Mills, and Senator HARRY FLOOD BYRD, of Virginia. They are as follows:

REMARKS BY W. J. ERWIN AT JULY 4 EMPLOYEES' PARTY

Senator BYRD, Congressman TUCK, fellow employees, and distinguished guests, we extend to you and your families a very warm and sincere welcome to this birthday party, which commemorates the 75th anniversary of the founding of Dan River Mills.

In planning for this anniversary year, it has always been our intention that this party for you and the members of your family would be a climax of the activities undertaken to commemorate the 75th anniversary. This party is an expression of appreciation to you for what you have done to make this company a success. We are proud of your performance and proud of what you have done for Dan River over the years.

At the same time we want to pay tribute to the many men and women who have preceded us and who contributed so much to the growth and welfare of our company.

On behalf of our entire management, I extend to all of you our thanks, our best wishes, and our hope that this will be a day you will remember pleasantly for a long, long time.

SPEECH BY SENATOR HARRY F. BYRD, DAN RIVER MILLS, INC., DANVILLE, VA., JULY 4, 1957

The Fourth of July is an anniversary of deep significance to all Americans, and it is an especial pleasure for me to observe it with the fine people of the Danville area in this year of 1957.

Here, in Virginia, we are now observing the 350th anniversary of the founding of the first permanent English settlement in Virginia, at Jamestown; the 181st anniversary of the signing of the Declaration of Independence, written by a Virginian, the great Thomas Jefferson, of Monticello; and the 75th anniversary of your great industrial institution, the Dan River Mills, which may properly be regarded as one of the finer fruits of the freedom for which the country was settled, our independence was won, and the sound progress for which Virginia has always stood.

It has been my privilege over the last few months to participate in several observances of the founding of Virginia at Jamestown, and on this day in Danville, I think it is fitting to recall that occasion, for when that small band of founders came ashore from their 3 little ships 350 years ago they set in motion a chain of events without comparison in human history.

With their faith in the future they marked one of the great moments in history. It was a moment of greatness because those men and their stanch followers began to build with such soundness and vision that a new world slowly but surely began to form. It was indeed a case of the infinitely small being infinitely great. These first settlers were great men in whom God and nature succeeded.

There at Jamestown respect for individual rights and responsibilities was established. There the dignity of man was acknowledged.

There the rights of free enterprise and initiative were encouraged.

There, truth to God, and truth to self were practiced.

On this foundation was built the first representative government in the New World—the Virginia House of Burgesses, the predecessor of our State legislatures and the National Congress.

Material results are but the tardy sign of invisible activity. The courage to hope, and live, and build for a better world was the great legacy the founders bequeathed their descendants.

And from this later came the fortitude to fight for liberty when it was threatened, and to win the independence of a great nation.

Who among us does not have indelibly stamped in his heart and soul the great words of Jefferson as he penned them in the Declaration of Independence—the unanimous declaration of the Thirteen United States of America in the Congress, July 4, 1776, 181 years ago today.

And you remember the closing words—immortal and will live as long as the language exists:

"We, therefore, the Representatives of the United States of America, in general congress, assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do in the name and by authority of the good people of these Colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain, is and ought to be totally dissolved; and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to all other acts and things which independent States may of right do.

"And for the support of this declaration, with a firm reliance on the protection of divine providence we mutually pledge to each other our lives, our fortunes, and our sacred honor."

Mark those last words, "We mutually pledge to each other our lives, our fortunes, and our sacred honor", and remember that our immortal Declaration of Independence was not written in a moment of victory. It was, itself, a record of uncertainty and peril—an oath taken in the most dangerous hour this country has ever known. George, the Third, regarded it as an act of treason, and the hangman's noose cast its shadow over those responsible.

Yet, Thomas Jefferson penned it, and John Hancock wrote his signature at twice its normal size so, he said, "John Bull could see it without his spectacles and double the price to be put on my head."

That great document, adopted by Congress 181 years ago today, is carefully preserved in Washington now for all to see. If you haven't seen it, please do not miss an opportunity. It is a source of great inspiration. It is the living evidence of men's hopes and courage. It expresses the fervent hope that the future may draw faith from its deep meaning.

This and the other American achievements leading to our revolution and independence were the immediate inspiration for the spread of democratic freedom in an ever-widening sphere. Today the United States stands as the beacon of hope in the world.

It is well for us today to recall these great historical developments, because they were wrought by great men with great minds, and great vision for sound progressive future. They made possible the greatness of our Nation today. They were building a great nation for us thought by thought, and deed by deed. Our institutions are the lengthened shadows of the men who conceived them and that applies to Dan River Mills.

It is on the firm foundation built by our forebears that Virginia has made its own environment; it is from them that we inherited our abiding belief in States rights, and sound principles. And it is upon these that we have built our State and local governments, and institutions.

Development comes with use, and use of our principles in Virginia has brought us out of the dark days of reconstruction into the light of sound progress.

Virginia today stands as a symbol for States rights, for the democratic principle of separate coordinate branches of government, and for unmortgaged future.

The people of our Commonwealth have been generous to me, and to them I shall always be grateful. It has been my unswerving purpose to serve them to the utmost of my ability in each of the positions of honor they have entrusted with me. I believe in the people of Virginia, and I trust in their judgment, and I stand firmly on Virginia traditions and Virginia principles.

In Virginia we regard experience as a guidepost—not a hitching post. Perhaps in these days of spiraling inflation it is still possible to get a few things for nothing—but experience is not one of them.

Our progress in Virginia is based on 350 years of experience. It is our purpose to be guided by that experience. Like the Dan River Mills long experience has served Virginia well. And as one citizen of Virginia I am proud of our record.

Virginia has its critics and I well know that no government is perfect, but governments are comparative and I want now to give you just a few instances of our modern-day progress.

First of all, Virginia is 1 of the 3 States completely free of State debt. And this is of significance when the Federal Government and nearly all the States have recklessly plunged themselves into indebtedness, the interest on which I predict will exceed many times the principals of the loans.

Virginia escapes this terrible burden of the annual and perhaps permanent interest charges.

Here are a few figures showing how Virginia is going ahead of other States.

In the past 25 years in population of 49 percent as compared to an increase of 33 percent in the country as a whole. Per capita income payments increased in Virginia by 253 percent as compared to the general increase of 163 percent.

Value of products manufactured in Virginia increased 328 percent as compared to general average of 282 percent.

Payroll in Virginia manufacturing increased 416 percent as compared to general average of 341 percent.

Retail sales in Virginia increased 426 percent and the general increase was 251 percent.

Deposits in Virginia banks increased 425 percent. The national average increased 269 percent.

Number of telephones in Virginia increased 360 percent. Average, 178 percent.

Motor-vehicle registrations increased 226 percent. Average 133 percent.

It is tommyrot to say Virginia is lagging behind.

We are making great progress all down the line.

We are doing this without debt and with sound governmental policies.

The Dan River Mills symbolize our sound progress in Virginia, and it is fitting that on Independence Day, 350 years after our founding at Jamestown, and 181 years after our Declaration of Independence we congratulate the institution on the occasion of its diamond anniversary.

Danville, the Danville area, and the southside of Virginia also is to be congratulated for its support of this great corporation which for 75 years has contributed so much to the community, the State and the better living of people at home and abroad.

Virginia is proud of this great leader of the textile industry. When this company was originated by the three brothers, Robert A., John H., and James H. Schoolfield, along with Thomas B. Fitzgerald, Benjamin F. Jefferson, and Dr. H. W. Cole, the country was only about 100 years old. Thomas Jefferson had been dead little more than 50 years. Virginia was still trying to rise from the the ashes of the War Between the States, the last of the military governors had been gone only 12 years.

With Virginia the Dan River Mills has grown in sound progress. Today it ranks among the great textile manufacturers of the world. In number of spindles it is a leader in the South. It ranks with the leaders in Virginia in the employment of our people. I am certain that its policy is to deliver the most value for the least cost. That means productive progress. Production is the source of wages. This is the American competitive system. This is the enemy of crippling inflation, and the source of higher living standards.

Under the sound and enlightened leadership of such men as W. J. Erwin, president, and Basil D. Browder, executive vice president, and Dan Daniels, Dan River Mills now is a corporation of more than 800,000 spindles, and more than 18,000 looms, owned by more than 9,500 stockholders, and operated by 18,000 employees, turning out useful products which sell for more than $120 million yearly.

This is truly the Virginia brand of progress represented in a great corporation operating for the profit of its owners and employees, and for the good of mankind who need and are able to use its products.

I take it that when a Member of Congress is among you, he is expected to say something about what goes on in Washington. If that is true I might say this:

The Washington Government is a place of vast and complex pressures. So many of them seem to be so foreign to the traditional concept of our form of government, under which this Nation has grown great, it is all too easy to regard them with an apathetic attitude in the belief that such things can't happen here—to my country, my State, my town—to me. But they do.

For instance, the Federal Government has been in the red for 20 of the last 25 years, yet since World War II we have given away nearly $60 billion in foreign aid spread around the globe. Millions of that money has gone to subsidize the textile industry abroad where they use cheap labor in competition with your own Dan River Mills.

You have in your midst a fine and patriotic citizen who has properly been honored by the American Legion, as their national leader. He is, of course, as you know, Dan Daniel. He is doing excellent and effective work with reference to foreign aid. Dan Daniel is a great American. He is going throughout the breadth of the land speaking against giveaway programs to foreign countries and for sound policies at home.

Sometimes as I listen to all the talk in Washington about aid for the underdeveloped areas, I wonder if the greatest underdeveloped area of all isn't under the hats of those who propose it.

Practically all of this foreign aid has been charged into our Federal debt, the interest on which, at this moment, is costing American taxpayers more than $7 billion a year. That is a full 10 percent of all Federal taxes collected. In other words, if it were not for this Federal debt, the Federal taxes you and I pay could be cut 10 percent across the board.

But this is not the only aspect of the debt. It is difficult to comprehend, but you know that all the debt in this country totals $800 billion. That is nearly $1 trillion. More

than $325 billion of it is in public debt which generally speaking is not productive debt. It is this tremendous debt—resulting from our unprecedented free-wheeling spending spree, largely encouraged by the Federal Government—that is causing the terrible inflation which even today is driving up the cost of living still more.

Yet, even in the face of renewed inflation, the President in January submitted to Congress the largest peacetime budget in history. It actually called for $8 billion more in expenditures by Federal spending agencies than they passed out just 2 years ago. Most of the increase was in domestic civilian programs, having nothing to do with military preparedness.

Think of this in terms of what you pay in taxes. All taxes collected this year in this country will total $110 billion.

That is the equivalent of nearly one-third of our national income.

It is no wonder that the people of the Nation have risen up this year in the greatest demand for reduction in Federal expenditures in all our history. But the spending is too entrenched, and the opposition of the administration was too great. Congress has done the best it could to reduce appropriations. But the result is not nearly enough.

I sincerely hope the people of the country will not be discouraged. They must keep up the demand next year, and for all the years necessary until we can get these expenditures under control, and reduce them to a point where we can reduce debt, stop inflation, and reduce taxes.

In Federal taxes alone, the Government is taking 20 percent of the workingman's salary at the lowest rate. In some cases, individuals are paying Federal taxes of more than 90 percent of what they make. Corporations are paying more than 50 percent before they begin to show a profit and put money aside to replace their machinery, and expand their plants. The average American is working one-third of his time to pay his taxes.

We need to cut taxes at all levels, at the lower levels, in the middle-income brackets where people are taking the worst tax licking, and even in the higher brackets. We need to reduce taxes for small business, and for larger businesses. In short, taxes are too high. They are virtually at a point of diminishing returns. They are killing incentive in both individuals and business.

Please believe me when I say the Members of Congress need your constant and continuing help in trying to get expenditures down so we can get the debt down, stop the inflation and get the taxes down.

This gigantic Federal spending serves to centralize Government, and that means more and more bureaucrats in Washington tell you in Danville, and me in Winchester what to do, when to do it, and how to do it, and how much to spend for it.

This is the greatest democracy in the history of the world. It has grown to this position in the brief span of 180 years, and with only 6 percent of the world's population. This could not have been achieved without the form of government bequeathed us as a sacred heritage by our forefathers.

Strike down the power of States to control their own affairs, and concentrate all power in Washington, and you strike at the heart of what makes this Nation great.

To me the decision of the Supreme Court abolishing segregation and compelling integration in States and local public school systems was a vicious and destructive invasion of States rights.

It set aside all previous decisions by the Supreme Court on the subject, including the 1928 decision by Chief Justice Taft, a great and learned man and a former President of the United States, who held segregation was constitutional if separate equal facilities were provided.

Bad enough before, when centralization was developing through Federal expenditures, but in more recent years Federal courts have gotten into the act. I mention just a few examples. In the recent Girard case it held that a man's money could not be spent after his death in accordance with his will.

In another case, just a couple weeks ago, it put down the police powers of State and local governments.

Time and time again it has usurped legislative powers, which, under the Constitution, are clearly segregated to the Congress as 1 of the 3 separate coordinated branches of Government.

More recently the Federal Court has even divested the Federal executive branch from its means of bringing Communists—enemies of democracy—to justice.

These are the things that the people at home must understand—understand what is happening to you. In this Nation you are the supreme voice of the land—not the Supreme Court, not the President, not the Congress—it is you.

I say these things to you on this Independence Day in the sincere hope that you, with all the citizens of this land, will rise up in massive resistance to Federal usurpation of individual and States rights, and assert your independence with an overwhelming demand for the return to the fundamental for which this Nation was founded and for which our independence was won and upon which we have built the greatest nation on earth.

Who Signed the Declaration of Independence?—Who Signed the Constitution of the United States?—A Short Biographical Sketch of Each Prepared by the Library of Congress for Congressman Clyde Doyle, of California

EXTENSION OF REMARKS

OF

HON. CLYDE DOYLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. DOYLE. Mr. Speaker, by reason of unanimous consent heretofore granted me so to do, I am pleased to present the following historical and biographical data regarding each of the signers of the Declaration of Independence. It seemed to me entirely appropriate that at this particular season of patriotic expression toward our beloved Nation's independence it would be appropriate for you and each of my distinguished colleagues to have before you this data compiled for me at my request by the Library of Congress. You will note therefrom that it was prepared for me on April 25, 1957, and I anticipated submitting it to your attention prior to July 4; but, Mr. Speaker, the information herein contained is always appropriate, informative, and inspiring.

And also, Mr. Speaker, at my request the Library of Congress prepared for me short biographical sketches of each of the signers of the United States Constitution. They would also seem especially appropriate for us to have before us at this time. Hence, I am pleased to also include the text thereof as furnished me by the Library of Congress:

THE SIGNERS OF THE DECLARATION OF INDEPENDENCE—SOME SALIENT FACTS

NEW HAMPSHIRE

Josiah Bartlett: He was born in Amesbury, Mass., on November 21, 1729, and died at Kingston, N. H., on May 19, 1795. At the age of 16, Bartlett began the study of medicine in the office of a practicing physician, and 5 years later began his own practice in his newly adopted home at Kingston. He was 47 years old when he signed the Declaration of Independence, and he has the distinction of being the first to give his vote in favor of the adoption of the Declaration. Although a layman, Bartlett, in 1779, was appointed chief justice of the New Hampshire court of common pleas. In 1782 he was elevated to the superior court, and in 1788 was appointed chief justice of that court. He served from 1790 as chief executive of his State with the title of president; and after June 1793, under the amended Constitution, he was elected the first governor of New Hampshire. While serving in the Continental Congress, he served on the important standing committees, and played an important part in shaping legislation. While serving on the bench in New Hampshire, he was a member and temporary chairman of the State convention called to ratify the proposed Constitution of the United States; and he contributed in no small way to the dissipation of the opposition of some of the smaller towns in the State to ratification of the Nation's premier charter. Bartlett is buried in the first cemetery at Kingston.

William Whipple: He was born in Kittery, Maine, on January 14, 1730, and died in Portsmouth, N. H., on November 28, 1785. Whipple was educated in the common schools. At an early age he went to sea, and, while in his early twenties, became master of a vessel. About 1760 he formed a partnership with his brother, Joseph, in the mercantile business in Portsmouth, continuing in this pursuit until 1775, when he gave up his share of the business to enter public affairs and work for independence. He was elected to the Continental Congress in 1775, and served until 1779. He was 47 years old when he affixed his signature to the Declaration. His service in Congress was interrupted for short periods, when he was participating in military campaigns during the war. He was commissioned brigadier general in 1777, and served in several battles, including the Saratoga and Rhode Island campaigns. He served in the State Assembly from 1780–84, and in 1782 was appointed an associate justice of the Superior Court of New Hampshire, a position which he held until his sudden death. Whipple is buried in the north cemetery at Portsmouth.

Matthew Thornton: He was born in Ireland in 1714, and died on June 24, 1803, at Newburyport, Mass., while visiting his daughter. Thornton came to America with his parents in 1718, settling first in Maine and then in Massachusetts. He received his early education in Massachusetts, and went on to study medicine, completing his program in 1740. He began his practice in Londonderry, N. H., where, at the same time, he became very active in public affairs. He served as under surgeon with the New Hampshire troops in the Louisbourg Expedition of 1745, and for some time held the rank of colonel in the State militia. He served as a member of the New Hampshire Assembly in 1758, 1760, and 1761. He was a delegate to the First Provincial Congress in 1775, and was elected president of that body; he also served as chairman of the committee of safety. In 1776, he was elected to the Continental Congress, and although he did not

arrive until November, he had the opportunity of affixing his signature to the Declaration of Independence. He was 62 years old when he signed that document. Thornton was appointed associate justice of the New Hampshire Superior Court and served until 1782. He served in the newly organized State senate from 1784 to 1786. His latter years were spent on his farm in Merrimack, N. H., where he devoted his time to writing. He is buried in Thornton's Ferry Cemetery, at Merrimack.

MASSACHUSETTS

John Hancock: He was born in Quincy, Norfolk County, Mass., on January 23, 1737, and died at Quincy, Mass., on October 8, 1793. When Hancock was a young boy, he was adopted by his uncle, Thomas Hancock, who was the richest merchant in Boston. He attended Harvard College and graduated in 1754. After completing his education, he entered his uncle's mercantile office; in 1763 he became a partner of Thomas Hancock & Company. When his uncle died in 1754, Hancock, a youth of twenty-seven, became the head of the leading mercantile house in Boston, and the heir to a large fortune. He was a member of the provincial legislature from 1766 to 1772, and served as president of the Provincial Congress in 1774. He was elected as a member to the Continental Congress in 1775, and served for several terms. From May 24, 1775 to October 29, 1777, he served as President of the Congress. He was the first to sign the Declaration and was 39 years of age at the time. He served as senior major general of the Massachusetts Militia during the war, and participated in the Rhode Island campaign. Hancock was elected the first governor of the State of Massachusetts in September 1780, and served until 1785, when he resigned because of ill health. In 1787 he was again elected governor and he died while serving in his ninth term. Hancock is buried in the Old Granary Burying Ground, at Boston.

Samuel Adams: He was born in Boston, Mass., on Sept. 27, 1722, and died at Boston on Oct. 2, 1803. No one had done more and perhaps no one else had done so much in behalf of American rights and liberties as Samuel Adams. He attended Harvard College and graduated in 1740. He found employment in the counting-house of Thomas Cushing, but stayed only a few months for he wished to establish his own business. After failing in his first business venture, he joined his father who operated a brewery. Not having a keen eye for business affairs, he soon dissipated his share of the family estate, and then entered the field of politics and public affairs, which was more to his liking. In the dispute with the mother country, Adams was at his best in firing the people for the cause of independence for the American colonies. He was chosen to draft the instructions of the town of Boston to its newly elected representatives concerning Lord Grenville's proposed stamp act in 1764. From 1765 to 1774 Adams served as a member of the Massachusetts General Court, and from 1774 to 1782 he served in the Continental Congress. He was 54 when he attached his signature to the Declaration. Adams served as a member of the State Constitutional Convention in 1779, and as president of the State senate in 1781. He served as Governor of Massachusetts from 1794 to 1797. He is buried in the Old Granary Burying Ground at Boston.

John Adams: He was born in Braintree (now Quincy), Mass., on October 19, 1735, and died at Quincy, on July 4, 1826, a few hours after Thomas Jefferson. After graduating from Harvard College in 1755, he taught school at Worcester for a short period, and later decided to take up law. He studied under James Putnam, and was admitted to the bar at Boston, on November 6, 1758. His law practice grew slowly, but he soon occupied a leading place at the bar. Although opposed to mob demonstrations, Adams' name was early connected with the patriotic cause by his efforts in defending the colonies on legal grounds. He was elected to serve as a delegate to the Continental Congress in 1774, and served until 1778. During the debates in Congress on the Declaration, Adams was dubbed the Atlas of American Independence. He was 41 years old when he signed the document. It was John Adams who proposed the name of George Washington, to serve as head of the American Army during the Revolution. Adams was appointed Commissioner, with Benjamin Franklin and Arthur Lee to the Court of France. He later served as Minister to Holland in 1782, and was appointed to serve as the first Minister to England, serving from 1785 to 1788. In 1788, he was elected to serve as the first Vice President of the United States, and was reelected in 1792, serving from April 30, 1789, to March 3, 1797. He was elected President of the United States and served from March 4, 1797, to March 3, 1801. Adams is buried under the Old Congregational Church, at Quincy, Mass.

Robert Treat Paine: He was born in Boston on March 11, 1731, and died in the same city on May 12, 1814. He attended Harvard College and was graduated in 1749. He taught for a while and then turned to the study of theology. After a brief career in the ministry, he studied law and was admitted to the bar in 1757. Paine served as the associate prosecuting attorney in the Boston Massacre trial and thus became connected with the patriotic cause. He served several terms in the provincial assembly, and was elected to the Continental Congress, serving from 1774–78. He was 45 years old when he signed the Declaration. In 1777 Paine was elected the first attorney general of the State of Massachusetts, and served until 1790. In 1790 he was appointed to the State supreme court by John Hancock, and served until 1804. In 1780 he became a founder of the American Academy of Arts and Sciences. He is buried in the Old Granary Burying Ground at Boston.

Elbridge Gerry: He was born in Marblehead, Mass., on July 17, 1744, and died in Washington, D. C., on November 23, 1814. After graduating from Harvard College in 1762, Gerry entered his father's mercantile business. In May 1772 he was elected to the Massachusetts General Court, where he met Samuel Adams and became keenly interested in the cause for independence. In 1776, he was elected to the Continental Congress and served from 1776 to 1781, and from 1782 to 1785. He was 32 years old when he signed the Declaration. Gerry served in the first and second Congresses, from 1789 to 1793. In 1797 he was sent on a mission to France with Marshall and Pinckney (X. Y. Z. Affair). Gerry was elected Governor of the State of Massachusetts in 1810 and 1811. He was defeated for this office in 1801 and 1812. He was elected Vice President of the United States as a Democrat, and served from March 4, 1813, until his death. Gerry's name has been perpetuated in the term "gerrymander", which refers to the splitting up of election districts. He is buried in the Congressional Cemetery, at Washington, D. C.

RHODE ISLAND

Stephen Hopkins: He was born in what is now Providence, R. I., on March 7, 1707, and died there on July 13, 1785. After attending the public schools, he entered the mercantile business; at the same time he became a practical surveyor. From the age of 25 Hopkins served in public office. He was a member of the General Assembly from 1732 to 1752, and from 1770 to 1775; he served as Speaker of that body from 1738 to 1744, and also in 1749. He served as chief justice of the Rhode Island superior court from 1751 to 1754. Hopkins was elected to the Continental Congress in 1774, and he was 69 years old when he attached his signature to the Declaration. He served as Governor of Rhode Island in 1755, 1756, 1758 to 1761, 1763, 1764, and 1767. Despite his lack of formal education, Hopkins became the first chancelor of Rhode Island College. He is buried in the North Burial Ground, at Providence.

William Ellery: He was born in Newport, R. I., on December 22, 1727, and died there on February 15, 1820. After graduating from Harvard College in 1747, Ellery engaged in various undertakings. He was a merchant, served as a naval officer of the colony, served as clerk of the General Assembly, and after being out of college for 23 years, began the study of law, being admitted to the bar in 1770. He was elected to the Continental Congress in 1776 and served until 1781. He was 49 years old when he signed the Declaration. He served again in the Continental Congress from 1783 to 1785, and in 1785 was appointed Chief Justice of the Rhode Island Superior Court. In 1786 he was appointed by the Continental Congress to serve as Commissioner of the Continental Loan Office. He served as collector of the port of Newport from 1790 until his death. Because of his activities in the cause for independence, the British burned Ellery's property when they occupied Newport. With the exception of Charles Carroll, of Carrollton, Ellery was the longest lived of the signers of the Declaration. He is buried in the Old Cemetery, at Newport.

CONNECTICUT

Roger Sherman: He was born in Newton, Mass., on April 19, 1721, and died in New Haven, Conn., on July 23, 1793. Born under humble circumstances, Sherman attended the public schools, learned the cobbler's trade, and moved to New Milford. He studied law, and was admitted to the bar in 1754. Sherman served several terms in the State assembly, and served in the Connecticut State Senate from 1766 to 1785. He served as a member of the Connecticut Superior Court in 1766, 1767, and 1773 to 1788. Sherman is noted for the various public offices he held concurrently. While holding certain of the above offices, he also served in the Continental Congress from 1774 to 1781, and in 1783 and 1784. He was 55 years old when he signed the Declaration. He was a member of the committee appointed to draft the document, and was the only Member of the Continental Congress to sign all four great American State papers—the Declaration of 1774: the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States. He served in the First Congress from 1789 to 1791, and served in the United States Senate from 1791 until his death. He is buried in the Grove Street Cemetery, at New Haven.

Oliver Wolcott: He was born in Windsor, Conn., on December 1, 1726, and died at Litchfield, Conn., on December 1, 1797. Graduating from Yale College, at the head of his class, in 1747, he was commissioned a captain by the Governor of New York. After the peace of Aix-la-Chapelle, Wolcott returned to Litchfield and studied medicine, but did not practice. He was elected sheriff of Litchfield County in 1751, and from 1774 to 1786 served as a member of the State council. He was elected to the Continental Congress in 1775, and served up to 1784, dividing his time between serving in the Army and serving in Congress. Wolcott was 50 years old when he signed the Declaration. He served as a major general in the militia, and commanded a brigade which took part in the defeat of General Burgoyne in 1777. Wolcott served as Lieutenant Governor of Connecticut from 1786 to 1796, and was elected Governor of the State, serving from 1796 until his death. He is buried in East Cemetery, at Litchfield.

William Williams: He was born in Lebanon, Conn., on April 28, 1731, and died there on

August 2, 1811. Williams graduated from Harvard College in 1751, studied theology for a short time, and then entered the mercantile business. He served in the State assembly for several years, serving as Speaker of that body in 1775 and again from 1781 to 1783. Williams served in the Continental Congress from 1776 to 1778, and in 1783 and 1784. He was 45 years old when he signed the Declaration. He served as judge of the county court of Windham from 1776 to 1804, and served as judge of probate for the Windham district from 1776 to 1808. He was a member of the Connecticut convention that ratified the Constitution of the United States in 1787. He is buried in the Old Cemetery, at Lebanon.

Samuel Huntington: He was born in Windham, Conn., on July 3, 1731, and died at Norwich, Conn., on January 5, 1796. He attended the common schools, served his apprenticeship in the cooper trade, later studied law, and was admitted to the bar in 1758. He was appointed crown attorney in 1765, and served as justice of the superior court from 1774 to 1784; he served as chief justice of the court in 1784. He was a Member of the Continental Congress from 1776 to 1784, and served as President of the Congress from 1779 to 1781. He was 45 years old when he signed the Declaration. Huntington served as Lieutenant Governor of Connecticut in 1785; and from 1786 until his death he served as governor. He is buried in Norwichtown Cemetery, at Norwich.

NEW YORK

Francis Lewis: He was born in Llandaff, Wales, in March 1713, and died in New York City, on December 30, 1803. He attended Westminster School in London, and then entered the countinghouse of a London merchant. He came to the United States in 1735, and established merchantile houses in New York and Philadelphia. Lewis served in the French and Indian War as an aide to General Mercer, was captured in Oswego, N. Y., and taken to France. He was a delegate to the Stamp Act Congress of 1765 which met in New York. He served in the Continental Congress from 1774 to 1889, and was 63 years old when he affixed his signature to the Declaration. He served as Commissioner of the Board of Admiralty in 1779. Lewis is the only signer of the Declaration buried in Manhattan, in an unidentified grave in Trinity Churchyard at Wall Street and Broadway.

Philip Livingston: He was born in Albany, N. Y., on January 15, 1716, and died at York, Pa., on June 12, 1778, while attending the sixth session of the Continental Congress. Livingston attended Yale College and graduated in 1737. He entered the mercantile business in New York City and took part in public affairs. He served on the board of aldermen from 1754 to 1762, was a member of the provincial house of representatives from 1763 to 1769, and served as Speaker in 1768. He was a delegate to the Stamp Act Congress in 1765. Livingston was a Member of the Continental Congress from 1774 to 1778, and he was 60 years old when he attached his signature to the Declaration. Livingston was one of the earliest advocates of the establishment of King's College, now Columbia University. He also aided in the organization of the New York Society Library. He is buried in Prospect Hill Cemetery, at York, Pa.

Lewis Morris: He was born in Morrisania, now a part of New York City, on April 8, 1726, and died there on January 22, 1798. He was graduated from Yale College in 1746, and engaged in agricultural pursuits. Although a country gentleman, and heir to a large estate, Morris associated himself with the patriotic cause. He was elected to the Colonial Assembly of New York in 1769, but did not qualify because of nonresidence. Morris served in the Continental Congress from 1775 to 1777, and was 50 years old when he signed the Declaration. He served in the State Senate from 1777 to 1781, and from 1784 to 1788. He was a delegate to the New York convention which adopted the Constitution of the United States. He served as a member of the first board of regents of the University of New York, in 1784, and served on the board until his death. He is buried in St. Anne's Episcopal Churchyard, in the Bronx, N. Y.

William Floyd: He was born in Brookhaven, N. Y., on December 17, 1734, and died in Westernville, N. Y., on August 4, 1821. Although coming from a wealthy family, Floyd achieved only a limited academic education. When only 18, he inherited his father's large estate. Floyd served as major general in the State Militia; and when the British made their first landing on Long Island, Floyd led a body of troops which drove them off. He served in the Continental Congress from 1774 to 1777, and from 1778 to 1783. He was 42 when he signed the Declaration. He served in the State senate in 1777 and 1778. He was elected to the first Congress and served from 1789 to 1791. He returned to the State senate, serving from 1784 to 1788, and again in 1808. He was a presidential elector in 1792, 1800, 1804, and 1820. He was a delegate to the State Constitutional Convention in 1801. He is buried in the Presbyterian Church Cemetery, at Westernville.

NEW JERSEY

John Hart: He was born in Stonington, Conn., about 1707, and died at Hopewell, N. J., on May 11, 1779. He received limited schooling, and then engaged in agriculture. He became an efficient farmer and soon acquired considerable property. He served in the New Jersey assembly from 1761 to 1771, and as judge of the Hunterdon County courts from 1768 to 1775. He served in Continental Congress from June 22 to August 30, 1776, and was about 69 years old when he signed the Declaration. He was elected to the first State general assembly under the State constitution in 1776, and reelected in 1777 and 1778. He served as speaker of that body from 1776 to 1778. His estate was devastated by the British troops when they landed in New Jersey. He is buried in the First Baptist Church Cemetery, at Hopewell, N. J.

John Witherspoon: He was born in Gifford, Haddingtonshire, Scotland, on February 5, 1723, and died on his farm, near Princeton, N. J., on November 15, 1794. Witherspoon was graduated from Edinburgh University in 1739, studied theology at the university, and was ordained minister of the parish of Beith in 1745. He at first declined the presidency of the College of New Jersey (now Princeton University), in 1766, but accepted the second invitation of that institution, and was inaugurated as president on August 17, 1768. He became a leader of the Presbyterians in America. He served in the Continental Congress in the years 1776 to 1779, 1780 to 1781, and again in 1782. He was the only clergyman in Congress, and was 54 when he attached his signature to the Declaration. After the War for Independence ended, Witherspoon returned to Princeton and continued his duties as president of the University. He is buried in the Witherspoon Street Graveyard, at Princeton.

Richard Stockton: He was born in Princeton, N. J., on October 1, 1730, and died there on February 28, 1781. Stockton graduated in the first class from Princeton College in 1748, studied law, and was admitted to the bar in 1754. He served as associate justice of the State supreme court, from 1774 to 1776. In June 1776, Stockton was elected to the Continental Congress, and was reelected in November of the same year, but declined the office. He was 46 years old when he signed the Declaration. Stockton served as chairman of a committee of Congress which inspected the northern army at Ticonderoga, and on November 30, 1776, he was captured by the Tories and held prisoner in New York City until December 29, 1776. He was elected chief justice of the State Supreme Court in August 1776, but declined this office in order to remain in Congress. Stockton was a successful lawyer, and as a trustee of Princeton College contributed much to that college and higher education in general in America by his successful mission to Scotland which resulted in John Witherspoon's coming to America to head Princeton College. He is buried in Quaker Cemetery, at Princeton.

Abraham Clark: He was born near Elizabeth, N. J., on February 15, 1726, and died at Rahway, N. J., on September 15, 1794. After attending private schools, he studied law but did not practice. He was a member of the New Jersey Provincial Congress from 1775 to 1776, and from October 9, 1775, served as assistant secretary of that body. Clark served in the Continental Congress from 1776 to 1778 and was reelected in 1779, but declined the office. He was 50 years old when he attached his signature to the Declaration. He served in the State Assembly in 1776, and from 1783 to 1785. He again served in the Continental Congress from 1779 to 1783 and from 1787 to 1789. He was elected to the 2d and 3d Congresses, serving from March 4, 1791, until his death. He is buried in the Rahway Cemetery, at Rahway.

Francis Hopkinson: He was born in Philadelphia, Pa., on September 21, 1737, and died there on May 9, 1791. Although Hopkinson served as a delegate from New Jersey, he is usually associated with Philadelphia, where he studied and practiced law. He was the first graduate of the College of Philadelphia, receiving his degree in 1757. He served as Collector of Customs of the Port of Salem, N. J., in 1763, and was a member of the Provincial Council of New Jersey from 1774 to 1776. He was admitted to practice law before the New Jersey State Supreme Court in 1775. He was elected an associate justice of the State supreme court in 1776, but did not accept the office. Hopkinson served in the Continental Congress in 1776, and was 39 at the time he signed the Declaration. From 1789 to 1791, he served as judge of the United States District Court for the Eastern District of Pennsylvania. He is said to have designed the American flag, in 1777, and his son Joseph wrote the anthem Hail Columbia. Hopkinson is buried in the Christ Church Burial Ground, at Philadelphia.

PENNSYLVANIA

Benjamin Franklin: He was born in Boston, Mass., on January 17, 1706, and died in Philadelphia, on April 17, 1790. Franklin was self-educated, acquiring most of his education while working in a printing shop. By the time Franklin was 42 years old, he was able to give up the management of his printing business and devote his time to public affairs and other interests. He had already established the Pennsylvania Gazette (1728), and had begun the publication of Poor Richard's Almanac (1732). Franklin served as deputy postmaster general of the British North American Colonies, from 1753 to 1774. He served as the agent for Pennsylvania in London from 1757 to 1762, and again 1764 to 1775. He served in the Continental Congress in 1775 and 1776, and was the oldest signer of the Declaration, being 70 years old at the time. Franklin served as diplomatic commissioner in France, and from 1776 to 1785 he served as Minister to France. He was a delegate to the Constitutional Convention in 1787. Franklin played an important role in the establishment of the first circulating library in America, and in founding the American Philosophical Society for the Promotion of Useful Knowledge. He is buried in Christ Church Burial Ground, at Philadelphia.

James Wilson: He was born in Carskerdo, near St. Andrews, Scotland, on September 14, 1742, and died in Edenton, N. C., on August 28, 1798. He came to America in 1765, lived in New York City, and later moved to Philadelphia. He studied law and was admitted to the bar in 1767. He served in the Continental Congress in 1775, 1776, and for scattered years up to 1787. He was the second youngest Pennsylvania signer of the declaration, being only 34 years old at the time. He served as associate justice of the United States Supreme Court from 1789 to 1798; and in 1790 he became the first professor of law in the College of Philadelphia. He was buried in the Johnston Burial Ground on the Hayes Plantation near Edenton, N. C., but his remains were reinterred in Christ Churchyard, at Philadelphia, in 1906.

Robert Morris: He was born in Liverpool, England, on January 20, 1734, and died in Philadelphia, Pa., on May 8, 1806. Morris came to America in 1747, and entered the mercantile business in Philadelphia in 1748. He served in the State Assembly from 1778 to 1780, and served as superintendent of finance from 1781 to 1784. At a very early age, Morris became a partner in the firm of Willing, Morris & Co. He served in the Continental Congress from 1776 to 1778, and was 42 years old when he signed the Declaration. He was a delegate to the Constitutional Convention in 1787; and from 1789 to 1795 he served in the United States Senate. President George Washington offered Morris the position of Secretary of the Treasury, but he declined the office. Because of his mastery of financial affairs, Morris was dubbed the "financier of the Revolution." In his later years, he lost his vast fortune in unsuccessful land speculation. He is buried in the family vault of William White in the Churchyard of Christ Church, in Philadelphia.

George Taylor: He was born in Ireland, in 1716, and died in Easton, Pa., on February 23, 1781. He came to America in 1736, and engaged in the manufacture of iron in Pennsylvania. He lived in Durham, Pa., in 1755, and served as justice of the peace there for 3 years. He was a member of the provincial assembly from 1764 to 1769, and served as judge of the Northampton County Court in 1770. He served as a colonel of the Pennsylvania Militia in 1775. He was elected to the Continental Congress in 1776 and 1777. He was 60 years old when he signed the Declaration. He served as a member of the First Supreme Executive Council in 1777. He was buried in St. John's Lutheran Church Cemetery, but his remains were reinterred in the Easton Cemetery, in Easton, Pa.

James Smith: He was born in Ireland in 1713, and came to America and settled in Pennsylvania in 1727. He attended Philadelphia Academy (University of Pennsylvania), studied law, and was admitted to the bar in 1745. He moved to York, and engaged in the iron business for a short time, but without success. In 1776 he organized the Pennsylvania Militia and the two regiments of the Flying Camp in Perth Amboy, N. J. He served as brigadier general of the State Militia. From 1776 to 1778 he was a member of the Continental Congress, and was 63 years old when he signed the Declaration. In 1780 he served in the State house of representatives; and from 1780 to 1781 he served as judge of the Pennsylvania High Court of Errors and Appeals. He was elected to Congress again in 1785, but he declined the office because of his age. From 1781 to 1801 he was chiefly engaged in the practice of law in York. He is buried in the First Presbyterian Churchyard, in York, Pa.

George Ross: He was born in New Castle, Del., on May 10, 1730, and died near Philadelphia, on July 14, 1779. He studied law and was admitted to the bar in 1750. He served as a member of the Colonial Assembly from 1768 to 1776, and was a delegate to the State convention in 1774. He served in the Continental Congress from 1774 to 1777, and was 46 years old when he signed the Declaration. He was noted for his wit and good humor, and his personal popularity was demonstrated by the fact that only Benjamin Franklin received a larger vote in the election for the Pennsylvania delegates to the Congress. He was appointed judge of the Court of Admiralty for Pennsylvania in April 1779, and served in that position until his death. He is buried in Christ Churchyard, in Philadelphia.

George Clymer: He was born in Philadelphia, Pa., on March 16, 1739, and died in Morrisville, Pa., on January 23, 1813. He was orphaned at a tender age, and was brought up by a prosperous merchant uncle, William Coleman. Clymer entered the mercantile business and became a partner in the firm of Merediths and Clymer. He served in the Continental Congress from 1776 to 1778, and from 1780 to 1783. He was 37 years old when he signed the Declaration. He was a member of the State house of representatives from 1785 to 1788, was a delegate to the Constitutional Convention, and was a signer of the Constitution. He served in the first Congress, from 1789 to 1791, and in the latter year was appointed by President Washington as collector of excise duties for Pennsylvania, but resigned after the Whisky Rebellion. His last public service was rendered as commissioner to the Cherokee and Creek Indians in Georgia, when he participated in negotiating a treaty with those Indians. Clymer is buried in Friends Graveyard, at Trenton, N. J.

Benjamin Rush: He was born near Philadelphia, Pa., on December 24, 1745, and died there on April 19, 1813. Rush graduated from Princeton College in 1760, and studied medicine in Philadelphia and abroad. He began practicing in 1769, and became the most famous American physician and medical teacher of his generation. He founded Pennsylvania Hospital in Philadelphia, and served as president of the Philadelphia Medical Society. He was one of the founders of the Philadelphia Bible Society, and was also a founder of Dickinson College in Carlisle, Pa. He received several awards from foreign rulers for his contributions to medical science. He served in the Continental Congress in 1776 and 1777, and was only 31 at the time he signed the Declaration. He served in the Army with the rank of physician general in 1777. He served as treasurer of the United States mint in Philadelphia from 1799 until his death. He is buried in Christ Church Cemetery, at Philadelphia.

John Morton: He was born in Ridley Township, Delaware County, Pa., in 1724, and died in Ridley Park, Pa., in April 1777. He attended the common schools for a very short time, but he was well educated at home by his stepfather. He became a land surveyor, and served as justice of the peace in 1757. He had served in the Colonial General Assembly since his early thirties, and from 1771 to 1755 he served as speaker of that body. In April 1774 Morton was appointed an associate justice of the Pennsylvania Supreme Court of Appeals. He served in the Continenal Congress from 1774 to 1777. He was 52 years old when he signed the Declaration. He cast the deciding vote to swing the Pennsylvania delegation over for the adoption of the Declaration of Independence. He was the first of the signers to die. He is buried in St. Paul's Churchyard, in Chester, Pa.

DELAWARE

Caesar Rodney: He was born in Dover, Del., on October 7, 1728, and died there on June 29, 1784. He obtained most of his educational training at home, and then engaged in agricultural pursuits. He served in several public offices, including those of superintendent of the printing of Delaware currency in 1759, member of the State assembly from 1762 to 1769, and associate justice of the Delaware Supreme Court from 1769 to 1777. He served in the Continental Congress from 1774 to 1776, and rode from his home, through the night and rain, to cast his vote for independence. He was 48 years old when he signed the Declaration. He was elected president of Delaware, and served from 1778 to 1782. He was buried on his farm, Byfield, but a century later his remains were reinterred in the Christ Episcopal Churchyard in Dover.

George Read: He was born in Cecil County, Md., on September 18, 1733, and died in New Castle, Del., on September 21, 1798. Read studied law, and was admitted to the bar in Delaware in 1752. He served as attorney general for lower Delaware in 1763. He was a Member of the Continental Congress from 1774 to 1777. He was 43 years old when he signed the Declaration. He served as president of the State constitutional convention in 1776, and was a delegate to the Federal Constitutional Convention. He served in the State assembly, and was elected to the United States Senate, serving from 1789 to 1793. In this latter year Read was appointed chief justice of the State of Delaware, and served until his death. He is buried in Immanuel Churchyard, in New Castle, Del.

Thomas McKean: He was born in New London, Pa., on March 19, 1734, and died in Philadelphia, Pa., on June 24, 1817. He studied law, was admitted to the bar, and began practicing in New Castle, Del., in 1755. He was appointed deputy attorney general for Sussex County, and served from 1756 to 1758. He served in the Delaware assembly from 1762 to 1775. He served as a Member of the Continental Congress from 1774 to 1783, and in 1781 he served as president of Congress. He was 42 years old in the summer of 1776, but it is unknown when he actually signed the Declaration. He served as president of the State of Delaware in 1777, was appointed chief justice of Pennsylvania in 1777 and served in that capacity until 1799. He was elected Governor of the State of Pennsylvania in 1799 and served until 1808, when he retired from public life. He is buried in Laurel Hill Cemetery, in Philadelphia.

MARYLAND

Charles Carroll of Carrollton: He was born in Annapolis, Md., on September 19, 1737, and died in Baltimore, Md., on November 14, 1832. He attended the Jesuits' College of Bohemia at Hermans Manor, Md., and studied civil and common law in England and France, returning to Maryland in 1765. Carroll, a landed gentleman, was one of the richest men in America. He served as a delegate to the revolutionary convention of Maryland in 1775, and was a member of the board of war from 1776 to 1777. He served in the Continental Congress in 1776 and again in 1777 and 1778. He was 39 years old when he signed the Declaration. Carroll served in the Maryland State senate from 1777 to 1800, and served in the United States Senate from 1789 until 1792, when he resigned, preferring to remain in the State senate. Carroll was the last surviving signer of the Declaration of Independence. He is buried in the chapel of Doughoregan Manor, near Ellicott City, Md.

William Paca: He was born near Abingdon, Md., on October 31, 1740, and died there on October 23, 1799. He graduated from Philadelphia College in 1759, studied law in Annapolis and in London, and was admitted to the bar in 1764. He served in the Provincial Assembly from 1771 to 1774, and served in the Continental Congress from 1774 to 1779. He was 36 years old when he signed the Declaration. He served in the State senate from 1777 to 1779, and was appointed chief judge of the Superior Court of Maryland in 1778, and served until 1780. He was elected governor of the State of Maryland,

and served 3 terms from 1782 to 1786. He was appointed by Washington to serve as judge of the United States Court for Maryland, and served from 1789 until his death. He is buried in the family burial ground in Queen Anne County, Md.

Samuel Chase: He was born in Princess Anne, in Somerset County, Md., on April 17, 1741, and died in Washington, D. C., on June 19, 1811. He was tutored in the classics by his father, an Anglican clergyman. He studied law and was admitted to the bar in 1761. He served in the State assembly from 1764 to 1784, and served in the Continental Congress from 1774 to 1778, and again in 1784 and 1785. He was 35 years old when he signed the Declaration. He was the most violent of the Maryland delegation, and because of his "fiery complexion" was given the name "Bacon face" in the Maryland court. He was appointed judge of the general court of Maryland in 1791, and in 1796 President Washington appointed him Associate Justice of the United States Supreme Court. Chase was impeached for malfeasance in office, tried by the Senate of the United States in 1805, but was acquitted of all charges. At the end of the trial he resumed his seat on the bench, and served until his death. He is buried in Old St. Paul's Cemetery, Baltimore, Md.

Thomas Stone: He was born in Charles County, Md., in 1743, and died in Alexandria, Va., on October 5, 1787. He studied law and was admitted to the bar in 1764. He served in the Maryland State Senate from 1779 to 1783. He served in the Continental Congress in 1775, and again in 1779, 1784, and 1785. He was 33 years old when he signed the Declaration. He declined to serve as a delegate to the Federal Constitutional Convention because of the illness of his wife. Stone died at the age of 44 while waiting for a ship to take him to England. He is buried in the Garden Cemetery, Havre de Venture, in Charles County, Md.

VIRGINIA

Richard Henry Lee: He was born at Stratford, in Westmoreland County, Va., on January 20, 1732, and died at his home Chantilly, in Westmoreland County, on June 19, 1794. After some private instruction, Lee attended Wakefield Academy in England, returning to this country in 1751. Lee served in the Virginia House of Burgesses from 1758 to 1775, and served in the Continental Congress from 1774 to 1780. He introduced the famous resolutions declaring "that these united Colonies are, and of right ought to be, free and independent States * * *," and which led to the Declaration of Independence. He was 45 years old at the time. He served in the Continental Congress again, from 1784 to 1787, and was the author of the first national Thanksgiving Day proclamation issued by Congress, October 31, 1777. He was elected to the United States Senate, and served from 1789 until he resigned in 1792. He is buried in the family burying ground, Mount Pleasant, near Hague, Westmoreland County, Va.

Thomas Jefferson: He was born in Old Shadwell, Va., on April 13, 1743, and died at Monticello, in Albermarle County, Va., on July 4, 1826, a few hours before John Adams. Jefferson graduated from William and Mary College in 1762, studied law, and was admitted to the bar in 1767. Jefferson served in the Virginia House of Burgesses from 1769 to 1774, and served in the Continental Congress in 1775 and 1776. He served as chairman of the committee appointed to prepare the Declaration of Independence and was the author of that document. He was 33 years old at the time. Jefferson served as Governor of Virginia from 1779 to 1781, and later resumed his service in the Continental Congress. He served as Minister to France for more than 3 years. In 1789 he was appointed the first Secretary of State of the United States under the Constitution, and served until 1793. Jefferson was elected Vice President of the United States, serving from 1797 to 1801. He was elected President of the United States for two terms, serving from 1801 to 1809. Jefferson took an active part in founding the University of Virginia. He is buried at Monticello.

Benjamin Harrison: He was born in Berkeley, Charles City County, Va., on April 5, 1726, and died in City Point, Prince George County, Va., on April 24, 1791. He attended William and Mary College. At an early age he was elected to the Virginia House of Burgesses, serving from 1749 to 1775. He served in the Continental Congress from 1774 to 1778; and as chairman of the Committee of the Whole House reported the resolution introduced by Richard Henry Lee declaring independence. He was 50 years old when he signed the Declaration. He served several terms in the State house of representatives after leaving the Continental Congress, serving as Speaker of that body in the years 1778 to 1782, 1785, and 1786. He served as Governor of Virginia from 1782 to 1784. One of Harrison's children, William Henry Harrison, became President of the United States. He is probably buried in Old Westover Church Cemetery, near famous Westover estate, on the James River, in Virginia.

George Wythe: He was born in Elizabeth City County, Va., in 1726, and died at Richmond, Va., on June 8, 1806. He attended William and Mary College, studied law, and was admitted to the bar in 1746. He served in the Virginia House of Burgesses from 1758 to 1768, and served as Clerk of the same body from 1768 to 1775. Wythe served as a member in the Continental Congress from 1775 to 1777. He was 50 years old when he signed the Declaration. He served as Judge of the Virginia Chancery Court in 1777; in 1778 he was appointed sole Chancellor of Virginia. He was professor of law at William and Mary College from 1779 until 1791, when he resigned. Afterward he established a private school in Richmond; and Thomas Jefferson, John Marshall, and Henry Clay, among others, studied under him. He was a member of the Federal Constitutional Convention in 1787. He is buried in St. John's Churchyard, at Richmond, Va.

Francis Lightfoot Lee: He was born at Stratford, in Westmoreland County, Va., on October 14, 1734, and died at his home, Menoken, in Richmond County, Va., on January 11, 1797. Lee pursued his studies under private tutoring, and became a member of the Virginia House of Burgesses at the age of 24, serving from 1758 to 1775. He signed the Westmoreland declaration against the Stamp Act. He served in the Continental Congress from 1775 to 1780. He was 42 years old when he signed the Declaration. He was the younger brother of Richard Henry Lee, who introduced the famous resolutions calling for independence. He served in the Virginia State senate from 1778 to 1782. He is buried in the family burying ground at Mount Airy, Richmond County, Va.

Carter Braxton: He was born at Newington, near King and Queen Court House, Virginia, on September 10, 1736, and died at Richmond, Va., on October 10, 1797. He graduated from William and Mary College in 1755, and then spent 3 years abroad, in England. He was elected to the Virginia House of Burgesses in 1761 and served until 1771, and again in 1775. He was elected to the Continental Congress in 1775 on the death of Peyton Randolph, and served until 1776. He was 40 years old at the time of the signing of the Declaration. In 1777 he was again elected to the Continental Congress, and served until 1783, and again in 1785. He was a member of the Virginia Council of State from 1786 to 1791, and again from 1794 until his death. He is buried on his estate, Chericoke, in King County, Va.

Thomas Nelson, Jr.: He was born in Yorktown, Va., on December 26, 1738, and died at his son's estate, Mont Air, in Hanover County, Va., on January 4, 1789. Nelson attended private schools, and in 1761 he was graduated from Trinity College in Cambridge, England. Although English-educated, Nelson was a stanch patriot, and never leaned toward loyalism. He was elected to the Virginia House of Burgesses in 1774, while en route home from England. He was a member of the Continental Congress from 1775 to 1777. He was 37 years old when he signed the Declaration. It was Nelson who carried the Virginia convention resolutions to Philadelphia, which in turn precipitated the action of Richard Henry Lee. Nelson served as the commander of the Virginia State forces from 1777 until 1781. Ill health brought about by his service in the field in the campaign against Cornwallis forced his retirement in 1781. He received the public thanks of General Washington and of the Congress for his services. He served as Governor of Virginia in 1781, and then retired from public service. He is buried in the Nelson Cemetery, at Yorktown, Va.

NORTH CAROLINA

Joseph Hewes: He was born in Kingston, N. J., on January 23, 1730, and died in Philadelphia, Pa., on November 10, 1779. He attended Princeton College, then entered business in Philadelphia. In 1756 he moved to North Carolina. He served in the North Carolina State house of commons from 1766 to 1775, and was a member of the committee of correspondence in 1773. He served in the Continental Congress from 1774 to 1777, and while in the Congress served as chairman of the Marine Committee. He was a friend of John Paul Jones, and was instrumental in acquiring a ship for the latter. He was 46 years old when he signed the Declaration. He served in the State house of commons again in 1778 and 1779, and in the latter year was again elected to the Continental Congress. He died while serving in the Congress. He is buried in Christ Churchyard, in Philadelphia, Pa.

John Penn: He was born near Port Royal, in Caroline County, Va., on May 17, 1741, and died near Williamsboro, N. C., on September 14, 1788. Penn was privately educated, studied law, and was admitted to the bar in 1762. He was a leader in the patriotic cause, served in the Provincial Congress in 1775, and in the same year was elected to the Continental Congress, serving until 1780. He was 35 years old at the time he signed the Declaration. He served as a member of the board of war in North Carolina in 1780, and in 1784 was receiver of taxes for that State. Afterward he returned to the practice of law, but was almost in complete retirement because of poor health. He was buried on his estate in Granville County, N. C., but his remains were reinterred in the Guilford Battle Grounds, near Greensboro, N. C.

William Hooper: He was born in Boston, Mass., on June 17, 1742, and died in Hillsboro, N. C., in October 1790. Hooper attended Harvard College, graduated in 1760, was admitted to the bar, and in 1767 moved to Wilmington, N. C. He served in the North Carolina colonial assembly from 1773 to 1776, and during this period penned a series of articles against the Crown which awakened the people to the issues. As a result, Hooper was disbarred for 1 year. He served in the Continental Congress from 1774 to 1777. He was 34 years old when he signed the Declaration. Hooper was a member of the boundary commission appointed to settle the dispute between Massachusetts and New York in 1786. He was buried in Hillsboro, but was reinterred in the Guilford Battle Grounds, near Greensboro, N. C.

SOUTH CAROLINA

Arthur Middleton: He was born at Middleton Place, near Charleston, S. C., on June 26, 1742, and died at The Oaks, near Charleston, on January 1, 1787. He attended St.

John's College, Cambridge University, and studied law at the Middle Temple in London. Middleton returned to South Carolina in 1763, and assisted his father in the management of his plantations. At the age of 23, Middleton served in the provincial house of commons, serving from 1765 to 1768. He went to Europe, traveled extensively, and returned to this country in 1771, and again served in the provincial house of commons until 1775. He served in the Continental Congress from 1776 to 1778, and from 1781 to 1783. He was 34 years old when he signed the Declaration. Middleton served as an officer in the State militia during the war, and along with his fellow signers, Rutledge and Heyward, was captured and held prisoner by the British after the fall of Charleston. Middleton was elected Governor of South Carolina in 1778, but declined the office. He served in the State senate in 1781 and 1782. He was a member of the board of trustees of Charleston College. He is buried in the family mausoleum, at Middleton Place.

Thomas Heyward, Jr.: He was born on his father's plantation, in St. Helena's Parish (now St. Luke's), in South Carolina, on July 28, 1746, and died at White Hall, in St. Luke's Parish, S. C., on March 6, 1809. He studied law in the Middle Temple in London, returned to South Carolina in 1771, and was admitted to the bar. He was a member of the Council of Safety in 1775 and 1776, and served in the Continental Congress from 1776 to 1778. He was 30 years old when he signed the Declaration. Heyward served several terms in the State house of representatives, was an officer in the militia during the war, and was captured by the British at the fall of Charleston, in May 1780, and was imprisoned for a year. He served as judge of the circuit court from 1779 to 1789. He was a member of the State constitutional convention in 1790. He was the founder and served, in 1785, as the first president of the Agricultural Society of South Carolina. He is buried in the family burial ground, on his father's plantation, Old House, in St. Luke's Parish.

Edward Rutledge: He was born in Christ Church Parish, South Carolina, on November 23, 1749, and died in Charleston, on January 23, 1800. Like the other signers from South Carolina, he studied law at the Middle Temple in London. He returned to this country, and was admitted to the bar in South Carolina in 1773. Rutledge served in the Continental Congress from 1774 to 1777, and was the youngest signer of the Declaration, being only 26 years old at the time. He was the brother of John Rutledge, who signed the Constitution and later served as Chief Justice of the United States Supreme Court. Like Middleton and Heyward, Edward served as an officer in the Army, and was captured and imprisoned by the British in May 1780. He served for several years in the State house of representatives, and in 1791 authored the act abolishing the law of primogeniture. In 1794, President Washington tendered him the appointment of Associate Justice of the United States Supreme Court, but he declined the office. He was elected Governor of South Carolina, and served from December 6, 1798, until his death. He married the sister of Arthur Middleton, a fellow signer of the Declaration. He is buried in St. Philip's Churchyard, at Charleston.

Thomas Lynch, Jr.: He was born in Prince George's Parish, Winyah, S. C., on August 5, 1749, and was lost at sea with his wife, sometime in 1779. Lynch, a member of a landed family, was educated at Eton and Cambridge and studied law at the Middle Temple like the other members of his delegation. He returned to America in 1772. Owing to his dislike for law, he did not practice long, preferring to be a planter. Lynch began his service in the Provincial Congress when he was just 25 years old, serving from 1774 to 1776. It was by accident that Lynch became a signer of the Declaration. His father, Thomas Lynch, Sr., was serving as a delegate, and became ill. Thomas Junior was elected to care for, and if necessary to substitute, for, his father, in 1776. The father was too sick to sign the document, and thus Thomas Lynch, Jr., attached his signature to the Declaration. He was 27 years old at the time, just a few months older than Rutledge, who was the youngest signer. Lynch served as an officer in the State militia in 1776. No other signer had so short a life or so sad a story as Thomas Lynch, Jr. Seeking to regain his own health, Lynch and his wife embarked on a sea voyage in 1779, expecting to land in southern France. They both were lost at sea in that year.

GEORGIA

Lyman Hall: He was born in Wallingford, Conn., on April 12, 1724, and died in Burke County, Ga., on October 19, 1790. Hall graduated from Yale College in 1749, studied theology, and preached for a short period of time. He studied medicine, moved to Liberty County, Ga., sometime after 1752, and continued the practice of medicine which he had begun earlier. He was sympathetic to the patriotic cause and was a moving spirit for independence in his State. He served in the Continental Congress from 1775 to 1780. He was 52 years old when he signed the Declaration. With the fall of Savannah, and the destruction of his property, he in 1778 moved his family north, where they lived until 1782. He served as Governor of the State of Georgia in 1783. He was buried on his plantation near Shell Bluff, in Burke County, but in 1848 was reinterred beneath a monument on Greene Street, in front of the courthouse, in Augusta, Ga.

Button Gwinnett: He was born in Down Hatherly, Gloucestershire, England, in 1732, and died near Savannah, Ga., on May 19, 1777. Gwinnett engaged in the mercantile business in Bristol, England, and later immigrated to this country, settling in Charleston, S. C. In 1765 he moved to Savannah, Ga., and continued in the mercantile business. A few years later he moved to St. Catherines Island, Ga., where he engaged in planting. He served in the Continental Congress in 1776 and 1777. He was 44 years old at the time he affixed his signature to the Declaration. From February to March 1777, Gwinnett served as Acting President and Commander in Chief of the State of Georgia. While serving as chief executive of Georgia, he was drawn into a controversy with the military authorities, particularly with Brigadier General Lachlan McIntosh. As a result, a duel ensued between the two men, and both were wounded on May 16, 1777. Gwinnett died a few days later from his wounds. He is buried probably in the Old Colonial Cemetery (now called Colonial Park), in Savannah, Ga.

George Walton: He was born near Farmville, Va., in 1741, and died near Augusta, Ga., on February 2, 1804. Walton attended the common schools, studied law, and was admitted to the bar in 1774. In 1775 he served as secretary of the Provincial Congress, and at the same time served as a member of the Provincial Congress, and at the same time served as a member of the council of safety. Walton served in the Continental Congress from 1776 to 1781 He was 35 years old when he signed the Declaration. Walton also has the distinction of signing the Articles of Confederation. He served as an officer in the First Georgia Battalion, was wounded, captured, and later released by exchange. He served as Governor of Georgia in 1779, and became Chief Justice of that State in 1783, serving until 1786. He served as Governor again in 1789, and Chief Justice in 1793. He was appointed to the United States Senate in 1795, and served until February 1796. In 1799 he was appointed judge of the middle circuit of Georgia, and served in that position until his death. He was buried in Rosney Cemetery, but in 1848 his remains were reburied with those of Lyman Hall, his fellow signer, beneath a monument in front of the court house on Greene Street, in Augusta, Ga.

Sources: Dictionary of American biography. Malone, Dumas. The story of the Declaration of Independence. New York: Oxford University Press, 1954, 282 pp. United States Congress. Biographical directory of the American Congress, 1774–1949. Washington: United States Government Printing Office, 1950.

THE SIGNERS OF THE CONSTITUTION

George Washington, 1732–99, Virginia: Planter, soldier, statesman; colonial officer in French and Indian War; Virginia Legislature; Continental Congress, 1774–75; Commander in Chief of Continental Army; Deputy to Constitutional Convention, President of it; President of the United States, 1789–97; Commander in Chief of United States Provisional Army.

John Langdon, 1741–1819, New Hampshire: Merchant; militia service during Revolution; Continental Congress, 1775–76; New Hampshire Legislature, speaker; Continental Navy agent; President of New Hampshire; Deputy to Constitutional Convention; Governor; United States Senator, 1789–1801.

Nicholas Gilman, 1755–1814, New Hampshire: Statesman; officer in Continental Army; Continental Congress, 1787–88; Deputy to Constitutional Convention; Congressman, 1789–97; New Hampshire senate; United States Senator, 1805–14.

Nathaniel Gorham, 1738–96, Massachusetts: Merchant, landowner; Massachusetts Legislature, speaker; Massachusetts Board of War and constitutional convention; Continental Congress, 1782–83, 1786–87; judge; Delegate to Constitutional Convention, Chairman of Committee of the Whole; Massachusetts Council.

Rufus King, 1755–1827, Massachusetts: Lawyer; Massachusetts Legislature; Continental Congress, 1784–87; Delegate to Constitutional Convention; United States Senator from New York, 1789–96, 1813–25; Minister to Great Britain; Federalist candidate for Vice President and President.

William Samuel Johnson, 1727–1819, Connecticut: Lawyer, Stamp Act Congress; Connecticut agent in England; Connecticut Council; judge; Continental Congress, 1784–87; delegate to Constitutional Convention; United States Senator, 1789–91; president of Columbia College.

Roger Sherman, 1721–93, Connecticut: Shoemaker, lawyer; Connecticut Legislature and Council of Safety; Continental Congress, 1774–81, 1784; signer of Declaration of Independence and Articles of Confederation; delegate to Constitutional Convention; mayor of New Haven; Congressman, 1789–91; United States Senator, 1791–93

Alexander Hamilton, 1757–1804, New York: Lawyer; aide to Washington and line colonel in Continental Army; Continental Congress, 1782–83, 1788; New York Legislature; Annapolis Convention; delegate to Constitutional Convention; part author of Federalist; Secretary of the Treasury, 1789–95; inspector general in United States Provisional Army.

William Livingston, 1723–90, New Jersey: Lawyer; New York Legislature; local New Jersey Committee of Correspondence; Continental Congress, 1774–76; commander of New Jersey Revolutionary militia; Governor of New Jersey; Commissioner to Constitutional Convention.

David Brearley, 1745–90, New Jersey: Lawyer; officer in Continental Army; New Jersey Constitutional Convention: chief justice of New Jersey; Commissioner to Constitutional Convention; United States district judge.

William Paterson, 1745–1806, New Jersey: Lawyer; New Jersey Provincial Congress, Constitutional Convention, Attorney General, and Council; Commissioner to Constitutional Convention; United States Senator, 1789–90; Governor; Chancellor; Associate Justice of Supreme Court, 1793–1806.

Jonathan Dayton, 1760–1824, New Jersey: Landowner; officer in Continental Army; New Jersey Legislature, speaker; Commissioner to Constitutional Convention; Continental Congress, 1788; New Jersey Council; Congressman, 1791–99, Speaker; United States Senator, 1799–1805.

Benjamin Franklin, 1706–90, Pennsylvania: Printer, statesman, scientist, philosopher; Pennsylvania Legislature; Deputy Postmaster General of Colonies; Albany Congress; Colonial agent in England; Continental Congress, 1775–76, signer of Declaration of Independence; Commissioner and Minister to France; President of Pennsylvania; Deputy to Constitutional Convention.

Thomas Mifflin, 1744–1800, Pennsylvania: Merchant, politician; Pennsylvania Legislature, Speaker; Continental Congress, 1774–75, 1782–84, President of it, 1783–84; aide to Washington, major general and quartermaster general in Continental Army; Continental Board of War; Deputy to Constitutional Convention; President of Pensylvania and Governor; Pennsylvania Constitutional Convention.

Robert Morris, 1734–1806, Pennsylvania: Merchant, financier; Continental Congress, 1775–78; signer of Declaration of Independence and Articles of Confederation; Pennsylvania Legislature and Council of Safety; Superintendent of Finance, 1781–84; established Bank of North America; Deputy to Constitutional Convention; United States Senator, 1789–95.

George Clymer, 1739–1813, Pennsylvania: Merchant; Pennsylvania Council of Safety; Continental Congress, 1776–77, 1780–82, signer of Declaration of Independence; Pennsylvania Legislature; Deputy to Constitutional Convention; Congressman, 1789–91.

Thomas Fitzsimons, 1741–1811, Pennsylvania: Merchant, militia officer in Revolution; Pennsylvania Council of Safety and Navy Board; Continental Congress, 1782–83; Pennsylvania Legislature and Board of Censors; Bank of North America; Deputy to Constitutional Convention; Congressman, 1789–95.

Jared Ingersoll, 1749–1822, Pennsylvania: Lawyer; Continental Congress, 1780; Pennsylvania Attorney General; Deputy to Constitutional Convention; United States District Attorney; municipal officer in Philadelphia; judge of Pennsylvania District Court; Federalist candidate for Vice President.

James Wilson, 1742–1798, Pennsylvania: Lawyer; Pennsylvania Provincial Convention; Continental Congress, 1775–77, 1783, 1785, 1786, signer of Declaration of Independence; Continental Board of War; Advocate General for France in America; Deputy to Constitutional Convention; Associate Justice of Supreme Court of the United States, 1789–98.

Gouverneur Morris, 1752–1816, Pennsylvania: Lawyer; New York Provincial Congress and Constitutional Convention; Continental Congress from New York, 1778–79, signer of Articles of Confederation; Assistant Superintendent of Finance; Deputy to Constitutional Convention; special mission to England; Minister to France; United States Senator from New York, 1800–03.

George Read, 1733–98, Delaware: Lawyer; Delaware attorney general and Legislature; Continental Congress, 1774–77, signer of Declaration of Independence; Delaware Constitutional Convention and Council; Continental Court of Appeals; Annapolis Convention; Deputy to Constitutional Convention; United States Senator, 1789–93; Chief Justice of Delaware.

Gunning Bedford, Jr., 1747–1812, Delaware: Lawyer; Delaware Legislature and Council; Continental Congress, 1783–85; Delaware attorney general; Annapolis Convention; Deputy to Constitutional Convention; United States district judge.

Jacob Broom, 1752–1810, Delaware: Surveyor, businessman, manufacturer; Deputy to Constitutional Convention; borough officer in Wilmington; Delaware Legislature; postmaster at Wilmington; bank director.

Richard Bassett, 1745–1815, Delaware: Lawyer; militia service in Revolution; Delaware Council of Safety, Legislature, and Constitutional Convention; Annapolis Convention; Deputy to Constitutional Convention; United States Senator, 1789–93; judge of Delaware Court of Common Pleas; Governor; United States circuit judge, but office soon abolished.

John Dickinson, 1732–1808, Delaware: Lawyer; Delaware and Pennsylvania Legislatures, speaker in Delaware; Stamp Act Congress; Continental Congress, 1774–76, 1779, signer of Articles of Confederation; president of Delaware; president of Pennsylvania; Annapolis Convention; Deputy from Delaware to Constitutional Convention. (Though not present at the signing, his signature was added, at his request, by George Read of Delaware.)

James McHenry, 1753–1816, Maryland: Physician; surgeon in Continental Army, military secretary to Washington, aide to Lafayette; Maryland Legislature; Continental Congress, 1783–85; Deputy to Constitutional Convention; Secretary of War, 1796–1800.

Daniel of St. Thomas Jenifer, 1723–90, Maryland: Planter; agent and receiver general for lord proprietary of Maryland; Maryland Legislature, Council, council of safety, and president of senate; Continental Congress, 1779–81; Maryland-Virginia Conference of 1785; Deputy to Constitutional Convention.

Daniel Carroll, 1730–96, Maryland: Planter; Continental Congress, 1781–83, signer of Articles of Confederation; Deputy to Constitutional Convention; Congressman, 1789–91; Commissioner for District of Columbia.

John Blair, 1732–1800, Virginia: Lawyer; Virginia Legislature, Provincial Convention, and Council; judge of General Court and Chancery of Virginia; deputy to Constitutional Convention; Associate Justice of the Supreme Court of the United States, 1789–96.

James Madison, 1751–1836, Virginia: Lawyer, statesman; Virginia Convention, Legislature, and Council; Continental Congress, 1780–83, 1787–88; Virginia-Maryland Conference of 1785; Annapolis Convention; deputy to Constitutional Convention; part author of Federalist; Congressman, 1789–97; Secretary of State, 1801–09; President of the United States, 1809–17; Virginia Constitutional Convention; rector of University of Virginia.

William Blount, 1749–1800, North Carolina: Landowner; paymaster in Continental Army; North Carolina Legislature, Speaker; Continental Congress, 1728–83, 1786–87; deputy to Constitutional Convention; Governor of Territory South of the Ohio River and Superintendent of Indian Affairs; Tennessee Constitutional Convention; United States Senator from Tennessee, 1796–97; Tennessee senate.

Richard Dobbs Spaight, 1758–1802, North Carolina: Planter; North Carolina Legislature; Continental Congress, 1783–85; deputy to Constitutional Convention; Governor of North Carolina; Congressman, 1798–1801; North Carolina Senate.

Hugh Williamson, 1735–1819, North Carolina: Merchant, physician; surgeon general of North Carolina militia; North Carolina Legislature; Continental Congress, 1782–85, 1787–88; deputy to Constitutional Convention; Congressman, 1789–93.

John Rutledge, 1739–1800, South Carolina: Lawyer; South Carolina Legislature; Stamp Act Congress; Continental Congress, 1774–75, 1782–83; South Carolina Council of Safety, Constitutional Convention, President, and Governor; judge of Chancery Court; deputy to Constitutional Convention; Associate Justice of Supreme Court of United States, 1789–91; Chief Justice of South Carolina.

Charles Cotesworth Pinckney, 1746–1825, South Carolina: Lawyer, soldier; South Carolina Provincial Congress, Council of Safety, Legislature, and President of Senate; colonel in Continental Army; deputy to Constitutional Convention; declined Cabinet positions; Minister to France; major general in United States Provisonal Army; candidate for President.

Charles Pinckney, 1757–1824, South Carolina: Lawyer; militia service in Revolution; South Carolina Legislature; Continental Congress, 1784–87; deputy to Constitutional Convention; South Carolina Council, Governor, and Constitutional Convention; United States Senator, 1799–1801; Minister to Spain; Congressman, 1819–21.

Pierce Butler, 1744–1822, South Carolina: Planter; officer in British Army before the Revolution; South Carolina Legislature; Continental Congress, 1787; deputy to Constitutional Convention; United States Senator, 1789–96, 1803–04.

William Few, 1748–1828, Georgia: Lawyer; Georgia Constitutional Convention, Legislature, and Council; militia service in Revolution; judge of Georgia County and Circuit Courts; Continental Congress, 1780–82, 1786–88; deputy to Constitutional Convention; United States Senator, 1789–93; New York Legislature and prison inspector; bank director; New York City Alderman.

Abraham Baldwin, 1754–1807, Georgia: Clergyman, lawyer; tutor at Yale; chaplain in Continental Army; Georgia Legislature; author of charter and president of University of Georgia; Continental Congress, 1785, 1788; deputy to Constitutional Convention; Congressman, 1789–99; United States Senator, 1799–1807.

Source: The Story of the Constitution, Sol Bloom, 1937, pages 54–64.

FPC Should Say "No" on the Canadian Gas Issue

EXTENSION OF REMARKS

OF

HON. EUGENE SILER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1957

Mr. SILER. Mr. Speaker, the State of Kentucky has a very important stake in the Canadian gas hearings now being held by the Federal Power Commission. Only West Virginia and Pennsylvania produce more coal than Kentucky, but our State's comparative position will become even further enhanced because neither of those States has the coal reserve strength of Kentucky. Beneath the soil within the boundaries of Kentucky are almost 60 billion tons of recoverable coal reserves—enough to last for approximately 900 years at the present rate of production.

Our mines have a working force of perhaps 40,000 men, and the wages which go into their paychecks have a very decided impact upon the business establishments within the 3 counties in eastern Kentucky and the 12 in western

Kentucky where bituminous coal is produced. Next to agriculture, coal has the highest value in products and is the biggest employer in the entire State. Kentucky cannot enjoy complete economic progress without a vigorous coal industry.

When a foreign product enters fuel markets of the Middle West or of the eastern portion of the United States, Kentucky's economy is injured. The millions of barrels of residual oil that have flowed onto the Atlantic seaboard from foreign refineries over the past decade have had a most injurious effect upon the Kentucky coal industry. That oil has also been responsible for loss of revenues and wages in the railroad industry of our State, and it has ultimately affected all wage earners—from bootblack to service station operator, from haberdasher to washing machine salesmen. The losses extend into our State, county, and local exchequers, into our churches, and into our charitable organizations.

Attempts to bring Canadian gas into the markets now being served by coal constitute another intended raid upon an industry that has already sustained more than its share of hardships through unwise import policies. The ambitious programs, of which the gas import plan is the latest venture, projected by world fuel merchants are astounding in their absolute disdain for domestic industry and labor. Save for the substantial profits that are to be realized by the pipeline people, what other gains would be forthcoming?

To exhaust a limited fuel resource such as natural gas while billions of tons of lignite and bituminous coal are within easy reach of consuming areas would be an extravagant use of a scarce source of energy regardless of where in nature's storehouse it may occur. At first glance into the Canadian gas proposals, a United States citizen might be inclined to say: "Let Canada send her natural gas into this country so that we can preserve our own resources." Even without concern for the American workers who would lose their jobs as a consequence, this simple conclusion is loaded with question marks.

What assurance have customers in the Midwest of a firm supply of a foreign product? Canadian statesmen have said time and again that the Dominion's newly discovered natural-gas supply should be reserved for use in Canadian homes and industries. If, after a few short years, those who advocate this policy succeed in having their views prevail, what would happen to those customers who meanwhile come to depend on Canadian gas?

Price of natural gas is a subject that has occupied considerable time on Capitol Hill and in the executive department for several year. It certainly cannot be arbitrarily dismissed in the Federal Power Commission hearings on the Canadian gas cases.

Who is to say that the controlling pipeline interests—or any segment thereof, whether it be producer or distributor—would not burden American customers with exorbitant price increases once this market had been seized and consolidated? The proposed pipeline to the Middle West from the Canadian line would bear the same public-utility status enjoyed by other lines throughout America, thus creating a fuel monopoly as soon as coal and competing oil products were displaced. When competition is out of the way, how high the price of imported gas would go is a matter over which no Federal, State, or local government body in the United States would have control.

Another question pertains to possible high export taxes that are quite likely to be imposed by the Canadian Government at some time in the future. How to get enough revenue to meet government spending is a perennial problem practically the world over. To levy a substantial tax upon a foreign consumer is a legal and accepted device that is naturally to be anticipated.

Let me make it clear that I am not challenging the integrity of the Government of Canada or its party in power. There has already been so much talk about the fantastic profits made by American investors in the pipeline that putting the squeeze on a United States consumer beholden to a fuel produced in the Dominion would seem the logical approach to bringing some of the dollars back across the border.

Until an assortment of global-minded officials in the State Department began to assume a progressively greater degree of power in the making of foreign-trade treaties two decades or so ago, equitable foreign-trade agreements were the recognized instrumentalities of international commerce. Since the so-called liberal element in Washington began to make fantastic concessions at the expense of our own industries and working forces, it has admittedly become very difficult to erect any semblance of protection against the onrush of foreign goods.

Perhaps the recent statement of Canada's new Prime Minister will bolster our chances of ruling out this new threat to the American coal industry. The Wall Street Journal for July 8 reported from Ottawa:

> Canada's new conservative government hopes to switch 15 percent of the nation's imports from the United States to Great Britain in a move that could slice more than $600 million a year from American exports now flowing into Canada at upward of $4 billion annually. Canada's newly elected Prime Minister John Diefenbaker told a press conference the switch from United States to United Kingdom wares is the foundation of his proposal for a British Commonwealth conference he wants to hold here.

In the light of this declaration, it would seem a sensible and easy matter for the Federal Power Commission to refuse extension of the Canadian pipeline into American markets. If an explanation is needed, the FPC need only point out that the decision is in the interest of the general welfare of the United States.

On the assumption that the Commission will follow this patriotic course, let me say that thousands of coal miners and railroad workers in Kentucky and neighboring States will be highly appreciative of this wise and considerate decision.