Washington Star today. This editorial points out that the bill in its present form involves a "cost in damage to one civil right demanded as the price of strengthening another."

"There is no doubt that such costs are inherent in the bill," the editorial asserts. This editorial might well have been entitled "Stop—Look—Consider."

Mr. President, this is a question that is entirely aside from the merits of the pro- or anti-civil-rights argument. It is a question that goes specifically to language in the bill that goes far beyond anything proposed in recent years by even the most burning advocate of so-called civil rights.

The public is now aware of what it really is—and I believe that when our people are informed, they can reach sound and sensible conclusions.

Mr. President, I had intended to ask unanimous consent that the Washington Star editorial be printed in the CONGRESSIONAL RECORD, but, since my colleague [Mr. TALMADGE] has had it printed, of course I shall not duplicate his request.

Name, Rank, and Serial Number No Longer Enough in War?

EXTENSION OF REMARKS

OF

HON. ALFRED D. SIEMINSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1957

Mr. SIEMINSKI. Mr. Speaker, not a single Member of this House would deliberately water down the right of our GI's as prisoners of war to rely solely on giving their name, rank, and serial number to guarantee fair and humane treatment.

Our GI's are instructed to remain silent on every point that might be helpful to the enemy except giving, in courteous response, their name, rank, and serial number. Information on troop disposition, terrain, and changing situations the enemy must obtain on his own.

I hope, Mr. Speaker, that we in the Congress are not unwittingly placing in the hands of others a precedent that could be used against our boys to require them to give more information than just their name, rank, and serial number.

Could not a future wartime enemy say, in effect, "Look, GI, your own Congress requires witnesses to give more than just their name, address, and occupation. They must testify about others, else they are held in contempt. What is good enough for your Congress is good enough for us. So give with the information. Who was on your left flank? What outfit was on your right flank? Else, take the consequences."

I trust my fears in this regard are ill-founded, Mr. Speaker.

SENATE

FRIDAY, JULY 12, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 10:30 o'clock a. m., on the expiration of the recess.

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

Our Father, God, for a hallowed moment snatched from the pressing concerns of state we bow in reverence at this wayside altar of prayer. Against all odds and obstacles and amid all differences and contentions may we keep our love of life, our sense of humor, our delight in friendship, our hunger for new knowledge, our hatred of pretense, and our intolerance for what our hearts tell us is false and degrading. Quicken our love of America at its best, that we may see the shining glory of the Republic both as a heritage and a trust.

We ask it in the name of that Holy One whose truth will make all men free. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Thursday, July 11, 1957, was approved, and its reading was dispensed with.

MESSAGES FROM THE PRESIDENT

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

LEAVE OF ABSENCE

On request of Mr. JOHNSON of Texas, and by unanimous consent, Mr. ANDERSON was excused from attendance on the sessions of the Senate on Monday and Tuesday next, July 16 and 17, 1957.

CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, the value of Senate procedures has very definitely been demonstrated—and demonstrated dramatically—by the debate of the past few days.

When this debate opened, it was generally assumed that the issue was a simple yes-or-no proposition. I believe that most thoughtful men now agree that there are serious issues which must be explored carefully and prudently.

There are still those, of course, who believe that the Senate should operate on the basis of "get out of town by sundown." But I doubt whether they will impress the Senate or the great majority of our people.

The course of this discussion thus far has made me very proud of a number of basic American institutions.

First, I am proud of the Senate. Not only have the speeches been of a high caliber, but they have been accompanied by searching, probing questions and colloquies which indicate a sincere and earnest desire to arrive at the facts.

Second, I am proud of the press. I believe it is a real tribute to our great and free newspapers that they have demonstrated a capacity not only to present facts which are called to their attention, but to have second thoughts. It is obvious that at least the editorial writers are reading the CONGRESSIONAL RECORD and are keeping abreast of the Senate debates.

Third, I am proud of the reaction of our people as it has been expressed to us directly in conversations, and through the mail. The people have not been dogmatic or arbitrary, but have realized that it is not possible to reach conclusions in advance of the testimony or the receipt of the evidence.

There will be some who insist that it is little short of treason to dot a single "i" or cross a single "t" in passing the civil rights bill. There will be others who will insist that it is the height of infamy to approve a single "i" or cross a single "t."

But I think the American people have more sense that that.

I believe they expect the Senate to consider this far-reaching measure carefully. I believe they want it to be debated to a point where there is little question of the facts.

In view of the situation which confronts us—having to consider a bill without the evaluation of a committee report—it is all the more necessary that we proceed with care in our discussion.

I think the American people want Senators who are honestly convinced the bill is bad to vote against it, and those who are convinced the bill is good to vote for it. And I think they want Senators who believe changes are necessary to press those changes vigorously.

It is the essence of human nature for those who are deeply interested in a project to assume that there is some form of degradation in departing 1 inch from a position. It would be surprising if this feeling were absent from this issue.

But there is a national interest which transcends partisan considerations. That national interest requires us to explore every avenue until we know the facts and then to vote our firm and honest convictions.

No matter how we vote on this issue, someone will be disappointed. There is no partisan position which is universally popular and which will lead to overwhelming adulation.

There is only one clear-cut path. It is to examine the facts and vote accordingly. We must reason together and try to arrive at a position which will serve all the people of America according to the standards of decency and traditional freedoms.

I interpret the debate and the activities of my colleagues during the last few days along those lines. There have been no deals, no compromises, no trading of principles of which I am aware.

This is the climate which can enable the Senate to arrive at a decision and I believe Senators on both sides of the aisle

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are to be congratulated for maintaining this attitude. So long as we remain with it, the country will not be disappointed.

Mr. President, I believe the thoughtful approach of the American people to this issue is reflected in an editorial which appeared in the Baltimore Sun this morning.

This editorial says, in part:

This function [of the Senate] is to weigh and deliberate, to ponder and evaluate, to measure logic against practicability, and speed against the prospect of disorder.

Mr. President, I ask unanimous consent that this editorial be printed in the body of 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 Baltimore Sun of July 12, 1957]

DELIBERATE SPEED

So far the Senate dramatizes one of its essential functions in the debate on the administration's civil rights bill. This function is to weigh and deliberate, to ponder and evaluate, to measure logic against practicability, and speed against the prospect of disorder. The House, being a somewhat different kind of body, can frequently pass measures which slow to a walk in the Senate. If civil rights has slowed down in the Senate there are good reasons.

A major reason certainly was Senator RUSSELL'S startling claim that the administration bill masked a program for enforcing not merely voting rights but school desegregation, and not merely by court injunctions but by military might. This was not an altogether new point nor was the employment of Federal troops a foreseeable likelihood. The relevant passages of the proposed bill had been discussed in the hearings. But when a man of Senator RUSSELL'S standing raised the issue in the dramatic form of his address it raised a stop, look, and listen sign which all official Washington is now busy heeding.

The necessities of a solution in this matter are not, after all, mysterious. There is a large group of Americans in the Southern States who enjoy less than the full rights of citizens. But deeply rooted social conventions explain this. Deeply rooted social conventions are often open to logical attack but they possess an alogical tenacity which more than mere logic would be required to knock down all at once. This is what the Supreme Court had in mind when it called not just for speed in the application of its school desegregation order, but for deliberate speed.

What the Senate now exhibits is a disposition to proceed in the spirit of the Court's formula. It is feeling for just the proper pitch of pressure in behalf of civil rights which will insure progress but ward off deadlock and showdown. The bill as introduced denied jury trials to persons accused of contempt for violating court orders in behalf of civil rights. There is now sober Senate talk of a jury-trial amendment. The bill as introduced would have fortified voting rights in the South, but would have touched desegregation and other matters as well. There is sober Senate talk now of limiting the bill to voting rights alone. The Senate, in a word, is behaving like a deliberative body which wants to make only deliberate speed.

The PRESIDENT pro tempore. The order entered yesterday provided for a morning hour today for the transaction of routine business. Such business is now in order.

EXECUTIVE COMMUNICATIONS, ETC.

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

APPOINTMENT OF ADMIRAL ARTHUR W. RADFORD TO PERMANENT GRADE OF ADMIRAL

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize the appointment of Admiral Arthur W. Radford, United States Navy, to the permanent grade of admiral in the Navy (with an accompanying paper); to the Committee on Armed Services.

DESIGNATION OF BUREAU OF YARDS AND DOCKS AS THE BUREAU OF CIVIL ENGINEERING

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to change the designation of the Bureau of Yards and Docks to the Bureau of Civil Engineering, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT ON BORROWING AUTHORITY

A letter from the Director, Office of Defense Mobilization, Executive Office of the President, transmitting, pursuant to law, a report on borrowing authority, for the quarter ended March 31, 1957 (with an accompanying report); to the Committee on Banking and Currency.

AUDIT REPORT ON PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Panama Canal Company and the Canal Zone Government, for the fiscal year ended June 30, 1956 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PAYMENT OF CLAIMS ON ACCOUNT OF CORRECTION OF MILITARY RECORDS OF COAST GUARD PERSONNEL

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report covering claims paid during the 6 months' period ended June 30, 1957, on account of the correction of military records of Coast Guard personnel (with an accompanying report); to the Committee on the Judiciary.

ADMISSION OF DISPLACED PERSONS—WITHDRAWAL OF NAMES

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the names of certain aliens from reports transmitted to the Senate, pursuant to section 4 of the Displaced Persons Act of 1948, as amended, with a view to the adjustment of their immigration status (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A letter, in the nature of a petition, from the Smithsonian Institution Astrophysical Observatory, Cambridge, Mass., signed by Fred L. Whipple, director, favoring the enactment of House bill 7431, to implement the establishment of a geophysical institute in the Territory of Hawaii; to the Committee on Appropriations.

A resolution adopted by the Louisiana Annual Conference of the Methodist Church, at Shreveport, La., favoring the enactment of legislation to prohibit the transportation of alcoholic beverage advertising in interstate commerce; to the Committee on Interstate and Foreign Commerce.

CARE AND TREATMENT OF NARCOTIC DRUG ADDICTS—RESOLUTION OF NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Mr. JAVITS. As a former member of the National Association of Attorneys General, I ask to have printed in the RECORD a resolution adopted at the 51st annual meeting of that association, on the subject of Federal legislation concerning the care and treatment of narcotic addicts. The meeting was held at Sun Valley recently. The resolution urges the attention of this body to the bills pending on the subject, which I can testify, from my own experience, are urgenty important.

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

RESOLUTION OF THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL FAVORING FEDERAL LEGISLATION CONCERNING CARE AND TREATMENT OF NARCOTIC DRUG ADDICTS

Be it resolved by the 51st annual meeting of the National Association of Attorneys General at Sun Valley, Idaho, June 26, 1957, That this association hereby urges and supports the enactment by the 85th Congress of Senate bills 980, 981, and 982, which bills authorize the Surgeon General to admit into Federal hosiptals, addicts committed for care by State courts; establish a suitable aftercare posthospital program for the drug addict; create an Advisory Committee on Drug Addiction in the Department of Health, Education, and Welfare, create a Federal facility for the treatment of drug addiction to be located in one of the Pacific Coast States.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H. R. 8090. An act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes (Rept. No. 609).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following executive report of a committee was submitted:

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

Executive C, 84th Congress, 2d session. Convention for the Promotion of Inter-American Cultural Relations; without reservation (Ex. Rept. No. 7).

BILLS INTRODUCED

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

By Mr. GORE:

S. 2531. A bill to authorize the conveyance of certain lands within the Old Hickory lock and dam project, Cumberland River, Tenn., to Middle Tennessee Council, Inc., Boy Scouts of America, for recreation and camping purposes; to the Committee on Public Works.

By Mr. MURRAY:

S. 2532. A bill for the relief of Leonard Mitchell; to the Committee on the Judiciary.

By Mr. HUMPHREY (by request):

S. 2533. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to lease space for Federal agencies for periods not exceeding 15 years, and for other purposes; to the Committee on Government Operations.

By Mr. GORE:

S. 2534. A bill to amend title II of the Social Security Act to include Tennessee among the States which may obtain social-security coverage, under State agreement for State and local policemen and firemen; to the Committee on Finance.

By Mr. CHAVEZ (by request):

S. 2535. A bill to amend the Alaska Public Works Act (63 Stat. 627, 48 U. S. C., 486, et seq.) to clarify the authority of the Secretary of the Interior to convey federally owned land utilized in the furnishing of public works; to the Committee on Public Works.

By Mr. BARRETT (by request):

S. 2536. A bill to grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PURTELL:

S. 2537. A bill for the relief of Sima Dubitzky; to the Committee on the Judiciary.

By Mr. POTTER:

S. 2538. A bill for the relief of Florica Bogden; and

S. 2539. A bill for the relief of Kathleen Lisa Casteel; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. BRICKER, Mr. PASTORE, Mr. SCHOEPPEL, Mr. SMATHERS, Mr. BUTLER, Mr. BIBLE, Mr. POTTER, Mr. THURMOND, Mr. PAYNE, Mr. YARBOROUGH, and Mr. COTTON):

S. 2540. A bill to amend sections 402, 801, 802, and 1102 of the Civil Aeronautics Act of 1938, as amended; to the Committee on Interstate and Foreign Commerce.

RESOLUTION

EAST COAST SHIP & YACHT CORP.—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. PURTELL submitted the following resolution (S. Res. 162), which was referred to the Committee on the Judiciary:

Resolved, That the bill (S. 2492) entitled "A bill for the relief of the East Coast Ship & Yacht Corp., of Noank, Conn.," now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

CIVIL RIGHTS—AMENDMENTS

Mr. RUSSELL submitted amendments, intended to be proposed by him, to 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, which were ordered to lie on the table and to be printed.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO PUBLIC WORKS APPROPRIATION BILL, 1958

Mr. ELLENDER submitted the following notices in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8090) making appropriations for the civil functions administered by the Department of the Army and certain agencies of the Department of the Interior for the fiscal year ending June 30, 1958, and for other purposes, the following amendments namely:

On page 4, line 21, after the word "litigation", insert: ": *Provided further*, That not to exceed $3,500,000 of the funds herein or hereafter provided for the Plaquemine-Morgan City alternate route, shall be available for the construction of a four-lane, high level, fixed bridge on Louisiana State Highway No. 1 (formerly route 168) over the extension of the Plaquemine-Morgan City route of the Gulf Intracoastal Waterway in West Baton Rouge Parish, La."

On page 4, line 21, after the word "litigation", insert: ": *Provided further*, That the Secretary of the Army shall advance to the North Dakota State Water Conservation Commission out of funds herein or hereafter appropriated for the Garrison project, North Dakota, 50 percent of the cost, but not to exceed $40,000, for the construction of works to improve the productivity and fertility of Government-owned lands within the Garrison Reservoir, N. Dak., formerly part of the Lewis and Clark Irrigation District, subject, however, to a mutual agreement being reached by the Chief of Engineers, the North Dakota State Water Conservation Commission, and the lessees using the land for the full repayment of the funds advanced by the Federal Government within a period of 10 years."

On page 4, line 21, after the word "litigation," insert: ": *Provided further*, That the contribution by local interests toward construction of the Ferrell's Bridge Reservoir, Tex., as required by Public Law 160, 84th Congress, may be made in two equal installments of 50 percent each, payable on January 1, 1958, and September 1, 1958, and that title to the proportionate share of the water supply storage authorized in said reservoir shall pass to such local interests upon completion of each of the separate payments."

Mr. ELLENDER also submitted an amendment, intended to be proposed by him, to House bill 8090, making appropriations for the civil functions administered by the Department of the Army and certain agencies of the Department of the Interior for the fiscal year ending June 30, 1958, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8090) making appropriations for the civil functions administered by the Department of the Army and certain agencies of the Department of the Interior for the fiscal year ending June 30, 1958, and for other purposes, the following amendment, namely:

On page 10, line 18, after "consumers", insert: ": *Provided further*, That any portion of this or prior appropriations available for the construction of extensions to the distribution system of the Southern San Joaquin Municipal Utility District may be expended without regard to the land certification requirement under this heading in the Interior Department Appropriation Act, 1953 (60 Stat. 445), after the execution and approval of a contract which obligates the entire district to repay the cost of such facilities."

Mr. ELLENDER also submitted an amendment, intended to be proposed by him, to House bill 8090, making appropriations for the civil functions administered by the Department of the Army and certain agencies of the Department of the Interior for the fiscal year ending June 30, 1958, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

CONVENTION WITH PAKISTAN, RELATING TO AVOIDANCE OF DOUBLE TAXATION—REMOVAL OF INJUNCTION OF SECRECY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that, as in executive session, the injunction of secrecy be removed from a convention with Pakistan for the avoidance of double taxation, transmitted to the Senate today by the President.

The PRESIDING OFFICER (Mr. CLARK in the chair). Without objection, the ban of secrecy is removed from Executive N, 85th Congress, 1st session, a convention between the United States of America and Pakistan for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Washington on July 1, 1957; and the convention, together with the President's message, will be referred to the Committee on Foreign Relations, and the President's message will be printed in the RECORD. The Chair hears no objection.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States of America and Pakistan for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Washington on July 1, 1957.

I transmit also for the information of the Senate the report by the Secretary of State with respect to the proposed convention.

The convention has the approval of the Department of State and the Department of the Treasury.

DWIGHT D. EISENHOWER.

(Enclosures: 1. Report by the Secretary of State; 2. Income-tax convention with Pakistan.)

The WHITE HOUSE, *July 12, 1957*.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were

referred to the Committee on Armed Services.

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

ADDRESSES, EDITORIALS, ARTICLES, AND SO FORTH, PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. NEUBERGER:

Article entitled "Billboards Blight Highway Sites; Senate Bill Provides Regulation," written by him and published in the Oregon Democrat of July 4, 1957.

THE GUIDED MISSILE PROGRAM

Mr. SYMINGTON. Mr. President, on the front page of the New York Times this morning appeared an article, Navaho Missile Being Discarded—Air Force Reports Shortage of Funds After $500 Million Is Spent on Weapon.

The article stated that Secretary Douglas predicted the curtailment as a result of congressional action on budget requests.

When I referred this to Secretary Douglas this morning, he said:

I made no such statement.

Secretary Douglas' problem is one created by the administration, not by Congress, because President Eisenhower has now agreed to tailor the Defense program to the demands of the Treasury.

It is very hard to cut through the doubletalk now contained in the various Pentagon releases, but this article again verifies just where we are headed in the defense field.

It points up that over half a billion dollars is being scrapped through the cancellation of a program which, because of its great potential merit, has been going ahead for over 10 years.

Inasmuch as the supersonic Navaho would be far more accurate than any ballistic missile, once again there is evidence that the only defense for which the United States is really planning is one of massive retaliation; because cancellation of the Navaho eliminates the supersonic weapon which would give the accuracy necessary in limited war.

This official announcement is but another nail in the coffin of our efforts towards disarmament; because why should the Russians agree to any mutual disarmament, when they can read in the papers that, because of an alleged lack of resources, we continue to disarm unilaterally.

THE CORDINER REPORT

Mr. SYMINGTON. Mr. President, over a year ago, President Eisenhower appointed the Defense Advisory Committee on Professional and Technical Compensation.

This Committee was chaired by Ralph Cordiner, president of the General Electric Co. It included such other nationally known experts in this field as Carter Burgess, former Assistant Secretary of Defense in charge of Manpower, now president of TWA, and Adm. William Fechteler, former Chief of Naval Operations.

Over 2 months ago Mr. Cordiner issued his report; and thereupon in conjunction with my colleague, the distinguished junior Senator from Arizona, I introduced S. 2014 to implement this report.

For reasons best known to the President, however, President Eisenhower has now discarded these recommendations even though this, his Committee, spent over a year analyzing how to overcome the tremendous waste incident to such problems as losing first-term enlistees to private industry once they had been adequately trained by means of the money of the American taxpayer.

Mr. President, I ask unanimous consent to include in the RECORD at this point an excellent editorial from the St. Louis Globe-Democrat of July 3, entitled "Enact the Cordiner Report."

I also ask unanimous consent to include at this point in the RECORD another excellent editorial of Tuesday, July 9, from the St. Louis Post-Dispatch, entitled, "Savings on Defense."

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

[From the St. Louis Globe-Democrat of July 3, 1957]

ENACT THE CORDINER REPORT

More than 3 months ago the Cordiner Committee, named for its Chairman, Ralph J. Cordiner, president of the General Electric Co., submitted a report based on its study for more than a year of the military manpower problem.

Shortly after the report was accepted and approved by the Department of Defense, Senator SYMINGTON introduced a bill in the Senate implementing the report.

The Cordiner report and the Symington bill proposes a modern compensation plan to pay people what their services are actually worth, instead of paying them on the basis of longevity of service. In this way the Government can encourage and reward outstanding performance, advanced skills and military career for high quality personnel.

They further propose a management manpower plan designed to give the Department of Defense greater flexibility and control over the distribution of skills and experience in the services, and to provide a means for proper and effective administration of the pay plan.

The entire emphasis is on quality rather than quantity.

It has been estimated that the implementation of the Cordiner report would save the Government $5 billion annually. It provides a reasonable and practical solution to the problem of high personnel turnover and excessive retraining costs.

The greatest problem of the Defense Establishment today is the turnover of military manpower. Hundreds of thousands of young men leave the services upon the expiration of their enlistment or contract period. This requires a continuing retraining, at a very high cost, of qualified officers and men to man the Nation's defenses.

This high turnover is brought about by a number of reasons, not the least of which is inadequate compensation compared to similar skills and similar responsibilities in private industry. Its cost to the taxpayer is perfectly enormous, while the continuing low proportion of veteran personnel weakens the defense of the Nation.

President Eisenhower appointed the strongest possible committee to assist Mr. Cordiner. Up to this time, however, he has refused to implement the Cordiner report, due primarily to fear that proper recognition of pay in the Defense Establishment might lead to similar demands in other parts of the Federal Government.

The obvious answer to this is that the Defense Establishment, because of its military nature and because it must serve where it is ordered and frequently in great peril, compared to the lack of hazard and free choice of the remainder of the civil service part, makes a noncomparable situation.

Conversely, should the Cordiner report do what its sponsors believe it will for the Defense Establishment, it might be well to apply this sound business management to other branches of the Federal Government on the same basis, notably in such unwieldy structures as the Post Office Department.

The President should endorse and work for the passage of the Symington bill, which promises so much for the strength of America.

[From the St. Louis Post-Dispatch of July 9, 1957]

SAVING ON DEFENSE

Grievous charges of waste, inefficiency, and inadequacy have been made against the Pentagon by Senator PAUL H. DOUGLAS, of Illinois, and Senator STUART SYMINGTON, of Missouri, in the debate on the current military appropriations bill. The charges have been most persuasively documented.

This foreshadows a perhaps bitter struggle between Congress and the Administration, and between Pentagon leaders and the Administration. It will revolve primarily around military pay increases recommended by a committee under Ralph J. Cordiner, president of General Electric. The Pentagon men say that its adoption would reduce the expensive turnover of military personnel. The Administration, however, is opposed, apparently for immediate fiscal reasons. Senator SYMINGTON and others on the Hill are for the plan because they see economies in it. More will be heard about it when Senate hearings get under way. Meanwhile the whole question of Pentagon spending has been brought under vigorous review.

Senator DOUGLAS calls for a more careful and thoughtful use of the Pentagon's billions. He thinks that relatively more money ought to go into the training and equipment of troops. He is convinced that substantial savings could be achieved if the Defense Department would act in accordance with its obligation to purchase standard equipment only after competitive bidding. He also thinks there is undue emphasis on luxury items.

Senator SYMINGTON asked why "President Eisenhower continues in opposition to the various practical methods now available for obtaining more military defense for less cost."

The Missourian specifically mentioned the Cordiner report which holds forth an eventual saving of five billions while strengthening American military personnel. He also cited the failure to reexamine outdated strategic stockpiling and industrial reserve programs. He deplored the unwillingness to undertake genuine weapons evaluation. He was critical of a policy which he says "amounts to giving each of the three services a claim to develop within itself a capability for total war—exactly what each service is doing, or at least trying to do—at tremendous unnecessary expense to the taxpayer."

Both Senators made it very clear that they are eager to enhance rather than to reduce national security. But their observations sharpened the fear that the United States may be drifting into a position in which it will be capable of devastating nuclear war but not equal to limited conflicts—and this

despite the fact international commitments could involve us in such troubles.

Senator SYMINGTON accused the Administration of a strange kind of unilateral disarmament which actually makes it more difficult to achieve meaningful agreements in London. Senator DOUGLAS says that two nonnuclear combat divisions could be created at the same time his savings are made.

The taxpayers should be grateful indeed for this analysis of hundreds and hundreds of items of military expenditure—a task made all the more tedious by the use of the Pentagon's "secret" stamp to cover routine information—and a clear indication of how defense dollars could be better spent.

Unfortunately, the record shows that the Pentagon has a gift for overlooking Congressional counsel and commands. But eventually the watchfulness and the constructive criticism of vigilant Senators and Representatives should bring the Pentagon to a greater degree of respect for the people's dollars.

Mr. SYMINGTON. Mr. President, day after tomorrow—Sunday, July 14—Mr. Cordiner, one of America's greatest industrialists, is going on the television program Meet the Press. At that time he will report to the American people, in detail, about this incredible waste. I respectfully urge every Member of the Congress to listen to him if possible.

The report of the Cordiner Committee states that if its recommendations were adopted, over $5 billion annually would be saved within 5 years.

I do not say that every single item in the Cordiner report is correct; but I do say that nobody can deny the merit behind the philosophy of the report.

Every day that now goes by without utilization of the recommendations of this able and experienced committee is costing the American taxpayer millions of dollars—millions of dollars a day.

We are now disarming unilaterally as we negotiate mutual disarmament with the Soviet. Our justification is the assertion we cannot afford to spend the resources to do otherwise.

I personally believe this Nation can afford to expend whatever is necessary to remain strong in order to remain free; but to those who dissent from that position, I say the least we can do is put into force the waste-saving recommendations of the Cordiner Committee.

Mr. GOLDWATER. Mr. President, a common but unhealthy practice in modern-day politics is that of appointing a committee to study a problem, then ignoring the suggestions of that committee after the public effects of apparent action have been achieved. When it became obvious that the American people were fed up with excesses in the spending of the Government, the Hoover Commission was appointed, and to this day there still remain some of the most important suggestions of that group to be put into effect.

On March 23, 1956, one of the ablest committees ever appointed by the Government, under the chairmanship of Ralph J. Cordiner, started out to discover ways and means to overcome what has been described by some of our most experienced generals as the most serious problem of our defense—namely, the retention of trained personnel in the armed services. On May 7 of this year the Cordiner report was submitted to the Secretary of Defense, and on that day the Secretary of Defense, himself a man of action, said:

> I appreciate the strong, constructive recommendations they have made for a long-range solution of our manpower problem.

He recognized in his statement of that date that it was necessary to pay our expensively trained people according to the value of the work they do. That was on May 7, but to date not only has full action on the Cordiner report been objected to by the Bureau of the Budget, but, likewise, legislation which has been introduced to implement it has received no reports and no attention.

What does the Cordiner report propose to do? Among the most important of the six major results listed are:

First, About a 15 percent improvement in the combat capabilities of the United States Armed Forces, without a significant change in the budget.

Second. Savings and gains up to $5 billion a year by 1962, or sooner, in the cost of national defense.

Time does not allow me the opportunity to discuss other than these two; but, even if these were the only two results that the Committee foresaw, the Committee's work could be judged outstanding on these points alone.

In the fiscal year that ended June 30, 1956, the Air Force alone lost almost 120,000 airmen who completed their first 4-year enlistment and who did not reenlist. It is estimated that in the fiscal year just ended this same arm of the service would lose more than 80,000 first-term personnel. In terms of dollars, this represents a loss of trained manpower in excess of one and a quarter billion dollars.

What makes up that cost? Today it takes 7 days to inspect a B-47 aircraft. Three days should be the maximum. To change a jet engine on many of our modern aircraft is taking as much as 120 man-hours. Trained technicians could do the job in less than 60 hours. I have seen ramps covered with modern Century-Series fighters that could not get into the air because there were not enough trained technicians to take care of these electronic wonders. When a lieutenant colonel who is the commander of a flight crew quits to accept a job on the outside because he cannot quite make ends meet for his family, the Air Force loses $645,000 invested in his training.

Mr. President, we who have been in business are always keenly aware of budgets, and I have spoken openly against the size of our budget this year, and I have voted for cuts where I felt they could intelligently be made. A businessman also recognizes that money can often be saved by the expenditure of money, so when I recommend that the Congress favorably consider the Cordiner report that could cost as much as $750 million above the current budget, I do so recognizing that a continuation of the unconscionable loss of trained personnel is not only the most serious threat to our defense efforts, but that it is likewise the most costly. Forgetting the fact that Mr. Cordiner's Committee estimates that savings up to $5 billion a year could be achieved by 1962, I think it is the patriotic duty of everyone connected with the executive and legislative branches of our Government to recognize that we can achieve not only a smaller forces-in-being, but also a much more highly skilled forces-in-being, that will, in turn, increase our striking power and therefore our defensive power, immeasurably by adoption of the Cordiner report. I know that in the course of Secretary Wilson's business life he has often resorted to the use of committees that would give him action reports, and I am hopeful that he will insist on complete action being taken in the areas covered by the Cordiner report, so that the results I feel certain he recognizes can be achieved, will be achieved.

The PRESIDING OFFICER (Mr. CLARK in the chair). The Chair would like to associate himself with the remarks of the distinguished Senator from Arizona, and he hopes that action can be taken on the Cordiner report at this session.

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

Mr. GOLDWATER. I yield.

Mr. SYMINGTON. I, too, would like to associate myself with the remarks made by the distinguished Senator from Arizona. As an active reservist and a great flyer, he knows the facts.

The other day information came to me that of 43,000 men in the Strategic Air Force, a command which enjoys top priority, 17,000 were "on the job enlistees." Last summer we had sworn testimony about lack of training in the services resulting in more accidents and more deaths. I sincerely hope it will be possible to hold hearings at earliest opportunity, and that we may be able to include as part of our defense the approved recommendations made by one of America's leading industrialists.

Mr. GOLDWATER. I thank the distinguished Senator for his remarks.

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

Mr. GOLDWATER. I yield.

Mr. JAVITS. As one who has fought for the President's budget and has often found himself on the other side from the Senator who is addressing the Senate now, the Senator from Arizona [Mr. GOLDWATER], I, too, should like to associate myself with his views. They are very vital and significant to the country. I compliment the Senator from Arizona for bringing the matter so clearly to the attention of the Senate and the country. I shall lend every effort I can to bring these recommendations into being as an actuality.

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

Mr. GOLDWATER. I am happy to yield.

Mr. STENNIS. I have been paying very close attention to the remarks of the Senator from Arizona. I was not in the Chamber to hear the remarks of the Senator from Missouri. To build up support in behalf of a bill or a report is one thing, but to say that legislation which has been introduced is being ignored and nothing done about it, is quite another thing.

Less than 2 weeks ago, I recall, the bill was referred to a subcommittee of the Committee on Armed Services. That subcommittee is composed of the Senator from Missouri [Mr. SYMINGTON], the Senator from Virginia [Mr. BYRD], the Senator from Wyoming [Mr. BARRETT], and the Senator from Massachusetts [Mr. SALTONSTALL]. I have the honor to be the chairman of the subcommittee.

The idea of considering the Cordiner report, recommending legislation at this session of Congress, and getting it passed upon is unthinkable. That statement would not be made, I think, by anyone after he had looked into the facts. Really to get at the problem will take a far-reaching, searching inquiry into military manpower and related problems.

I think there is much merit in some of the major recommendations of the Cordiner report; but I have read the resolutions adopted by the governors' conference and statements made by other persons which speak about a saving of $5 billion within only a few years, and with all deference to them I think that figure is fantastic.

This matter will be considered, so far as I am concerned, strictly on its merits. Everyone will have a chance to be heard. I believe one of the most important questions before Congress is the use of military manpower and related manpower. A hasty job will be a bad job. A staff member has already been assigned to the work, and an attorney has been studying the legal phases of the proposal. But to drop everything else and begin hearings now would be, I think, unwise. For my part, I cannot do it.

I have said, though, that there would be hearings, if at all possible, to start the investigation. I have conferred with the other members of the subcommittee, and it has been generally agreed to get the problem before Congress and before the people in that way. Then, after a thorough consideration of the evidence, I think the subcommittee will have a positive, affirmative report to make on the matter.

Mr. GOLDWATER. I may say that after I had asked the distinguished Senator from Mississippi a question the other day about the hearings, he told me that he has plans to hold hearings. He and I both agreed that the immensity of the project would probably preclude any definite action this year. If the Senator from Mississippi will read my remarks in the RECORD tomorrow, he will find, I believe, that my efforts were directed as much toward the executive branch, to have them prepare some reports to decide where they will stand on the question, as they were directed to the legislative branch.

I certainly did not mean to imply any criticism of the Senator from Mississippi because, as I have just said, I have conferred with him concerning hearings, and he has told me of his plans. I have agreed with him.

Mr. STENNIS. The Senator from Mississippi fully understood that.

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

Mr. GOLDWATER. I yield.

Mr. SYMINGTON. Inasmuch as the Senator from Mississippi mentioned the Senator from Missouri and said he did not hear my remarks, let me assure the able Senator that I in no way commented unfavorably about the planned hearings; in fact, in my prepared remarks this morning I did not mention the hearings in any way.

I cannot however agree that $5 billion is necessarily a fantastic figure, because when men of the caliber of Mr. Carter Burgess, president of TWA, and formerly Assistant Secretary of Defense for Manpower, and Adm. William Fechteler, former Chief of Naval Operations, after weeks of intensive effort have signed a statement which says that it would be possible to save $5 billion within 5 years, then I believe we should investigate that possibility.

Added reason why this matter becomes so important to me this morning, and why I am bringing it up now, is that there is a statement on the front page of a newspaper this morning, asserting we are now canceling the one supersonic accurate missile. That means it will not be possible, from now on to engage in limited war with latest weapons; and that we shall have to put all our chips on massive retaliation. The reason given for now scrapping what we have already put over $500 million in is that we do not have enough resources to continue with this Navaho program. I do not believe that is true. But if it is true, the least we can do is to eliminate, as much as possible, the current admitted tremendous waste in the Department of Defense.

The Cordiner Committee report would seem an excellent start toward that type of program.

THE RIGHT TO VOTE—ADDRESS BY SENATOR CASE OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. President, my colleague, the distinguished junior Senator from New Jersey [Mr. CASE], delivered a Fourth of July celebration address at Ocean Grove, N. J., in the Ocean Grove Auditorium.

The address, I feel, is a timely and able contribution to the pending discussion of the civil-rights legislation and clearly brings out the important issue of the right to vote.

I ask unanimous consent that the address be printed in the body of the RECORD at the conclusion of my remarks.

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

EXCERPTS FROM SPEECH PREPARED FOR DELIVERY THURSDAY MORNING AT THE OCEAN GROVE, N. J., FOURTH OF JULY CELEBRATION IN OCEAN GROVE AUDITORIUM

(By Hon. CLIFFORD P. CASE, of New Jersey)

Basic to our American society is the equality of status of every individual. Our distinguishing mark is the absence of caste. We are an egalitarian society.

This is our belief. This, too, is our quite consistent practice—with one exception. Our actions have not squared with our professed beliefs in the field of race relations.

No part of the country is without fault here. None of us can afford to cast the first stone. But while each one of us must continue to strive to improve his own and his community's attitudes and actions, we would be blinking the facts to deny that the situation is more serious in some parts of the country than in others.

There are hundreds of thousands of Americans who pay taxes, who bear arms when the national welfare requires, who must meet all the obligations of citizenship, but who have no say in determining their representation. They have no voice in the selection of a President, a Senator, a governor, a freeholder, a mayor, or even the town clerk. They are disfranchised. And the reason is that they are Negroes. For them, the watchword of the American Revolution, "Taxation without representation is tyranny," has little meaning.

A few figures assembled by the Southern Regional Council show how pernicious this practice has become. In Alabama, only 10.3 percent of the potential Negro voters are registered. In Georgia, the figure is 25.6 percent; in Virginia, 20.1 percent. But percentage figures do not mean as much as the actual numbers. In these three States alone, 1,270,926 persons do not have the right to vote. There are another eight Southern States where the record is hardly much better.

It has been said that much of this is due to a lack of desire to register; that these people just don't care. The facts in many instances show just the opposite. Not only do they care, but in some cases Negroes risk their lives in order to register and vote. A recent magazine article reports, for example, that in Lowndes County, Miss., where only 52 out of a possible 9,200 Negro voters are registered, Negro voters received anonymous letters reading: "Last warning. If you are tired of living, vote and die."

Voting is far from the simple process that you and I know in New Jersey. First, in five Southern States, there is the poll tax. Then, there are the State's qualifications for registration. Just how difficult these can be made for Negroes is shown by this example from Mississippi. There, according to Attorney General Brownell, a registrar of voters has asked Negroes to answer such questions as "How many bubbles in a bar of soap?" Such a question is an affront to human dignity.

The right to vote is a national responsibility, the responsibility of Congress. Right now Congress has a real opportunity to get us off this detour from our democratic processes. It lies in the enactment of the civil-rights bill, which the House of Representatives has passed and the Senate, I hope, will have before it in a few days. Cutting through the confusion laid down by its opponents, this bill is basically a right-to-vote bill. It will help American citizens obtain the right to vote which has been denied them for many years. It is fair, reasonable, and long overdue. I urge its prompt enactment. We can—and we must—pass the civil-rights bill this year.

I think this is not just our domestic problem, a thing that can be decided behind closed doors beyond the view of the rest of the world. It has been a stain on the reputation of our Nation throughout the world. Every step we take—or decide not to take on this measure—has its reverberations in the outside world.

Surely in this community, so strong in its commitment to the highest ethical and religious beliefs, it is unnecessary to belabor this just cause. The fact that you are here attests to your acceptance of the fundamental proposition that, regardless of his race or the color of his skin, every man, because he is a human being, because he has in him a spark of the divine, is your brother.

May each of us leave this place with renewed determination to make our belief a living reality in our own lives, in our neighborhoods, our communities, and our Nation.

INTERNAL AFFAIRS IN RUSSIA

Mr. SMITH of New Jersey. Mr. President, the recent change among top personnel in Russia has promoted considerable speculation in the Free World as to the ultimate effect of such a shift on internal matters within Russia and upon Russian relations with the Free World. We are now in the process of sifting information and studying speeches and actions in an attempt to formulate some guidelines to help in the analysis of the possible future effects of this dramatic move.

For the purpose of offering examples of some lines of thought in this matter, I ask unanimous consent that an editorial from the New York Times of July 10, entitled "Intrigue in Moscow," and an article from the Times of the same date by Mr. C. L. Sulzberger entitled "The Kremlin's Shakeup and Disarmament," be printed in the body of the RECORD at the conclusion of my remarks. Mr. Sulzberger calls attention to three areas of diplomacy which must be watched with interest for signs of altered Kremlin accents. He lists these as Germany, the Middle East, and disarmament.

Much more information is necessary before we can reach any clear conclusions on this subject, but I offer these articles to the attention of the Senate for present consideration.

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

[From the New York Times of July 10, 1957]

FOREIGN AFFAIRS: THE KREMLIN'S SHAKEUP AND DISARMAMENT

(By C. L. Sulzberger)

PARIS, July 9.—Purge in the Soviet Union serves as a built-in retirement and promotion method within a somewhat stultified society. From the great shakeups of the 1930's to the current party overhaul young officials have moved rapidly to the top as older if not wiser men disappeared.

This is a fascinating internal process. But it is not necessarily of political importance abroad. The system continues implacably no matter who is in the director's seat. It would be foolish to reckon upon dramatic change.

But, in the realm of foreign affairs, one may conjecture on a shift in emphasis even without any spectacular new line. Khrushchev has, of course, dominated Soviet diplomatic attitudes since his visits to China and Yugoslavia in 1954 and 1955. This was true despite the known opposition of Molotov.

There are now three areas of diplomacy which must be watched with interest for signs of altered Kremlin accents. The first is Germany. The second is the Middle East. And the third is disarmament, now being discussed in London.

It is unlikely there will be any Soviet change on Germany, Zhukov, who is second only to Khrushchev, opposes relinquishing the grip on Russia's East German puppet.

Perhaps there may be some softening in the Middle East. The arming of Arab States with which Shepilov's name is linked resulted only in the Eisenhower doctrine. Charles Malik, Lebanese Foreign Minister, thinks Shepilov's political demise may mark an end to Moscow's risky Levantine experiments. But, although Khrushchev calls Shepilov "the most shameless, doubledealing individual," Moscow radio insists "his role is somewhat overestimated" in connection with Arab policy.

THE LIKELIEST AREA

It is disarmament, however, the third diplomatic realm, that may first mirror foreign implications of the Soviet purge. Russia's special envoy, Zorin, has now given an initial hard answer to western proposals. But his position could yet become considerably more flexible. Why?

Khrushchev went out of his way to explain it was Molotov and his group who "have been obstructing with all available means the implementation of measures for the relaxation of international tension and the consolidation of peace * * *." He blamed them for opposing "the wise Leninist policy of peaceful coexistence between the Socialist and the capitalist systems."

Furthermore, Khrushchev singled out "the problem of disarmament, the banning of atomic and hydrogen weapons," as "the most important international problem." He promised to "relentlessly pursue easing of tension."

If Khrushchev is sincere in his wish to end the arms race, it should be easier for him to do so now that he has rid himself of an obstinate opposition. Zorin's present coolness may be mere bargaining technique. We are not yet in a position to know.

Nevertheless we might find Molotov vanishing for reasons of international policy much as he reappeared in 1939 for somewhat similar causes. Then he replaced Litvinov as Foreign Commissar in order to prepare for the pact with Hitler. Now his removal might conceivably make easier agreement on disarmament.

THE HUMAN FACTOR

The human factor remains significant. President Eisenhower, whose life was spent in military service, dreams of ending his career as a peacemaker. Stassen, his representative in London, hopes to build a new political future as agent for such an achievement. Are we now to find similar impulses on the Soviet side?

Certainly it was Zhukov who first convinced other Bolsheviks of the ideologically impartial dangers of nuclear war. Does his friend Khrushchev hope to solidify his hierarchical position by pressing for an atomic weapons standstill?

Such a development might eventually make less difficult the task of the London negotiators. But their problems are not easy to resolve. The Russians, feeling qualitatively equal with American nuclear advances, appear conditionally ready to halt tests. Yet, lagging behind us in stockpiles, they wish to continue making fissionable materials.

We and the French feel it is only fair that more of the Communist bloc than of the Free World should be opened to mutual inspection. Moscow's orbit is, after all, much larger. But France doesn't like the idea of being permanently excluded from the atomic club by agreeing to forgo manufacture of such weapons.

Britain, having just begun expensive fabrication of super-arms and having recast its defense to rely solely upon them, cannot cease testing just at the threshold of new knowledge. That is, London cannot safely agree to this unless our President promises to share American atomic know-how. But Eisenhower is forbidden from doing so by law.

The puzzle remains bewildering. But maybe some previous Moscow blocs can now be removed. Perhaps as Khrushchev nears the dictatorial summit he may become more reasonable to deal with. There is no doubt that Molotov was an obstructionist par excellence.

[From the New York Times of July 10, 1957]

INTRIGUE IN MOSCOW

It is a fascinating story of intrigue and double dealing that has reached the world from Moscow as the inside story behind the latest Soviet purge. A cabal is formed. It takes advantage of the absence of some of the rival clique's members to win a majority in the ruling oligarchy. The leader of the defeated faction refuses to accept his defeat and demands that the wider group of secondary oligarchs be given the right to decide the issues. He wins the support of the commander of the armed forces and then the fight is over with the positions of victors and vanquished reversed.

One searches in vain through the accounts that have come from Moscow to find any elements in this story which would basically distinguish it from what has happened hundreds of times in the most backward countries of the world where rule by juntas of generals and politicians is normal. This is how the fate of the leadership of the Soviet Union was decided, but nowhere in the decisive struggle was there any importance given to "dialectical materialism," "socialist democracy," "dictatorship of the proletariat" or any of the other supposedly sacred ideas of world communism. This was a fight among gangsters, decided finally on the basis of which clique had the more guns at its disposal. Were gangster disputes in Chicago during prohibition days decided any differently?

What emerges above all from the inside story of the Moscow power struggle is the degeneration of the Soviet system. By the facts published in Pravda alone it is now clear that Malenkov, Kaganovich, and Molotov believed they could have victory because they were accustomed to the notion that the winning group among the 11 Presidium members ruled the country. If Khrushchev had not broken the discipline of the group, the Soviet press this past week might have been filled with denunciations of his own "double dealing" rather than that of his opponents. Neither the Malenkov nor the Khrushchev faction felt, or feels, any need to have the basic question of who should rule the Soviet Union decided by the Soviet people. The function of the Soviet people, in the eyes of these rulers, is simply to applaud "enthusiastically and unanimously" whichever clique emerges the victor from such secret struggles among the hierarchs.

But the manner in which Khrushchev won this latest struggle must raise doubts about the future of the system. In the first place, if he can break Presidium discipline and reverse a Presidium decision by going to the central committee, has he not created a precedent that may prove troublesome in the future? Even more important, is there not a price that will have to be paid Marshal Zhukov for this victory? Will the marshal be willing to be considered as having only 1 vote among 15 votes in the new Communist Party Presidium if he should differ with the majority on some key issue in the future? May it not enter his head that it should be he, rather than Khrushchev, who should occupy the center of the Soviet spotlight and the highest office in the land?

Many a Soviet citizen must understand that what has happened in Moscow is a mockery of a decent political system, a return to tactics such as Stalin used in the 1920's, rather than an advance to some better future. The Soviet people today are far from the primitive, illiterate horde over whom Stalin fastened his dictatorship 30 years ago. We underestimate their growth in learning, understanding, and capability if we assume that they will always be content with such rule by gangster cliques. As it has to every other advanced industrial society in the world, democracy must and will come to the Soviet Union.

APPROVAL BY FRENCH NATIONAL ASSEMBLY OF TREATIES

Mr. SMITH of New Jersey. Mr. President, on Tuesday, July 9, the French National Assembly in an action of great historical significance approved two much discussed treaties, the treaty for a European Economic Community and the treaty for a European Atomic Energy Community. The West German Parliament has already approved these treaties and the other four nations involved are expected to do so before January 1.

The adoption of these treaties will mark a further step toward European economic federation which is a necessary first step to possible future political federation. The development of the West European nations into a system designed to promote closer cooperation has been a goal of many statesmen since the end of World War II. The path toward this goal is strewn with numerous pitfalls and the process will understandably be slow. However, the benefits that will accrue to the peoples of Western Europe from open, continental markets, and to the peoples of the Free World from an increase in the great potential of this highly industrialized society by the peaceful use of atomic energy can prove an immense boon to the anti-Communist world.

We in America welcome this initial step by the French Assembly and congratulate our friends for their foresight and courage in adopting these treaties. Mankind will be the ultimate beneficiary from their promulgation.

Mr. President, I ask unanimous consent that an editorial from the New York Times of July 10, entitled "Paris Makes History," be printed in the RECORD at the conclusion of my remarks.

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

PARIS MAKES HISTORY

History was written in large letters in Paris last night when the French National Assembly approved 2 treaties designed to merge the economies of 6 European nations into an economic and atomic power bloc comprising 175 million people. The French action also puts into effect the prior approval of these treaties by the decisive chamber of the West German Parliament that was conditioned on the French approval, and the other nations involved—Italy, Belgium, the Netherlands, and Luxembourg—expect to ratify in time to make the treaties effective on the target date of January 1, 1958.

When the treaties do become effective they will lay down the legal foundation for both a European Economic Community and a European Atomic Energy Community functioning under supranational executive, parliamentary, and judicial authorities to which the component nations will surrender some of their national sovereignty. They will thus create what might be called a pre-federal structure which must inevitably lead to final federation, not only in the economic but also in the political field.

In taking this action, the six nations, under the protection of their already common defense within the North Atlantic alliance, administer another major defeat to Soviet Russia, which, by threats and blandishments, sought to prevent any step toward European unification. It did so, of course, in the hope of being able to confront and overwhelm the West European nations individually. Now Europe moves toward a new unity which promises to restore the Old Continent as a major world power.

To that end the six nations propose, under the European Economic Community (Euromarket) treaty, to create a single market among themselves amounting to a customs union that has been the herald of political unification in other cases. This customs union, in a sense, already reaches behind the Iron Curtain by including all Germany without any tariff border for the Soviet zone. It also reaches beyond the borders of the six constituent nations by giving new impetus to the British plan for a free-trade zone associated with the European Economic Community and comprising most free European nations. Finally it reaches even beyond Europe by associating with itself the six nations' overseas territories from the Americas to Oceania, in particular the vast European dominions in Africa.

A project so vast and so sweeping will take both time and careful, perhaps even painful, readjustments. But Europe is on the way, and the United States will welcome this development as giving new strength to the Free World.

CIVIL RIGHTS: THE PART III ISSUE

Mr. SMITH of New Jersey. Mr. President, in this morning's New York Times the distinguished columnist, Arthur Krock, has a very interesting column entitled "The Part III Issue Made Clearer."

Mr. Krock's discussion brings out clearly the misunderstandings which apparently have arisen over what part III of the pending civil-rights bill means, and I think it adds materially to an understanding of the issue which will presently be before us after the bill is made the pending business before the Senate.

Mr. President, I ask unanimous consent that Mr. Krock's column to which I have referred be printed in the body of the RECORD at the conclusion of my remarks.

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

THE PART III ISSUE MADE CLEARER

(By Arthur Krock)

WASHINGTON, July 11.—A colloquy between Senator DIRKSEN, of Illinois, and Senator ERVIN, of North Carolina, has served more than any previous discussion of the administration's civil-rights bill to clarify for laymen the issue over part III of the measure that was dramatized by Senator RUSSELL of Georgia. The net of the Senatorial exchange was this:

DIRKSEN. The fact that part III of the administration's draft specifically embodies section 1985, title 42, United States Code (which automatically invokes section 1993 that empowers the President to use the Armed Forces and the militia to enforce judicial process) has no special meaning or new significance. That is because, beginning in 1795 and as recently as 1956, Congress has given this power to the President to enforce the laws of the land, among which are the new group of equal rights established by the courts since 1954. Therefore, the embodiment of these statutes in part III furnishes no power to the President he has not already.

ERVIN. But the invocation of this particular chain of statutes in part III gives the President the power to call out the troops to enforce an equal rights judgment of the Federal courts (injunctive or otherwise). This is a new Presidential authority because, under all the related statutes, the condition precedent to calling out the troops must practically amount to an insurrection..

"All that it would be necessary to do * * *," said ERVIN to DIRKSEN, "would be to obtain a judgment against me or one of my constituents under title 42, section 1985. * * * That would be the fundamental difference."

"Not as I read the language," said DIRKSEN to ERVIN. The earlier grants of Presidential authority to use the Armed Forces do not require any insurrection at all. [They deal merely] with the execution of [all] the laws."

THAT LAYMEN CAN COMPREHEND

A layman is not qualified to choose between opposed legal interpretations by these two lawyers, who have made distinguished contributions to the pending Senate debate. But these simple facts any layman can comprehend:

1. The specific invocation of a statute (1933 via 1985) that empowers the President to call out troops "to aid in the execution of judicial process" was drafted into part III (that deals with all equal rights granted, or as judicially interpreted), but was left out of part IV (that deals wholly with the right to vote).

2. Senator RUSSELL has charged that this unique factor of part III "was deliberately drawn to enable the use of the military forces to destroy the system of separation of the races in the Southern States at the point of a bayonet." His southern colleagues who do not go so far agree that this potential military enforcement of racial integration in all forms was inserted in part III in a manner so oblique and obscure as to justify suspicion of motives.

3. These Senators base their charge of obliqueness and obscurity on the circumstance that the part III text mentions only section 1985 of title 42, and that only after close search was it discovered that among the other sections invoked by 1985 was 1993.

THE REFERENCE EXPLAINED

So much a layman can comprehend of the attack on this part of the bill made by RUSSELL, and of the legal issue as drawn by DIRKSEN and ERVIN. But none of this answers another and very important question: What is the explanation of the unique insertion in the drafting of part III, if it is not what RUSSELL charges and other southern Senators are wondering about?

This correspondent applied for the answer to the Department of Justice, where the administration measure was composed. A spokesman of the drafting group gave it as follows:

"No intrigue or hidden design was involved. The omission from part IV of the statutory reference in part III was an accident. There is no reason why it could not have been inserted in both parts. Or it could have been left entirely out of part III because, as Senator DIRKSEN has clearly shown, the Presidential power to employ troops to enforce all laws of the land already is established in several statutes, and the group of civil rights which part III seeks to enforce is equally the law of the land.

"So many hands were engaged in the drafting that it is impossible to say with certainty how it was determined to make this insertion in part III. But this part, as contrasted with part IV, had to amend some existing law to cover the new group of equal rights. So section 1985 was chosen because it invokes an essential series."

Acceptance of this explanation will not, however, dispose of the southerners' reasons for their special objections to part III.

Mr. RUSSELL. Mr. President, the distinguished Senator from New Jersey has referred to the so-called civil-rights bill and the origin of part III. I have had occasion to recur to the letter signed by Herbert Brownell, Jr., Attorney General, to the Speaker of the House of

Representatives and to the President of the Senate, under date of April 9, 1956, in which he proposed this legislation.

It is most interesting to observe that the original proposed legislation which was sent to Congress in 1956 provided for the creation of a Commission to complete, as the Attorney General calls it, a broad and thorough study in the field of civil rights. This was described in part I of the letter of the Attorney General and he forwarded a bill detailing the Commission proposal.

Likewise, he requested the inclusion in the proposed legislation of provisions for the establishment of a Civil Rights Section in the Department of Justice. He forwarded a draft of legislation to effect this result. Of course those provisions appear as part II of the bill which is sought to be brought before the Senate by motion.

But, Mr. President, when the Attorney General dealt with the issue presented in part III of the bill, which the Congress is asked to pass, in his letter he requested that the Commission give thorough study to the field of civil rights, and that the Congress give thorough study to it before proceeding to legislate.

I read a brief paragraph from the letter of the Attorney General, as contained in House Report No. 291, 85th Congress, 1st session, dated April 1, 1957:

> Under another civil rights statute (sec. 1985 of title 42 of the United States Code)—

That is the section which is sought to be amended by part III—

> conspiracies to interfere with certain rights can be redressed only by a civil suit by the individual injured thereby. I urge consideration by the Congress and the proposed bipartisan Commission of a proposal authorizing the Attorney General to initiate civil action where necessary to protect the rights secured by that statute.

Mr. President, in his recommendations dealing with the creation of the proposed Commission, the Attorney General sent a legislative proposal to the Congress. In his recommendations dealing with the creation of a proposed Civil Rights Section of the Department of Justice, he accompanied the letter with a legislative recommendation. On April 9, 1956, he did not even send to Congress a legislative recommendation, nor did he intimate the far-reaching effect and scope of part III of the bill; but he recommended that the bipartisan Commission which he urged be created to make the study and make recommendations in the matter of civil rights under section 1985 of title 42 of the code.

Mr. President, what has happened to that recommendation today? Today the Attorney General is proposing the creation of the Commission which he said should study this field; but he has before the Congress proposed legislation of the most far-reaching type amending section 1985 to carry out the provisions before the Commission is even created. These were the provisions he desired the Commission and the Congress to study.

Another reason why Senators should stop, look, and listen before they vote for this part III is that the Attorney General did not even submit it as a legislative matter in his proposal of April 1956. He said, indeed, that the Commission should study the field fully, and that then the Congress should use the studies as a basis of some legislation in that field. Yet in the bill which now has come to the Congress it is proposed not only to have the Congress proceed with legislation in that field before the Commission is created, but also that that be done before a Senate committee has had an opportunity fully to analyze the proposal.

Mr. President, I have been accused of making extreme statements in regard to part III. When I consider the history of this proposal, I consider my exposé most moderate in tone. I try to be moderate—to use a word which has been greatly abused here in recent weeks. But I say the cold record shows that when the civil-rights bill was first sent to Congress it was never contemplated that Congress would legislate to the extent provided in part III of the bill without giving consideration to the impact of its provisions upon the lives of 40 million of as good Americans as live under our flag. It is proposed to cram this force proposal down our throats before the Commission the Attorney General recommends has been authorized or appointed, much less conducted any hearings.

THE EXECUTIVE DOMINATES CONGRESS

Mr. MALONE. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. MALONE. How long has it been since Congress has been trusted to write its own legislation? Congress formerly—more than 24 years ago now—refused to accept legislation written by the executive.

Mr. RUSSELL. I may say there is a tendency not to trust Congress to write its own legislation; and I have deplored that tendency. The RECORD will show that I have deplored again and again the tendency of the Congress of the United States to become merely an appendage of the executive and judicial branches of the Government and to accept and pass only bills prepared and forwarded from the executive departments. However, this part III was not even forwarded originally.

Mr. President, I ask unanimous consent that certain excerpts, which contain practically all the letter of the Attorney General, be printed at this point in the RECORD, as a part of my remarks. I hope all Senators will read the excerpts, so as to see that when this proposed legislation had its genesis, it was not even proposed that these far-reaching steps authorized in part III would be taken without the benefit of a study to be made by the proposed commission.

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

[From Rept. No. 291, 85th Cong., 1st sess.]

APRIL 9, 1956.

The SPEAKER,
House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: * * *.

Where there are charges that by one means or another the vote is being denied, we must find out all of the facts—the extent, the methods, the results. The same is true of substantial charges that unwarranted economic or other pressures are being applied to deny fundamental rights safeguarded by the Constitution and laws of the United States.

The need for a full-scale public study as requested by the President is manifest. The executive branch of the Federal Government has no general investigative power of the scope required to undertake such a study. The study should be objective and free from partisanship. It should be broad and at the same time thorough.

Civil rights are of primary concern to all our people. To this end the Commission's membership must be truly bipartisan and geographically representative.

A bill detailing the Commission proposal is submitted with this statement.

The proposed legislation provides that the Commission shall have six members, appointed by the President with the advice and consent of the Senate. No more than three may be of the same political party. The Commission will be temporary, expiring 2 years from the effective date of the statute, unless extended by Congress. It will have authority to subpena witnesses, take testimony under oath, and request necessary data from any executive department or agency. It may be required to make interim reports pending completion of a comprehensive final report containing findings and recommendations.

The Commission will have authority to hold public hearings. Knowledge and understanding of every element of the problem will give greater clarity and perspective to one of the most difficult problems facing our country. Such a study, fairly conducted, will tend to unite responsible people in common effort to solve these problems. Investigation and hearings will bring into sharper focus the areas of responsibility of the Federal Government and of the States under our constitutional system. Through greater public understanding, therefore, the Commission may chart a course of progress to guide us in the years ahead.

II

At present the Civil Rights Section of the Department of Justice is one of a number of sections located within the Criminal Division. The protection of civil rights guaranteed by the Constitution is a governmental function and responsibility of first importance. It merits the full direction of a highly qualified lawyer, with the status of Assistant Attorney General, appointed by the President with the advice and consent of the Senate.

In this area, as pointed out more fully below, more emphasis should be on civil law remedies. The civil rights enforcement activities of the Department of Justice should not, therefore, be confined to the Criminal Division.

The decisions and decrees of the United States Supreme Court relating to integration in the field of education and in other areas, and the civil rights cases coming before the lower Federal courts in increasing numbers, are indicative of generally broadening legal activity in the civil rights field.

These considerations call for the authorization of an additional Assistant Attorney General to direct the Government's legal activities in the field of civil rights. A draft of legislation to effect this result is submitted herewith.

III

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

Civil remedies have not been available to the Attorney General in this field. We think that they should be. Criminal cases in a field charged with emotion are extraor-

dinarily difficult for all concerned. Our ultimate goal is the safeguarding of the free exercise of the voting right, subject to the legitimate power of the State to prescribe necessary and fair voting qualifications. To this end, civil proceedings to forestall denials of the right may often be far more effective in the long run than harsh criminal proceedings to punish after the event.

The existing civil voting statute (sec. 1971 of title 42, U. S. C.) declares that all citizens who are otherwise qualified to vote at any election (State or Federal) shall be entitled to exercise their vote without distinction of race or color. The statute is limited, however, to deprivations of voting rights by State officers or other persons purporting to act under authority of law. In the interest of proper law-enforcement to guarantee to all of our citizens the rights to which they are entitled under the Constitution, I urge consideration by the Congress and the proposed bipartisan Commission of three changes.

First, addition of a section which will prevent anyone from threatening, intimidating, or coercing an individual in the exercise of his right to vote, whether claiming to act under authority of law or not, in any election, general, special, or primary, concerning candidates for Federal office.

Second, authorization to the Attorney General to bring injunction or other civil proceedings on behalf of the United States or the aggrieved person in any case covered by the statute, as so changed.

Third, elimination of the requirement that all State administrative and judicial remedies must be exhausted before access can be had to the Federal court.

IV

Under another civil rights statute (sec. 1985 of title 42 of the United States Code) conspiracies to interfere with certain rights can be redressed only by a civil suit by the individual injured thereby. I urge consideration by the Congress and the proposed bipartisan Commission of a proposal authorizing the Attorney General to initiate civil action where necessary to protect the rights secured by that statute.

I believe that consideration of these proposals not only will give us the means intelligently to meet our responsibility for the safeguarding of constitutional rights in this country, but will reaffirm our determination to secure equal justice under law for all people.

Sincerely,

HERBERT BROWNELL, Jr.,
Attorney General.

Mr. MALONE. Mr. President, will the Senator from Georgia yield for a further question?

Mr. RUSSELL. I yield.

Mr. MALONE. Has it not been at least 24 or 25 years since the Congress has been trusted to write its own legislation in almost any field, and also to figure out a budget which would meet the recommendations included or embodied in a message from the White House?

Mr. RUSSELL. Mr. President, I deplore as much as any Senator could the surrender of the rights of the Congress and its inclination to subordinate itself. It is not a new position on my part; I took it within a year or two after I came to the Senate, and I maintained it during the administration of two Democratic Presidents.

Mr. MALONE. I join the Senator from Georgia in urging that the Congress write its own legislation and revert to the practice of accepting only the message on the state of the Union and recommendations from the White House.

Mr. RUSSELL. I must say that if the Congress did write all of its own legislation, we would not now be confronted with any such attempt at legislative legerdemain and obscuration, as is evidenced in part III of the bill.

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

Mr. RUSSELL. Mr. President, has my time expired?

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

Mr. RUSSELL. Mr. President, I shall yield in the time of the Senator from Utah, if he obtains recognition.

Mr. WATKINS. That is all right; I should like to obtain the floor, if I can.

The PRESIDING OFFICER. For the time being, the Chair is inclined to be lenient in enforcing the 3-minute rule.

Mr. JOHNSON of Texas. Mr. President, I wonder whether the Senator from Utah can be recognized. If he is recognized, then he can ask the question.

Mr. RUSSELL. Mr. President, I yield the floor.

Mr. WATKINS. Mr. President, I wish to learn the date of the letter from which the Senator from Georgia was quoting. I refer to the letter from Attorney General Brownell to the Speaker of the House of Representatives.

Mr. RUSSELL. The letter is dated April 9, 1956. It is the only letter which appears in the report submitted by the House committee when it reported this bill on April 1, 1957. If there had been any further official communication, I assume the House committee would have used the most recent one.

The letter is a part of the majority report urging on the House of Representatives the passage of the bill; and the report quotes from the letter of the Attorney General of the United States, the Honorable Herbert Brownell, when he sent to the Congress a draft of his so-called civil-rights proposed legislation. He did not send a draft of part III——

Mr. WATKINS. Mr. President, all I wish to know is the date of the letter.

I wish to use for another matter the 3 minutes allowed to me.

Mr. RUSSELL. Mr. President, will the Senator from Utah yield to me for 30 seconds only?

Mr. WATKINS. Very well.

Mr. RUSSELL. Since there is no Senate committee report, I have referred to the House committee report. The letter will be found beginning on page 13 of the House committee report. I hope all Senators will read the letter, because I think it is a most significant communication.

I thank the Senator from Utah for yielding to me.

Mr. WATKINS. I thank the Senator from Georgia. I was not in the Chamber when he first began to speak, and I did not hear him state the date of the letter.

THE NEED FOR LONG-RANGE MINERALS POLICY LEGISLATION

Mr. WATKINS. Mr. President, much of our discussion of legislative matters is concerned with economics and material costs. Frequently, the human values of legislative problems and Federal policies are ignored or forgotten.

During the past few weeks, I have been appearing on this floor almost daily to urge expeditious action upon the proposals made for long-range minerals policy legislation, much as my colleague, the distinguished majority leader, the Senator from Texas [Mr. JOHNSON], has been regularly stressing the need for more effective long-range efforts in the area of water-resource legislation. I am pleased to commend my good friend, the Senator from Texas, for his persistent recognition of the importance of keeping the vital subject of water-resource development constantly before us. Like mineral-resource development, it is a subject of great national interest that merits widespread, bipartisan support.

However, in reviewing my comments to the Senate, I am impressed that perhaps I may have concentrated a little too much upon the economic aspects of the emergency facing much of our domestic minerals industry.

Those economic aspects are important, without a doubt. In these days of record Federal spending and an astronomical national debt, it behooves all of us to justify our bills economically and to show that we are concerned with costs and with the economical use of public funds.

However, it is not enough to point out that the dumping of foreign minerals has depressed prices and closed down domestic mines and smelters of strategic minerals. People who live in areas which do not have mining as a basic industry may not be aware that many hard-working, competent people are directly affected by these adverse results of national policy. Mines are by no means completely mechanized. Men still run the mining machines and man the smelters, and they are affected by such economic disasters as the lead-zinc price toboggan slide just as much as they would be if their means of livelihood were washed out by a flood or buried by an earthquake.

Fortunately, there is no loss of life or personal injury associated with the economic collapse of a basic industry—and frequently the only industry in a mining district—as there is in these other disasters. But there is the human impact of uncertainty, unemployment, and displacement of population that occurs in a natural disaster.

The fact that these adverse economic and social tragedies have been and are being perpetrated in our mining communities underscores the need for prompt Congressional attention to this long-range minerals policy lgislation. This proposed legislation will not solve all the problems of this domestic industry—not by any means. But it will go a long way toward effecting a permanent, long-range solution, and it will provide new hope and encouragement to people in domestic mining areas who have been long beset by ruinous competition from foreign minerals producers.

Mr. President, I am taking the liberty to ask unanimous consent to have printed in the body of the RECORD at this point, a letter I received from a citizen living

in the Tintic mining district of Utah, where the lone surviving lead-zinc activity recently shut down.

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

EUREKA, UTAH, *July 9, 1957.*

Hon. ARTHUR V. WATKINS,
Senator from Utah, Washington, D. C.

DEAR SENATOR WATKINS: Please allow me to inform you that 25 days have passed since 70 of us were laid off our jobs at Chief Consolidated mine, here in Eureka, Utah.

Being a Utah native yourself, you know that we people prefer to stand on our own two feet, without help. But we have lost our jobs and there is no other employment here.

We have been to Provo, Utah, and applied for unemployment compensation. To Provo from Eureka is 90 miles, round trip. We have been to the unemployment office and met with the officials there two times. To the date of this letter we have not received any help.

Most of us owe a grocery bill that is larger now in dollars and cents than our first compensation check will be. This condition really puts the grocery store owner in a spot; he has to pay his bills and his only source of income is from the trade of us people, who, in turn, cannot pay our bills because we are out of work.

We all sincerely appreciate your efforts toward getting some form of help for the lead-zinc mines.

If it is in your power to do so, will you please look into the matter of helping us get some unemployment compensation to aid us in supporting our families until such time that either the mine reopens or we are compelled to move away from our homes here in Eureka, Utah.

Many sincere thanks.

T. A. GUSTIN.

Mr. WATKINS. Mr. President, while I do not believe that I know Mr. Gustin personally, his community is just across the boundary of my home county, and I know many of the miners in the Tintic district and in the Park City mining districts to the north of Utah County. These men are some of the world's best hard-rock miners. They are hard-working, industrious, and skilled in the mining trade. But like all skilled craftsmen, they are dependent upon the basic industry to provide jobs for them, and when the mining industry is sick or dying, their skills become of limited value on the employment market, and unless related employment is available, they are destined to suffer great personal hardship.

I am well aware that this communication properly should have been addressed to the State of Utah, which administers the State employment service and looks after the public welfare needs of the residents of the State; and I intend to refer the letter to State officials for their action within the State organizational framework.

However, I believe that Mr. Gustin was perfectly justified in writing to a Representative of the State in the Congress on this matter, because the past quarter century of free trade policies adopted and maintained by the Congress has directly contributed to the crisis in the lead-zinc mining areas of Utah and other States. Like it or not, the Congress must accept a large share of the responsibility for the loss of these 70 jobs in the Tintic mining district.

Moreover, it is up to us to decide, and to decide as quickly as we can do so with justice and reason, whether we want American workmen paid our comparatively high wages to produce our strategic minerals—which are available in relative abundance—and which contribute to other supporting industries in our economy, or whether we want these vital domestic industries to close down so that we can contribute to employment of miners and related workers in foreign lands. This is the basic issue in our demand for long-range stabilizing minerals legislation, because foreign producers, paying slave wages by comparison to ours, can undercut us in the pricing of virtually any basic mineral we are able to produce. And as we know from experience, some cartels of foreign producers are not above dumping products at even less than the low foreign costs to eliminate American domestic competition and leaving the market free for untrammeled price manipulation.

Mr. President, I sincerely hope that the Senate Finance and Interior and Insular Affairs Committees will somehow find time to initiate hearings on these long-range minerals bills, S. 2375 and S. 2376. The House Ways and Means Committee has taken special action to schedule hearings August 1 and 2 on a companion bill in the House. I commend our colleagues in the House for taking this action to expedite Congressional consideration of these measures.

ADVANCE INFORMATION ON EXAMINATIONS OF CIVIL SERVICE OPENINGS

Mr. GREEN. Mr. President, I ask unanimous consent to have printed in the body of the CONGRESSIONAL RECORD a letter which I sent on June 24 to the Honorable Harris Ellsworth, Chairman of the United States Civil Service Commission, and a copy of Mr. Ellsworth's reply, dated July 11. I believe this correspondence will be of interest to my Senate colleagues, especially those serving on the Committee on Post Office and Civil Service.

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

JUNE 24, 1957.

The Honorable HARRIS ELLSWORTH,
Chairman, United States Civil Service Commission, Washington, D. C.

MY DEAR MR. CHAIRMAN: I have at hand a copy of the Providence Evening Bulletin of Thursday, June 20, which contains an article quoting Harold R. Shippee, assistant to the chairman of the Republican State central committee of Rhode Island, William T. Broomhead.

The article reads in part as follows:

"Harold R. Shippee, assistant to the chairman, added that the committee (State central committee) was performing very valuable services for the local organizations, particularly in the securing of civil service appointments.

"He described how the committee was able to learn of civil service job openings in advance of their being posted on bulletin boards, and thus had time to make up a small digest so members of the party could learn of the openings and put their applications in first."

Direct quote follows: "It was Bill's brainchild, but he's too modest to tell you about it, said Mr. Shippee."

The Secretary of the Rhode Island State Civil Service Commission, Howard Farrell, has issued a public statement to the effect that no advance information is given any political committee in Rhode Island regarding State Civil Service announcements for position openings or examihations leading to appointments.

I would highly appreciate your comments and a complete report as to whether the United States Civil Service Commission furnishes the Republican State central committee in Rhode Island—or for that matter any political committee—advance information on examinations or civil service openings.

I am considering inserting this letter and your reply in the CONGRESSIONAL RECORD, and also releasing both to the press.

Yours sincerely,

THEODORE FRANCIS GREEN.

UNITED STATES
CIVIL SERVICE COMMISSION,
Washington, D. C., July 11, 1957.

Hon. THEODORE F. GREEN,
United States Senate,
Washington, D. C.

DEAR SENATOR GREEN: In order to reply fully to your letter of June 24, 1957, it was necessary for us to obtain detailed information from our first region office in Boston. In that connection, the region forwarded to us a clipping from the Providence Journal reporting that Mr. Shippee said he did not intend to imply that his committee was receiving preferential notice of civil-service examinations. This clipping is attached.

We have checked into the mailing lists of our regional office and of the four establishment boards of civil-service examiners in the State of Rhode Island. These are the principal sources of Federal examination announcements which are mailed to post-office information points for posting and public distribution on an appointed date. None of these offices has on its mailing list any political committee or any of the individuals referred to in the newspaper story as officers of the Republican State Central Committee of Rhode Island.

Thus we find no foundation for any claim that this committee has requested or is getting advance information on Federal examination announcements. On the date specified for posting, examination announcements are, of course, available to the public at post-office information points. The examiner in charge at the Providence Post Office has informed the Commission that he has had requests on several occasions from Mr. Broomhead, chairman of the Republican State Central Committee, or personnel in his office, for announcements which are open to the public for filing. The examiner has several times furnished copies of examination announcements requested by Mr. Broomhead, but states that on no occasion has he ever furnished any advance information concerning examination announcements to Mr. Broomhead or to any committee or individual.

In view of the present labor shortage situation, many Federal examinations are open continuously. Those that have closing dates normally allow 3 weeks to a month for filing applications. Therefore, we do not see how it could be of particular advantage to any competitor to have advance notice of examinations. Nevertheless, we are convinced, on the basis of our checkup, that there is no foundation for the statement that the committee is able to learn of Federal civil-service examinations in advance of their being posted on bulletin boards.

Sincerely yours,

HARRIS ELLSWORTH,
Chairman.

THE O'MAHONEY AMENDMENT TO THE CIVIL-RIGHTS BILL

Mr. DOUGLAS. Mr. President, this morning there appeared in the Washington Post and Times Herald a very informative letter from a group of distinguished lawyers dealing with the so-called compromise jury trial amendment which is to be offered by the Senator from Wyoming [Mr. O'MAHONEY]. The letter points out that the so-called O'Mahoney compromise would render unenforceable what may prove to be the first civil-rights bill enacted by Congress since the 1870's. The letter further points out that merely by pleading not guilty in a criminal contempt case, and by denying the allegations in a civil contempt case, a defendant can create questions of fact insuring his trial by a jury biased against the execution of the civil-rights laws of the land, and that the amendment would inevitably result in interposing all-white juries between the protective civil-rights decrees of the courts and their enforceability.

I ask unanimous consent that this very able letter be printed in the RECORD at the conclusion of my remarks.

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

O'MAHONEY COMPROMISE

We regret the necessity to take issue with the proposal of Senator O'MAHONEY for jury trials in contempt proceedings that may arise under the pending civil-rights bill whenever there are one or more questions of fact to be determined.

But this proposed amendment, far from being a compromise as indicated in your July 10 editorial, O'Mahoney Compromise, would render unenforcable what may prove to be the first civil-rights bill enacted by the Congress since the 1870's.

The pending civil-rights bill authorizes the Attorney General, after full and fair judicial proceedings, to obtain Federal injunctions protecting the civil rights of minority groups, including most significantly the right to vote.

In line with almost 200 years of practice in similar cases in American courts, a practice many times upheld as constitutional by the Supreme Court, contempts of such Government-obtained injunctions would be tried by the courts rather than by juries.

It seems particularly appropriate that this traditional constitutional practice should be followed in the pending civil-rights bill since the southern Federal judges (all of course confirmed, and many proposed for office, by the same southern Senators now demanding jury trials) who would be called upon to try the contempt actions could hardly be deemed unfriendly either to the defendants or to the prevailing mores of the South which made the injunction necessary.

Because of these considerations, the House of Representatives wisely defeated all southern proposals to emasculate the bill with jury trial amendments.

The latest in this series of emasculating jury trial amendments is the one offered by Senator O'MAHONEY requiring jury trials in civil-rights contempt cases involving one or more questions of fact.

For all practical purposes, this amendment is no different than the ones which preceded it; its inevitable effect will be to invite contempt of civil-rights injunctions by interposing all-white juries between the judicial order and its enforceability.

Merely by pleading not guilty in a criminal contempt case and by denying the allegations in a civil contempt case, the defendant will create questions of fact insuring his trial by a jury biased against the execution of the civil-rights laws of the land.

The O'Mahoney amendment will require jury trials in all cases of contempt, civil or criminal. The suggestion by the Senator that no question of fact would be created, and thus no jury trial required, by the refusal of a county official to register a voter, cannot withstand examination.

To create an issue of fact and thus obtain a jury trial, a county official subject to an injunction would simply have to assert that he failed to register the voter in question, not because of his race or color, but for some alleged defect in his eligibility for registration. As anyone who has ever observed any litigation can attest, nothing can be simpler than the creation of questions of fact.

Existing law provides ample authority for Federal judges in their discretion to submit factual questions to an advisory jury. The O'Mahoney amendment, by making it mandatory for Federal judges to submit all factual questions to juries for binding verdicts, would interpose a white jury between the protective civil-rights decree of the court and its enforceability.

We suggest that the attempted distinction between factual and legal questions provides no basis for a determination as to the propriety of jury trials in proceedings that may arise under the civil-rights bill.

J. ALBERT WOLL.
GERHARD VAN ARKEL.
THOMAS E. HARRIS.
HERMAN EDELSBERG.
EDMOND F. ROVNER.

WASHINGTON.

Mr. DOUGLAS. Mr. President, continuing on the same subject, let me say that in my opinion the amendment of the Senator from Wyoming [Mr. O'MAHONEY] would also inevitably result in interposing jury trials in virtually all contempt cases arising out of violations of Federal court injunctions which seek to prevent citizens from being deprived of their civil rights, particularly the right to vote. It would take from American courts the full and direct power to require compliance with duly obtained court orders, in line with the equity practice upheld as constitutional by the Supreme Court since the founding of our Government. It would, therefore, make the proposed civil-rights law largely unenforceable.

The provisions of the amendment requiring jury trial, "if it appears that there are one of more questions of fact to be determined," would clearly result in interposing juries in virtually every case, because every case has questions of fact. Persons alleged to have violated or to be violating Government-obtained injunctions—or their ingenious lawyers—could certainly raise a question of fact by the simple act of denying the charges against them in a civil contempt action, or by pleading not guilty in a criminal contempt case. In the simplest of all cases, where a county official refuses to register a Negro voter, he could obviously deny that his refusal was based upon the applicant's color, and thus create an issue of fact. While I am not myself a lawyer, I would not underrate the capacity of the members of that profession to find grounds easily in such simple cases, and also in the more complex ones, for asserting that there is a question of fact.

While it is asserted that, under this amendment, the submission of the case to the jury would be discretionary with the judge, I do not believe that would be the practical effect of the amendment at all. Under rule 39C of the Federal Rules of Civil Procedure, a Federal judge already has power to call in an advisory jury. If the amendment were intended as purely discretionary, therefore, the power is already granted under existing court rules.

Since the amendment requires the submission of questions of fact to a jury in these contempt cases, however, few judges would risk reversal by an appellate bench ruling that they had ignored one or more issues of fact.

Thus, every judge, to be safe, in any case of doubt as to whether there was a question of fact, would unquestionably under the amendment call in a jury. If there are any Federal judges reluctant to take the responsibility which equity procedure has placed upon them since the beginning of our Government for the issuance and enforcement of injunctive orders to prevent irreparable injury, this amendment, of course, would provide an easy way out.

It is particularly difficult to see any justice in the effort to interpose a jury to determine whether a person who has been ordered not to deprive another of his constitutional rights should, in fact, obey the order of the court. The person against whom the order is directed, and who may be charged with contempt for disobeying the order, can purge himself of contempt by compliance or obedience.

Where, as in the case of voting rights, the time may be short, and delay may be crucial, the interposing of a jury trial on some alleged question of fact may defeat compliance with the court's order by the mere passage of time. There should be no such limiting factor on a court's power to secure obedience to its lawful orders and to prevent the deprivation of constitutional rights. The fact that someone may raise an issue as to some facts is no excuse for disobeying or delaying compliance with the court's order.

In summary, therefore, the suggested amendment would seriously hamstring the proposed civil-rights law because: First, issues of fact can be raised in virtually all such contempt cases; second, the calling in of a jury is mandatory, not discretionary, in those circumstances where there is such a question of fact; third, the judge who is doubtful about what the evidence will show, or who is timid, will find that granting a jury trial is a bulwark against reversal on appeal or against popular disfavor; fourth, interposing a jury may well prevent or delay a judge's action to secure compliance with his lawful orders protecting citizens' constitutional rights; fifth, equity procedure in appropriate cases without juries is just as lawful and in accord with the Constitution as jury trials in their proper place; and, sixth, there is an obvious and demonstrated reluctance of juries in areas of tension and high feeling—as contrasted with Federal judges, who have life tenure—to render objective judgments

against persons accused of violating rights of Negroes.

Preventive action by the courts to protect and sustain constitutional rights, which is the major and moderate objective of the bill, would thus be effectively blocked by the proposed amendment. I hope it will be defeated when it comes before the Senate for a vote, and that the Senate will pass the bill with no such weakening amendments.

CIVIL RIGHTS

Mr. DOUGLAS. Mr. President, I wish to raise a parliamentary inquiry.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER (Mr. CLARK in the chair). The Senator will state it.

Mr. DOUGLAS. I understand in the debate yesterday the statement was made that the committee hearings on the so-called civil-rights bill had not been printed. May I inquire of the Chair whether that statement is correct and whether in fact such hearings have been printed?

The PRESIDING OFFICER. The Chair rules that the Senator from Illinois has not stated a parliamentary inquiry.

Mr. DOUGLAS. May I then ask unanimous consent that the hearing on the civil-rights bill be placed on the desk of each Senator?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. JOHNSON of Texas and Mr. MORSE addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I would want to object to that request at the moment.

Mr. MORSE. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. Am I to understand that the Senator from Texas has objected?

Mr. JOHNSON of Texas. I have objected to that request at this time.

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

Mr. DOUGLAS. Yes.

Mr. MORSE. As I recall, in the course of my remarks yesterday I said the hearings had not been printed. That was my understanding. If the hearings have been printed, I think they should be placed on our desks, and very quickly, so they will be available for debate.

Mr. DOUGLAS. I am quite sure the hearings have been printed. I have read what seemed to be the Senate committee hearings.

May I address a question of fact to the Chair? Is it a fact that the hearings have been printed?

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I shall be glad to discuss the matter with the Senator from Illinois, in an attempt to make available to all Senators any hearings that may be available. I am informed by the attachés of the Senate who have knowledge of this matter that there are presently no copies of the hearings here. I have not had the matter brought to my attention until the Senator from Illinois brought it to the attention of the Senate just now. If he will give us a few minutes, we will pursue the matter fully. If we locate any, certainly they will be available to all Senators.

Mr. ERVIN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DOUGLAS. I have read the hearings. It is an extraordinary situation if they are not available. Senators who are highly honorable have been saying they are not available. Indeed, one of the complaints has been that the Senate is proceeding without the information afforded by hearings.

So, Mr. President, I ask unanimous consent that, immediately, as many of the copies of the hearings as possible be placed on the desks of Senators, and if there is not an adequate number, that an adequate number be printed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. PASTORE. Mr. President——

Mr. JOHNSON of Texas. I would object to that request at this time.

The PRESIDING OFFICER. The Senator from Texas objects to the request of the Senator from Illinois.

Does the Senator from Illinois yield the floor?

Mr. DOUGLAS. No; I do not yield the floor.

Mr. PASTORE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. The Senator from Illinois has exhausted his 3 minutes.

Mr. DOUGLAS. Mr. President, do I have the floor?

The PRESIDING OFFICER. Does the Senator from Illinois desire to request an extension of time?

Mr. DOUGLAS. Yes; I request additional time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. JOHNSON of Texas. Mr. President, we have a very unusual procedure here this morning due to the situation that has come up.

I have a brief unanimous consent request I should like to make, and I have a little insertion to make in the RECORD. I must attend a meeting at 11 o'clock, and also investigate the question brought before the Senate by the Senator from Illinois.

The PRESIDING OFFICER. The question before the Senate is the request of the Senator from Illinois [Mr. DOUGLAS] that he be granted additional time.

Mr. JOHNSON of Texas. Mr. President, how much additional time does the Senator from Illinois desire?

Mr. DOUGLAS. Mr. President, I request unanimous consent that I be granted 3 minutes additional time.

Mr. JOHNSON of Texas. Mr. President, I should appreciate it very much if the Chair would take down my name and permit me to make a request on behalf of the Senate. It is normally customary that when the majority leader stands he be recognized.

The PRESIDING OFFICER. The Chair will state that he did not see the majority leader rise to his feet before he recognized the Senator from Illinois.

Is there objection to the request of the Senator from Illinois that he be granted unanimous consent to proceed for 3 additional minutes? The Chair hears none, and without objection it is so ordered.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. I yield briefly to the Senator from Rhode Island.

Mr. PASTORE. It is my understanding that there was a written report, together with minority views, submitted by the subcommittee of the Committee on the Judiciary to the full committee. I was wondering, if the Senator from Illinois should ever have the opportunity to renew his request for unanimous consent, if he would include in his request the copy of the report of the subcommittee to the full committee.

Mr. DOUGLAS. I certainly will, but I have been stopped from having the unanimous consent request carried out because of the objection of the Senator from Texas.

Mr. WATKINS rose.

Mr. DOUGLAS. I yield to the Senator from Utah briefly.

Mr. WATKINS. I was going to make the same request.

The PRESIDING OFFICER. Does the Senator from Illinois desire to yield to the Senator from Utah?

Mr. DOUGLAS. I yield to the Senator from Utah.

Mr. WATKINS. I was going to invite the Senator's attention to the same matter which the Senator from Rhode Island mentioned. I understood that the report of the subcommittee covered the minority views as well.

Mr. DOUGLAS. Yes. May I ask the Senator from Utah if it is not a fact that the hearings have been printed?

Mr. WATKINS. They have been printed. I will add that on this side of the aisle there are a sufficient number of volumes available to accommodate each Senator.

Mr. DOUGLAS. I hope these volumes will not be shut off from the Senate of the United States.

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

Mr. DOUGLAS. I yield.

Mr. KNOWLAND. I wish to say that I have checked with our committee staff, and each of our members is being contacted. A copy of the record of hearings will be available.

Mr. DOUGLAS. I hope a similar courtesy will be extended to Senators on this side of the aisle.

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

Mr. DOUGLAS. My time is running out, but I am glad to yield.

Mr. WATKINS. I wanted to make sure that we have the minority views of the subcommittee, because the Senator from North Carolina [Mr. ERVIN] worked very long hours and prepared a very able presentation of the minority views. I wanted to be sure those were included,

because the Senate ought to have full advantage of what he said.

Mr. DOUGLAS. I thoroughly agree.

Mr. WATKINS. The majority did not file any argument for the bill.

Mr. DOUGLAS. I understand.

Mr. JOHNSON of Texas rose.

Mr. PASTORE. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, in connection with the request made by the Senator from Illinois [Mr. DOUGLAS], I wish to say that I had no knowledge that the request would be made. I have asked the officials of the Senate to communicate with the committee to determine if any copies of the record of hearings are available and, if so, how many; and to determine how many will need to be printed if they are not available, in order to supply the needs not only of the Members of the Senate but of the staff of the Senate. As soon as I have had an opportunity to check with the chairman of the committee and the ranking minority member of the committee, and to receive a report from the staff, I shall be glad to inform the Senator from Illinois of the status, or present his request, if he does not object.

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

Mr. JOHNSON of Texas. I yield.

Mr. PASTORE. I merely want to make this statement: I tried to obtain several copies of the record of the hearings some days ago. While copies were rather scarce, I was accommodated and I was given several copies.

Mr. JOHNSON of Texas. I have no knowledge as to whether they are available or in what number they are available, or whether the minority views have been printed. I have asked the staff to go into all that with the committee and to make a prompt report to us. I assume that if the Senators can forgo the use of the copies for 10 or 15 minutes, I will have an announcement to make on that subject.

THE GULF INTRACOASTAL WATERWAY

Mr. JOHNSON of Texas. Mr. President, the inland waterway system of the United States may be said to be unique in the world. Nothing like it exists in any other country.

In no other country has there grown up along a system of inland waterways anything approaching the vast industrial complex that lines our own waterways.

In our system of waterways, and in the industry that has developed along the system, we have the heart and framework of our whole national economy.

Yet, Mr. President, total Federal expenditures for river and harbor improvements to aid navigation amount to only $2,861,000,000 in our entire national history.

We have never made a better investment. The only fault I have to find with the investment is that it has been far too little.

My own State of Texas has a vital interest in America's leading inland waterway. I thus have some firsthand knowledge of the dividends that are returned from sound investments in developing facilities for waterbound commerce.

The Gulf intracoastal waterway has been called, with reason, the most remarkable transportation facility in the Nation. It is a waterway extending more than 1,000 miles from the west coast of Florida. It is a waterway that now transports some 40 million tons of commerce a distance of nearly 7½ billion ton-miles a year.

An official study by the Corps of Engineers has shown that the Gulf intracoastal waterway has achieved the unbelievably high ratio of benefits to costs of 14.8 to 1.

The savings in transportation costs brought about by the Intercoastal Canal amount to $83 million a year. Thus, in a single year, the saving is considerably more than all the money appropriated by the Federal Government for the construction of the waterway during the 50 years it has existed.

That does not tell the whole story. The facilities offered by the waterway have caused a tremendous upsurge of industrial expansion in the area it serves. The industries located in this area provide employment. They provide a market for raw materials. They pay taxes, Mr. President, because they create new wealth.

The Gulf Intracoastal Waterway is outstanding among waterways, but other inland waterways bring corresponding benefits that spread out widely among the American people.

Less than $3 billion in Federal funds for waterway development have been expended in all our history.

We have been miserly. We have been shortsighted.

Nearly 50 years ago President Theodore Roosevelt said: "Until the work of river improvement is undertaken in a modern way it cannot have results that will meet the needs of this modernization. The time for playing with our waterways is past. The country demands results." Mr. President, his words apply today with added force.

I thank the Chair. I am sorry I had to ask some of my colleagues to indulge me, but I do have an 11 o'clock meeting, and I wished an opportunity to make the remarks I have submitted.

CIVIL RIGHTS

Mr. STENNIS. Mr. President, the debate on the Senate floor is fulfilling one of this body's historic functions, which is to educate the American people on the facts of an issue.

As one evidence, the influential Wall Street Journal presented its readers this morning with a very thoughtful editorial. It could well be entitled "Stop, Look, and Listen."

The editorial is very brief, and within my allotted time I shall read it. It is entitled "The Civil-Rights Bill."

Senator RUSSELL, of Georgia, a leading opponent of the civil-rights bill, said after a conference with Mr. Eisenhower that while the President strongly favored passage of the measure he did not want legislation punitive to the South.

There is no question that the southerners in the Senate, almost to the man, consider Attorney General Brownell's bill punitive. It goes beyond the announced objectives of guaranteeing everyone a right to vote. Within it, such a respected Senator as Mr. ERVIN, of North Carolina, says, are seeds that may grow into the use of Federal troops to enforce the decrees of Federal judges.

Supporters of the measure say this is not at all what the bill means to do and that it is not nearly so broad in its punitive powers as its opponents suggest. Such differences may be widened, or they may be lessened, in the lengthy debate that is sure to take place before the bill's destiny is known.

But it seems that there is one section of this bill that is so plain that it needs no debate at all. As it is now written, Federal judges may issue injunctions where violations seem to threaten, and they may jail anyone who violates the injunction without a trial by a jury.

The southerners take particular exception to this section, and they are not alone among Senators to question the omission of trial by jury. Those who are pressing hard for passage of the bill without amendments say that if they accepted an amendment requiring jury trials the effects of the law would be entirely vitiated because southern juries will not convict white men for violating civil rights of Negroes.

It strikes us, that when the bill's proponents set out to say that, they have chosen a rather difficult argument to support.

But even if their contention were proved to be true, it could then be argued with some logic that any law so objectionable that one-fourth of the population of the entire country can be immediately counted on to disobey it, is a law that ought to be long looked at before it is enacted anyway.

Whether the civil-rights bill as presently worded would actually be administered in a punitive fashion we do not know. But there can be no doubt that, in the actual reasons for omitting the historic right of trial by jury, the measure is an indictment of 40 million people that more than southerners will find objectionable.

The logic and reasoning of this editorial are overwhelming. The indictment of the southern people with respect to juries not convicting is not proved. It is not sustained by the facts. I submit this editorial, from most impartial sources, from another area of the country, as having a particular bearing on the issue.

THE GIRARD CASE AND THE STATUS OF FORCES TREATIES

Mr. JAVITS. Mr. President, I wish to say a word on the Girard case, decided by the Supreme Court of the United States yesterday, because I think it poses an issue upon which those who feel deeply about the foreign affairs of our country need to speak unequivocally.

What we need to realize is that we must not permit isolationism to induce us now, under cover of the decision in the Girard case—which many of including myself, may disapprove of in terms of its practical outcome—to abrogate the status of forces agreements under which we deal with 54 nations, and which, if abrogated, would represent one of the greatest victories for isolationism which this country has ever known. It would result in making untenable the position

of the United States abroad, and would accomplish in one fell swoop what the masters in the Kremlin have been trying to do ever since World War II closed.

Under cover of deep feeling on this subject—and I think justifiable feeling, on the merits of the Girard case itself—we could make an irrevocable mistake, tragic to our foreign policy and to the security of the United States if we should allow this emotional feeling to drive us into abrogation of the status of forces treaties.

This is very difficult to say, and very difficult for the country to appreciate. However, it is the path of responsibility for those of us who know better, and it is our duty to say so.

The New York Times of this morning expresses this idea, in my opinion, most admirably in this sentence:

At the same time Congress must take warning not to permit diehard isolationists to confuse the issue and exploit the Girard case to press for repeal of the status of forces as a whole.

The editorial also says:

One must question the wisdom of the original American waiver of jurisdiction in committee in the case of a soldier who was admittedly on duty, as certified by his commanding officer, even though he may have committed an unauthorized act, especially since the administration ignored the last resort of diplomatic negotiations provided by the Status of Forces Agreement itself.

I believe that in the future we must make a much better record on that subject, and, indeed, even renegotiate our treaty with the Japanese. But we should not be driven into an isolationist position by what has occurred in this case.

I ask unanimous consent that editorials from the New York Times and the New York Herald Tribune of today be printed in the RECORD, at this point as a part of my remarks.

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

[From the New York Times]

THE GIRARD DECISION

Rejecting the appeal of Army Specialist Girard, the center of an international storm raised by a tragedy resulting from an accident or a bit of juvenile horseplay that endangered our whole alliance system and free world security, the Supreme Court has ruled unanimously that the accused soldier may be turned over to the Japanese courts for trial. In so doing, the court overruled a contrary decision by a lower court and also upheld the constitutionality of the status of forces agreements between the United States and 39 friendly nations, including Japan, which claims jurisdiction over Girard under such an agreement. There is nothing in these agreements, the court held in effect, that is prohibited by the Constitution, and this applies also to the various executive arrangements with Japan derived from our mutual security treaty, even though not specifically approved by the Senate. The Court likewise upheld the discretionary power of the administration to waive its primary jurisdiction when as in the Girard case, another Government claims it.

The Supreme Court's decision should go far to still the political uproar raised in Japan over the Girard case by the Communists and Socialists, which is the main reason why the Japanese Government claimed jurisdiction in the first place. In that respect it is a major victory for the administration which warned, not without cause, that to refuse to surrender Girard, especially after the American representative in the Joint American-Japanese Committee had agreed to do so, would impugn our good faith and perhaps force us to abandon other essential bases and withdraw our troops into a Fortress America, thereby giving the Soviets a decisive victory they have been unable to win by force or fraud.

But the potential dangers pointed up by the Girard case should also provide a warning both to the administration and to Congress. One must question the wisdom of the original American waiver of jurisdiction in committee in the case of a soldier who was admittedly on duty, as certified by his commanding officer, even though he may have committed an unauthorized act, especially since the administration ignored the last resort of diplomatic negotiations provided by the Status of Forces Agreement itself. There can be no objection to trials of American soldiers in foreign courts for offenses clearly committed off duty, and an American soldier is, in fact, under sentence of death for murder in Japan without any outcry about the matter. But there is a clear danger to the discipline and morale of our troops abroad if in performing their duty they must constantly keep in mind that they may be brought before a foreign court entitled to pass on the question whether they exceeded their duty or their orders.

At the same time Congress must take warning not to permit die-hard isolationists to confuse the issue and exploit the Girard case to press for repeal of the status of forces as a whole. Fortunately the House Rules Committee, showing more wisdom than the House Foreign Affairs Committeee, has shelved a proffered bill to that effect.

It now remains for the Japanese court not only to give Girard a fair trial but also to determine for itself whether it really has jurisdiction in the case, which it can assume only on the basis of evidence refuting the American commanding general's certificate.

[From the New York Herald Tribune of July 12, 1957]

THE COURT AND THE GIRARD CASE

The Supreme Court of the United States had one major issue confronting it in respect to the case of United States Army Sp3c. William S. Girard. It had to determine whether the Constitution or applicable statutes forbade American military forces to turn Girard over to the Japanese courts because of the death of a Japanese woman, hit by an empty cartridge case from his grenade launcher. All eight justices hearing the case agreed that "we find no constitutional or statutory barrier" to the provision of the Status of Forces Treaty under which the soldier was to be tried by Japan as applied here.

District Court Judge Joseph C. McGarraghy had ruled earlier that to allow the Japanese to try Girard would violate the rights of the petitioner guaranteed by the Constitution of the United States because he was acting as a member of the American Armed Forces in the performance of his official duties as guard. But the Government has contended that while Girard was on guard, he had never been authorized to use his weapon in the manner that he did. The Supreme Court held that in the absence of encroachment upon constitutional limitations, "the wisdom of the arrangement is exclusively for the determination of the executive and legislative branches."

With the constitutional issue disposed of, the practical wisdom of both the status of forces treaties in general and the Government's decision in the Girard case can be more easily discerned. For it has been clear over several years that the status of forces treaties have worked well.

It would be impossible for the United States to maintain large overseas garrisons on alien territory for mutual defense and the protection of advanced bases and have all of those troops enjoy extraterritorial privileges—that is, the right to trial by American courts. This country has had some instances of the annoyances caused by diplomatic immunity in the case of the relatively few persons who enjoy it. It has seen the fury caused in Formosa, where there is no Status of Forces Treaty, and where an American soldier was freed by an American court-martial in the killing of a Formosan. The President has pointed out that of some 14,000 cases of Americans accused of violations of Japanese law, under the Status of Forces Agreement, 13,652 were turned over to American authorities. Others who have studied the situation have agreed that American soldiers tried in foreign courts have been treated with scrupulous fairness.

To attempt to reverse this condition because of the Girard case, as some Congressmen are attempting to do, would be to jeopardize the whole military position of the United States and the Free World. As Defense Secretary Wilson wrote, on the subject of canceling the treaties: "The practical effect would be the withdrawal of United States forces from all over the world and reliance upon a fortress America concept for the defense of the continental United States." Since there is no constitutional compulsion to precipitate this national disaster, it would be the height of folly to undertake it voluntarily.

RESIGNATION OF JOHN B. HOLLISTER AS DIRECTOR OF INTERNATIONAL COOPERATION ADMINISTRATION

Mr. MANSFIELD. Mr. President, according to the press, John B. Hollister, Director of the International Cooperation Administration, has submitted his resignation to the President. No date has been announced for his departure from the ICA.

Mr. HOLLISTER has been the recipient of much criticism while he has been the occupant of the position which he still holds, but I believe that, by and large, all things considered, Mr. Hollister has done a pretty solid job, and is to be commended for the efforts he has put forth in behalf of the foreign aid program. Personally I do not know what his own feelings have been toward this program, which he has administered, but I feel that he has been a good soldier, and that he has done the best he could with what he has had to work with.

He states in his letter of resignation:

In the nature of things this far-flung effort—

That is, the aid effort—

in more than 60 countries of the Free World is occasionally wasteful and inefficient. Chances must be taken, and in many cases it will be some years before we can see how successful the gamble may have been.

This would indicate, of course, that the aid program is, as we all know, a calculated risk.

Mr. Hollister is supposed to have said further—and I now quote from the newspaper article in the New York Times—

The Director—

That is, Mr. Hollister—

said he thought all United States economic activities ought to be coordinated by a single directing head and that the military assist-

ance and economic aid programs should be coordinated better.

I am in full accord with his remarks, and I hope to see the day when all our foreign economic and information programs are coordinated under one head, in the person of the Secretary of State, and in the Department of State, which is charged with the administration of foreign policy. I think we have had too many voices speaking in this field; and the sooner we bring about real coordination the better it will be.

I believe, all things considered, that Mr. Hollister has done a good and a conscientious job in administering the International Cooperation Agency.

DECLINE IN FARM INCOME IN MISSOURI BASIN

Mr. O'MAHONEY. Mr. President, on the morning of July 10, 1957, the New York Times published a very informative story from Worland, Wyo., written by one of its staff reporters, Mr. Donald Janson, on the decline of farm income in the Missouri Basin. I think the facts which are contained in this article, affecting the agricultural life of the people of 10 States, are of very great importance.

Let me read the names of the States which are mentioned. Among them are South Dakota, Nebraska, Kansas, Wyoming, Montana, Minnesota, Iowa, Missouri, North Dakota, and Colorado.

The article is based upon an interview which was apparently granted by Mr. Kenneth M. Kingsbury, regional economist for the United States Department of Labor. I ask unanimous consent that the article may be printed in the RECORD as part of my remarks, and that a copy of the article may be referred to the Committee on Agriculture and Forestry.

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

FARM INCOME OFF IN MISSOURI BASIN—FEDERAL AID CITES A SEVERE DROP IN 10-STATE AREA—INDUSTRY SEEN LAGGING

(By Donald Janson)

WORLAND, WYO., July 9.—The 10 States of the Missouri River Basin are suffering a continued, rapid decline in number of farms and farm population and a very severe drop in total and per capita farm income.

This gloomy assessment of the area's agricultural economy was made today by Kenneth M. Kingsbury, regional economist for the United States Department of Labor.

In 1950, he said, a quarter of the basin's population lived on farms and had 19 percent of the region's income.

"Today the 20 percent still on farms have only 12 percent of the total personal income in the 10 States," he said.

Mr. Kingsbury pointed out that the trend had "a more seriously deteriorating influence" in the basin than it would have in other areas, because of the region's dependence on an agricultural economy.

He said the rate of loss in farm population was exceeding that of the country as a whole, with the rate of decline in farm income in the basin even higher.

INDUSTRIALIZATION LAGS

He reported that industrialization in the 10 States had been inadequate to absorb farm unemployment.

Only Colorado, he said, has added enough nonfarm jobs since 1950 to take up the slack. North Dakota has lagged the most, absorbing only 35 percent of its displaced farmers.

The other Missouri River Basin States are South Dakota, Nebraska, Kansas, Wyoming, Montana, Minnesota, Iowa, and Missouri.

Mr. Kingsbury said more than a million residents moved out of the basin between 1940 and 1950 and that departures were continuing, although more slowly. The basin States had a population growth of 5 percent for 1940–50, about a third of the national rate.

"The farm income decline has been the one dominant factor," he asserted, "that has prevented overall economic gains in the basin equal to the Nation."

DROUGHT A FACTOR

He said the recent extended drought in the plains had sped the slide. Farm income in Kansas and Nebraska, for example, fell by more than half between 1950 and 1955 compared with a 10 percent national dip.

Mr. Kingsbury said the shrinking farm population meant that the region was approaching the time when as much manpower would be needed in factories as on the land.

He held out hope that advances in irrigation, flood control, navigation, and power facilities would be sufficient to improve the region's economy.

The analyst addressed the Missouri Basin Inter-Agency Committee, a group representing the governors of the 10 States and 7 Federal agencies concerned with economy of the region.

The PRESIDING OFFICER. Is there further morning business?

CIVIL USES OF ATOMIC ENERGY—AGREEMENT FOR COOPERATION WITH GOVERNMENT OF SOUTH AFRICA

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD an agreement for cooperation with the Government of the Union of South Africa, together with accompanying correspondence. This agreement was signed on July 8 and was received at the Joint Committee on July 10. This is a standard power agreement providing for the transfer of 500 kilograms of contained U–235.

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

UNITED STATES
ATOMIC ENERGY COMMISSION,
Washington, D. C., July 9, 1957.

Hon. CARL T. DURHAM,
Chairman, Joint Committee on Atomic Energy,
Congress of the United States.

DEAR MR. DURHAM: Pursuant to section 123c of the Atomic Energy Act of 1954, there is submitted with this letter:

1. A proposed agreement for cooperation with the Government of the Union of South Africa.

2. A letter from the Commission to the President recommending approval of the proposed agreement.

3. A letter from the President to the Commission approving the agreement, containing his determination that it will promote and will not constitute an unreasonable risk to the common defense and security, and his authorization to execute the proposed agreement.

The proposed agreement will permit cooperation between the Government of the Union of South Africa and the Government of the United States in matters relating to the development of peaceful uses of atomic energy, with particular emphasis on the development of nuclear power. No restricted data will be exchanged under this agreement. The agreement will permit the Commission to sell to the Government of the Union of South Africa uranium enriched in the isotope U–235 in a net amount not to exceed 500 kilograms of contained U–235 enriched, except as noted below, up to a maximum of 20 percent during the period of the agreement for use as fuel in the operation of defined research, experimental power, demonstration power, and power-reactor projects in the Union of South Africa. The Commission, at its discretion, may make a portion of the foregoing 500 kilograms available as material enriched up to 90 percent for use in a materials-testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. The quantity of uranium enriched in the isotope U–235 transferred to the Government of the Union of South Africa for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling in the Union of South Africa or while fuel elements are in transit.

You will note that article X of the agreement incorporates provisions designed to minimize the possibility that material or equipment transferred under the agreement would be diverted to nonpeaceful purposes. In addition, article VIII of the agreement provides that when any source or special nuclear material received from the United States requires reprocessing such reprocessing will be performed by the Atomic Energy Commission in either Commission facilities or in facilities acceptable to the Commission. Article VI of the agreement would permit the transfer of limited amounts of special nuclear materials, including U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy. In article XII the parties affirm their common interest in the establishment of an international atomic-energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

Sincerely,

LEWIS STRAUSS,
Chairman.

(Enclosures: (1) Agreement for cooperation with the Government of the Union of South Africa (3 certified copies), (2) letter from Commission to President (3 certified copies), (3) letter from President to Commission (3 certified copies).

UNITED STATES ATOMIC COMMISSION,
Washington, D. C., June 26, 1957.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed agreement for cooperation between the Government of the Union of South Africa and the Government of the United States of America, and authorize its execution by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

This agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, and is, in the opinion of the Commission, an important and desirable step in advancing the development of the peaceful uses of atomic energy in the Union of South Africa in accordance with the policy which you have established. The Government of the United States of America and the Government of the Union of South Africa, since 1950, have been cooperating in

the production of uranium ores and concentrates, and this agreement, therefore, represents an extension of cooperation in the atomic energy field between the United States and the Union of South Africa.

The proposed agreement is designed to facilitate cooperation between the two countries with respect to the development, design, construction, operation, and use of research, experimental power, demonstration power, and power reactors, health and safety problems related to the operation and use of such reactors, and the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

The Union of South Africa, if it desires to do so, may engage United States companies to construct research, experimental power, demonstration power, and power reactors, and private industry in the United States will be able, under the agreement, to render other assistance to the Union of South Africa. No restricted data would be communicated under the agreement, and the Government of the Union of South Africa has signified its agreement to the guaranties prescribed by the Atomic Energy Act of 1954, all of which are a part of this agreement.

The agreement will permit the Commission to sell to the Government of the Union of South Africa uranium enriched in the isotope U–235 in a net amount not to exceed 500 kilograms of contained U–235 enriched, except as noted below, up to a maximum of 20 percent during the period of the agreement for use as fuel in the operation of defined research, experimental power, demonstration power, and power reactor projects in the Union of South Africa. The Commission, at its discretion, may make a portion of the foregoing 500 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. The quantity of uranium enriched in the isotope U–235 transferred to the Government of the Union of South Africa for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling in the Union of South Africa or while fuel elements are in transit.

The U–235 to be transferred under this agreement is being made available in accordance with your announcement that the United States is prepared to make up to 20,000 kilograms of U–235 available to friendly countries to facilitate the development of nuclear power for peaceful purposes and you will note that article X of the agreement incorporates provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes. In addition, article VIII of the agreement provides that when any source of special nuclear material received from the United States requires reprocessing, such reprocessing will be performed by the Atomic Energy Commission in Commission facilities, or in facilities acceptable to the Commission.

Article VI of the agreement would permit the transfer of limited amounts of special nuclear materials, including U–235, U–233 and plutonium, for defined research projects related to the peaceful uses of atomic energy. In article XII the parties affirm their common interest in the establishment of an International Atomic Energy Agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

Following your approval and subject to the authorization requested, the agreement will be formally executed by the appropriate authorities of the Union of South Africa and the United States and placed before the Joint Committee on Atomic Energy in compliance with section 123c of the Atomic Energy Act of 1954.

Respectfully yours,

LEWIS L. STRAUSS, *Chairman.*

(Enclosure: Agreement for cooperation with Union of South Africa.)

THE WHITE HOUSE,
Washington, July 2, 1957.

The Honorable LEWIS L. STRAUSS,
Chairman, Atomic Energy Commission,
Washington, D. C.

DEAR MR. STRAUSS: Under date of June 26, 1957, the Atomic Energy Commission recommended that I approve a proposed agreement for cooperation concerning the civil uses of atomic energy between the Government of the Union of South Africa and the Government of the United States of America.

The recommended agreement has been reviewed. It calls for cooperation between the two governments with respect to the development, design, construction, and operation of research, experimental power, demonstration power, and power reactors, including related health and safety problems; and the use of radioactive isotopes in biology, medicine, agriculture, and industry. The agreement also provides for the exchange of information on the exploration for and treatment and production of source materials. The agreement contains all of the guaranties prescribed by the Atomic Energy Act of 1954 and provides that no restricted data will be exchanged.

The proposed agreement provides that the Commission will sell to the Government of the Union of South Africa for use as fuel in defined reactors uranium enriched in the isotope U–235 in a net amount not to exceed 500 kilograms of contained U–235 in uranium enriched up to a maximum of 20 percent, except that a quantity of uranium, enriched up to 90 percent, may be made available for use in a materials testing reactor. The agreement provides for appropriate safeguards against the diversion of materials and equipment for unauthorized uses.

The agreement also affirms the interest of the United States and the Union of South Africa in the establishment of an international atomic energy agency which would foster the peaceful uses of atomic energy.

Accordingly, pursuant to the provisions of section 123 of the Atomic Energy Act of 1954 and upon the recommendation of the Atomic Energy Commission, I hereby

1. Determine that the performance of the proposed agreement for cooperation concerning the civil uses of atomic energy between the Government of the United States of America and the Government of the Union of South Africa will promote and will not constitute an unreasonable risk to the common defense and security of the United States, and

2. Approve the proposed agreement between the Government of the United States of America and the Government of the Union of South Africa enclosed with your letter of June 26, 1957, and

3. Authorize the execution of the proposed agreement for the Government of the United States by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOUTH AFRICA CONCERNING THE CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America, through the United States Atomic Energy Commission, and the Government of the Union of South Africa, through the South African Atomic Energy Board, are cooperating in the production of uranium ores; and

Whereas the Government of the United States of America and the Government of the Union of South Africa, mindful of the fact that atomic energy is capable of application for peaceful purposes which hold great promise for all mankind, desire to cooperate with each other in developing and furthering the beneficial uses of atomic energy; and

Whereas the Government of the Union of South Africa is now engaged in the development of facilities for the application of atomic energy for civil purposes;

The parties agree as follows:

ARTICLE I

For the purposes of this agreement:

(a) "United States Commission" means the United States Atomic Energy Commission.

(b) "South African Board" means the Atomic Energy Board of the Government of the Union of South Africa.

(c) "Equipment and devices" and "equipment or device" means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(d) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the parties to this agreement.

(e) "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

(f) "Restricted data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear materials; or (3) the use of special nuclear materials in the production of energy, but shall not include data declassified or removed from the category of restricted data by the appropriate authority.

(g) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(h) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United Stats of America determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

(i) "Source material" means (1) uranium, thorium, or any other material which is determined by the United States Commission or the Government of the Union of South Africa to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the United States Commission or the Government of the Union of South Africa may determine from time to time.

(j) "Parties" means the Government of the United States of America and the Government of the Union of South Africa, including the United States Commission on behalf of the Government of the United States of America and the South African Board on behalf of the Government of the Union of South Africa. "Party" means one of the above "parties."

ARTICLE II

This agreement shall enter into force on the day on which each Government shall receive from the other Government written notification that it has complied with all

statutory and constitutional requirements for the entry into force of such agreement and shall remain in force for a period of 10 years.

ARTICLE III

A. Restricted data shall not be communicated under this agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished under this agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such service involves the communication of restricted data.

B. Subject to the provisions of this agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the parties shall assist each other in the achievement of the use of atomic energy for peaceful purposes.

C. This agreement shall not require the exchange of any information which the parties are not permitted to communicate because the information is privately owned or has been received from another government.

ARTICLE IV

Subject to the provisions of article III, unclassified information, including information in the specific fields set out below, shall be exchanged between the parties with respect to the application of atomic energy to peaceful uses including research and development relating to such uses, and problems of health and safety connected therewith:

(a) The development, design, construction, operation, and use of research, experimental power, demonstration power, and power reactors;

(b) Health and safety problems related to the operation and use of research, experimental power, demonstration power, and power reactors;

(c) The use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry;

(d) Geology, exploration techniques, chemistry, and technology of extracting uranium and thorium from their ores and concentrates, the chemistry, production technology, and techniques of purification and fabrication of uranium and thorium compounds and metals, including design, construction, and operation of plants.

ARTICLE V

The application or use of any information (including design drawings and specifications) and any material, equipment, and devices, exchanged or transferred between the parties under this agreement, shall be the responsibility of the party receiving it, and the other party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, materials, equipment, and devices for any particular use or application.

ARTICLE VI

A. Research materials

Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy as provided by article IV and under the limitations set forth in article III, including source materials, special nuclear materials, byproduct material, other radioisotopes, and stable isotopes, will be exchanged for research purposes in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially. In no case, however, shall the quantity of special nuclear materials under the jurisdiction of either party, by reason of transfer under this article, be, at any one time, in excess of 100 grams of contained U–235, 10 grams of plutonium, and 10 grams of U–233.

B. Research facilities

Subject to the provisions of article III, and under such terms and conditions as may be agreed, and to the extent as may be agreed, specialized research facilities and reactor materials testing facilities of the parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available, when such facilities are not commercially available.

ARTICLE VII

It is contemplated that, as provided in this article, private individuals and private organizations in either the United States or the Union of South Africa may deal directly with private individuals and private organizations in the other country. Accordingly, with respect to the subjects of agreed exchange of information as provided in article IV, persons under the jurisdiction of either the Government of the United States of America or the Government of the Union of South Africa will be permitted to make arrangements to transfer and export materials, including equipment and devices, to and perform services for the other government and such persons under its jurisdiction as are authorized by the other government to receive and possess such materials and utilize such services, subject to:

(a) The limitations in article III;

(b) Applicable laws, regulations, and license requirements of the Government of the United States of America and the Government of the Union of South Africa.

ARTICLE VIII

A. The United States Commission will sell to the Government of the Union of South Africa uranium enriched up to 20 percent in the isotope U–235, except as otherwise provided in paragraph C of this article, in such quantities as may be agreed in accordance with the terms, conditions, and delivery schedules set forth in sales contracts for fueling defined research, experimental power, demonstration power, and power reactors which the Government of the Union of South Africa, in consultation with the Commission, decides to construct or authorize private organizations to construct in the Union of South Africa and as required in experiments related thereto; provided, however, that the net amount of any uranium sold hereunder during the period of this agreement shall not exceed 500 kilograms of contained U–235. This net amount shall be the gross quantity of contained U–235 in uranium sold to the Government of the Union of South Africa during the period of this agreement less the quantity of contained U–235 recovered from uranium which has been resold and has been delivered to the Government of the United States of America during the period of this agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

B. Within the limitations contained in paragraph A of this article, the quantity of uranium enriched in the isotope U–235 transferred by the United States Commission under this article and in the custody of the Government of the Union of South Africa shall not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project which the Government of the Union of South Africa or persons under its jurisdiction decide to construct and fuel with fuel obtained from the United States of America, as provided herein, plus such additional quantity as, in the opinion of the United States Commission, is necessary to permit the efficient and continuous operation of such reactor or reactors while replaced fuel elements are radioactively cooling or, subject to the provisions of paragraph E, are being reprocessed in the Union of South Africa, it being the intent of the United States Commission to make possible the maximum usefulness of the material so transferred.

C. The United States Commission may, upon request and in its discretion, make a portion of the foregoing special nuclear material available as material enriched up to 90 percent for use in a material testing reactor, capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

D. It is understood and agreed that although the Government of the Union of South Africa may distribute uranium enriched in the isotope U–235 to authorized users in the Union of South Africa, the Government of the Union of South Africa will retain title to any uranium enriched in the isotope U–235 which is purchased from the United States Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the United States Commission in either United States Commission facilities or facilities acceptable to the United States Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the United States Commission or the facilities acceptable to the United States Commission for reprocessing.

F. With respect to any special nuclear material produced in reactors fuel with materials obtained from the United States of America which is in excess of the need of the Government of the Union of South Africa for such material in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted:

(a) A first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and

(b) The right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

ARTICLE IX

As may be necessary and as may be mutually agreed in connection with the subjects of agreed exchange of information as provided in article IV, and under the limitations set forth in article III, and under such terms and conditions as may be mutually agreed, specific arrangements may be made from time to time between the parties for lease, or sale and purchase, of quantities of materials, other than special nuclear material, greater than those required for research when such materials are not available commercially.

ARTICLE X

A. The Government of the United States of America and the Government of the Union of South Africa emphasize their common interest in assuring that any material, equipment, or device made available to the Government of the Union of South Africa pursuant to this agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards provided for in this agreement are supplanted, by agreement of the parties as provided in article XII, by safeguards of the proposed International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this agreement, shall have the following rights:

1. With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

(i) reactor, and

(ii) other equipment and devices the design of which the United States Commission determines to be relevant to the effective application of safeguards, which are to be made available to the Government of the Union of South Africa or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the United States Commission.

2. With respect to any source or special nuclear material made available to the Government of the Union of South Africa or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment, or devices so made available:

(i) source material, special nuclear material, moderator material, or other material designated by the United States Commission,

(ii) reactors,

(iii) any other equipment or device designated by the United States Commission as an item to be made available on the condition that the provisions of this subparagraph B2 will apply,

(a) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in insuring accountability for such materials; and

(b) to require that any such material in the custody of the Government of the Union of South Africa or any person under its jurisdiction be subject to all of the safeguards provided for in this article and the guaranties set forth in article XI;

3. To require the deposit in storage facilities designated by the United States Commission of any of the special nuclear material referred to in subparagraph B2 of this article which is not currently utilized for civil purposes in the Union of South Africa and which is not purchased pursuant to article VIII, paragraph F (a) of this agreement, transferred pursuant to article VIII, paragraph F (b) of this agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the parties;

4. To designate, after consultation with the Government of the Union of South Africa, personnel who, accompanied, if either party so requests, by personnel designated by the Government of the Union of South Africa, shall have access in the Union of South Africa to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph B2 of this article to determine whether there is compliance with this agreement and to make such independent measurements as may be deemed necessary;

5. In the event of noncompliance with the provisions of this article, or the guaranties set forth in article XI, and the failure of the Government of the Union of South Africa to carry out the provisions of this article within a reasonable time, to suspend or terminate this agreement and require the return of any materials, equipment, and devices referred to in subparagraph B2 of this article;

6. To consult with the Government of the Union of South Africa in the matter of health and safety.

C. The Government of the Union of South Africa undertakes to facilitate the application of the safeguards provided for in this article.

ARTICLE XI

The Government of the Union of South Africa guarantees that:

(a) Safeguards provided in article X shall be maintained.

(b) No material, including equipment and devices, transferred to the Government of the Union of South Africa or authorized persons under its jurisdiction pursuant to this agreement, by lease, sale or otherwise, will be used for atomic weapons or for research on or development of atomic weapons or for any other military purposes, and that no such material, including equipment and devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Union of South Africa except as the United States Commission may agree to such transfer to another nation or international organization and then only if in the opinion of the United States Commission such transfer falls within the scope of an agreement for cooperation between the Government of the United States of America and the other nation or international organization.

ARTICLE XII

The Government of the United States of America and the Government of the Union of South Africa affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy. In the event such an international agency is created:

(a) The parties will consult with each other to determine in what respects, if any, they desire to modify the provisions of this agreement for cooperation. In particular, the parties will consult with each other to determine in what respects and to what extent they desire to arrange for the administration by the international agency of those conditions, controls, and safeguards including those relating to health and safety standards required by the international agency in connection with similar assistance rendered to a cooperating nation under the aegis of the international agency.

(b) In the event the parties do not reach a mutually satisfactory agreement following the consultation provided in subparagraph (a) of this article, either party may by notification terminate this agreement. In the event this agreement is so terminated, the Government of the Union of South Africa shall return to the United States Commission all source and special nuclear materials received pursuant to this agreement and in its possession or in the possession of persons under its jurisdiction.

In witness whereof, the parties hereto have caused this agreement to be executed pursuant to duly constituted authority.

Done at Washington, in duplicate, this 8th day of July 1957.

For the Government of the United States of America:

WILLIAM M. ROUNTREE,
Assistant Secretary of State for Near Eastern, South Asian, and African Affairs.

LEWIS L. STRAUSS,
Chairman, United States Atomic Energy Commission.

For the Government of the Union of South Africa:

W. C. DU PLESSIS,
Ambassador, Union of South Africa.

THE CIVIL-RIGHTS BILL

Mr. MORSE. Mr. President, I should like to have the attention of the Senator from Illinois [Mr. DOUGLAS] for a moment, if I may. In his remarks this morning he made comment on the fact that yesterday in the Senate debate statements were made to the effect that no Senate Judiciary Committee hearings were available to the Senate.

Mr. DOUGLAS. I said it was my understanding that such statements had been made.

Mr. MORSE. Was it the Senator's understanding that the Senator from Oregon had taken that position?

Mr. DOUGLAS. I heard the question had been raised. Would the Senator refer to the page in the RECORD he is now dealing with?

Mr. MORSE. By clear implication I said that in the debate yesterday, but I wanted——

Mr. DOUGLAS. Will the Senator refer me to the page in the RECORD?

Mr. MORSE. I wanted to make sure that we were talking about the same thing, not about comments made by another Senator. I call attention to page 11331 of the RECORD of yesterday, the middle of the first column:

Mr. MORSE. I think the Senator is correct. I do not consider it to be an important point at all, because if we have the votes—and I think we have the votes—we shall be able to proceed to handle civil-rights legislation, and we shall be in a stronger position because we shall have on our desks, to read into the teeth of the opposition—I say this respectfully and good naturedly—some of the salient points in the record of civil rights, which I think we should have as an official record to use in the debate. That is what I want to have placed on the desks of Members of the Senate. I want a record from the Senate Judiciary Committee on this issue. I want to use that record, because I am satisfied that good use could be made of it.

Then over in the second column of the same page, I said:

When the bill comes back from the Judiciary Committee, we shall then have an official report from our committee on the bill, which report we can use in debate. Those of us who are in favor of the majority recommendation contained in the report will use it, and those who are on the side of the minority will use the minority views. I am sure that there will be a statement of minority views, in addition to the majority recommendation.

If we have the votes to pass civil-rights legislation, we can then move to make the bill the unfinished business of the Senate, just as the majority voted the other day to place the House bill upon the calendar.

Other remarks in the RECORD clearly show that I was talking about hearings as well as reports from the Committee on the Judiciary. I knew of no printed hearings. Does the Senator agree that the customary practice, when a committee holds hearings on a bill, is that the printed hearings are available to us when we are debating the bill on the floor of the Senate? Does he not agree that such hearings are available on our desks, so that we, who are not members of the committee, may turn to the hearings for so-called reference work that we will need to do in our debate on the floor of the Senate?

Mr. DOUGLAS. I was not criticizing any statement that the Senator made. I was not criticizing him in the slightest degree. What he has just stated reinforces the position I have taken, namely, that the hearings have been printed and that a considerable number of them are

available. They have not been placed on the desks of Senators. The Senator from Oregon believes that they should be placed on the desks of Senators so that all of us may debate the issue more intelligently. That is exactly the point I have been stressing. Therefore, it cannot be said that the absence of a report should preclude our consideration of the bill at this time. We have the material available for full consideration. It is not necessary to commit the present bill to committee in order to get hearings or reports. The minority views in the report of the subcommittee are available. The hearings are available. I have obtained a copy of them, and I hold it in my hand. It is a substantial volume. I see that the Senator from Mississippi [Mr. STENNIS] also has a copy in his hand. I hope this will not prove to be a limited edition, and I hope every Senator will have a copy. I am sure the Senator from Oregon wants to have a copy of the hearings.

Mr. MORSE. I shall discuss the subject at some length in my speech after morning business has been concluded. I shall discuss the nature of the hearings, why we have not received copies of the printed hearings, the nature of the committee report to which the Senator refers, and whether there is before us a report of the Judiciary Committee. After all, we should not only have the hearings available, but the committee report as well. I wanted to clear up that matter.

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

Mr. MORSE. Mr. President, I shall be glad to yield in a moment. I wanted to clear up with the Senator from Illinois a misunderstanding which he apparently had in respect to my statement of yesterday. There never has been a copy of the printed hearings on my desk. I believe, therefore, I was quite justified in assuming that no hearings were available.

Mr. DOUGLAS. I do not blame the Senator. I say, merely, that the printed hearings are available. I hope that shortly they will be distributed. Therefore there is no reason for our postponing consideration of the bill, because we have all the testimony available for our consideration.

I have also acquired a copy of the subcommittee print of the minority views on the civil-rights bill, submitted by the very able Senator from North Carolina [Mr. ERVIN] and the very able Senator from South Carolina [Mr. JOHNSTON]. I believe the majority of the committee did not make a report, but merely let the facts speak for themselves.

I hope very much that the minority views will also be made available, because we want to consider the statements of the Senator from North Carolina and the Senator from South Carolina, even though we may not agree with them. We want to study them very carefully. However, we do not want a bamboo curtain put down around this material and to have it shut off from those of us who believe in civil rights. Nor do we want to have the impression go out that we are proceeding without the hearings being available.

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

The PRESIDING OFFICER. The Senator from Oregon has the floor. Does the Senator from Oregon yield to the Senator from Utah or to the Senator from North Carolina?

Mr. MORSE. I shall first yield to the Senator from Utah, and then to the Senator from North Carolina, after I have replied to the Senator from Illinois.

I hope the Senator from Illinois will honor me—because it is always a great honor to have him present when I discuss an issue—when I speak on this subject after the morning hour. I shall discuss the question why the important subject under discussion requires that the Senate refer the bill to the Committee on the Judiciary, so that we may obtain a report from the committee on the bill itself.

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

Mr. MORSE. I yield.

Mr. DOUGLAS. I am very happy to know that when the Senator makes his speech, which we shall await with great interest. he will have the advantage of information which he did not have yesterday. He will have before him the hearings and the minority views. They will serve to prevent the Senator from making errors which otherwise he might inadvertently make. I am very happy that I have helped to bring the record to the attention of the Senator from Oregon.

Mr. MORSE. I am always glad to have the help of the Senator from Illinois, and I shall try to be helpful to him when I make my speech after the morning hour.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired. Does he ask unanimous consent for additional time?

Mr. MORSE. No; I shall proceed on another item under the 3-minute order.

Mr. BUSH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUSH. Are we still in the morning hour?

The PRESIDING OFFICER. Morning business has not been concluded. The Senator from Oregon has the floor.

THE TRUMAN LIBRARY

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the RECORD as a part of my remarks an excellent editorial entitled "Senator SYMINGTON'S Gracious Tribute," published in the St. Louis Globe Democrat of Wednesday, July 10, 1957.

I highly commend the Senator from Missouri for making what I consider a beautiful and very literary speech, in Independence, Mo., last Saturday at the luncheon on the occasion of the dedication of the Truman Library in Independence, Mo.

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

SENATOR SYMINGTON'S GRACIOUS TRIBUTE

Senator SYMINGTON'S commendation of Senator KNOWLAND on the floor of the Senate for the Republican minority leader's visit to Independence for the Truman Library dedication on Saturday was a gracious act—as gracious, indeed, as Senator KNOWLAND'S act itself in taking time off from a busy schedule and on a holiday weekend to pay his respects to the Presidency of the United States and to a former holder of the world's greatest office.

The entire Truman Library dedication was a deserved tribute to Mr. Truman, but especially to the office of President. Mr. Herbert Hoover, the Nation's only other living former President, at the age of 83 came from New York to Independence and sat in the hot sun for more than 2 hours.

There were other leading Republicans in attendance, notably the Chief Justice of the United States, who delivered a moving speech honoring President Truman, and Congressman CHARLES HALLECK, the assistant minority leader in the House. The minority leader, JOSEPH W. MARTIN, Jr., had planned to be there but was called home because of the illness of his aged mother.

The Democrats who were present included the Speaker of the House, Mr. Rayburn, Associate Justice Tom Clark, Governor Blair, Governor Harriman, of New York, and several other governors, Senator Symington and a number of other Senators and Congressmen, and virtually all of the members of the Truman Cabinet.

The President of the United States was represented by a brief message which, even considering the differences between him and his predecessor, seemed inexcusably bare and bereft of feeling for the office which he now holds.

None of the notables had to go to Independence. They did so as a gracious acknowledgment of a man who, whatever their differences may have been while he was in office, still served his country to the best of his ability with a continuing patriotism and devotion to what he believed best.

It is still far too early to assess Mr. Truman's place in history. As we have remarked before, we think history will record Mr. Truman as a great President.

The dedication day in Independence honored the greatest office in the world and the man who gave, in addition to great service to America, a vast fortune in historical documents and worldly treasure to his countrymen.

Mr. MORSE. Mr. President, I yield the floor.

GOVERNMENT-BOND YIELDS

Mr. BUSH. Mr. President, recently I read an article published in the London Economist of June 15, 1957, which dealt with the subject of interest rates and Government-bond yields. The article pointed out that in Great Britain the yields are far higher than they are in 30 or 40 other countries listed in the survey, with the exception of perhaps 4 countries, and that interest yields are higher than they are in the United States.

Apparently the editor of the New York Times also read that article, because today's issue of the Times contains an excellent editorial entitled "Government Bond Yields." For the information of the Senate and of others who read the RECORD, I ask unanimous consent that the editorial be printed at this point in my remarks.

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

[From the New York Times of July 12, 1957]

GOVERNMENT-BOND YIELDS

A great deal has been said and written recently about the seriousness of the effects of tight money on bond prices and especially on the prices and yields of the highest grade issues, such as long-term Governments and municipals.

Some of this comment, it seems to us, has painted the picture in colors that are decidedly more spectacular than the facts warrant. In the first place, the current low prices (or high yields) on Governments do not reflect special conditions prevailing in this country, and cannot, by any stretch of the imagination, be associated with any deterioration in the strength of the Government's fiscal position. The most recent figures of the Federal Reserve Board show the average yields on United States Government bonds at 3.42 percent. But in Britain the price of 2½ percent consols have fallen to roughly 50, and the 3½-percent war loan to a point under 70. British irredeemables, in short, are currently on a 5-percent yield basis. Commenting on this situation in its June 15 issue, the London Economist observes:

"All countries are in the same boat; throughout the world interest rates are rising, and they are rising most quickly in those countries that have lacked sufficient self-discipline in the past to keep inflation in check."

Neither are the present yield quotations on high-grade bonds by any means as fantastically out of line with historic trends as some persons seem to delight in supposing. To begin with, comparisons between the present and the decade ended in March 1951 are rendered completely irrelevant by the fact that over these 10 years long-term Government bonds were deliberately supported at prices calculated to yield 2½ percent.

Less important, though not to be ignored, is the fact that for the first time in history Congress provided, in the Public Debt Act of February 1941, for the elimination of the tax-exemption feature that had hitherto attached to income received from United States Government securities. Every issue since that time has been fully taxable. This means that any comparison between the yields on bonds issued since February 1941 and those issued earlier represents a comparison between a taxable bond and a nontaxable or partially taxable one.

Despite these considerations, it has been by no means unusual in our generation for Government bonds to yield rates at or above those now prevailing and sometimes very much above. The high of 1934, for example, even under exceedingly easy money conditions, was 3.5 percent; in 1933, 3.5 percent; in 1932, 4.3 percent; in 1931, 4.3 percent; in 1929, 3.7 percent; in 1927, 3.6 percent; in 1926, 3.8 percent; in 1925, 4 percent; in 1924 and 1923, 4.4 percent; in 1922, 5.3 percent; in 1920, 5.7 percent, and in 1919, 4.9 percent.

In short, long-term Government-bond yields have equaled or surpassed those currently prevailing in a decided majority of the years between the end of World War I and the beginning of World War II.

RESTRICTIONS ON UNITED STATES OIL IMPORTS FROM CANADA AND VENEZUELA

Mr. WILEY. Mr. President, I was interested to note the comments yesterday by the distinguished majority leader [Mr. JOHNSON] urging restrictions on oil imports into the United States. Today I should like to make a few comments on the same subject. But I must regretfully differ with my able colleague from Texas.

CABINET COMMITTEE MUST NOT HASTILY ACT

So far as I am concerned, I hope that the President's Cabinet Committee which is now studying this issue will go extremely slow and will act with the most restraint and care before it commits the possible serious error of recommending any arbitrary restriction on oil imports.

I should like to distinguish between two basic sources of such imports: the Middle East, on the one hand, and Western Hemisphere countries on the other hand.

The majority leader yesterday did not specify from where he wants oil imports to be slashed—from the Middle East or from Western Hemisphere countries, or from both.

MIDEAST CAN SHIP TO COUNTRIES OTHER THAN UNITED STATES

The Middle East is, of course, an exceedingly troubled area. Any action which we may take which would alter the petroleum situation there should be considered only with great deliberation. But, as I understand, the Middle East might shift more of its oil to countries other than the United States. By contrast, the Western Hemisphere countries naturally must ship basically to the New World.

So far as I am concerned, I feel that the United States would be committing an error in highest diplomatic-economic policy, if it restricted Canadian and Venezuelan oil imports. I have so indicated to the Office of Defense Mobilization and to the President's Cabinet Committee.

WHY I OPPOSE MANDATORY RESTRICTIONS

Mandatory restrictions would be contrary to: First, healthy two-way United States trade with Canada and Venezuela; second, needs of our national defense; and, third, special needs of oil deficit areas like the upper Midwest, including Wisconsin.

Mandatory restrictions would result in a slash of United States sales to Canada and Venezuela. Mandatory restrictions would invite trade war retaliation.

Let me say now that I am not unmindful of the problems of independent Texas oil producers. I am not unmindful that their production was limited to but 13 days in August, as the majority leader pointed out yesterday.

WE NEED ADEQUATE RESERVES IN GROUND

But so far as I see it, I do not see how United States national defense needs are in the slightest jeopardized if more United States oil remains in our own ground instead of being used up.

An adequate United States oil reserve is essential against the day when we may need it in time of direst emergency.

COMMENTS BY HEAD OF SINCLAIR OIL

I note recently that Mr. P. C. Spencer, president of the Sinclair Oil Corp., said as follows:

Sinclair is genuinely concerned over the decreasing trend in domestic reserves of crude oil in terms of years' supply. Since 1950 this supply has declined 8 percent and had it not been for imports over the period, would have declined 15.8 percent.

Our entire economy, industry, agriculture, transportation and even our national security depend upon an abundant supply of reasonably priced petroleum products, he declared. Any responsible look at our sharply increasing requirements over the next 5, 10, and 20 years shows that our needs cannot economically be met solely from domestic sources.

I am not speaking for Sinclair Oil or for any oil company or refinery—large or small. I am simply speaking for what I regard as the national interest.

WISCONSIN NEEDS MORE OIL

Let me be very frank and say that our upper Midwest regional interest coincides with the national interest.

As my colleagues are aware, we of the upper Midwest are a part of district 2. In 1956, about 17 million barrels of Canadian oil were imported into Minnesota, Wisconsin, and Michigan. District 2 produces approximately only 60 percent of the crude-oil requirements of its refineries. Like district 5, the Pacific coast area, into which Canada also ships, we are an oil-deficit area.

Yet, our growing Midwest population and industry make the import of crude oil from Canada absolutely essential.

Parenthetically, I may say, that the comments which I am making on petroleum imports from Canada apply, as well, to importation of natural gas from Canada. The upper Midwest needs fuel, plenty of fuel and low-cost fuel—oil and natural gas.

We do not intend to be denied such fuel.

Let me point out, too, that today, my observations principally concern Canada. At a later date, I will comment in detail on the importance of continued importing of Venezuelan oil—a subject to which I have also referred in the past.

Let me point out that Canada is, of course, our best and largest customer. I might add, incidentally, that our friends in Venezuela buy a billion dollars a year worth of goods from us also.

CANADA HAD $1 BILLION TRADE DEFICIT

Yet, Canada, for one, suffers a serious trade deficit with us. In 1956, she imported $3.8 billion from us. She exported only $2.8 billion to us. In other words, she bought a billion dollars' worth more of goods than she sold to us.

It would be a most serious event, therefore, if the United States were to consider slapping mandatory restrictions on Canadian oil exports to us. I cannot believe that the administration seriously contemplates such action.

Actually, in the 3-year period from 1954 to 1956, Canadian exports of petroleum and petroleum products to the United States totaled $175 million. By contrast, the Canadians imported from us $335 million in petroleum and products. Thus, in the 3-year period, Canadian imports even of petroleum products themselves exceeded her exports to us by $162 million.

Prime Minister Diefenbraker's new Conservative government of Canada could hardly look with indifference on any arbitrary action on our part to restrict Canadian oil exports to us.

From the standpoint, therefore, of healthy trade and healthy foreign relations with Canada, we need Canadian oil and we need natural gas.

MAPLE LEAF AND STARS AND STRIPES TOGETHER

From the standpoint of national defense, Canadian gas and oil are obviously part and parcel of the North American Continent's gas and oil supply. There is not the slightest doubt in anyone's mind that in the event of the most extreme continental emergency, the Maple Leaf flag and the Stars and Stripes would be flying side by side against an aggressor.

Fortunately, the importation of Canadian oil through interprovincial pipeline is obviously far less vulnerable to enemy attack and sabotage than is overseas shipping. Indeed, Canadian fuel moving through interprovincial pipeline is far less subject even to delay under such circumstances than oil which moves through barge or tank car.

We of the United States, therefore, can do no less than to be fair in our economic relations with Canada.

OUR PROBLEMS WITH CANADA—SEAWAY, GRAIN

Let us recognize that we have a great many problems to iron out in common. There is the problem of United States exports and the barter of surplus American wheat, in competition with Canadian grain.

There is the problem of working out agreement on equitable United States-Canadian tolls on the St. Lawrence Seaway. There is the problem of completing the long-delayed arrangements before the Federal Power Commission for the importation of Canadian natural gas into Wisconsin and the other States.

Under these circumstances, let us not allow a blind and arbitrary action to be taken against Canadian oil imports.

Fortunately, as I have indicated, such action seems unlikely.

In conclusion, I hope that it is unlikely, too, that there will be mandatory restrictions against Venezuelan oil. As I pointed out in a recent weekly newsletter to my State, Venezuela has held its oil exports to the United States at around the 38-percent level.

Venezuela has set a marvelous example of a nation cooperating fully with invested foreign capital, just as Canada has cooperated. Venezuela is reseeding the ground, so to speak, with earnings from her petroleum; building housing for workers, building highways, schools, hospitals, parks.

Why should the United States therefore risk harm to important relationships of the kind I have pointed out?

Let us violate faith with neither our Canadian nor our Venezuelan friends.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. O'MAHONEY. I was very much interested in what the Senator from Wisconsin said about the very serious problem of oil importation. I have received from Mr. Ferman Phillips, executive secretary of the Oklahoma Education Association, a letter dated July 8, 1957, in which Mr. Phillips explains that the school system of his State—as is true of school systems in many other public-lands States—depends, in very large manner, upon the revenue which is obtained from the development of crude oil. Funds which come from the Federal Government's share of the royalties paid by the producers of crude oil in the public-land States have provided very substantial income for our schools. If the imports are permitted to increase, such income inevitably will decrease. So it is of the greatest importance that a speedy solution to the problem should be found.

Mr. President, I ask unanimous consent that the letter I have received from Mr. Phillips may be printed at this point in my remarks.

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

OKLAHOMA EDUCATION ASSOCIATION,
Oklahoma City, Okla., July 8, 1957.

Senator JOSEPH C. O'MAHONEY,
Chairman, Subcommittee on Antitrust and Monopolies, Judiciary and Interior Committee, United States Senate, Washington, D. C.

DEAR SENATOR O'MAHONEY: This organization is familiar with the work of your subcommittee and the information adduced by it.

On behalf of the Oklahoma Education Association, I want to take this means of thanking you for your efforts.

The school systems of Oklahoma depend to a great extent on revenue arising from the gross-production tax on oil and gas. Notwithstanding the fact that the national demand for oil is more than double what it was in 1935, Oklahoma produces very little more oil. In 1935 the average daily production was approximately 500,000 barrels per day. In June of this year the State will not produce in excess of 575,000 barrels per day. The reason Oklahoma produces no more oil than it does, is because of greatly increased imports.

The oil production of Oklahoma is restricted to meet market demand, which is restrained in volume by imports. This loss of market results in a tremendous loss of revenue to the State.

It is our hope that constructive legislation will grow out of the efforts of your committee.

Sincerely,

FERMAN PHILLIPS,
Executive Secretary.

Mr. WILEY. Mr. President, there is nothing inconsistent between my remarks and those of the distinguished Senator from Wyoming. Much of the oil which has been coming into the United States has come from the Middle East. I am interested in making certain that the oil and gas which come from Canada, particularly, which is geographically located next to the great northern part of our country, is not shut out. As I have said, Canada is our best customer. Right now, as the new political administration in Canada takes office, the United States has an advantage of $1 billion in trade. There has been talk by the new Canadian Government administration about reducing that trade balance. If we reduce our imports of gas and oil from Canada, we will not only damage the industrial life of the Midwest, of which Wisconsin is a part, but we will also make certain that retaliatory measures will be applied to our country, so that our exports into Canada will be threatened.

The United States trade with Canada amounts to approximately $3 billion annually, while we buy from Canada only about $2 billion. We should make certain that we, at least, try to play the game squarely.

Another reason why I am vitally interested in the matter is that recent statistics have shown that industry is moving into the Southland, where it can get an abundance of oil and gas. We do not want the supply of gas and oil shut off from the great Midwest. Therefore, I am interested in seeing to it that our neighbors are treated as they should be treated. This is not only to our own advantage, but it is in the interest of international peace. Our Nation is dependent entirely upon the way in which we play the game with our neighbors to the south and our neighbors to the north.

I trust that the President's action or the action of his advisers will not result in interfering with our good-neighbor policy with either Canada or Venezuela.

CALL OF THE ROLL

Mr. MANSFIELD. 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:

Aiken	Gore	Morton
Allott	Green	Mundt
Anderson	Hayden	Murray
Barrett	Hickenlooper	O'Mahoney
Beall	Hill	Pastore
Bennett	Holland	Potter
Bricker	Hruska	Purtell
Bush	Ives	Revercomb
Butler	Javits	Robertson
Carlson	Jenner	Russell
Carroll	Johnson, Tex.	Saltonstall
Case, N. J.	Johnston, S. C.	Schoeppel
Case, S. Dak.	Kefauver	Scott
Chavez	Kerr	Smith, Maine
Church	Knowland	Smith, N. J.
Clark	Kuchel	Sparkman
Cooper	Langer	Stennis
Cotton	Lausche	Symington
Curtis	Long	Talmadge
Dirksen	Magnuson	Thurmond
Douglas	Malone	Thye
Dworshak	Mansfield	Watkins
Ellender	Martin, Iowa	Wiley
Ervin	McClellan	Williams
Flanders	McNamara	Yarborough
Frear	Monroney	
Goldwater	Morse	

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. NEELY], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Florida [Mr. SMATHERS] 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 Indiana [Mr. CAPEHART] is necessarily absent.

The Senator from Pennsylvania [Mr. MARTIN] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Seventy-nine Senators having answered to their names, a quorum is present.

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 amendment of the Senate to the bill (H. R. 2070) for the relief of Mrs. Rhea Silvers.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4520. An act to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska; and

H. R. 8656. An act to authorize the Honorable HUGH J. ADDONIZIO and the Honorable PETER W. RODINO, JR., Members of Congress, to accept and wear the awards of the Order of the Star of Solidarity (Stella della solidarieta Italiana di 2d classe) and the Order of Merit (dell'Ordine al Merito della Republica Italiana), of the Government of Italy.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1918. An act 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; and

H. R. 2070. An act for the relief of Mrs. Rhea Silvers.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were each read twice by their titles and referred or placed on the calendar as indicated:

H. R. 4520. An act to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska; placed on the calendar.

H. R. 8656. An act to authorize the Honorable HUGH J. ADDONIZIO and the Honorable PETER W. RODINO, JR., Members of Congress, to accept and wear the awards of the Order of the Star of Solidarity (Stella della solidarieta Italiana di 2d classe) and the Order of Merit (dell'Ordine al Merito della Republica Italiana), of the Government of Italy; to the Committee on Foreign Relations.

AVAILABILITY OF COPIES OF HEARINGS ON CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, I should like to have the attention of the Senator from Illinois, if he is in the Chamber.

Mr. DOUGLAS. The Senator from Illinois is here.

Mr. JOHNSON of Texas. I want to review for the RECORD of the Senate very briefly what transpired earlier this morning. I read from the reporter's transcript.

The Senator from Illinois [Mr. DOUGLAS] addressed the Chair and said:

I wish to raise a parliamentary inquiry of the Chair.

The Presiding Officer said:

The Senator will state it.

The Senator from Illinois stated:

I understand in the debate yesterday the statement was made that the committee hearings on the so-called civil-rights bill had not been printed. May I inquire of the Chair whether that statement is correct and whether in fact such hearings have been printed?

The Presiding Officer said:

The Chair rules that the Senator from Illinois has not stated a parliamentary inquiry.

The Senator from Illinois said:

May I then ask unanimous consent that the hearings on the civil-rights bill be placed on the desk of each Senator?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. JOHNSON of Texas and Mr. MORSE addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I would want to object to that request at the moment.

The Senator from Oregon [Mr. MORSE] asked the Senator from Illinois to yield to him, and the Senator from Illinois stated:

Am I to understand that the Senator from Texas has objected?

Mr. JOHNSON of Texas. I have objected to that request at this time.

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

Mr. DOUGLAS. Yes.

The Senator from Oregon [Mr. MORSE] expressed his views about the hearings and what he said yesterday.

Later the Senator from Texas said:

I shall be glad to discuss the matter with the Senator from Illinois, in an attempt to make available to all Senators any hearings that may be available. I am informed by the attachés of the Senate who have knowledge of this matter that there are presently no copies of the hearings here. I have not had the matter brought to my attention until the Senator from Illinois brought it to the attention of the Senate just now. If he will give us a few minutes, we will pursue the matter fully. If we locate any, certainly they will be available to all Senators.

Then the Senator from Illinois stated:

I have read the hearings. It is an extraordinary situation if they are not available. Senators who are highly honorable have been saying they are not available. Indeed, one of the complaints has been that the Senate is proceeding without the information afforded by hearings.

So, Mr. President, I ask unanimous consent that, immediately, as many of the copies of the hearings as possible be placed on the desks of Senators, and if there is not an adequate number, that an adequate number be printed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. JOHNSON of Texas. I would object to that request at this time.

The PRESIDING OFFICER. The Senator from Texas objects.

That is the pertinent part of the colloquy concerning the hearings.

I have a memorandum from the secretary of the majority which reads as follows:

At the beginning of the civil rights debate the aids here in the Senate received 96 copies of the civil rights hearings from the Constitutional Rights Subcommittee.

I believe those offices are located at Second Street and Independence Avenue.

During the debate on the motion, this supply was depleted by Senators and staff assistants. At the time Senator DOUGLAS made his request this morning that a copy of the civil-rights hearings be placed on each Senator's desk, there were not sufficient copies available for each Senator.

I am now informed that additional copies have been secured whereby there will be copies available for each Senator. I have also secured copies of the minority views filed in the Constitutional Rights Subcommittee by Senators ERVIN and JOHNSTON for each Senator.

I should like to add, Mr. President, that there is no majority report available, because no majority report has been filed, and the committee has not acted.

In order to comply with the request to have additional copies printed, if that be desirable and necessary, because of the cost involved in the printing of the hearings, it will be necessary to have a concurrent resolution. That would mean the resolution would go to the Rules Committee of the Senate. If the committee acted on it and the Senate acted on it, after the Senate acted it would go to the House, and the Committee on House Administration would have to act. I would not want the responsibility of having an additional 10-day or 2-week delay without informing all Senators of that possibility, if additional copies are necessary and desirable.

The secretary of the majority will obtain all the copies available from the subcommittee, and will have those copies available at the desk. Any Senator who desires them upon inquiry can obtain them. I doubt the wisdom of distributing them to each Senator, if there is a limited number, because we may deplete the supply in that way, and it may be necessary then to have additional copies printed.

I point out again for the information of all Senators that I certainly do not desire to keep any information from any Member of the Senate, and certainly not any hearing or report. However, in a case of this kind, in order to protect the procedures of the Senate, I must object until I can confer with the chairman and the ranking minority member of the committee involved and until I can find out what cost is involved and whether or not it is desirable.

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

Mr. JOHNSON of Texas. I yield.

Mr. SALTONSTALL. Is the Senator able to tell us how many copies are available? I was asked if I wanted a copy, and I said I could always get one from Mr. Brownrigg.

Mr. JOHNSON of Texas. I believe the minority leader stated there was a sufficient supply available to him for each Member on his side of the aisle. I am informed that there is a sufficient supply available in the office of the Subcommittee on Constitutional Rights for each Member on our side. If some Member and his staff take 4 or 5 copies, they may not be available later in the debate.

Mr. SALTONSTALL. Then there is one copy available for each Senator, on each Senator's desk at the present time?

Mr. JOHNSON of Texas. That is my information. I think 96 copies have already been distributed.

A Senator may have three assistants, and they may use the copies of hearings one day and leave them someplace, and get other copies. The same Senator may use three copies.

Mr. SALTONSTALL. That is the responsibility of each Senator, if he does that.

Mr. JOHNSON of Texas. I think if we are given a little time it can be worked out. The Senator from Texas does not have the hearings. The bill has not been reported from the Subcommittee on Constitutional Rights, of which the distinguished senior Senator from Missouri [Mr. HENNINGS] is the chairman, which I am informed has custody of the copies of the hearings printed.

Mr. DOUGLAS rose.

Mr. JOHNSON of Texas. I yield to my friend, the Senator from Illinois.

Mr. DOUGLAS. I welcome the statement of the very able majority leader that such copies as are available will be furnished to the Members of the Senate. That was the purpose of the series of inquiries which the Senator from Illinois addressed to the Chair, and the purpose of the motions which he made.

I think we should defer any request for the printing of additional copies until we find out how many copies are actually available. That matter can then be canvassed in more detail.

Another purpose I had in raising the issue was to dispel the idea, which has been honestly created in many places, that the Senate was proceeding in an irregular fashion to consider a bill on which there were no printed hearings. It has now been established that there are printed hearings, and that they can be made available to all Members of the Senate. The bill is being fully discussed. Therefore, it would seem there is no necessity that the bill be referred to the committee.

Mr. JOHNSON of Texas. Mr. President, I know nothing about any statements which may have been made that there were no hearings available on the bill we are due to consider, or some assume we will consider. All I know is that when I was confronted with a unanimous-consent request, I thought it should be handled in the manner in which it was handled. I now inform the Senate of my reasons for doing do.

BUTTERFAT IMPORTS

Mr. THYE. Mr. President, during the month of May of this year, it was brought to my attention that a certain dairy commodity was being imported in large quantities from New Zealand. The nature of this commodity was such that it was not subject to the import quotas on shipments of butterfat.

This commodity, known in the trade as Exylone, is a type of ice cream mix containing about 76.6 percent butterfat. It has been used almost exclusively in the manufacture of ice cream but could also replace our domestic dairy commodities in the manufacture of such things as candy and cake mixes. In the period November 28, 1956, through May 4, 1957, imports of this commodity totaled 8,953,153 pounds.

When this volume of butterfat imports came to my attention, I immediately sent a telegram to the Secretary of Agriculture, asking that he request the President to have the United States Tariff Commission institute an investigation for the purpose of determining whether these imports of butterfat were in sufficient amounts to interfere with our domestic dairy price support program.

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

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

WASHINGTON, D. C., *May 20, 1957.*

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

In view of the fact that 8,944,000 pounds of Exylone, an ice cream base, which is composed of 76.6 percent butterfat, has been imported into the United States since January 1, 1957, through May 4, 1957, and since this product is in direct competition with our own domestically produced butterfat, which is now in surplus, I urge immediate action on your part to recommend to the President that he use the means at his disposal to halt the importation of this product as provided for under section 22 of the Agricultural Marketing Agreement Act of 1937.

EDWARD J. THYE,
United States Senator.

Mr. THYE. Mr. President, this request was made by President Eisenhower, and the Tariff Commission conducted hearings on June 11 and issued its recommendation to the President on July 2 of this year. In its report to the President, the Tariff Commission pointed out that during the 1956–57 marketing year the Commodity Credit Corporation had made price-support purchases of butterfat to the extent that on April 1, 1957, Commodity Credit Corporation stocks of butter totaled 22 million pounds. The Commodity Credit Corporation makes these purchases at a price level which supports the market price of our domestic dairy products. At the same time, the disposal of these surplus dairy commodities is made by the Commodity Credit Corporation at a substantial loss. In total, losses on surplus dairy products disposal for the 3 fiscal years ending June 30, 1956, were approximately $1 billion.

It was the finding of the Tariff Commission that the imports of ice cream mix constituted a substantial interference with our domestic price-support program. If these imports are allowed to continue unrestricted, the effect will be to force greatly increased purchases of surplus dairy products by the Commodity Credit Corporation and thereby increase the cost of operating the price-support program for milk and butterfat produced by our Nation's farmers. The Tariff Commission recommended to the President that imports of articles containing extractable butterfat of 45 percent or more be subjected to quota limitations.

At this point, Mr. President, I ask unanimous consent that I may have printed in the RECORD as a part of my remarks a statement by the National Milk Producers Federation of July 5, 1957.

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

JULY 5, 1957.

DOOR ON BUTTERFAT IMPORTS LEFT AJAR

In a recommendation to the President on July 2, the United States Tariff Commission suggested, in effect, that the door be left ajar to imports of foreign butterfat. It proposed that imports of Exylone and similar high-butterfat products be prohibited, but that articles containing less than 45 percent butterfat be admitted. This, it said, among other things, is intended to prevent certain hardship cases that might arise.

In a protest to the President, the National Milk Producers Federation pointed out that butterfat imports in a 45-percent product would net a price advantage of 5½ to 11 cents per pound over domestic butterfat; and that the Commission's recommendations—instead of resolving the butterfat-import problem—would set the stage for another hearing.

The ingenuity of importers or foreign exporters in developing a product for the purpose of avoiding the butter quota was described by the Tariff Commission as a part of a game. Such ingenuous manipulations, it held, are not legally or even morally wrong.

"The game, however," it continued, "is played by two sides and the stakes are the success or failure or material impairment of a price-support program of the Department of Agriculture. If means are legally available to those responsible for the administration of section 22 to provide protection against material impairment of a program by plugging holes in the dike, they are duty-bound to provide such protection."

This type of game, stated the Federation, has made it possible for a few neither legally nor morally wrong importers to defeat the domestic agricultural program. Next move in the game, the Federation predicted will be the ingenuous developments by importers of a product of less than 45 percent butterfat content, and its importaion in large quantities. The subsequent move, in mixed metaphor, will be trying to plug holes in the dike after the horse has been stolen.

Mr. THYE. Mr. President, this statement of the Milk Producers Federation points out that the Tariff Commission recommendation to the President merely allows importers of dairy products to exercise their ingenuity in developing a new product of less than 45 percent butterfat content which can be shipped into this country without limitation. This, in effect, sets the stage for another Tariff Commission hearing and recommendation at some later date.

Mr. President, it is my hope that President Eisenhower will see fit not only to follow the recommendations of the Tariff Commission, but also to pay particular attention to the protest of the National Milk Producers Federation in arriving at his decision on the establishing of butterfat import quotas. Every pound of foreign-produced butterfat brought into the United States takes the place of a pound of butterfat produced by American farmers. This displaced butterfat must be purchased by the Commodity Credit Corporation and the American taxpayers must pay the bill. Importers of dairy commodities such as this ice cream mix should not be allowed to enjoy great benefits at the expense of our American farmers and taxpayers.

CIVIL RIGHTS

Mr. O'MAHONEY. Mr. President, I wish to express my gratitude to many Senators on both sides of the aisle who have spoken to me with respect to the proposed amendment which I presented on the floor of the Senate on Monday last, and with respect to which I gave notice that, at an appropriate time, if the bill should be made the pending business, I would offer it for the consideration of the Senate.

I am very much gratified to have received so many indications of support. I have been interested in the number of letters I have received from all parts of the country, and the comments which have been made on the radio and in the press.

WE APPROACH ARAB-ISRAELI PROBLEM WITH REASON BUT OUR OWN RACIAL PROBLEM WITH EMOTION

It occurs to me that it may be helpful for those who are considering this proposal for me to state that, apparently, there are many who do not realize that in this issue we are dealing with a deep-seated emotional conflict over racial ralations. We have no trouble understanding the difficulty of settling racial relations when we think of the problems of the Arabs and the Israelis. We have no hesitation, in our policy as a Nation toward the Arabians and the Israelis, in approaching the question in a moderate, cautious, and considerate manner. The racial-relations problem in the United States is no different. The relationship between the white race and the Negro race has frequently been made a matter of great emotional distress, in which men tend to lose their reason and their tolerance and become afflicted with the desire to punish, and to force action.

AMENDMENT WOULD PROTECT CIVIL RIGHT OF ALL AMERICANS TO TRIAL BY JURY

I presented my amendment in the hope that it might lead to wise consideration, and that the adoption of this particular amendment, or some modification of it, would protect the basic civil right of all Americans to trial by jury.

VOTING RIGHT IS NOT ONLY ISSUE INVOLVED

Some question has been raised about the problem of voting rights, as though this were the only problem involved. In the CONGRESSIONAL RECORD for Monday, July 8, at page 11004, I read into the RECORD the provisions of one of the sections of the old law which is proposed to be amended and strengthened by the bill we are discussing. It reads as follows:

(3) DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or 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; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in futherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

BILL WOULD GIVE ATTORNEY GENERAL BROAD POWERS TO SUE

The bill passed by the House, and now on the Senate Calendar, would amend the section from which I was reading, section 1980 of the Revised Statutes, title 42, United States Code, section 1985, by adding two more paragraphs. The first of these, which would be the fourth subsection in section 1980, is the one which would give the Attorney General the right to sue. This right is couched in the following language:

Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage.

HE COULD SUE REGARDING MATTERS HAVING NOTHING TO DO WITH VOTING

There are combined here acts of the past with alleged prospective acts of the future. The purpose of my amendment was to make clear the situation involved in any of the suits which the Attorney General might bring, not only for preventive relief, including an application for a permanent or temporary injunction, or restraining order. Those are all directed to the future. But the language, in paragraph "fourth," on pages 9 and 10 of the bill, is "or other order."

It is perfectly clear to me that the acts of the past are clearly brought within the meaning of the proposed law, and they do not deal with voting at all. They deal with intimidation, coercion, and the like. The same thing is true with respect to part IV of the bill, beginning on page 11. Subparagraph (b) provides as follows:

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

The words "or otherwise" are most important—

shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person—

In such a case the Attorney General may bring suit.

Those are acts having no necessary relation to voting. They may arise from the very bad practice of using force and violence in racial relations, but there is no certainty that in such a case the identity of the guilty person would be clear. Therefore the amendment was designed to grant a jury trial when such cases were involved.

NEED FOR CAUTION AND CARE IS INDICATED

We must remember that in this country there are judges of all kinds. There are liberal judges and conservative judges. There are judges who misread the decisions of the Supreme Court. Today the newspapers of the United States are full of editorials and letters to the editors criticizing the Supreme Court, denouncing the Supreme Court, and declaring that it has lost all conception of American principles.

It seems to me that all this indicates the wisdom of proceeding with caution and care.

SITUATION ILLUSTRATES DANGER OF BYPASSING COMMITTEES

I may add incidentally, that this is one of the results of attempting to legislate upon the floor of the Senate, instead of in committee. Although we have done pretty well thus far in this debate, on the floor of the Senate we cannot as successfully or carefully arrive at a scholarly and judicial interpretation of language proposed to be written into a law.

EMOTIONS MUST NOT DETHRONE INTELLIGENCE

I want all Senators who have discussed the subject with me, and who have expressed themselves upon it, to know that I am perfectly open in my mind, and that I seek only an amendment of the bill which will enable Congress to protect the voting rights of the colored population wherever they may live, without depriving other people of their rights. A great Irish statesman, Edmund Burke, who served in the British Parliament, once said, "You cannot indict a whole people." He was right. I do not propose to indict a whole people, white or black or red, whatever their religion may be, whatever their status may be in society. We are dealing with a social problem, in connection with which we should not permit our emotions to dethrone our intelligence.

CLOSED COMMITTEE SESSIONS

Mr. MONRONEY. Mr. President, I invite the attention of the Senate to an article which appeared in the Washington Post and Times Herald, based on statistical data furnished by the Congressional Quarterly, showing that 34 percent of committee meetings, both of Senate and House committees, have been held behind closed doors or in executive session so far this year.

While this is some improvement over last year's figure of 36 percent, and is 7 percent below the high figure for 1954, I still feel it is too high a figure for

executive or closed sessions of Congressional committees.

We stand in poor stead indeed in criticizing the executive department for its failure to conduct public business in the open in the full light of the people's right to know about the activities of government, when one-third of our own committee sessions are held behind locked doors.

The article should be read by all committee chairmen and by the members of the committee staffs. I feel that much of the explanation for this high percentage of closed hearings lies in hasty scheduling, and not in a deliberate attempt on the part of the committees to enforce a closed-door policy on Congressional work.

In the Congressional Reorganization Act only two reasons are given for not holding open sessions of committees. The first is when an open hearing might reveal classified or strategic information. The second is that the committee should be allowed to have closed sessions for the purpose of marking up bills. Undoubtedly a great many closed sessions have been held for those two reasons stated in the Legislative Reorganization Act. The Committee on Armed Services and the Committee on Foreign Relations hold a great many closed sessions, whereas committees dealing with more or less routine matters of the Government hold fewer closed-door sessions.

I ask unanimous consent that the article to which I have referred be printed in the RECORD.

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

THIRTY-FOUR PERCENT OF COMMITTEE MEETINGS IN CONGRESS THIS YEAR HELD IN SECRET

Congress has held one-third of its committee meetings in secret so far this year.

Congressional Quarterly figures show that 854 of 2,517 committee meetings, or 34 percent, were closed to the public between the opening of Congress and July 7.

This degree of secrecy indicates that Congress may close the year with a slightly lower percentage of closed meetings than in the past 4 years. In 1955 and 1956, 36 percent of the meetings were behind closed doors. Thirty-five percent were closed in 1953, 41 percent in 1954.

J. R. Wiggins, executive editor of the Washington Post and Times Herald and former chairman of the American Society of Newspaper Editors Freedom of Information Committee, said the current 34 percent rate of secrecy was entirely too much. He said the only excuse for closed hearings was matters of national security.

Wiggins said he saw no reason why any House Education and Welfare Committee meetings, for instance, were closed to the public. He added that appropriations meetings, which always are closed in the House, should be secret only when classified information was discussed.

No committee should close any meeting, he said, without first determining whether the move was the sense of the committe majority, a procedure authorized in the 1946 Legislative Reorganization Act.

Chairman Omar Burleson, Democrat, of Texas, of the House Administration Committee said closing 34 percent of committee meetings was very reasonable. He said committees get most of their work done in closed sessions, adding that he believed in open hearings on matters of national interest. He said open hearings often are a waste of time. Whether a committee holds an open hearing or not depends largely on the nature of the committee and legislation it handles, Burleson said.

Congressional Quarterly keeps a diary of committee meetings and marks whether they were open or closed to the public. The result give the percentage of closed hearings for every committee.

But the degree of secrecy is even greater than that tabulated because some committees do not report their meetings, even though the 1946 Legislative Reorganization Act requires them to do so. For example, none of an estimated 339 meetings held by the House Appropriations Committee this year has been reported to the CONGRESSIONAL RECORD.

As far as individual committees go, the House Ways and Means Committee so far this year shows the greatest increase in secret sessions while the House Education and Labor Committee shows the greatest decrease from 1956.

The Ways and Means Committee handles legislation dealing with taxes, tariffs and reciprocal trade agreements. It has held 63 of its 68 meetings this year in closed session, or 93 percent, compared with 53 of 84 meetings in closed session, or 63 percent, in 1956.

Chairman JERE COOPER, Democrat of Tennessee, said his committee was operating no differently this year than in past years. He attributed the 30 percent increase in closed sessions to lengthy consideration of subcommittee reports on complicated legislation. He cited a study on excise taxes which resulted in a 430-page bill, as an example.

The House Education and Labor Committee so far this year closed 16 of its 96 meetings, or 17 percent, compared with 34 of 68, or 50 percent, closed in 1956. One reason for the 30 percent decrease in executive sessions is that Chairman GRAHAM A. BARDEN, Democrat of North Carolina, appointed subcommittees this year for the first time. They did much of the preliminary work in open session previously done by the full committee in closed session.

Ten major committees have held at least half of their meetings in closed session so far this year. The committees and the percentage of meetings found to have been closed: House Ways and Means, 93 percent; Senate Special Committee to Investigate Political Activities, Lobbying, and Campaign Contributions, 90 percent; Senate Rules and Administration, 73 percent; House Foreign Affairs, 65 percent; House Administration, 62 percent; Senate Foreign Relations, 60 percent; Senate Armed Services, House Judiciary and Joint Atomic Energy, 55 percent each; House Public Works, 53 percent.

These 12 committees this year have held less than 25 percent of their meetings closed: Senate Select Committee on Improper Activities in the Labor or Management Fields, 5 percent; House Select Small Business, 11 percent; Senate Select Small Business and House Rules, 13 percent each; House Education and Labor, and House Interior and Insular Affairs, 17 percent each; House Armed Services, 18 percent; House Interstate and Foreign Commerce, 20 percent Senate Interior and Insular Affairs, and Senate Judiciary, 22 percent each; Senate Appropriations, 23 percent; House Post Office and Civil Service, 24 percent.

CALL OF THE ROLL

The PRESIDING OFFICER. Is there further morning business?

Mr. HILL. 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	Ervin	Morse
Allott	Flanders	Morton
Anderson	Goldwater	Mundt
Barrett	Gore	Murray
Beall	Hayden	Neuberger
Bennett	Hickenlooper	O'Mahoney
Bible	Hill	Pastore
Bricker	Hruska	Potter
Bush	Ives	Purtell
Butler	Javits	Revercomb
Byrd	Jenner	Robertson
Carlson	Johnson, Tex.	Russell
Carroll	Johnston, S. C.	Saltonstall
Case, N. J.	Kefauver	Schoeppel
Case, S. Dak.	Kerr	Scott
Church	Knowland	Smith, Maine
Clark	Kuchel	Smith, N. J.
Cooper	Lausche	Sparkman
Cotton	Long	Stennis
Curtis	Malone	Talmadge
Dirksen	Mansfield	Thurmond
Douglas	Martin, Iowa	Thye
Dworshak	McClellan	Watkins
Eastland	McNamara	Williams
Ellender	Monroney	Yarborough

The PRESIDING OFFICER. Seventy-five Senators have answered to their names, a quorum is present.

THE JURY TRIAL AS A SAFEGUARD OF OUR LIBERTIES

Mr. STENNIS. Mr. President, has morning business been closed?

The PRESIDING OFFICER. It has not been closed.

Mr. STENNIS. Mr. President, I rise to make an insertion in the RECORD, during the morning hour.

Mr. President, the Washington Star, in an editorial on the jury-trial issue, has performed a real service for its readers today. Instead of fulminating at length, it has merely set forth the contrasting views of two Americans on the fundamental issue of the jury trial as a safeguard of our liberties. One of those Americans is Herbert G. Brownell. The other is the late Senator George W. Norris.

There is much legitimate room for disagreement in the whole field of civil rights. There is not only a division between two camps, but there are camps within camps.

To those of my friends who support civil-rights legislation, I should like to address a simple question: When the final roll is called on this specific issue, what leadership will they follow? Will they be enrolled under the banner of Mr. Brownell, or will they be enrolled under the banner of the late George W. Norris?

I realize this is not a simple question which can be answered in a matter of minutes. But I hope my colleagues will ponder it.

Where will Senators stand? With Mr. Brownell or with the late Senator George W. Norris?

At this time I shall read into the RECORD the Washington Star editorial:

BROWNELL VERSUS NORRIS

Attorney General Brownell (in a letter explaining the civil-rights bill):

"Enactment of legislation providing for jury trial in contempt cases arising out of governmental litigation would undermine the authority of the Federal courts by seriously weakening their power to enforce their lawful orders. The effect of adopting current proposals for jury trial would be to

weaken and undermine the authority of the Federal courts by making their every order, even when issued after due hearing and affirmed on appeal, reviewable by a local jury. * * *

"Furthermore the proposed amendment to existing procedures that is being advocated under the innocuous slogan of jury trial would permit practical nullification of the effectiveness of the proposed civil-rights legislation. The enforcement of any court order may require prompt and vigorous action if it is to be effective. Prompt action will often be vital in civil-rights cases, especially election cases where the registration period or the election may pass while enforcement is delayed. The injection of a jury trial between an order of a court enjoining discrimination against Negroes in an election, and the enforcement of that order would provide numerous opportunities for delay beyond the time when the order could have practical effect."

The late Senator George W. Norris (insisting on the right of trial by jury, by Congressional enactment, in every case of indirect contempt):

"I agree that any man charged with contempt in any court of the United States * * * in any case, no matter what it is, ought to have a jury trial.

"It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits before juries, every man who has ever presided in court and heard jury trials, knows that juries make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray I am confirmed in my opinion that, after all, our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of facts."

Mr. President, those ringing words come to us today just as live and vibrant, and just as full of meaning on the great issue being debated today in the Senate, as they were when they were uttered more than 25 years ago.

Therefore, Mr. President, I submit the editorial for the careful reading of my colleagues.

CONSTRUCTION OF CERTAIN WORKS OF IMPROVEMENT IN THE NIAGARA RIVER

Mr. MANSFIELD. Mr. President, has morning business been concluded?

The PRESIDING OFFICER (Mr. SCOTT in the chair). Is there further morning business? If not, morning business is closed, and the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE 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 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.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND] that the Senate proceed to the consideration of House bill 6127, the civil-rights bill.

Under the order entered on yesterday, the Senator from Oregon [Mr. MORSE] is recognized.

Mr. MORSE. Mr. President, I rise to speak on some questions of procedure which I think are involved in the issue pending before the Senate. I shall reserve to a later date the discussion of my views on the proposed civil-rights legislation.

Mr. President, I am deeply grieved by the situation which exists today in the Senate. Frankness compels us to face the reality that the liberals on this side of the aisle are a divided group; and our number is not sufficiently large Mr. President, that we can afford to be divided on a great issue, such as that of proposed civil-rights legislation.

Our division is not on the merits of the issue. We are not divided over the issue of substantive civil-rights legislation. By that, I do not mean that those of us who call ourselves constitutional liberals in the Senate are of one mind as to every letter and word which ought to be included in a civil-rights bill; but certainly I think we are of one mind that second-class citizenship should be brought to an end in the United States; and on that issue, we have been of one mind for years, here in the United States Senate. The intellectual partnership which has existed among us has been one of the most beautiful phases of our comradeship in the Senate.

Therefore, Mr. President, I would certainly be less than frank with my colleagues in the Senate if I did not take this opportunity today to express my sense of very deep sorrow over the fact that as liberals we have traveled very far apart—and I am afraid we have gone a long way apart—over the issue of procedure in the handling of this civil-rights legislation.

For the RECORD, at least, I wish to address myself to these differences, because well I know the extent to which they are misunderstood, not only within the Senate, but also throughout the country.

Earlier today, during the morning hour, we had a discussion regarding the situation existing in the Senate in connection with hearings on the bill. Of course, Mr. President, there have been no Senate committee hearings on the bill we have been asked to take up; and I am not speaking technically. But I submit it as a fact that there have been no Senate committee hearings on the House bill. There have been Senate committee hearings on a Senate bill on civil rights, but we have not had the advantage of having a report from the Senate Judiciary Committee on those hearings.

So I wish to comment briefly upon what is taking place on the floor of the Senate today in regard to hearings conducted by the Subcommittee on Constitutional Rights of the United States Senate Committee on the Judiciary. Some of us had placed in our hands this morning, for the first time, by attachés of the Senate, copies of the committee hearings on the Senate bill. I had the distinct honor of having a copy handed to me by the Senator from Illinois [Mr. DOUGLAS]. But I wish to point out that it has not been an official transmission. Mr. President, we get an official transmission of Senate committee hearings on a bill when a Senate committee officially reports the bill.

So, Mr. President, if we needed any proof of the importance of orderly procedure in the consideration of this matter, it seems to me that the handling of the Senate committee hearings offers part of the proof. For some days the Senate has been debating a motion that the Senate proceed to the consideration of a civil-rights bill passed by the House of Representatives; many of us were even unaware of the fact that any printed hearings on a Senate civil-rights bill had even come off the press—with the result that on yesterday some of us in the Senate even commented on the fact that we had not had the benefit of any Senate committee hearings or of a committee report on those hearings.

This morning we discover that there are some printed copies of some Senate hearings on a Senate bill, which bill is not before the Senate nor on the Senate Calendar. Then it was said in the debate this morning that we also have available to us, if we search it out, a subcommittee print of minority views on a Senate bill which is not before the Senate, the minority views having been prepared by the Senator from North Carolina [Mr. ERVIN] and the Senator from South Carolina [Mr. JOHNSTON].

If any Senator desires to get a copy of that report, he may do so if he makes inquiry of officials of the Senate. This is further proof that we are not following a very orderly procedure in handling civil-rights legislation on the floor of the Senate at this time, because it will be found, if Senators will check with the Parliamentarian, as I have—it is something I think they all know anyway—that a subcommittee report to a Senate committee is not an official Senate document. The only official Senate document by way of a committee report is the report of the full committee itself to the Senate, and we have no such report.

Instead, through the method we are following, we now have available to us, if we search them out, some subcommittee hearings on a Senate bill, which bill is not before the Senate; and we can, if we go about it, obtain a copy of minority views of members of a subcommittee reported to the full committee of the Senate which is not an official document at all.

What are we entitled to as Senators, Mr. President? I wish to stress this step of procedure, because I want to repeat, as I have been heard to say so many times, that we liberals, if no one else, have a clear duty of statesmanship to protect procedure, and orderly procedure, in the legislative process, because in the last analysis, minority groups

have so much to lose if we endanger their procedural safeguards.

The procedures of the Senate of the United States do not belong to us; they belong to the American people; and over the years they have been developed by orderly legislative processes in the Senate in order to protect the substantive legislative rights of the American people.

Experience over the decades has taught us that the regular committee procedure to which I have just alluded is a sound procedure, based upon experience, for protecting the substantive legislative rights of the American people. Under that procedure the Senate refers a bill to a committee, the committee studies the bill, holds hearings on it, either as a full committee or a subcommittee, and if the committee decides to handle the bill by way of a subcommittee, then the subcommittee conducts the hearings and reports to the full committee. Then the full committee, in what we call a series of writeup or markup sessions, discusses what was disclosed in the hearings, prepares a committee report based on the hearings, and gives to the Senate, as I shall show by way of a few illustrations in a moment, a detailed committee report on the deliberations of the committee.

That is the committee process, and that is why, when we are out on the hustings, at the grassroots level, describing to our constituents how the Senate works, so many of us have been frequently heard to say that at least 80 percent of the work of the Senate is really conducted in the committee hearing room and not on the floor of the Senate at all. In considering this civil-rights issue we have gone a long way from keeping faith with regular committee procedure. I think it is proper to describe the function of the Senate as that of a Committee of the Whole as far as our deliberations on this civil-rights bill are concerned. As in Committee of the Whole we have conducted no hearings. As in Committee of the Whole we have heard not a single witness. As in Committee of the Whole we have not taken a scintilla of evidence on one of the most controversial issues that has rocked American democracy in the last quarter of a century.

I submit most respectfully, Mr. President, as a constitutional liberal, our handling of this civil-rights bill, as a Committee of the Whole, is not my concept of orderly legislative process, and I propose to stand on my procedural record as a liberal. I feel confident that when the parade of hysteria now sweeping the country passes away and scholars come to study the procedural preface the Senate has provided to the historic debate on the bill which will follow, my position will be sustained. I happen to believe we are endangering orderly processes in the Senate of the United States by the way we are handling this civil-rights bill.

Before I complete my speech, Mr. President, I shall offer for the consideration of the Senate a motion which I think will bring us back to orderly processes. I say to my liberal friends, I pray once again it will unite us in a great human cause for first-class citizenship in the United States. Because I know neither what the word "quit" means nor what it means to give up hope; I also believe that if we will return to the committee processes of the Senate, there is still the possibility that most of our friends from the South may find it possible to join us in many of the provisions of what I hope will be a sound civil-rights bill, a bill we can bring up through the committee procedure for which I am pleading today.

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

Mr. MORSE. I yield to the Senator from Alabama.

Mr. HILL. The distinguished Senator from Oregon has been speaking eloquently and forcefully of the procedural rights of this body and of the necessity that we follow the usual procedure. I have asked him to yield so that I might call to his attention, and to the attention of the Senate, that this is an anniversary day. This is July 12, 1957. I hold in my hand a report dated July 12, 1956, just 1 year ago this day, from the Senate Committee on Labor and Public Welfare on the area redevelopment bill. As we know, the bill sought to provide relief in distressed areas in the United States. It was an important bill, but certainly it was no such sweeping measure as is the civil-rights bill. It was not a measure involving so many constitutional questions. It was not a measure involving so many other questions as does the civil-rights bill. Yet the report on the area redevelopment bill was composed of 55 pages. It was a committee report of 55 pages. Yet we do not have 1 page, 1 line, or 1 word from the committee on the civil-rights bill.

I have on my desk a number of other reports from the Senate Committee on Labor and Public Welfare, reports ranging from 20 to 25 to 30 to 40 and up to 50 pages, on bills which, in relation to the civil-rights bill, are of more or less minor consequence, covering no such sweeping ground as does the civil-rights bill.

This illustrates how correct the Senator from Oregon is in demanding that we have a report from the committee, for the guidance of the Senate and for the information of the Members of the Senate, so we may properly and adequately consider the bill. The report I have here, alone, contains 55 pages.

Mr. MORSE. The Senator from Alabama presents my thesis much clearer and more ably than I do. That is my thesis. I share the point of view of the Senator from Alabama, and I thank him for his contribution.

Mr. TALMADGE and Mr. PASTORE rose.

Mr. MORSE. I shall now yield to the Senator from Georgia, and then I shall yield to the Senator from Rhode Island.

Mr. TALMADGE. Mr President, I desire to express my gratitude to the distinguished senior Senator from Oregon for yielding to me.

The first time I ever heard the name "Morse," was when I became a student of the University of Georgia Law School, and I studied at that time a textbook written by Oregon's distinguished senior Senator.

In line with what the Senator from Alabama [Mr. HILL] had to say, and in line with the outstanding argument of the distinguished Senator from Oregon, I took the trouble to pick up this morning a few reports on bills which the Senate has considered. I should like first to read some of these to the Senator from Oregon, as a predicate to a question.

Mr. MORSE. I am delighted to have the Senator do so.

Mr. TALMADGE. I hold in my hand the Housing Act of 1957, which came from the Committee on Banking and Currency. On that bill there are 995 pages of committee hearings, and 66 pages in the committee report.

I hold in my hand the Corporate and Excise Tax Extension Act, from the Committee on Finance. There are 122 pages of committee hearings, and 12 pages in the committee report.

I hold in my hand the Mutual Security Act of 1957, from the Committee on Foreign Relations. There are 823 pages of hearings and 64 pages in the majority report, with 11 pages in the minority views.

I hold in my hand the Fryingpan-Arkansas Project Act, from the Committee on Interior and Insular Affairs. There are 96 pages of subcommittee hearings, and 24 pages of the subcommittee report.

I hold in my hand the International Atomic Energy Agency Act, from the Committee on Foreign Relations. There are 257 pages of testimony, and 28 pages in the committee report.

I hold in my hand the Hells Canyon bill, with which the Senator from Oregon was greatly concerned. That bill came from the Committee on Interior and Insular Affairs; and there were 359 pages of committee hearings, and 98 pages in the committee report. That is the majority report alone, I believe.

I have here the Middle East resolution, from the Committee on Foreign Relations. There are 937 pages of testimony, and 11 pages in the committee report.

There are many others here I could mention, but I do not wish to take the time of the Senator from Oregon.

Let me ask the Senator this question: Is it not true that at the present time we have not one scintilla of evidence, not one scintilla of testimony, not one scintilla of a majority report or minority views from the Committee on the Judiciary as to the civil-rights bill.

Mr. MORSE. I must answer the Senator's question with certain qualifications. We have had made available to us this morning, by way of the procedures I have just described, a volume of hearings entitled, "Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, United States Senate, 85th Congress, Civil Rights—1957," a volume of some 930 pages which I have not even had an opportunity as yet to scan, because I received this volume within the last hour and a half.

I take judicial notice, however, of the fact that there is undoubtedly a considerable amount of testimony set forth

in this volume, and exhibits, which would be classified as evidence bearing upon the civil-rights bill. But we do not have a single word of a report from the Senate Committee on the Judiciary analyzing the hearing and giving us the benefit of majority and minority views, if there are minority views, which report is so essential in the committee process, in my judgment, if we are to do the job on the floor of the Senate which I believe our constituents expect us to do.

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

Mr. MORSE. I yield further.

Mr. TALMADGE. Is it not true, therefore, that we have no vehicle whatever upon which to travel except hearsay, rumor, innuendo, and irrelevant and immaterial evidence?

Mr. MORSE. And personal knowledge and attitudes and predilections.

Mr. TALMADGE. I thank the Senator from Oregon.

Mr. MORSE subsequently said: Mr. President, to supplement what the junior Senator from Georgia [Mr. TALMADGE] stated for the RECORD a few minutes ago, I should like to provide some additional information; and I ask unanimous consent that these remarks be printed in the RECORD immediately following those of the junior Senator from Georgia.

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

Mr. MORSE. Mr. President, the junior Senator from Georgia read into the RECORD a statement regarding the number of pages of committee reports on major items of proposed legislation which has been passed by the Senate. I wish to point out that for decades the Senate has relied upon the committee process.

Some of the most recent reports are the following: The report of the Banking and Currency Committee on the Housing Act of 1957. That report consists of 66 reasoned pages.

The report on the atomic energy bill, consisting of 34 pages, from the Joint Committee on Atomic Energy.

The report on the Hells Canyon Dam bill, which already has been referred to by the Senator from Georgia. That report consists of 98 pages.

The report on the Mutual Security Act of 1957. The report consists of 64 pages.

The report on the rivers and harbors and beach erosion control bill; the report consists of 118 pages.

The report on the appointment of additional circuit and district judges; the report consists of 200 pages.

The report, from the committee headed by the Senator from Virginia [Mr. BYRD], on another social security amendment; that report consists of 140 pages.

Mr. President, this evidence shows the extent to which the orderly procedure of the Senate depends upon committee reports. In that connection, I stress the fact that the Senate has no official report on the civil-rights bill. In the last 5 minutes, an attaché of the Senate has handed be a report which I did not know was in print. It is a subcommittee reprint of a report by the Subcommittee on Constitutional Rights, of the Judiciary Committee, submitted by the great Senator from Missouri [Mr. HENNINGS]. It was prepared by a majority of the members of his subcommittee, and went to the Senate Committee on the Judiciary. It is not an official Senate document, Mr. President; it contains recommendations on which the subcommittee asked the full committee to pass judgment. But before the full committee passed judgment on those recommendations, the Senate took the issue away from it by placing the House bill directly on the Senate Calendar.

Mr. MORSE. I now yield to the Senator from Rhode Island.

Mr. PASTORE. I think the distinguished Senator from Oregon well knows, without my having to say it, that because of our association in the past I have the highest degree of admiration for his talent and his tenacity. But, speaking on the subject to which the Senator from Oregon is addressing himself at the present time, is it not the fact that the bill before us now, in substantially the same form, has been before the Committee on the Judiciary since January 7, in the form of another bill, S. 83, and then again, since March 21, in the form of S. 1658? Must we understand that because we have no report from the committee and because we have no bill reported from the committee, it is the fault of the Senate that the bill has been pending in the committee since January 7?

Mr. MORSE. I shall discuss that point in a few moments in my remarks, but first let me answer the Senator's question directly.

I must honestly say I do not know whether it is the same bill or not, because since I am not a member of the Committee on the Judiciary, I have followed the same course of action which I assume the Senator from Rhode Island has followed in many instances when he is not a member of a committee which has jurisdiction over a particular bill. I assume the Senator waits until the bill gets before the Senate and the committee report is filed, and then proceeds to do his homework.

With all the work I have had to do in the present session of Congress, I have never sat down and taken the House bill and the Senate bill to compare them line by line, because I did not feel I needed to do that until the matter was before us on the floor of the Senate. That is a task of the Senate Committee on the Judiciary, and I have been waiting for the committee to report.

I may say to my friend, the Senator from Rhode Island, that I should like to have him scan with me the names of the very able members of the Senate Committee on the Judiciary who, in my opinion, under the committee procedures of the Senate, should have great weight with us when we come to pass our final judgment upon a civil-rights bill.

The Senator from Mississippi [Mr. EASTLAND], chairman of the committee. I shall say something about the controversy over the Senator from Mississippi [Mr. EASTLAND] in my remarks.

The Senator from Tennessee [Mr. KEFAUVER].

The Senator from South Carolina [Mr. JOHNSTON].

The Senator from Missouri [Mr. HENNINGS].

The Senator from Arkansas [Mr. MCCLELLAN].

The Senator from Wyoming [Mr. O'MAHONEY].

The Senator from West Virginia [Mr. NEELY].

The Senator from North Carolina [Mr. ERVIN].

The Senator from Wisconsin [Mr. WILEY].

The Senator from North Dakota [Mr. LANGER].

The Senator from Indiana [Mr. JENNER].

The Senator from Utah [Mr. WATKINS].

The Senator from Illinois [Mr. DIRKSEN].

The Senator from Maryland [Mr. BUTLER].

The Senator from Nebraska [Mr. HRUSKA].

These Senators are all recognized as highly competent lawyer Members of the Senate. I should like to have their opinions on a civil-rights bill set forth in a committee report. Let me say that a committee report, particularly from the Committee on the Judiciary, is a sort of quasi-judicial opinion. The reports of that committee carry great weight with me. We ought to have their report, and we do not have their report on a civil-rights bill because the Senate has taken the time away from the Senate Judiciary Committee.

The Senator from Rhode Island speaks about the fact that the bill has been pending before the Senate Committee on the Judiciary for some 6 months. May I ask, rhetorically, is it not true that one of the reasons given for the course of action taken the other day in the Senate, in placing the House bill on the calendar of the Senate, was that it amounted to sort of a disciplining of the Senate Committee on the Judiciary? It certainly was not a compliment to the Senate Committee on the Judiciary to place a House bill directly on the Senate Calendar without the bill first going to the Senate committee.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. MORSE. I yield.

Mr. PASTORE. I do not think anyone contends against or disputes the position that it would have been much more desirable to have had a bill reported by the Senate committee and to have had a committee report. As a matter of fact, most of us who are interested in this type of legislation have waited for such action for many months. I repeat that, had we had a bill from the Judiciary Committee, and had we had a record of the hearings and a report, our situation would have been much more desirable than the position in which we find ourselves today.

After all, the proposed legislation was introduced on January 7. I do not know whether the Senator from Oregon has checked the RECORD, but I have checked

it. With respect to every substantial point contained in House bill 6127, every one of the provisions is contained in the two bills to which I have referred. The hearings will show that every single sentence, every single paragraph, every single section, was testified to by witnesses. I think it is stretching technicalities and imaginations too far to try to draw a thin line of demarcation and say that on this precise bill, House bill 6127, we have not had hearings. All of us admit that to be true. But if the Senator will read the House bill, and read the bills which have been before the Judiciary Committee, he will find that every single paragraph and every single section of the House bill will be found somewhere in the two bills which have been before the Judiciary Committee of the Senate, and that hearings were held thereon.

To repeat, it would have been much more desirable to have the situation which the Senator describes. But here we are. The Committee on the Judiciary had before it a bill on this subject on January 7, 4 days after the Senate convened. We waited until almost the end of the session, the last month of the session, at the end of which Congress must adjourn, unless it provides otherwise by joint resolution—for, without such a joint resolution it must adjourn on the 31st day of July—but nothing was reported by the committee.

What else could we do? Only one other thing could be done. We could move to discharge the Judiciary Committee from further consideration of the bill. If that were done, would we have hearings, or a report? Of course not.

That is the position in which we find ourselves today. There has been no neglect on the part of those who want civil-rights legislation. The neglect, if there has been neglect at all, has been on the part of those who have had jurisdiction and control over such proposed legislation, namely, the Judiciary Committee. They have been withholding action, and have neglected to report a bill for the consideration of the Senate.

I repeat, it would have been much better to have had such a situation as that suggested by the Senator, for whom I have the highest respect and admiration, but that is not the situation today. We have retreated, retreated, and retreated until our backs are almost against the wall. The action we have taken is extreme, of course, We have admitted that it is extreme. But in extreme times one must take extreme action if he expects any results whatever.

Mr. MORSE. Mr. President, I am very appreciative of the help of the Senator from Rhode Island in proving my case, as he has done.

Mr. PASTORE. I hope I have not. I have been arguing against the Senator's case.

Mr. MORSE. In my judgment the Senator from Rhode Island has helped me to prove my case. Let me tell him why I think he has helped me.

These bills may be identical, as the Senator says they are. I have not taken the time to check them section by section, although I am somewhat surprised at that evaluation of them, because I have been told by members of the Judiciary Committee that there are substantial differences between the Senate bill and the House bill. It may be that what they meant when they told me that there are substantial differences between the House bill and certain amendments to the Senate bill which it was possible to get through the Senate subcommittee. But my main point is that we as a Senate never took any parliamentary action in any attempt to make clear to our own Judiciary Committee that we wanted action from the committee on the Senate civil-rights bill. We never introduced a resolution or motion of discharge which would have been a warning to the committee. We never introduced a resolution of instructions to the Judiciary Committee at any time during the 6 months' period about which the Senator from Rhode Island [Mr. PASTORE] complains.

What we did do as a Senate was to wait until the House bill came to the Senate, and then we proceeded to slap our own Senate Judiciary Committee squarely in the face by putting the House bill directly on the Senate Calendar. I think it was a parliamentary insult to the committee. I think it was unwarranted and undeserved. I regret it. I say to the Senator from Rhode Island [Mr. PASTORE] the Senate as the parent of the Judiciary Committee made no attempt to guide its child. The Senate just disowned its child. The Senate walked out on the responsibilities of committee parenthood. There were steps we could have taken other than putting the House bill on the calendar, but we did not take them.

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

Mr. MORSE. I shall be glad to yield in a moment.

If it be true that the bills are practically identical, or identical, then there is all the more reason, in my judgment, why the Senate should appropriately instruct its child—and the Judiciary Committee is its child. We have authority to instruct Senate committees. If the bills are identical, then we should have sent the House bill to the Judiciary Committee of the Senate, and instructed the committee as to our wishes. I think filing a discharge motion would have been warning enough to produce a committee report on a civil-rights bill at an early date, but we did not even do that. I am afraid that the emotions of the Members of the Senate rather than their judgment controlled the action taken.

I have checked with the Parliamentarian, who has been here for many years. He cannot remember a case of any Senate committee, after having been given instructions by the parent body, failing to carry out such instructions. That is what I think through hindsight we should have done in the interest of orderly procedure. At the time I thought that giving notice of an intention to file a motion to discharge the committee would probably have speeded up committee action. I still think so. However, a resolution of instructions to the committee would have been even better.

The Senator from Rhode Island has said to me that we have placed directly on the calendar of the Senate a bill almost identical with the Senate bill. If the Senator is correct in his premise, we should have said to the committee, "You have been holding hearings on the Senate bill long enough. We ask that you give us a report on it within a limited time."

At the time I urged that we send the bill to the Senate committee with clear notice that we would move to discharge the committee within 2 weeks if it did not report a bill. That amounted to a proposal to refer the bill with instructions. As I have said, the Parliamentarian reveals that committees invariably carry out such instructions. I wish the Senator from Rhode Island [Mr. PASTORE] had joined me in that proposal. We should have given the Senate committee a chance to carry out our instructions. I say that orderly procedure in the Senate called upon us at least to give the Senate Judiciary Committee an opportunity to act under instructions.

I join with the Senator in his irritation that the Senate committee had not reported the Senate bill after some 6 months. However, the Senator and I are parents. We know that sometimes a little instruction—kindly at first, and with increasing severity, sometimes—produces behavior patterns which we think are good for the child, and which, in this instance, I think would have been good for the Senate's child as well as for the Senate.

If the Senator from Rhode Island is correct in his statement that the two bills are identical, or practically identical, I think we made a great mistake in not saying to the Judiciary Committee, "We are sending the bill to you and allowing you a certain period of time within which to report."

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

Mr. MORSE. I yield.

Mr. PASTORE. It has not been exactly a case of irritation. It has been a case of frustration. We have been frustrated in getting this kind of legislation to the floor of the Senate for consideration and debate.

The Senator from Oregon has implied that had I voted to send the bill to the committee with instructions, the situation might be different. As I recall, no such motion was ever made.

Mr. MORSE. The proposal that the committee be allowed 2 weeks to consider the bill was discussed. If carried out that would have amounted to a form of instructions to the committee.

Mr. PASTORE. It was merely discussed. Had the Senator from Oregon made the motion at that time, I might have been inclined to look upon it more favorably then than now. However, after we have debated for almost a week the question as to whether or not the House bill should be made the pending business, we are told that some time next week, once it becomes the pending business, a motion will be made to refer it to the Committee on the Judiciary with instructions.

I do not know for how long the committee would hold the bill before complying with the instructions. It might hold it for 1 week, or 2 weeks. But as a practical, realistic man, I do not contemplate anything happening within 2 weeks which would place us in a better position than that in which we now are. We might have submitted to us a report which would be a recodification of the minority views, which have already been submitted by the subcommittee to the full committee.

The situation is very strange, indeed. I have been a Member of this body for 7 years. The Senator from Oregon has been here much longer than that. I wonder if he recalls any instance in which a subcommittee made a written report to the full committee consisting of minority views, in writing, but with no majority views. We have no majority views. The subcommittee consults with the full committee, and the full committee consults with the subcommittee. There are the same personnel on one as on the other. But nothing ever comes before the Senate. Reports are passed back and forth from the subcommittee to the full committee, but nothing ever reaches the Senate. Why? Do we want this legislation to be enacted or do we not want it?

I will admit that law comes before expediency. I am not arguing expediency as a substitute for the law. As a lawyer, I respect the law, and I think we should follow the law. But I say that in this case we have followed the law. If we have gone to extremes in exercising our rights under the law, it is because we have been compelled to that position, and only for that reason.

I repeat that it would have been a great deal better to have proceeded in the other way; but we did not have a chance.

Mr. MORSE. Mr. President, I disagree with many of the premises laid down by the Senator from Rhode Island.

First, we never instructed the committee. We never referred the House bill to the committee with instructions.

The Senator will find, if he checks the RECORD, that in the course of debate statements were made to the effect that the first thing we should do was to move to discharge the committee if we thought the committee was deserving of discipline.

I stated that if the House bill went to the committee instead of to the calendar, I would give my pledge to the Senate that I would move to discharge the committee if it did not report the bill back within a reasonable time. I am satisfied that if we had adopted a motion instructing the committee to report back in 2 weeks it would have done so.

Later in the debate the question was raised as to what was a reasonable time. I think the question was raised by the Senator from Ohio. At any rate, the RECORD will show. I said that in my judgment 2 weeks would be a reasonable length of time.

Let me say to the Senator from Rhode Island that he jumps over one step which I think is essential to the orderly process in the handling of the bill, and that is the step of sending the bill to the committee with instructions. I think we should do it, and I still think we should have the benefit of the analysis of the lawyers whose names I have just read, who are members of the Judiciary Committee, and as such are servants of the Senate.

I return now to the suggestion in regard to disciplining the committee. I care not how verbally the idea may be clothed, the fact is that the Senate, when it voted to place the bill on the calendar, took disciplinary action against the Committee on the Judiciary. I do not think it was fair or right to do that. We should have said to the committee, "We are disappointed in what you have done with the Senate civil-rights bill. We think you ought to have reported the bill to the Senate long before this. However, we are going to insist on speedy action on the House bill, and we will give you an opportunity to give us your judgment on it, and we instruct you to give us that judgment within a period of 2 weeks." Or we could have set any other time within which the committee must report to the Senate.

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

Mr. MORSE. I shall be glad to yield in a moment. If we are to get along in the Senate in the orderly transaction of business we should avoid procedures such as we have had in this case. We should not convict a committee which has never taken action on the House bill merely because it failed to take action on the Senate bill. It is always best to lean over backwards in an endeavor to be fair, and it is better in the interest of fairness to give the committee an opportunity to carry out the instructions of the Senate.

If we had said in effect—and that is what referring a bill with instructions means, at least in this instance—"We are disappointed in the way you handled the proposed civil-rights legislation, but we will respect the committee procedures of the Senate and we will give you an opportunity to pass on this bill within 2 weeks," we would have avoided what I think is bound to develop in the Senate, namely, ill feelings among us. That could be avoided if we follow the regular procedure.

Mr. PASTORE. Mr. President, will the Senator yield on that point.

Mr. MORSE. I yield.

Mr. PASTORE. First I wish it clearly understood that I am not trying to indict anyone. However, I should like to ask the distinguished Senator from Oregon this question: What was there while the controversy was pending as to whether we should place the bill on the calendar or send it to committee, and what has occurred during the past 10 days, what prevented the Committee on the Judiciary from reporting either S. 83 or S. 1658, which are bills that have been the subject of hearings, so that those bills could have been placed on the calendar?

Mr. MORSE. Human nature. Just human nature. That is to be expected. When the members of the committee are being spanked on the floor of the Senate, they are not going to act like a group of little children and run into a quickly called committee meeting and say, "Well, before we get a worse spanking we had better report a bill to an angry Senate." That is not to be expected of Senators. The Senator knows as well as I do that when we put the House bill on the Senate calendar we took the issue away from the Senate Judiciary Committee. I am sure that the Senator does not really believe that any committee that he is on would report a Senate bill after the Senate as a whole slapped his committee in the face by putting a House bill directly on the Senate Calendar while the Senate bill was still under committee consideration. Such a suggestion just runs counter to normal human behavior patterns. Thus I say, just human nature would prevent any such course of committee action as the Senator from Rhode Island [Mr. PASTORE] suggests.

Mr. PASTORE. Who has been spanking the committee between January 7 and the last day of June?

Mr. MORSE. The Senate, as the committee parent, surely did not until a majority voted to put the House bill directly on the Senate calendar.

Mr. PASTORE. Why must we assume that we are spanking them now? The committee has not reported any bill during all that time. There has been much said on the floor about the committee never having had an opportunity to consider the bill we are now discussing. I do not know whether it is necessary to have a half-dozen university degrees to understand the fact that H. R. 6127 has to do with civil rights and that S. 83 and S. 1658 have to do with civil rights. If the committee had wanted another bill to be considered by the Senate, in preference to the bill we are now talking about, it would have been the easiest thing in the world for the committee to have reported a bill and to have had the hearings printed, and to have made the report of the committee and the minority views available to the Senate. A complete record could be available to the Senate at this time.

The fact is, Mr. President, that a few Senators do not want a civil-rights bill. That is what it comes down to. It is not a question of procedure. It is not a question of committee process. It is not a question of spanking anyone. It is not a question of postponing anything. We are up against the practical and realistic proposition that there are those who want this kind of law, and there are those who do not want it. Those who do not want such a law happen to be in control of the committee which considers this type of legislation. Regardless of all the parliamentary discussion, and regardless of all technicalities, when we strip it clean to the bone; and get right down to it, the fact is that we are in a hassle today, because there are a few who have control of the committee and who do not want this kind of legislation to be passed.

Mr. MORSE. We get down again to the point, may I say to my friend from Rhode Island, that we have on the Senate Calendar a House bill which was never considered by the Senate Committee on the Judiciary. I do not think that we have dealt fairly with the Committee on the Judiciary. That is why I raise my voice today.

Mr. LAUSCHE and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield? If so, to whom does he yield?

Mr. MORSE. In a few minutes I shall yield first to the Senator from Ohio. The point of view presented by the Senator from Rhode Island makes crystal clear the great difference between our groups. One group insists that the bill ought to be sent to the Committee on the Judiciary with instructions to submit to us a committee report within a reasonable period of time. The other group believes that the Committee on the Judiciary has bottled up the Senate bill, although I do not know why they say the committee has bottled it up, because the record is clear that the Committee on the Judiciary did not act in a vacuum for 6 months.

The volume I hold in my hand is quite a piece of work. It is the record of the committee hearings. The many hearings the committee held indicate that the committee was not acting in a vacuum. I also understand from members of the Committee on the Judiciary that there were times when illness on the part of one or more members of the committee slowed up the work of the committee on the civil-rights bill. We should find out about all those factors, too.

The Committee on the Judiciary should have an opportunity to clear itself before we follow the procedural course of action upon which we have embarked.

I yield now to the Senator from Ohio.

Mr. LAUSCHE. I read from the report that there are 13 bills of this nature and 1 concurrent resolution pending before the Committee on the Judiciary. I understand from the Senator from Rhode Island that the bill we are considering is substantially identical with Senate bill 83 and the other bill mentioned by him. Is that correct?

Mr. PASTORE. Senate bill 83 and Senate bill 1658.

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

Mr. MORSE. I yield.

Mr. LAUSCHE. The Senator from Rhode Island says that these bills are substantially alike. May I ask him in what respect they differ, if he is able to tell us?

Mr. PASTORE. There is a slight or minor difference between them. That situation was discussed on the floor of the Senate. I believe the Senator from Georgia [Mr. RUSSELL] brought out the fact that the bill messaged to the Senate by the House was not identical with the star print. It was said that a minor transposition was made in the House bill. If I recall correctly I think some question was raised as to whether there were 3 or 4 subsections. I think there were 4, and I believe the Senator from Wyoming pointed out that technicality. Therefore it could be argued, I suppose, that, technically, a bill in that form was not before the Senate committee. However, aside from that, every other feature contained in H. R. 6127, the bill we are discussing, is also found at one point or another in S. 83 or S. 1658, and testimony has been taken on those features.

Mr. LAUSCHE. Do I understand correctly, then, that the substance of the bill now under discussion is in practical accord with the provisions contained in the main bill that has been pending before the committee?

Mr. PASTORE. Oh, yes.

Mr. LAUSCHE. What did the Senator from Rhode Island mean when he said it is in substantial accord?

Mr. PASTORE. Simply that I would not want to be committed to the fact that if there is an extra "or," or a superfluous "and," in one bill as against the other, someone could say they were not exactly the same. I used the word "substantially," only to guard myself against that kind of accusation.

Mr. LAUSCHE. The substance of the legal provisions in both bills is practically identical.

Mr. PASTORE. Much of the discussion on the floor has been with reference to giving the Attorney General the right to initiate a petition for a temporary restraining order, a preliminary injunction, or a permanent injunction. That is in both bills—the House bill and the Senate bill.

The question about part III, which has to do with all civil rights, is in the Senate bill and in the House bill. The part concerning the injunction is in the Senate bill. It is also in the House bill. The part relating to the Commission is in both the Senate bill and the House bill.

If the Senator will take both bills and compare them, he will find, in substance, the things about which we have been arguing on the floor of the Senate. The things which have raised voices, raised attitudes, and sometimes even the tempers, and maybe sometimes have even involved the bayonets and the guns, are the same things which were discussed in the House, as they are being discussed here.

Mr. MORSE. Does the Senator from Rhode Island know whether any amendments were adopted on the House side?

Mr. PASTORE. There was one amendment which I know of, subsection (a), in part III. I daresay—and I make this statement without fear of contradiction—that essentially every important part of H. R. 6127 is to be found in the bills which have been pending for months and months before the Senate Committee on the Judiciary. I defy anyone on the floor to dispute that statement.

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

Mr. MORSE. I yield.

Mr. LONG. Concerning what I regard as something of a slur which has been cast upon the committee system, I believe it might be well to point out a fact which the Senator from Oregon certainly knows, namely, that a few members of the committee, less than a majority, simply cannot control a committee if the committee wants to take a contrary course of action.

I recall, for example, that in years gone by I fought vigorously for a tidelands bill which was opposed by the Senator from Oregon. That was at a time when the Senator from Wyoming [Mr. O'MAHONEY], who is sitting here, was the chairman of the committee. The Senator from Wyoming also opposed the bill. The opposition to the bill on the part of the committee was very vigorous. But eventually the committee reported a bill to the Senate, and the Senate considered the issue and decided it.

This particular bill is not the only one on which it has taken a committee some time to act. I imagine that approximately 98 percent of all the bills which have been introduced in the Senate are still in Senate committees. Not a single social-security bill has been reported by the Committee on Finance this year. I do not believe a single revenue bill has been passed by the Senate this year. But such bills are in the Committee on Finance. Action will be taken on those bills.

But it is not at all unusual for a bill to be in committee for several months, particularly if it is a very controversial bill, a bill which involves matters on which Senators differ very strongly.

Mr. MORSE. It is true also, is it not, that the Committee on the Judiciary has transacted a large amount of business in the past 6 months?

Mr. LONG. It has reported a tremendous number of bills.

Mr. MORSE. It has reported a great number of bills to the Senate in the past 6 months.

Mr. LONG. Yes.

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

Mr. MORSE. I yield.

Mr. PASTORE. First, I did not intend any slur on committee procedure. I hope I have not been misunderstood on that point. I positively did not have that intention. I have the highest respect for the personnel of the Committee on the Judiciary. I have the highest respect for the viewpoint of the distinguished Senator from Louisiana on the subject.

I realize that this is a very difficult subject. I realize that there is involved a certain delicateness which sometimes causes difficulty in debating the subject. I meant no offense or any derogation of any individual. I love and admire all of my colleagues very much, including all the members of the Committee on the Judiciary. I am making no reflections on anyone. I have the highest respect for the other man. I have simply been brought up that way.

All I am saying is that somewhere along the line there is a little more than a committee which counts in the Senate. The Senate itself counts.

We, the parent organization, as the distinguished Senator from Oregon has pointed out, are the fathers of the committee. When the time comes that a child does not behave and does not give the parent the opportunity to determine how to discuss and debate an issue, then it becomes time to take the situation in hand and do the best we can. That is exactly what we have done. We are not disputing the different points of view; we are simply saying that we want a reasonable opportunity to discuss the bill and to vote on it.

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

Mr. MORSE. I yield.

Mr. LONG. As the Senator has so well pointed out, there has never been a time when the Senate has instructed a committee to report by a certain date that the committee has not reported in accordance with the Senate's instructions. That has been without exception, so far as I am able to determine. I am curious to know if there has ever been an exception.

Mr. MORSE. There have been instances when a committee has asked for a brief extension of time, and the extension was granted. But the Parliamentarian has advised me that he cannot recall any time when the instructions given to a committee were not carried out.

Mr. LONG. I assume the Senator has also seen bills reported to the Senate which have been substantially changed on the floor of the Senate, the changes being of such a drastic nature that Senators have wanted the committee to take a second look at the bills to see what the Senate itself had done.

Cannot the Senator from Oregon recall instances when, far from taking away from the Senate its responsibility, the Senate has sent bills back to committee, so that the committee could advise the Senate of the nature of the amendments which were adopted on the Senate floor?

Mr. MORSE. The Senator is correct.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I thank the Senator for yielding. I have listened attentively to what the Senator from Rhode Island was saying. I recognize his desire, his willingness, and his demonstrated capacity to deal harmoniously with his colleagues. I know that he meant no reflection whatsoever upon his colleagues. I like to think that my attitude is exactly the same.

I may say, however, as a member of the Committee on the Judiciary that I do not believe there is real ground for the belief that the bill was bottled up in the committee by any members of the committee who were determined to prevent a report. The Senator from Oregon has correctly stated that the committee was handicapped by the absence, because of illness, of some of its most effective members. Some of them now, because of illness, are not in a position to come to the floor of the Senate; and those Senators were all in favor of the proposed legislation. There are three Senators whom I have in mind. My own desire was to help the Senator from Missouri [Mr. HENNINGS] to bring a bill to the floor.

But it was also obvious, from the number of measures which were introduced, and from the nature of the bills themselves, that the subject required study. For my own part, on one occasion when we considered amendments to the bill, I voted for a jury trial amendment, although I did not think it was the sort of amendment which should be attached to the bill. I voted for it because I felt that the bill as it had been introduced—the administration bill, not the other bill—was so complex that it ought to have prolonged study. The committee was busy doing that and was adopting amendments. The chairman of the committee was present, and he was not blocking amendments from being considered.

So I assure the Senator from Rhode Island that to broadcast across the country the idea that it was the purpose of the controlling majority in the committee to prevent the reporting of a bill is not warranted. I make the statement because the Senator said he challenged anybody on the floor to say otherwise.

Mr. PASTORE. No, no.

Mr. O'MAHONEY. Yes.

Mr. PASTORE. No. I respectfully submit that the challenge I made was this: For anyone to point out any major feature of H. R. 6127 which is not contained in any one of the two bills which have been before the Committee on the Judiciary. That is the challenge I made.

Mr. O'MAHONEY. Be that the challenge, the answer to it is that in the committee we were working on the bill. The submission and the approval in the committee of a jury trial amendment is in itself proof that the committee was trying to improve the bill. I say that what has transpired upon the floor since the House bill has been placed on the calendar, instead of receiving consideration by the committee, has proven that the bill is full of provisions which the public does not understand are in the bill, although the public is beginning to understand that now.

Mr. PASTORE. Perhaps it is just as well that the Senate has brought the bill out into the open, so that the public can understand it.

Mr. President, I have a great deal of affection for the distinguished Senator from Wyoming [Mr. O'MAHONEY], as he well knows.

Mr. O'MAHONEY. The Senator from Rhode Island knows it is reciprocated.

Mr. PASTORE. Absolutely; and the Senator from Wyoming is one of my favorites in the Senate. But the fact of the matter remains that we have been waiting, waiting, and waiting; and the chairman of the subcommittee has talked many times of his frustration. Even from his sick bed, he issued a press release saying, "Please do not allow the bill to go to committee. It should remain on the calendar. It is of such great importance that the American people are entitled to have an open discussion of its provisions."

That is all we are trying to do.

Mr. O'MAHONEY. The open discussion is being had, but when it comes to drafting the bill the Congress should pass and the President should sign, I think we have seen enough now to know that it will not be the bill which came over from the House of Representatives.

Mr. PASTORE. I myself have said 100 times before this that House bill 6127 is neither the beginning nor the end of the road which leads to full civil rights. I realize that. I realize that every bill has to be refined and clarified. But all of us know so much about the matter now, and there have been so many hearings, that I believe the proper place to refine the bill and bring it to a head is here on the floor of the Senate. To pursue any other course would be to delay action on the bill.

Mr. MORSE. Mr. President, I wish to proceed with my remarks.

At this time let me say that I believe the debate which has taken place thus far in the Senate shows that if there is anything which prevails at the present time in the Senate, in connection with this civil-rights bill, it is utter confusion. Instead of our knowing everything about the bill, as my friend, the Senator from Rhode Island [Mr. PASTORE] would seem to indicate, I believe the debate has shown that Senators are far from knowing everything about the bill. I believe the debate proves conclusively the importance of having the Senate obtain a reasoned report from the Senate Judiciary Committee, on the basis of testimony taken by the committee.

Mr. President, the debate held thus far on the motion of the Senator from California that the Senate proceed to the consideration of House bill 6127 proves, in my judgment, the need for having the advantage of a Senate committee report. The Senate, operating as the Committee of the Whole, in open-floor debate, is not an appropriate vehicle for reaching sound judgments on the evidence in the record.

All of us have had the experience of marking up a bill in committee. That process usually takes many hours; in the case of a major bill, such as this one, it takes days. In the marking up of a bill, the committee members often argue all morning over a very small point, or a minutia of evidence connected with the testimony of one witness. It may be a very small point, but it may be vital in connection with the rendering of sound judgments on the facts in connection with the bill. But such things cannot be done on the floor of the Senate with any degree of efficiency. The Senate, in Committee of the Whole, is not an appropriate forum, in my judgment, for the marking up of a bill so important as this one. I am satisfied that the Senate Judiciary Committee was in the process of completing its work on the Senate bill when the Senate itself slapped the committee in the face. There have been a lot of charges about the Senate Judiciary Committee bottling up the bill but I am not convinced the charges are correct. When the Senator from Wyoming denies such charges, I am greatly persuaded because he is a member of the committee. He has a long record in support of civil rights. When other members of the committee tell me that they do not agree with the attack upon the committee, made by the chairman of the subcommittee, I begin to wonder if the chairman of the subcommittee was justified in insisting on the timetable that he felt the committee should have followed. There is still plenty of time this summer and fall to pass civil-rights legislation if we have the will to do it, and I for one shall insist upon it. But I think we run a better chance of doing it and will pass better legislation if we take plenty of time to do a statesmanlike job. It will not be

done the way the Senate is now proceeding.

Mr. CARROLL. Mr. President, will the Senator from Oregon yield to me?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Oregon yield to the Senator from Colorado?

Mr. MORSE. I yield.

Mr. CARROLL. The Senator from Oregon knows how deeply I feel about his opinions on constitutional matters. I thoroughly agree that we must pay attention to procedural matters if we are to give proper treatment to substantive matters.

The comment the Senator from Oregon has made indirectly affects me, because I am one of those who voted in favor of having the Senate proceed in accordance with the provisions of rule XIV. Therefore, I should like to make a suggestion, if I may, regarding the reports the Senator from Oregon has recently offered for the RECORD, or, at least, to which he has adverted.

Mr. MORSE. Mr. President, I should like to offer both of these documents, which are brief. I now ask unanimous consent to have printed in the RECORD the report of the Senator from Missouri [Mr. HENNINGS], from the Subcommittee on Constitutional Rights, on the civil-rights bill (S. 83), and also the minority views submitted by the Senator from North Carolina [Mr. ERVIN] and the Senator from South Carolina [Mr. JOHNSTON].

The PRESIDING OFFICER. Is there objection?

There being no objection, the report and minority views were ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS

Mr. HENNINGS, from the Subcommittee on Constitutional Rights, submitted the following report to accompany S. 83.

The Subcommittee on Constitutional Rights, to which were referred the following civil rights measures: S. 83, an amendment intended to be proposed to S. 83, S. 427, S. 428, S. 429, S. 468, S. 500, S. 501, S. 502, S. 504, S. 505, S. 508, S. 509, S. 510, Senate Concurrent Resolution 5, and a subcommittee print prepared at the direction of the subcommittee chairman, having held public hearings at length and having considered all the proposals before it, reports favorably S. 83, with one amendment, and recommends that the Senate Committee on the Judiciary promptly consider the bill favorably, subject to further amendments or substitution.

PURPOSE

The purpose of the bill favorably reported by the subcommittee is to provide additional means of securing and protecting civil rights of persons under the Constitution and laws of the United States. The additional means proposed are provided by certain civil remedies and certain organizational changes; namely, 1 additional Assistant Attorney General, and the establishment in the executive branch of the Government for 2 years of a Commission on Civil Rights.

No changes in the Federal criminal statutes relating to civil-rights subjects are recommended at this time. Therefore, the Federal criminal law, as it affects civil rights, is left as it is today, in title 18 of the United States Codes, and as interpreted by judicial decisions.

SUBCOMMITTEE AMENDMENT ADOPTED

An amendment was adopted to S. 83 in section 121 of part III on page 15, in line 7, by adding after "other order." a new sentence reading as follows:

"In any proceeding hereunder the United States shall be liable for costs the same as a private person."

This amendment restores S. 83 to the identical language of H. R. 627, of the 84th Congress, as the latter passed the House of Representatives on July 23, 1956.

AMENDMENTS REJECTED

Several other amendments were offered to S. 83 but were rejected by the subcommittee. The purposes of these rejected amendments were—

(a) To eliminate the provisions establishing the Commission on Civil Rights.

(b) To require a plaintiff to exhaust all administrative and other remedies (including State law requirements) before instituting proceedings in Federal district courts.

(c) To require a jury trial of the facts before an injunction, restraining order, or other order or writ could be issued.

(d) To require a trial by jury of persons charged with contempt of court for violations of injunctions or restraining orders issued by courts under provisions of the proposed legislation.

(e) To eliminate the provision permitting civil proceedings to be sought "for the United States, or in the name of the United States * * *." One effect of this amendment if it had been adopted would be to require jury trials in criminal contempt cases.

(f) To eliminate the sections of the bill which provide for civil remedies, including injunctive relief, for violations of civil rights, including the right to vote.

BRIEF ANALYSIS OF THE BILL

The amendment adopted places the United States on the same basis as private persons for costs in any proceedings under section 1980 of the Revised Statutes; to accomplish this, positive language is necessitated by title 28 United States Code, section 2412 (a), which reads:

"The United States shall be liable for fees and costs only when such liability is expressly provided for by act of Congress."

Part I of the bill creates in the executive branch of the Government a Commission on Civil Rights, to be composed of 6 members appointed by the President with the consent of the Senate, with not more than 3 to be members of the same political party. Rules of procedure are provided, concerning subcommittees, meetings, investigations, hearings, and reports. Detailed rules provide protection for persons adversely affected by testimony at hearings, and also govern hearing procedures. The Commission is provided with subpena power; the Attorney General may seek a court order from a Federal district court, within the jurisdiction of which a person guilty of contumacy or refusal to obey a subpena is found or resides or transacts business or in which the inquiry is carried on; failure to comply with the court order may be punished by the court as a contempt thereof. The Commission expires at the end of 2 years.

Conflicting rules of procedure now exist in S. 83, due to copying the same language of H. R. 627, of the 84th Congress, as it passed the House of Representatives with an amendment, containing additional rules of procedure, adopted during the House action. This conflict should be eliminated before the Senate Committee on the Judiciary reports the bill.

The duties of the Commission are (1) to investigate written allegations that voting rights are being violated or that persons are being "subjected to unwarranted economic pressures" by reason of their sex, color, race, religion, or national origin; (2) to study economic, social, and legal developments constituting a denial of equal protection of the laws under the Constitution; and (3) to appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

The Commission is to submit its reports and recommendations to the President.

Staff personnel are provided for, in accordance with civil service and classification laws; voluntary, uncompensated personnel will be permitted.

Creation of a Civil Rights Commission was recommended to Congress by President Truman in 1948 (CONGRESSIONAL RECORD, vol. 94, pt. 1, p. 928).

Creation of such a commission had also been a recommendation of President Truman's Committee on Civil Rights (Committee report: To Secure These Rights, p. 154).

More recently, the Commission has been recommended by President Eisenhower in his state of the Union message of January 1956, and supported by the Attorney General of the United States in his testimony before the Senate Judiciary Subcommittee on Constitutional Rights, in February 1957.

Part II provides for the appointment by the President, with the consent of the Senate, of an additional Assistant Attorney General. Objection to specifying the division in the proposed statute was expressed on the ground that this has not been done in the past when additional Assistant Attorneys General have been provided for by statute or when divisions have been created. Therefore, it should be part of the legislative history of this legislation that it is understood that the additional Assistant Attorney General is to be in charge of a civil rights division which will have civil and criminal law jurisdiction; this broader jurisdiction will result from duties in regard to civil remedies to be granted to the Attorney General by other provisions of the bill.

A civil rights division in the Department of Justice has been recommended by President Truman's Committee on Civil Rights, by President Truman and President Eisenhower.

Part III is intended to strengthen existing civil-rights statutes by providing civil remedies in addition to present criminal provisions. No additional criminal penalties nor greater criminal law jurisdiction is established.

Part III supplements title 42, United States Code, section 1985, sometimes called the Ku Klux Klan Act, section 1980, Revised Statutes. At present, this act provides a civil remedy in damages to the party injured as a result of conspiracies to deprive him of certain civil rights. The act now has three subsections. The first subsection (42 U. S. C., sec. 1985 (1)), provides liability for damages against any persons who conspire to interfere with an officer of the United States in the discharge of his duties and as a result thereof who injure another or deprive another of rights or privileges of a citizen of the United States. The second subsection provides liability for damages against any person who conspires to intimidate or injure parties, witnesses, or jurors involved in any Federal court matter or conspires to obstruct the due course of justice in any State court matter with the intent to deny to any citizen the equal protection of the laws if the result of these conspiracies is injury to another or deprivation of another's rights or privileges as a citizen of the United States. The third subsection provides liability for damages against any person who conspires to deprive another of the equal protection of the laws or equal privileges and immunities under the laws, or of the right to vote in elections affecting Federal offices if the result thereof is to injure another or deprive another of rights or privileges of a citizen of the United States.

Part III adds 2 new subsections to the 3 subsections now in section 1985. They are designated "Fourth" and "Fifth." The new subsection designated "Fourth" gives to the Attorney General the right to bring a civil action or other proper proceeding for relief to prevent or redress acts or practices which

would give rise to a cause of action under the three subsections of section 1985 described hereinabove. This subsection is designed to provide a new remedy to secure the rights presently protected by section 1985. It is not intended to expand the rights presently protected by this section.

The new subsection designated "Fifth" makes clear that district courts of the United States have jurisdiction of proceedings instituted pursuant to section 1985 and dispenses with any requirement of the exhaustion of State administrative or other remedies before proceeding under section 1985 in the United States courts. In *Lane v. Wilson* (307 U. S. 268, 274 (1939)), the Supreme Court of the United States held that there was no requirement that a party exhaust State judicial remedies before resorting to a Federal court for relief pursuant to a Federal civil-rights statute. Therefore, as far as State judicial remedies are concerned, this provision is declaratory of existing law.

As to State administrative remedies, this provision changes the law to a certain extent. In *Peay* v. *Cox* (190 F. 2d 123 (1951)), the fifth circuit court of appeals ordered plaintiffs to exhaust a State administrative remedy before seeking damages and injunctive relief in the Federal district court. The petitioners alleged that because of their race and color the registrar had deprived them of their constitutional right to vote by discriminatorily applying State tests for registration. The circuit court said that petitioners should have appealed from the action of the registrar to the board of election commissioners. It ordered that the suit be sent back to the district court with directions that it remain pending here for a reasonable time to permit the exhaustion of State administrative remedies.

It is recognized that oftentimes justice delayed is justice denied and that time lost by exhausting State administrative remedies before enforcing federally secured rights in Federal courts can often defeat efforts to secure these rights.

Part IV of the bill amends and supplements section 2004 of Revised Statutes, section 1971 of title 42 of the United States Code. At present this section reads as follows:

"All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding."

Part IV of S. 83 adds three new subsections, designated (b), (c), and (d), making the above subsection (a).

The present language in section 1971 is a legislative declaration of the right to vote at any election without distinction as to race, color, or previous condition of servitude. There is no sanction expressed in section 1971. However, the rights legislatively declared in this section have been protected by civil remedies set out in title 42, United States Code, section 1983 (sec. 1979, R. S.), which reads as follows:

"SEC. 1983. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or any other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the other party injured in an action at law, suit in equity, or other proper proceeding for redress."

For example, in *Chapman* v. *King* (154 F. 2d 460 (1946)), plaintiff recovered damages pursuant to the remedy provided in title 42, United States Code, section 1983 (then 8 U. S. C., sec. 43) for deprivation of his right to vote as legislatively defined in title 42, United States Code, section 1971 (then 8 U. S. C., sec. 31). Similarly, by the concatenate use of these two sections, plaintiff obtained injunctive relief in *Brown* v. *Baskin* (78 F. Supp. 933 (1948), affirmed 174 F. 2d 391 (1949)).

The provision designated to be subsection (b) of section 1971 is a further legislative declaration of the right to vote. This subsection makes clear that it is unlawful for a private individual as well as one acting under color of law to interfere with the right to vote at any general, special, or primary election concerning Federal offices. There is no remedy provided in this subsection. However, the succeeding subsection, designated (c), provides a civil action at the behest of the Attorney General to redress or to prevent deviations from the requirements of subsections (a) and (b). The United States is made liable for costs in proceedings under this section the same as a private person. Since the provision as to costs in this subsection is identical to the amendment to part III of S. 83, the previous explanation in this report applies to this provision also. Likewise, the subsection designated (d) is identical to the subsection designated as the "Fifth" in part III of S. 83 and the previous explanation of that provision fully applies here.

THOMAS C. HENNINGS, Jr.
JOSEPH C. O'MAHONEY.
ARTHUR V. WATKINS.
ROMAN L. HRUSKA.

I voted in subcommittee meeting to report S. 83 favorably to the Committee on the Judiciary but I have reserved my right to offer amendments to the bill when it is considered by the Judiciary Committee.

JOSEPH C. O'MAHONEY.

CIVIL RIGHTS

Mr. ERVIN and Mr. JOHNSTON of South Carolina, from the Subcommittee on Constitutional Rights, submitted the following minority report to accompany S. 83.

In urging the rejection of S. 83, we seek to preserve the American constitutional and legal systems for all Americans of all races and all generations.

Diligent efforts are made to present S. 83 in the guise of a meritorious and mild bill. S. 83 is, in truth, as drastic and indefensible a legislative proposal as was ever submitted to any legislative body in this country.

When all is said, it is not surprising that this is so. S. 83 is presented to Congress at a time when never-ending agitation on racial subjects by both designing and sincere men impairs our national sanity, and diminishes in substantial measure the capacity of our public men to see the United States steady and to see it whole.

S. 83 is based on the strange thesis that the best way to promote the civil rights of some Americans is to rob other Americans of civil rights equally as precious and to reduce the supposedly sovereign States to meaningless zeros on the Nation's map.

The only reason advanced by the proponents of S. 83 for urging its enactment is, in essence, an insulting and insupportable indictment of a whole people. They say that southern officials and southern people are generally faithless to their oaths as public officers and jurors, and for that reason can be justifiably denied the right to invoke for their protection in courts of justice constitutional and legal safeguards erected in times past by the Founding Fathers and the Congress to protect all Americans from governmental tyranny.

Congress would do well to pause and ponder this indisputable fact: The provisions of S. 83 are far broader than the reason assigned for urging its enactment. If these provisions can be used today to make legal pariahs and second-class litigants out of southerners involved in civil-rights cases, they can be used with equal facility tomorrow to reduce other Americans involved in countless other cases to the like status.

The drastic provisions of S. 83 are even more surprising than the thesis of its proponents or the reason given by them for urging its enactment. They ignore the primary lesson taught by history, that is, that no man is fit to be trusted with unlimited governmental power.

If S. 83 should be enacted by Congress and successfully run the constitutional gantlet, it would vest in a single fallible human being, namely, the temporary occupant of the office of Attorney General, regardless of his character or qualifications, autocratic and despotic powers which have no counterpart in American history and which are repugnant to the basic concepts underlying and supporting the American constitutional and legal systems.

This is true for these reasons:

1. S. 83 is deliberately designed to establish a new procedure for the enforcement or vindication of the civil rights of private persons at public expense, and to confer upon the Attorney General the despotic power to grant or withhold the supposed benefits of the new procedure at his uncontrolled discretion. In consequence, S. 83 offends the basic American concepts that ours is a government of laws rather than a government of men and that courts are created to administer equal and exact justice according to certain and uniform laws applying alike to all men in like situations.

2. S. 83 is deliberately designed to vest in the Attorney General the autocratic and despotic power to nullify State laws duly enacted by State legislatures in the undoubted exercise of the legislative power reserved to the States by the 10th amendment. As a consequence, S. 83 is wholly incompatible with the constitutional doctrine of the sovereignty and indestructibility of the States. Even apart from this consideration, S. 83 is inimical to proper Federal-State relations because it proposes to place in the hands of the Attorney General a legal club by which he can browbeat State and local officials into submission to his will and thus assume control of what are essentially State or local governmental matters.

3. S. 83 is deliberately designed to confer upon the Attorney General the autocratic and despotic power to rob State and local officials and other Americans involved in civil-rights disputes of these basic and invaluable safeguards created by the Founding Fathers and Congress to protect all Americans from bureaucratic and judicial tyranny; namely the constitutional right of indictment by grand jury, the constitutional right of trial by petit jury, the statutory right of trial by jury in indirect contempt cases, and the statutory right to the benefit of limited punishment in indirect contempt cases. S. 83 undertakes to do these things by a perversion of the powers of equity.

4. S. 83 is deliberately designed to empower the Attorney General to establish government by injunction in the place of government by law in the civil-rights field.

5. The provisions of S. 83 are so worded as to empower the Attorney General to institute and prosecute at public expense lawsuits "as numberless as the sand" for the avowed benefit of any alien, citizen, or private corporation within the territorial jurisdiction of any of the 48 States.

The other provisions of S. 83, which look to the creation of a Civil Rights Commission and the establishment of a Civil Rights Division in the Department of Justice, are subject to these grave objections:

S. 83 provides for the establishment of a roving Presidential Commission on Civil Rights with drastic subpena and hearing powers to wander to and fro over such por-

tions of the face of the United States as it may select to investigate such vague matters as "unwarranted economic pressures" and such unlimited matters as "developments constituting a denial of equal protection of the laws." The establishment of such Commission is wholly unnecessary because committees of Congress are well equipped to make such investigations as may be necessary in the premises. Furthermore, the establishment of such Commission is likely to be productive of much evil because its activities will foment controversies in racial matters and inevitably give rise to the charge that it is being used to exploit so-called minority groups for political purposes. S. 83 also provides for the establishment of a new Civil Rights Division in the Department of Justice which will necessarily have to be staffed by innumerable employees at an expense which no one can now estimate.

We will now discuss these matters in some detail.

I

S. 83 is deliberately designed to establish a new procedure for the enforcement or vindication of the civil rights of private persons at public expense, and to confer upon the Attorney General the despotic power to grant or withhold the supposed benefits of the new procedure at his uncontrolled discretion. In consequence, S. 83 offends the basic American concepts that ours is a government of laws rather than a government of men and that courts are created to administer equal and exact justice according to certain and uniform laws applying alike to all men in like situations.

Our ancestors appraised at its full value the everlasting truth embodied in Daniel Webster's assertion that "whatever government is not a government of laws is a despotism, let it be called what it may."

Consequently they based the governmental and legal systems of America upon these fundamental concepts:

1. That our Government should be a government by law and not a government by men—a government in which laws should have authority over men, not men over laws.

2. That our courts should administer equal and exact justice according to certain and uniform laws applying in like manner to all men in like situations.

Parts III and IV of S. 83 specify, in substance, that "the Attorney General may institute for the United States, or in the name of the United States but for the benefit of the real party in interest," a new civil action or proceeding to enforce or vindicate certain supposed civil rights of private citizens.

By these words, the bill proposes to do these two things: (1) To establish a new procedure for the enforcement or vindication of certain supposed civil rights of private persons at the expense of the taxpayers; and (2) to confer upon one fallible human being, namely the temporary occupant of the office of Attorney General, whoever he may be, the despotic power to grant the benefit of the new procedure to some persons and withhold it from others.

The proposed law is not to be operative at all unless the Attorney General, acting either with or without reason, so wills. This is not government by law. It is government by the whim of the Attorney General.

It is to be noted, moreover, that the new procedure to be authorized by the bill is to be used for and against such persons only as the Attorney General may select. This being true, the bill is utterly repugnant to the fundamental concept that courts are created to administer equal and exact justice in compliance with certain and uniform laws applying in like manner to all men in like situations.

There is always danger that discretionary governmental power may permit the public officer in whom it is reposed to rule arbitrarily without the restraint of law. As a consequence, no legislative body should ever adopt any statute conferring discretionary governmental power upon any public officer unless such statute satisfies the only valid test of the advisability of legislation of this nature. The test is the evil a bad public officer may do under the proposed law rather than the good a good public officer may do under it.

S. 83 cannot satisfy this test. If it were enacted, it would vest in the temporary occupant of the office of Attorney General, regardless of his character or qualifications, absolute power to act or refrain from acting in the premises at his uncontrollable discretion. Thus the proposed law would constitute a political weapon of the first magnitude which any Attorney General, who happens to be a pragmatic politician, could pervert from its avowed purposes to curry favor with some groups or to browbeat State officials into submission to his will.

This is a despotic power which no good Attorney General ought to want and no bad Attorney General ought to have.

Americans who believe that bad laws are the worst sort of tyranny may rest their hope that the 85th Congress will reject S. 83 upon the fact that no previous Congress has ever enacted into law any legislative proposal so repugnant to the basic concepts underlying our governmental and legal systems.

In closing this phase of our report, we wish to comment briefly on the circumstance that S. 83, if enacted, would permit the Attorney General to sue for the supposed benefit of full-grown and mentally competent Americans without their consent or even against their will. If an American has any civil right which ought to be honored by all under all conditions, it is his civil right not to be embroiled in a lawsuit in the capacity of a supposed beneficiary without his consent or against his will.

II

S. 83 is deliberately designed to vest in the Attorney General the autocratic and despotic power to nullify State laws duly enacted by State legislatures in the undoubted exercise of the legislative power reserved to the States by the 10th amendment. As a consequence, S. 83 is wholly incompatible with the constitutional doctrine of the sovereignty and indestructibility of the States. Even apart from this consideration, S. 83 is inimical to proper Federal-State relations because it proposes to place in the hands of the Attorney General a legal club by which he can browbeat State and local officials into submission to his will and thus assume control of what are essentially State or local governmental matters.

The men who composed the Constitutional Convention of 1787 comprehended in full measure the everlasting political truth that no man or set of men can be safely trusted with governmental power of an unlimited nature. In consequence, they were determined, above all things, to establish a government of laws and not of men.

To prevent the exercise of arbitrary power by the Federal Government, they inserted in the Constitution of the United States the doctrine of the separation of governmental powers.

In so doing, they utilized the doctrine of the separation of powers in a twofold way.

They delegated to the Federal Government the powers necessary to enable it to discharge its limited functions as a central government and left to the States all other powers. It was this use of the doctrine of the separation of powers which prompted Chief Justice Salmon P. Chase to make these memorable remarks in his opinion in *Texas* v. *White* (7 Wall. 700):

"Not only, therefore, can there be no loss of separate and independent autonomy to the States through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."

In their other utilization of the doctrine of the separation of powers, the members of the Convention of 1787 vested the power to make laws in the Congress, the power to execute laws in the President, and the power to interpret laws in the Supreme Court of the United States and such inferior courts as the Congress might establish. Moreover, they declared, in essence, that the legislative, the executive, and the judicial powers of the Federal Government should forever remain separate and distinct from each other.

Since the two governments, Federal and State, exist within the same territorial limits, it is obviously indispensable to the proper functioning of both of them for each of them to exercise its powers in such a manner as not to interfere with the free and full exercise of the powers of the other (11 Am. Jur., Constitutional Law, sec. 174).

History makes it crystal clear that the Constitution of the United States would never have been ratified by the requisite number of States if they had not been assured that it would be so amended as to embrace the principle enunciated by the 10th amendment. This amendment declares that 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 legislatures of the several States have adopted statutes which establish public-school systems, and confer upon the local and State school officials and school boards charged with the supervision of their operation the authority and the duty to determine by simple and inexpensive administrative procedures whether any parent, schoolchild, or teacher is being deprived of any right secured by the constitution or laws of the State or the Constitution of the United States and to grant relief accordingly. Examples of statutes prescribing administrative remedies of this nature may be found in *Cook* v. *Davis* (178 F. (2d) 595), and *Carson* v. *Board of Education of McDowell County* (227 F. (2d) 789).

The legislatures of the several States have likewise enacted statutes which regulate the conduct of elections, prescribe the qualifications for voting, and confer upon the supervising local and State election officials and boards the authority and the duty to determine by simple and inexpensive administrative procedures whether persons applying for registration possess the qualifications for voting and whether the right of any citizen possessing the qualifications for voting is being denied or abridged contrary to the 15th and 19th amendments on account of race or sex and to grant relief accordingly.

In adopting these statutes, the several States have undoubtedly acted within the scope of the powers reserved to them by the 10th amendment. Moreover, the statutes relating to elections find additional sanction in article I, section 2, and the 17th amendment which stipulate, in effect, that persons are entitled to vote for Senators and Congressmen if they possess the qualifications prescribed by the laws of their States for electors of the most numerous branch of the State legislatures (*Breedlove* v. *Suttles* (302 U. S. 277)).

Statutes prescribing administrative remedies are not peculiar to the fields of education and suffrage. They are commonplace in the scores upon scores of areas in which Federal and State agencies, boards, and commissions administer governmental functions,

or regulate business activities affecting the public.

It is, indeed, no exaggeration to say that statutes prescribing administrative remedies are essential to the operation of Government in this complex age. They are, moreover, a wise utilization of the truth that experience is the most efficient teacher of all things. They afford the men who are experienced in the matters administered or regulated by Federal and State agencies, boards, and commissions, opportunities to review by relatively simple and inexpensive procedures their initial actions, and to correct any error revealed by such reviews. By so doing, they reduce to a minimum the necessity for resort to vexatious litigation in the courts.

For these reasons the Supreme Court of the United States and all other judicial tribunals in this country adopt and enforce this salutary, sensible, and long-settled rule of judicial administration, namely: No one is entitled to resort to the courts for judicial relief until he has used and exhausted the prescribed administrative remedy. As this is not a legal brief, we refrain from citing the hundreds upon hundreds of Federal and State court decisions upholding this rule. We will, however, call attention to the able opinion of that great liberal jurist, Justice Louis D. Brandeis, in *Myers* v. *Bethlehem Shipbuilding Corp.* (303 U. S. 41, 51), which cites numerous decisions of the Supreme Court of the United States in support of his observation that the rule has been most frequently applied in equity where relief by injunction was sought. It is not strange that this should be so. The rule resembles the doctrine of equity that a litigant has no standing in equity where he has an adequate remedy at law.

An excellent exposition of the rule and of the wisdom of one of the reasons underlying it in cases involving State agencies appears in the opinion of the United States Court of Appeals for the Fourth Circuit in the recent case of *Carson* v. *Board of Education of McDowell County* (227 F. (2d) 789.) It is noted in passing that the chief judge of this circuit is the Honorable John J. Parker, one of the greatest American jurists of all time.

The court of appeals made these statements in the Carson case:

"An administrative remedy is thus provided by State law for persons who feel that they have not been assigned to the schools that they are entitled to attend; and it is well settled that the courts of the United States will not grant injunctive relief until administrative remedies have been exhausted * * *. This rule is especially applicable to a case such as this where injunction is asked against State or county officers with respect to the control of schools maintained and supported by the State. The Federal courts manifestly cannot operate the schools. All that they have the power to do in the premises is to enjoin violation of constitutional rights in the operation of schools by State authorities. Where the State law provides adequate administrative procedure for the protection of such rights, the Federal courts manifestly should not interfere with the operation of the schools until such administrative procedure has been exhausted and the intervention of the Federal courts is shown to be necessary. As said by Mr. Justice Stone in *Matthews* v. *Rodgers, supra* (284 U. S. 525): 'The scrupulous regard for the rightful independence of State governments which should at all times actuate the Federal courts, and a proper reluctance to interfere by injunction with their fiscal operations, require that such relief should be denied in every case where the asserted Federal rights may be preserved without it.' Interference by injunction with the schools of a State is as grave a matter as interfering with its fiscal operations, and should not be resorted to 'where the asserted Federal right may be preserved without it.'"

The rule does not bar the right of any person to resort to the courts for judicial relief for a supposed or threatened injury. It merely postpones his power to exercise such right until he uses and exhausts the administrative remedy available to him without obtaining relief. A statement made by the Supreme Court of the United States in *United States* v. *Illinois Central Railroad Co.* (291 U. S. 457, 463, 464) is peculiarly appropriate at this point:

The constitutional question raised by appellees, therefore, vanishes from the case, because the Commission concedes and stands ready to grant every administrative procedural right that appellees are lawfully entitled to claim. If the preliminary order be erroneous in any particular, it is susceptible of correction by the Commission upon the hearing thus provided for. It will be time enough for appellees to seek the aid of a court of equity when they shall have fully availed themselves of this administrative remedy, and the Commission shall have taken adverse action. Until then they are in no situation to invoke judicial action.

S. 83 is calculated and intended to confer upon a single Federal executive officer, to wit, the Attorney General, the autocratic and despotic power to nullify at his absolute and uncontrolled election, in particular civil-rights cases selected by him, State statutes prescribing administrative remedies which were enacted by State legislatures in the undoubted exercise of the legislative power reserved to the States by the 10th amendment.

S. 83 undertakes to do this by certain legal jargon embodied in parts III and IV. It is as follows:

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

If Congress should approve this monstrous proposal it would stamp with its approval this queer legal result:

1. When the Attorney General elects to extend the benefit of the novel procedure to one citizen, he automatically nullifies State statutes prescribing administrative remedies in respect to such citizen, thereby freeing such citizen from the operation of the salutary, sensible, and long-settled rule of judicial administration that no one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy is exhausted.

2. But when the Attorney General withholds the benefit of the novel procedure from another citizen, State statutes prescribing administrative remedies remain in full force, and such citizen cannot resort to the courts for judicial relief for a supposed or threatened injury until the prescribed administrative remedy is exhausted.

Inasmuch as the advocates of the proposed under consideration assure Congress that it is ideally adapted to prevent any State from denying to any person within its jurisdiction the equal protection of the laws, the singular legal result which would flow from the enactment and operation of the proposal seems peculiarly ironic and paradoxical. This is true because the phrase, equal protection of the laws, implies when it is used in a procedural sense, that all persons may appeal to courts for both relief and defense under like conditions with like protection and without discrimination (*Sexton* v. *Barry*, 233 F. (2d) 220).

Happily for America one may search the legislative annals of our country without finding anything corresponding to the monstrous proposal that a single Federal executive officer, to wit, the Attorney General, should be given the autocratic and despotic power to nullify valid State laws in particular cases to be selected by him.

It is submitted in all sincerity that the proposal is utterly repugnant to the constitutional doctrine of the indestructibility and sovereignty of the States, that Congress itself is without authority to nullify State statutes enacted by State legislatures in the undoubted exercise of the legislative powers reserved to the States by the 10th amendment, and that Congress cannot delegate to a Federal executive officer an authority not possessed by it.

It would be well for our country if those who advocate this unprecedented proposal would pause and ponder these words:

"Every journey to a forbidden end begins with the first step, and the danger of such a step by the Federal Government in the direction of taking over the powers of the States is that the end of the journey may find the States so despoiled of their powers, or—what may amount to the same thing—so relieved of the responsibilities which possession of the powers necessarily enjoins as to reduce them to little more than geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under consideration, it had been thought that any such danger lurked behind its plain words, it would never have been ratified. *Carter* v. *Carter Coal Co.* (298 U. S. 238, 295, 296)."

Even apart from such considerations as this, S. 83 cannot be reconciled with a due regard for sound Federal-State relations.

S. 83 is aimed in large measure at State and local officials, such as members of election and school boards, who render essential governmental services at State and local levels for little or no compensation out of a sense of public duty.

If S. 83 should be enacted by Congress and survive the test of constitutionality, it would vest in the Attorney General, whoever he might be, tremendous power in the civil-rights field.

The argument that any occupant of the office of Attorney General could be safely trusted to wield this tremendous power wisely ignores the first fact of governmental life, that is, that power corrupts and tremendous power corrupts tremendously.

Federal officers have been notorious in all periods of our history for encroaching on the governmental domain of the States. Indeed, they have been justly charged on occasion with being thieves of jurisdiction.

If S. 83 should become law, it would furnish the Federal Government with ready means for usurping the functions and power of State and local governments in vital areas of our life.

By resorting to civil actions and proceedings under S. 83, the Attorney General could virtually convert Federal district courts into administrative branches of the executive department of the Federal Government for the management of elections, schools, and similar activities of a local nature.

Moreover, the notion that the occupant of the office of Attorney General could not exert the tremendous power embodied in S. 83 without first obtaining a decree from a Federal court is utter nonsense.

If the occupant of this office should happen to be a pragmatic politician, or a so-called civil-rights zealot, or a person susceptible to coercion by pressure groups, he could employ S. 83 as an intimidating club, and thereby control or demoralize State and local government in such vital areas as elections and public education.

Here is how the Attorney General could operate in the case of a State or local election or school official, who denies registration to an applicant for voting rights on the ground that he does not possess the qualifications prescribed by State law for electors of the most numerous branch of the State legislature, or who declines a parental request for the assignment of a school child to a particular school on the ground that the requested assignment is not calculated to

promote the educational interest of the child:

The Attorney General, acting through a subordinate, could politely threaten the State or local official in this wise: "If you don't register this man or assign this child to that school, I'll put the law to you in an action or proceeding under S. 83 in which all the legal and financial might of the Federal Government will be arrayed against you and in which you will be denied such basic safeguards as the right of trial by jury."

The State or local official could do 1 of 3 things. He could submit to the threat, and thus permit a Federal officer to dictate how the functions of a State or local office are to be discharged. He could relinquish his State or local office, and thus escape further harassment and hazard. And, finally, he could stand up and fight for his convictions, even to the point of defending a lawsuit in a Federal district court, which might sit in a place far removed from his home. If he should pursue the last course and win, he could conceivably bankrupt himself in defraying the cost of his successful defense. If he should pursue the last course and lose, he could conceivably wind up with a virtually unlimited fine or a virtually unlimited jail sentence simply because his convictions as to how the duties of his State or local office ought to be performed might differ from those of the Attorney General and a one-man Federal court.

Congress would commit an unspeakable folly if it should enact a bill whose provisions are susceptible to such grave abuses in the field of Federal-State relations.

III–A

The Constitution and Congress have established these basic safeguards to protect all Americans from bureaucratic and judicial tyranny: The constitutonal right of indictment by grand jury; the consitutional right of trial by petit jury; the constitutional right to confront and cross-examine adverse witnesses; the statutory right of trial by jury in indirect contempt cases where the alleged contemptuous act constitutes a crime under Federal or State law; and the statutory right of the benefit of limited punishments in indirect contempt cases of the same nature.

If one is to understand the laws and institutions of today, he must know the events of yesterday which gave them birth. For this reason, we deem it necessary to consider the origins of relevant constitutional and legal safeguards.

The founders of our Government were wise men. They know that tyranny uses the forms of law to crush those who oppose her will. They knew that the right of trial by jury is the best security of the people against governmental oppression. They knew that the surest test of the credibility of a witness is his confrontation and cross-examination by the adverse party.

They knew the history of the long struggle of the English people to secure and preserve such basic legal safeguards as the right of trial by jury and the right to confront and cross-examine adverse witnesses.

They knew the history of the repeated efforts of tyrannical kings and subservient parliaments to deprive the English people of the benefits of such legal safeguards.

They knew the history of the court of star chamber and rightly deduced from it "that the rights and liberties of the people will not long survive in any country where the administration of the law is committed exclusively to a caste endowed with boundless discretion and a long term of office, no matter how learned, able, and honest its members may be" (United States Circuit Judge Henry C. Caldwell in the American Federationist for May 1910).

They knew the history of Chief Justice Jeffreys and his bloody assizes and rightly inferred from it that tyranny on the bench is as objectionable as tyranny on the throne.

They knew that in 1765 the British Parliament, at the instigation of King George III and his ministers, enacted the Stamp Act and other measures whereby they deprived American colonists of the right of trial by jury in cases arising under the revenue laws by a device astoundingly similar to that invoked by S. 83, namely, "by extending * * * beyond its ancient limits * * * the jurisdiction of the courts of admiralty" in which trial by jury was not available.

They knew that the Stamp Act Congress, which was attended by delegates from nine of the Thirteen Colonies, forthwith met in New York and adopted the Colonial Declaration of Rights of October 19, 1765, condemning this action of Parliament on the ground that trial by jury is the inherent and invaluable right of every British subject in these Colonies.

They knew that in 1764 and 1768 the British Parliament, at the urging of King George III and his ministers, enacted the Sugar Act and the statute known as 8 George III, chapter 22, whereby they deprived American colonists of the right of trial by jury in cases arising under the laws relating to trade and revenue by a repetition of the device resembling that invoked by S. 83, namely, "by extending * * * beyond their ancient limits * * * the powers of the courts of admiralty" in which trial by jury was not available.

They knew that the First Continental Congress adopted the Declaration of October 14, 1774, denouncing this action of the British Parliament on the ground that American colonists were entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage according to the course of that law.

They knew that the Declaration of Independence assigned the fact that American colonists had been deprived in many cases of the benefits of trial by jury as one of the injuries and usurpations requiring the American colonies to dissolve their political bands with England.

They knew that tranquillity was not to be always anticipated in a republic; that strife would rise between classes and sections, and even civil war might come; and that in such times judges themselves might not be safely trusted in criminal cases, especially in prosecutions for political offenses, where the whole power of the executive is arrayed against the accused party (argument of Jeremiah S. Black in *Ex parte Milligan* (4 Wall. 1, 64)).

They knew that what was done in the past might be attempted in the future, and that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive methods to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law (opinion of the Court in *Ex parte Milligan* (4 Wall. 1, 120)).

They knew that the best part of the inheritance of America from England was the right of trial by jury both in criminal cases and in suits at common law. For these reasons, the founders of our Government enshrined these guaranties in the Constitution:

That the trial of all crimes, except in cases of impeachment, shall be by jury. Article III, section 2.

That no person shall be held to answer for a capital, or otherwise infamous offense, 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, amendment V.

That 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, * * * 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, amendment VI.

That in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, amendment VII.

At the time of the ratification of the Constitution, courts of equity existed in the several States, either in conjunction with, or independent of, the courts of law. The basis of the jurisdiction then exercised by courts of equity, which historically function without juries, was the protection of private rights of property.

In stating that courts of equity historically function without juries, we do not overlook the circumstance that the chancellor or judge of such a court has discretionary authority to call an advisory jury to his aid. An advisory jury is not a jury, however, in the real sense of the term because the chancellor or judge is at liberty to reject its verdict and act solely on his own findings.

In some of the cases cognizable by them at the time of the ratification of the Constitution, courts of equity used restraining orders and temporary and permanent injunctions. The role of the restraining order and the temporary injunction was to preserve the status quo in respect to property in dispute until the conflicting claims to it could be determined in a trial on the merits, and the role of the permanent injunction was to secure the enjoyment of the property by the person adjudged its owner in the trial on the merits. Restraining orders and injunctions did not issue to inhibit criminal acts except in cases where such acts threatened irreparable injury to property rights.

Courts of equity punished disobedience to restraining orders and injunctions by fines or imprisonment in proceedings for contempt conducted by chancellors or judges without juries.

It seems appropriate to note at this point changes occurring in the field of equity since the ratification of the Constitution. Since that time many States have extended the right of trial by jury to issues of fact arising in actions of an equitable nature. As this has not been done on the Federal level, actions of an equitable nature are still triable on the merits by judges without juries in district courts of the United States.

Beginning with the Interstate Commerce Commission Act of 1887, Congress has adopted 28 statutes creating new public rights and corresponding new public wrongs. The new public rights are enforcible by injunctive process as rights of the United States in its capacity as a sovereign nation in actions brought by the United States or specified Federal officials or agencies. The new public wrongs are punishable in the manner prescribed by law for other crimes. A painstaking analysis makes it obvious that each of the 28 statutes is clearly distinguishable from S. 83. In consequence, we refrain from further comment upon them.

The injunctive process is susceptible to abuse. This is particularly true when its use is extended beyond its ancient limits to the field occupied by criminal law. Some of the objections to the use of the injunctive process in this field are well stated by a legal writer in these words:

"The objections to 'criminal equity' are that it deprives defendant of his jury trial; that it deprives him of the protection of the higher burden of proof required in criminal prosecutions; that after imprisonment and fine for violation of an equity injunction, defendant may be subjected under the criminal law to punishment for the same acts; that it substitutes for the definite penalties

fixed by the legislature whatever punishment for contempt a particular judge may see fit to exact; that it is often no more than an attempt to overcome by circumvention the supposed shortcomings of jurors; and that it may result, or induce the public to believe that it results, in the arbitrary exercise of power or in government by injunction" (43 C. J. S., Injunctions, sec. 150).

Happily, the use of the injunctive process was confined in large measure to its ancient limits during the first century of our national existence.

Unhappily, however, its susceptibility to abuse was clearly revealed at the end of that period when courts of equity, acting on the allegations of employers that such action was necessary to protect their property rights from irreparable injury, converted the extraordinary writ of injunction to ordinary and wholesale use to defeat the efforts of labor to secure fair wages and reasonable working conditions.

The most shameful story in the judicial annals of America was written during the ensuing years when courts of equity robbed labor of its right to trial by jury, its right to freedom of the press, and its right to freedom of speech by substituting government by injunction for government by law.

Space and time preclude a review of the numerous episodes in this shameful story. Consequently we must content ourselves with calling attention to only one of them—the one recorded in the case of *Gompers v. the United States* (233 U. S. 604).

In that case Samuel Gompers, one of the wisest and most patriotic labor leaders of America of all time, was charged with contempt of court because of his alleged disobedience to an injunction issued by a Federal court of the District of Columbia on the application of Bucks Stove & Range Co., which undertook to defeat by the injunctive process the demands of its striking employees for better working conditions.

A Federal judge sitting without a jury adjudged Gompers guilty of contempt and sentenced him to jail for disobedience of the injunction because he had truthfully stated orally and in print that no law compelled his hearers and readers to buy a stove manufactured by Bucks Stove & Range Co.

Gompers managed to escape actual service of the jail sentence merely because the Supreme Court held on his appeal that the contempt proceedings had not been initiated within 3 years after the violations alleged, and in consequence the trial judge had lost his power to punish Gompers for contempt under the 3-year statute of limitations.

The abuse of the injunctive and contempt processes in industrial controversies prompted Congress to enact in 1914 as a section of the Clayton Act a statutory provision extending the right of trial by jury under certain circumstances to respondents in proceedings to punish violations of injunctions as indirect contempts of court. An indirect contempt is one committed outside the presence of the court.

This statutory provision is now embodied in somewhat altered phraseology in sections 402 and 3691 of title 18 of the United States Code.

Under these sections, a respondent, whether a natural person or a corporation, charged with an indirect contempt for violation of an injunction is entitled to a jury trial if the act charged as a violation of the injunction is also a crime under an act of Congress or the laws of the State in which it was committed. It is noted, in passing, that virtually all violations of the civil rights of others constitute crimes under both Federal and State laws.

Sections 402 and 3691 of title 18 of the United States Code confer another substantial right upon a respondent who is a natural person in case he is convicted. While they provide that he may be punished by fine or imprisonment or both, they set definite limits to his punishment by specifying that he cannot be required to pay a fine to the United States in excess of $1,000 or subjected to imprisonment for a term in excess of 6 months.

Sections 402 and 3691 of title 18 of the United States Code stipulate in express terms that their salutary provisions do not apply to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

Borah of Idaho, Norris of Nebraska, Walsh of Montana, and the other liberal Senators of that day favored extending the right of trial by jury to all persons charged with indirect contempts arising out of alleged violations of injunctions.

In a magnificent speech pointing out that such right was secured to the people by constitutional or statutory provisions in a number of States, Walsh declared that "the most perfect judicial systems ever known are those of which the jury forms an essential part"; that "trial by jury * * * is the greatest school in self-government ever devised by the ingenuity of man"; that "Jefferson * * * maintained all his life that cases in chancery should be tried before a jury"; that "there is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury as we now know it"; and that "instead of being an attack on the court, the proposal to submit to trial by jury alleged contempts not committed in the presence of the court is a plan to restore to the Federal courts the confidence and good will which the people ought to bear toward them, but which, unfortunately, by a liberal and sometimes inconsiderate exercise of the power to issue injunctions and to punish as for contempt, has, among certain classes of citizens, been all but forfeited."

Borah denounced with rare eloquence the provisions now embodied in sections 402 and 3691 of title 18 of the United States Code denying the right of trial by jury and the protection of limited punishment to persons charged with contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

In offering an amendment to strike out this provision, Borah said that "the effect of this amendment is to provide for jury trial in contempt cases in actions brought by the Government the same as when actions are brought by private individuals"; that "every argument * * * in favor of the right of trial by jury upon the part of one citizen of the United States is equally applicable to the right of trial by jury upon the part of every other citizen of the United States"; that "the right of the citizen to have his guilt or innocence determined by his peers * * * cannot be changed by reason of the fact that a particular party happens to be a plaintiff in one case and another party a plaintiff in another case"; and that the provision denying persons charged with indirect contempts trial by jury in case the injunction alleged to have been violated was issued in a suit brought by the United States "offends every sense of justice * * * and every principle of free institutions and equal rights."

Reed of Missouri made these trenchant remarks in support of the Borah amendment:

"I believe that if it is right to submit questions involving the right of life to a jury it is not dangerous to submit to a jury a mere question of contempt. If we can safely repose in a jury the power to try all questions of property, all questions affecting the honor of the citizen, all questions affecting the liberty of the citizen * * * there is nothing unsafe in submitting to the same kind of tribunal, summoned in the same way, the simple question of fact has this corporation or that individual violated the order of the Court * * *. So, Mr. President, I feel that it is safe, that it is proper, to support the amendment offered by the Senator from Ohio. I believe that the dignity and authority of the courts will remain unimpaired. At the same time judges inclined to tyrannical practices or who are influenced by prejudice or passion will find a wholesome check has been placed upon unjust and arbitrary punishment."

The Borah amendment was rejected by the narrow margin of three votes. The amendment to the Clayton Act did not suffice to end many of the abuses of the injunctive and contempt processes in industrial controversies. This was due in large part to the failure of the amendment to extend the benefits of jury trials and limited punishments to persons charged with indirect contempts based on supposed violations of injunctions issued in actions brought in the name of, or on behalf of, the United States," and to persons charged with indirect contempts based on supposed violations of injunctions enjoining acts themselves not illegal under Federal or State laws.

Congress undertook to remedy these defects insofar as labor was concerned by the Norris-La Guardia Act, adopted in 1932. One of the salient provisions of this act is now embodied in changed phraseology in section 3692 of title 18 of the United States Code which reads as follows:

"In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed. This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court."

In advocating the adoption of the Norris-La Guardia Act, Senator Norris said:

"I agree, that any man charged with contempt in any court of the United States * * * in any case, no matter what it is, ought to have a jury trial. * * * It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits before juries, every man who has ever presided in court and heard jury trials, knows that juries do make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray I am confirmed in my opinion that after all, our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of facts."

In concluding this phase of our report, we assert that no sound reason exists for enacting the provisions of S. 83 into law. This is true because existing Federal statutes afford ample remedies for the protection or vindication of all civil rights created by the Constitution or laws of the United States by means of criminal prosecutions by the United States, private actions at law for damages by the party aggrieved, and private suits in equity for injunctive relief by the party aggrieved.

To be sure, the defendants in the criminal prosecutions are accorded the right of indictment by grand jury, the right of trial by petit jury, and the right to confront and cross-examine adverse witnesses guaranteed to them by article III and the 5th and 6th amendments; the defendants in the private action at law for damages are accorded the right of trial by jury guaranteed to them by the 7th amendment; and the defendants in the private suits in equity for injunctive relief are accorded the benefits of jury trials and limited punishments secured to them by sections 402 and 3691 of title 18 of the United States Code in the event they are charged with contemptuous acts which are also crimes under Federal or State law.

Surely no one who loves the American constitutional and legal systems ought to object to these things.

III–B

S. 83 is deliberately designed to confer upon the Attorney General the autocratic and despotic power to rob State and local officials and other Americans involved in civil-rights disputes of these basic and invaluable safeguards created by the Founding Fathers and Congress to protect all Americans from bureaucratic and judicial tyranny, namely: the constitutional right of indictment by grand jury; the constitutional right of trial by petit jury; the statutory right of trial by jury in indirect contempt cases; and the statutory right to the benefit of limited punishment in indirect contempt cases. S. 83 undertakes to do these things by a perversion of the powers of equity.

The coverage of parts 3 and 4 of S. 83 extends to the civil rights declined either expressly or impliedly by sections 1971 and 1985 of title 42 of the United States Code. While section 1971 relates solely to the right to vote, section 1985 is concerned in general terms with all rights arising under the privileges or immunities and the equal protection of the laws clauses of the 14th amendment and in specific terms with definite rights arising under the due process of law clause of the 14th amendment and other articles of the Constitution. These things being true, S. 83 covers in substantial measure the entire spectrum of civil rights.

Deprivations or violations of the civil rights defined either expressly or impliedly by sections 1971 and 1985 of title 42 of the United States Code are punishable as crimes under other Federal statutes in criminal prosecutions instituted by the Federal Government. This is true because some of the deprivations or violations constitute felonies under sections 241, 372, and 1503 of title 18, and the other deprivations or violations constitute misdemeanors under sections 242, 243, and 594 of title 18.

Parts 3 and 4 of S. 83 specify, in essence, that whenever any persons have engaged or are about to engage in the deprivation or violation of any civil right expressly or impliedly defined by section 1971 or section 1985 of title 42 of the United States Code the Attorney General may institute for the United States, or in the name of the United States but for the benefit of the real party in interest, a civil action or other proper proceeding for redress, or preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.

When this legal verbiage is recast in simple words, it means this: S. 83 proposes to confer upon the Attorney General the absolute power at his uncontrolled discretion to bring civil actions or proceedings of an equitable nature, in which juries are not available, to enforce or vindicate by injunctive and contempt processes the civil rights expressly or impliedly defined by sections 1971 and 1985 of title 42 of the United States Code.

The objective of S. 83 is to vest in the Attorney General the autocratic power at his absolute discretion to bypass, circumvent, and evade the constitutional rights of indictment by grand jury and trial by petit jury of State and local officials and other Americans in civil-rights disputes arising under sections 1971 and 1985 of title 42 of the United States Code.

This objective is revealed with complete clarity by the statement made by Attorney General Brownell before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on February 14, 1957, as well as by an analysis of S. 83 in the light of relevant constitutional and statutory provisions.

Defendants in civil-rights cases will likewise often be deprived of their constitutional right to confront and cross-examine adverse witnesses if S. 83 is enacted by Congress. This is an inevitable consequence of the practice which prevails in actions for injunctive relief. Restraining orders and temporary injunctions are ordinarily issued by courts upon the most unsatisfactory evidence known to man, that is to say, ex parte affidavits or pleadings drafted by partisan lawyers and attested by partisan witnesses not subject to confrontation and cross-examination by the adverse party. When a restraining order or temporary injunction is issued upon ex parte affidavits or pleadings and the main object of the action becomes a fact accomplished during the pendency of the action as a result of the coercive influence of the restraining order or temporary injunction, as is frequently the case, the court will thereafter refuse to try the action on its merits on the ground that the matter originally at issue has become moot, thereby rendering it impossible for the defendants to confront and cross-examine the adverse witnesses.

The provision that the civil actions or proceedings are to be brought for the United States, or in the name of the United States is inserted in S. 83 for the deliberate purpose of depriving State and local officials and other Americans charged with indirect contempts for supposed violations of injunctions issued in civil-rights cases arising under sections 1971 and 1985 of title 42 of the United States Code of the benefits of jury trials and limited punishments to which they would otherwise be entitled under sections 402 and 3691 of title 18 of the United States Code.

This purpose is revealed with complete clarity by the speech which Assistant Attorney General Olney made before the Ninth Annual Conference of the National Civil Liberties Clearing House on April 5, 1957, as well as by an analysis of S. 83 in the light of relevant judicial decisions and statutes.

If this purpose should be consummated by the enactment of S. 83 in its present form, State and local officials and other Americans charged with indirect contempts for supposed violations of injunctions in civil rights cases would be triable by judges without juries. Furthermore, they would be subject in such event to punishment under section 401 of title 18 of the United States Code by fines or imprisonments having no maximum limits whatsoever save those vague limits implied by the nebulous declarations of the eighth amendment that excessive fines shall not be imposed, nor cruel and unusual punishment inflicted. *United States ex rel. Brown* v. *Lederer* (140 F. (2d) 136); *United States* v. *Green* (140 F. Supp. 117). Federal courts have upheld the power of judges to sentence respondents to jail on trials without juries under section 401 of title 18 of the United States Code for 2 years (*Hill* v. *United States ex rel. Weiner*, 300 U. S. 105; *Conley* v. *United States* (59 F. (2d) 929), 3 years (*United States* v. *Hall*, 198 F. (2d) 726; *United States* v. *Green*, 140 F. Supp. 117), and 4 years (*United States* v. *Thompson*, 214 F. (2d) 545).

As one contemplates the efforts of the proponents of S. 83 to rob Americans involved in civil-rights disputes of such basic constitutional and legal safeguards as the right of trial by jury by a procedural device virtually identical with that employed by the British Parliament, at the urging of King George and his ministers, to rob American colonists of their right of trial by jury, he recalls observations made in the opinion in *Ex Parte Milligan* (4 Wall. 1, 120), where the Supreme Court vacated a sentence of death pronounced upon a civilian by a military commission in violation of the basic safeguards guaranteed by the Constitution.

After stating that the founders of our Government inserted the constitutional guaranties of indictment by grand jury, trial by jury and confrontation of adverse witnesses in the Constitution because wisdom and experience had demonstrated them to be necessary to protect those accused of crime from tyrannical rulers and the clamor of an excited people, the Supreme Court said:

"Time has proved the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future."

And, now, after the lapse of more than 90 additional years, history repeats itself. The proponents of S. 83 attempt again "what was done in the past." They seek to avoid and evade in respect to State and local officials and other Americans involved in civil-rights disputes basic constitutional and legal safeguards expressed in * * * plain English words for the security of all Americans.

The proponents of S. 83 justify their advocacy of its astounding provisions by laying to their souls the Machiavellian unction that the end they have in view excuses the evil they propose. They solicit the support of others for their proposal by these arguments: That the Federal Government is compelled by existing laws to depend solely on criminal prosecutions in cases involving alleged deprivations or violations of civil rights; that criminal prosecutions are "cumbersome," slow, and "often unduly harsh"; that "jurors are reluctant to indict and convict" defendants in criminal prosecutions for alleged deprivations or violations of civil rights; that S. 83 is merely designed to lodge in the Federal Government an additional power to bring civil actions of an equitable nature in which the comparatively mild injunctive process is to be employed to redress or prevent deprivations or violations of civil rights; and that the proposed injunctive process is superior to criminal laws because it would afford the Federal Government means of preventing the commission of crimes in the civil-rights field.

The argument that criminal prosecutions are often unduly harsh on defendants in civil-rights cases and that such defendants would be benefited by subjecting them to the comparatively mild injunctive process instead of criminal prosecution is rather intriguing because of its source. This argument is advanced by Government attorneys, who confess their fear that they might lose some of the civil-rights cases they wish to win if they are required to convince jurors of the truth of their allegations by the oral testimony of cross-examined witnesses according to the practice prescribed by the Constitution. Congress would do well to beware of Government attorneys when they profess to bear gifts to those they are obligated to prosecute.

The arguments that criminal prosecutions are "cumbersome" and "slow," and that "jurors are reluctant to indict and convict" are identical with those given for the establishment of the Court of Star Chamber, the enactment of the acts of Parliament depriving American colonists of the right of trial by jury, and the Congressional opposition of former days to the jury-trial provisions of the Clayton and Norris-La Guardia Acts.

In commenting on this subject in his famous dissenting opinion in *Hopkins* v. *Oxley Stave Co.* (83 F. 912, 924, 925), Judge Henry Clay Caldwell, who served with rare distinction as presiding judge of the United States Circuit Court of Appeals for the Eighth Circuit, said:

"It is said by those who defend the assumption of this jurisdiction by the Federal courts that it is a swifter and speedier mode of dealing with those who violate or threaten to violate the laws than by the prescribed and customary method of proceeding in courts of law; that it is a shortcut to the accomplishment of the desired object; that it avoids the delay and uncertainty incident to a jury trial, occasions less expense, and insures a speedier punishment. All this may be conceded to be true. But the logical difficulty with this reasoning is that it confers jurisdiction on the mob equally with the chancellor. Those who justify or excuse mob law do it upon the ground that the administration of criminal justice in the courts is slow and expensive, and the results sometimes unsatisfactory. It can make little difference to the victims of shortcut and unconstitutional methods, whether it is the mob or the chancellor that deprives them of their constitutional rights. It is vain to disguise the fact that this desire for a shortcut originates in the feeling of hostility to trial by jury * * *. A distrust of the jury is a distrust of the people, and a distrust of the people means the overthrow of the Government our fathers founded."

Happily for liberty and justice in America, the founders of our Government hated judicial tyranny more than they loved judicial haste, and for that reason spurned the argument that criminal prosecutions are cumbersome and slow. Believing, as they did, that all persons ought to be weighed in the same legal balance, they likewise rejected the argument that justice ought to descend from her pinnacle in particular cases for fear that jurors might acquit some persons who, in the opinion of Government lawyers, deserve punishment.

The argument that S. 83 is a comparatively mild bill is destitute of validity. Those who advance it are like Job. They multiply words without knowledge.

Let us weigh the argument of mildness in light of what S. 83 would empower the Attorney General and a one-man Federal court to do to defendants in civil-rights cases. And let us, when so doing, remember that the overwhelming majority of these defendants will be State and local officials, who render essential governmental services at State and local levels for little or no compensation out of a sense of public duty, and who will be haled into court, in the final analysis, simply because their ideas as to how their public duties should be performed differ from those entertained by the Attorney General or his underlings.

Under S. 83, the defendants in all civil actions or proceedings instituted by the Attorney General for the avowed purpose of protecting or vindicating any supposed civil rights defined either expressly or impliedly by sections 1971 and 1985 of title 42 of the United States Code are to be automatically deprived by circumvention of these substantial and invaluable rights: (1) There rights under the Constitution to indictment by grand jury and trial by petit jury on the charges made in the civil actions or proceedings; (2) their right under the Clayton Act to trial by jury on indirect contempt charges in subsequent contempt proceedings arising out of alleged violations of restraining orders, temporary injunctions, or permanent injunctions issued in the civil actions or proceedings; and (3) their rights under the Clayton Act and sections 241, 242, 243, 372, 594, and 1503 of title 18 of the United States Code to the benefit of the limited punishments prescribed by Congress for the acts and practices allegedly committed by them. After the Attorney General robs the defendants of these constitutional and legal safeguards by the devious device of using civil actions or proceedings under S. 83 instead of criminal prosecutions, the one-man Federal court, which convicts them of contempts on trials without juries, may punish them for the contempts by fines or prison sentences having no fixed or known limits whatever.

The legal woes of the defendants do not necessarily end when they have suffered all these things at the hands of the Attorney General and the one-man Federal court. Since S. 83 does not remove their liability to criminal prosecution, they may still be subjected to punishment under the criminal law for the same acts. They could not plead double jeopardy in such event, because they would be punished in the contempt proceeding for disobeying injunctions and in the criminal prosecutions for committing crimes.

This brings us to the argument that the injunctive process proposed by S. 83 is superior to criminal laws because it would afford the Federal Government means of preventing the commission of crimes in the civil-rights field.

This argument is pressed with vigor by those who would deprive defendants in civil-rights cases of such basic rights and benefits as the right of trial by jury and the benefit of limited punishment.

The argument is lacking in intellectual strength. It rests solely upon the fallacy that courts of equity can prevent crimes in some manner other than by fear of the penalties attending the violations of injunctions.

The prohibition of the equity court adds nothing of a deterrent nature to the prohibition of the criminal laws. This is so because criminal laws and courts of equity have no preventive whatever except the fear of punishment. When all is said, criminal laws and injunctions undertake to prevent forbidden acts in exactly the same way, i. e., by threatening to punish their commission by fine or imprisonment. There is no sound reason for believing that laymen, unversed in the niceties of contempt and criminal processes, would fear the sentence of a court of equity more than the sentence of a court of law.

The only use of the term "equity" in the Constitution is in the stipulation of article III, section 2, that the "judicial power shall extend to all cases, in law or equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

While the founders of our Government were at pains to have the Constitution specify that criminal prosecutions and suits at common law are to be tried by jury, they did not insert in that instrument any express limitation upon courts of equity.

Adequate reasons existed for this omission.

At the time of the adoption of the Constitution, writs of injunction and other equitable remedies were used for the protection of property rights only. As was made clear by the commentary of Alexander Hamilton on the extent of the authority of the Federal judiciary, which has been preserved in The Federalist as Essay No. 80, the founders of our Government contemplated that the equitable jurisdiction of the Federal courts would be exercised within similar limits.

When they placed in article III, section 2, the emphatic and unambiguous declaration that "the trial of all crimes * * * shall be by jury," the founders of our Government intended these plain English words to mean exactly what they said. They believed that this constitutional declaration possessed sufficient vigor to thwart the efforts of those who would convert courts of equity into courts of star chamber and rob Americans of their right of trial by jury by the devious device of extending the powers of equity beyond their ancient limits.

History makes this manifest: If they had dreamed that Americans could be constitutionally robbed of their right of trial by jury by perverting injunctions and contempt proceedings from their historical uses to the field of criminal law, the people of the United States would have rejected the Constitution out of hand. If one is tempted to question the validity of this assertion, let him read Judge Story's affirmation that the omission from the original Constitution of the guaranty of jury trial in suits at common law later embodied in the seventh amendment raised an objection to the Constitution which "was pressed with an urgency and zeal * * * well nigh preventing its ratification."

We submit that the constitutional declaration "the trial of all crimes * * * shall be by jury" does possess the vigor attributed to it by the founders of our Government, and that in consequence it necessarily invalidates by implication any proposal to rob Americans of their right of trial by jury by extending the injunction and contempt processes of equity to the criminal field. If this is not true, this solemn constitutional declaration is but an empty pledge expressed in idle and ironic words.

If power can be conferred upon Federal courts to suppress crime in the civil-rights field by injunctions and contempt proceedings in trials without juries, there is no sound reason why power cannot also be conferred upon such courts to suppress in like manner any and all crimes in the whole catalog of crimes.

In concluding this phase of our report, we quote from an article by Judge Henry Clay Caldwell, which appeared in the American Federationist in May 1910:

"These mandatory provisions of the Constitution are not obsolete, and are not to be evaded or nullified by mustering against them a little horde of equity maxims and obsolete precedents which had their origin in a monarchial government having no written constitution. No reasoning and no precedents can avail to deprive the citizen accused of crime of his right to a jury trial guaranteed to him by the provisions of the Constitution, 'except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war, or of public danger.' These exceptions serve to emphasize the right and to demonstrate that it is absolute and unqualified both in criminal and civil suits, save in the excepted cases. These constitutional guaranties are not to be swept aside by an equitable invention which turns crime into a contempt and confers on a judge the power to frame an extended criminal code of his own, making innocent acts crimes punishable by fine or imprisonment without limit, at his discretion.

IV

S. 83 is deliberately designed to empower the Attorney General to establish government by injunction in the place of government by law in the civil-rights field.

While diligent efforts are made to present S. 83 as a mere proposal to permit the Federal Government to use orthodox equitable actions or proceedings to enforce or vindicate civil rights, the truth is that S. 83 is based on a perversion of equity powers from their proper functions, a repudiation of the first requisites of equity jurisdiction, and a

usurpation of the powers reserved to the States by the 10th amendment.

S. 83 proposes that the injunctive and contempt processes be used for purposes which bear no more resemblance to the ancient and proper uses of those processes than the Milky Way bears to the Sun. As we have already pointed out, injunctions were used at the time of the ratification of the Constitution to conserve property in dispute between private litigants and the Founding Fathers contemplated that such writs would be restricted to similar usage by the Federal courts. To be sure, other statutes have been enacted by Congress to authorize the use of injunctions in lieu of executions to enforce awards made under the Workmen's Compensation and Longshoremen's Compensation Acts and to enforce public rights belonging to the United States in its capacity as a sovereign nation. S. 83 goes many bow-shots beyond these other acts. This is true because it perverts the powers of equity beyond their ancient and proper uses to enforce the criminal laws of the Nation in the field of civil rights.

S. 83 repudiates these two basic rules of equity jurisdiction: (1) the rule that a litigant has no right to invoke the aid of a court of equity where he has an adequate remedy at law, and (2) the rule that equitable proceedings must be brought in the name of the real party in interest. The Federal Government has an adequate remedy by criminal prosecutions for any and all public wrongs arising out of deprivations or violations of the civil rights of individuals (43 C. J. S., Injunctions, sec. 150). Private persons have adequate remedies by private actions at law for damages and private suits in equity to redress or vindicate any and all actual or threatened denials of their civil rights. Parts III and IV of S. 83 specify that the new actions or proceedings to be authorized by it are to be brought "for the United States, or in the name of the United States, but for the benefit of the real party in interest." By this phraseology S. 83 stipulates in express terms that the new actions or proceedings are not to be brought in the name of the real party in interest. While we do not deny to anyone so minded the privilege of arguing that the United States has a sentimental interest in all persons within its borders enjoying their civil rights, we do assert without fear of successful contradiction that the United States has no legal interest whatever in actions or proceedings to vindicate the political or personal rights of individuals, even though they may be denominated civil rights. If it did, there would be no occasion for enacting S. 83, because the United States would possess the right to sue for this purpose under existing civil-rights statutes. We deem it not amiss to repeat that the provisions of parts III and IV of S. 83 providing that the new actions or proceedings are to be brought "for the United States, or in the name of the United States" are deliberately designed to deny defendants in civil-rights cases the right of trial by jury and the right to the benefit of limited punishments in proceedings for indirect contempt which they would otherwise enjoy under sections 402 and 3691 of title 18 of the United States Code.

The provisions of parts III and IV of S. 83 purporting to confer upon the Attorney General the autocratic and despotic power to nullify State laws prescribing administrative remedies has this twofold objective: (1) To abrogate the long-settled rule of judicial administration that no one is entitled to resort to the courts for judicial relief until he has used and exhausted the administrative remedies, and (2) to permit the Attorney General, acting with the sanction of a one-man Federal court, to usurp the power of the State to determine, in the first instance, matters committed to the State under our constitutional system, such as whether a person applying for voting rights possesses the qualifications precribed by State law for electors "of the most numerous branch of the State legislature" or whether the educational welfare of a particular child requires or justifies assignment to a particular school.

The powers of equity are thus perverted, the first principles of equitable jurisdiction are thus repudiated, and the powers of the State are thus usurped to establish government by injunction in place of government by law in the field of civil rights, and to insure that the government by injunction so established is not to be subject to any limitation whatever except that unknown and unpredictable quality called judicial discretion.

What is government by injunction? Government by injunction is government according to the personal convictions, inclinations, or notions of individual judges rather than government by certain and uniform laws applying alike to all men in like situations.

This being true, it is no wonder that Lord Camden, one of England's greatest lawyers, declared:

"The discretion of a judge is the law of tyrants; it is always unknown; it is different in different men; it is casual and depends upon constitution, temper, and passion. In the best it is ofttimes caprice; in the worst, it is every crime, folly, and passion to which human nature is liable."

Edmund Burke, the great English statesman, used somewhat milder language in pointing out the dangers inseparable from government by injunction. He said:

"The spirit of any sort of men is not a fit rule for deciding on the bounds of their jurisdiction; first, because it is different in different men and even different in the same at different times, and can never become the proper directing line of law; and next because it is not reason but feeling, and when once it is irritated it is not apt to confine itself within its proper limits."

Government by injunction is abhorrent to those who love our constitutional and legal systems for these reasons:

1. Government by injunction denies to litigants the right to invoke for their protection basic constitutional and legal safeguards created by the Founding Fathers and Congress to protect all Americans from tyranny.

2. Government by injunction reduces the courts from the status of judicial tribunals to the status of administrative agencies of the executive department of the Government.

3. Government by injunction inevitably tends to bring the courts into disrepute.

4. Government by injunction may extend beyond prohibitions of lawless acts to make crimes of innocent acts and to coerce community conduct.

It is unnecessary to elaborate upon the first of these propositions. We pointed out in detail in section H–B of this report that S. 83 is deliberately designed to confer upon the Attorney General the autocratic and despotic power to rob State and local officials and other Americans involved in civil-rights disputes of those basic and invaluable safeguards created by the Founding Fathers and Congress to protect all Americans from bureaucratic and judicial tyranny; namely, the constitutional right of indictment by grand jury, the constitutional right of trial by petit jury, the statutory right of trial by jury in indirect contempt cases, and the statutory right to the benefit of limited punishment in indirect contempt cases.

This brings us to a consideration of the second and third propositions, which are interrelated.

Proponents of S. 83 urge injunctions to enforce civil rights on the theory that southern jurors do not convict in such cases. Let us examine this theory. What is charged, summarily and without substantiation, is that all southern jurors are utterly faithless to their oaths and duties. Else the proponents must maintain that the very possibility of acquittal, which is present in every jury trial, is reason enough in civil-rights cases for bypassing the jury. Thus the jury system is the pillar of liberty save where southerners and civil rights are concerned. Then, they say, it becomes a stumbling block to justice.

Yet, when it is suggested that the injunctive power is susceptible to grave abuse, these proponents say that such suggestions are an affront and a dishonor to the judiciary. Such suggestions are an affront, they say, despite the indelible record of judicial abuse of injunctions issued in labor disputes. While the advocates of S. 83 do not hesitate to indict the whole southern community as lawless, they would except the Federal judge as though he, in receiving the judicial robes, discards the passions and the clouded eyes which they attribute to all other southerners.

We would remind them of the words of Clarence Darrow given on March 23, 1900, before the House Judiciary Committee then considering limitation of injunctions in labor disputes. He said:

"I am not making any charges against the courts, they are just like the rest of us. They go upon the bench with exactly (the same) surroundings in which they have lived."

He said further:

"If you give men arbitrary power, the tendency is to enlarge from year to year and from day to day; the tendency of the courts is to reach out and take more and more power."

And we would commend to them these words of United States Circuit Judge Henry Clay Caldwell:

"Honesty and ability do not exempt from error, and when coupled with error they become dangerous gifts. After all, the human skull is but the temple of human errors, and judicial clay, if you analyze it well, will be found to be like all other human clay. The rule is without exception that whenever the exclusive power of making or administering the law is committed for any extended period to a single man or a few men—to a caste—the progressive restriction of the liberty of the people follows" (American Federationist for May 1910).

In saying that judges are fallible like other men, we do not assail the judiciary. We merely suggest that the provisions of S. 83 ought to be tested in the light of that fact and in the light of judicial history. This history shows that the Federal courts lost the respect and confidence of the people during the tragic years when government by injunction prevailed in labor controversies. George Wharton Pepper, eminent Philadelphia lawyer and statesman, attributed such loss of confidence to the fact that the Federal courts were assigned "the burden of solving for us our legislative and executive problems" growing out of "industrial warfare." Pleading for the adoption of adequate means to restore confidence in the Federal courts, Mr. Pepper asked a question which bears repeating in view of the provisions of S. 83. His question was simply this: "To maintain such confidence must we not confine the courts to the sphere in which the creators of our constitutional system intended them to live and move and have their being?" (address before the American Bar Association, 47th annual meeting, 1924).

George W. Norris, the great liberal Senator from Nebraska, proposed the Norris-La Guardia Act which severely restricted the issuance of injunctions and provided jury trials in cases of indirect contempt, as the most efficacious means for restoring confidence in the Federal courts. In a Senate speech on February 23, 1932, advocating the passage of the act, he pointed out:

"Is it any wonder that there has grown up a feeling of resentment against some of the actions of some Federal judges? Is it any

wonder that there has gradually grown up in the minds of ordinary people a feeling of prejudice against Federal courts? Is it surprising that there should develop a sentiment against life tenure for Federal trial judges? Can anyone doubt that such action on the part of the Federal judiciary has gradually developed in the minds of ordinary people a fear that where a system of jurisprudence prevails which enables one man, endowed with a life tenure of office, to write a law and then order its enforcement, and then, refusing a jury, to try alleged offenders and punish them at his own sweet will, it will eventually lead us to the common knowledge and belief that where such things exist, as Blackstone says, 'There can be no public liberty.'

"It is difficult to see how any civilized people would indefinitely submit to such tyrannical treatment, and indeed, it would undoubtedly be true that there would not have been submission if this procedure were general and applied to all classes of people."

The proponents of S. 83 spurn the wise counsel of George Wharton Pepper. They propose that Federal courts of equity be extended far beyond the "sphere in which the creators of our constitutional system intended them to live and move and have their being." They propose, moreover, that the Attorney General be clothed with autocratic power whereby he can virtually convert Federal district courts into administrative agencies of the executive department of the Federal Government for the management of schools, elections, and other similar activities of a local nature in the civil-rights field.

In addition, they propose that Federal district judges be placed in a position identical to that described by Senator Norris in the quotation set forth above. Under S. 83 the Federal district judge, acting as both judge and jury, will be projected into the middle of the civil-rights controversy whose issues are highly charged with emotionalism and partisanship. On one side of the controversy will be ranged the legal and financial might of the Federal Government and on the other the State or local official who performs governmental services for little or no compensation out of a sense of public duty. Regardless of the merits of the particular case, the controversy will be viewed and interpreted as a conflict between the Federal and State Governments.

In this atmosphere and under these circumstances the single judge must decide, in the first instance, whether or not to issue an injunction and, in the second instance, whether or not to cite for contempt. In many cases he must so decide on the basis of affidavits drawn by partisan lawyers and executed by witnesses who are not subject to cross-examination.

In any proceedings for contempt for any alleged violation of the injunction, the judge is compelled to enact the varied and conflicting roles of lawmaker, injured party, prosecutor, judge, and jury.

And there are other subtle factors present, which may, consciously or unconsciously, influence the judge's decision. One is the very human danger that the judge may view an alleged violation of his own injunction as a personal insult to himself. Another is that the judge, as a Presidential appointee, may interpret his role as that of furthering the particular policies of Government or even of his party.

Surely no judge ought to be compelled to act under such circumstances. And surely any decision which he may make under such circumstances will be suspect by considerable portions of the public as having been induced by some unworthy motive.

This being true, the very procedure established by S. 83 will tend to bring the courts into public disrepute, no matter how honest or intelligent the judiciary may be. For this reason we attempt to maintain the respect in which honest tribunals should be held when we urge the rejection of S. 83, whose unwise procedure is calculated to bring all judicial tribunals into disrespect.

The fourth proposition, that injunctions may extend beyond prohibitions of lawless acts to include acts which are innocent and may coerce community conduct, is amply shown by an injunction presently in force relating to school integration. There is now in Clinton, Tenn., an injunction in force which enjoins these things: "hindering, obstructing, or in anywise interfering with the carrying out of the aforesaid order of the court (the integration order of January 4, 1956), or from picketing Clinton High School, either by words or acts or otherwise." Where do we find the State or Federal statute which prohibits speaking, writing, or peaceful picketing? Of course there is none. But the injunction has declared this law and these legal acts are made crimes.

And who is enjoined in Clinton, Tenn., from these acts? The injunction, issued on August 29, 1956, and made permanent on September 6, 1956, was against six named defendants, "their agents, servants, representatives, attorneys, and all other persons who are acting or may act in concert with them." Yet the county attorney is quoted to have said that "this injunction has no limits; it applies to everyone everywhere, be they minors, adults, inside or outside of any building in this (Anderson) county." And on December 6, 1956, 16 persons, not parties to the suit, nor alleged in the writ of attachment to be "agents, servants, representatives, attorneys" or in active concert with the original defendants, were cited for criminal contempt of the injunction for alleged disturbances near the school grounds. These defendants, now 6 months later, are awaiting trial.

We do not believe that the Clinton case has lessened the tension or ill will in the community, and we do not believe that the injunction has strengthened the trust and confidence of the people in the judiciary. Indeed, this single case should point out the grave dangers in the extension of the injunctive process proposed by S. 83 where additionally, unlike the Clinton defendants, the defendants would have no right to jury trial.

The thoughts of William S. Dunbar, posed in 1897 in the Law Quarterly Review, are worth heeding:

"It should not be forgotten that no course is more dangerous than to justify the exercise of a doubtful power by the supposed necessities of a particular emergency. Courts must adhere to fixed principles, lest the departure today by a present emergency, itself justify tomorrow a departure inspired by some sinister motive. Courts of equity can in no event be made to replace permanently an able and honest administration of its duties by the executive branch of the Government. The attempt to do so may achieve a temporary success, but ultimately will result in a lowering of the standard of the judiciary or a disregard of its decrees."

V

The claim of its proponents that S. 83 is simply a proposal to lodge in the Federal Government a limited power to enforce or vindicate by injunctions and contempt proceedings the right to vote and a few other civil rights of members of so-called minority groups is without foundation. If it should be enacted by Congress, S. 83 would empower the Attorney General to institute and prosecute at public expense lawsuits "as numberless as the sand" for the avowed benefit of any aliens, citizens, or private corporations within the territorial jurisdiction of any of the 48 States.

S. 83 is presented by its proponents as a simple proposal to lodge in the Federal Government a strictly limited power to prevent or redress, by injunctions and contempt proceedings, deprivations or violations of a limited number of civil rights of persons belonging to so-called minority groups.

This claim is without foundation. If S. 83 is enacted by Congress, it will empower the Attorney General to carry on litigation at the public expense for the supposed benefit of any alien, citizen, or private corporation within the territorial jurisdiction of any of the 48 States in instances as numberless as the sand.

This is true, because S. 83 specifies, in essence, that the Attorney General may bring civil actions or proceedings of an equitable nature to suppress, by injunctions and contempt proceedings, conspiracies, either consummated or unconsummated, to deprive any person or class of persons, either directly or indirectly, of the equal protection of the law in violation of the 14th amendment (42 U. S. C. 1985 (3)).

While the prohibition of the equal-protection-of-the-laws clause of the 14th amendment applies only to a State acting through an agency or instrumentality of its government, the scope and coverage of the clause are exceedingly broad.

The clause means, and is a guaranty, that all persons subjected to State legislation shall be treated alike, under like circumstances and conditions, both in privileges conferred and in liabilities imposed (16A C. J. S., Constitutional Law, sec. 502). The benefits of the clause extend to all aliens and all citizens of all races, as well as to all private corporations within the territorial jurisdiction of any of the 48 States.

These things being true, S. 83, if enacted by Congress, would empower any Attorney General to litigate at public expense virtually all claims of virtually all aliens, citizens, and private corporations within the jurisdiction of the State in question that they have suffered intentional discrimination by the action of State or local officials taken under State statutes or municipal ordinances, or orders or regulations made under them, pertaining to elections; public education; business and trade; labor; charges, prices, and interest; railroads, motor carriers, telegraph companies, public warehouses, and other public utilities; ad valorem, income, inheritance, license, and sales taxes; local public improvements; highways and streets; buildings; fish and game; the keeping of animals; civil remedies and procedure; crimes and criminal procedure; and all other matters committed by our system of government to State control.

Congress would be exceedingly unwise if it should approve a bill authorizing any Attorney General to open at the expense of the taxpayers a whole Pandora's box containing so many legal miseries.

VI

S. 83 provides for the establishment of a roving Presidential Commission on Civil Rights with drastic subpena and hearing powers to wander to and fro over such portions of the face of the United States as it may select to investigate such vague matters as "unwarranted economic pressures" and such unlimited matters as "developments constituting a denial of equal protection of the laws." The establishment of such commission is wholly unnecessary because committees of Congress are well equipped to make such investigations as may be necessary in the premises. Furthermore, the establishment of such Commission is likely to be productive of much evil because its activities will foment controveries in racial matters and inevitably give rise to the charge that it is being used to exploit so-called minority groups for political purposes. S. 83 also provides for the establishment of a new Civil Rights Division in the Department of Justice which will necessarily have to be staffed by innumerable employees at an expense which no one can now estimate.

S. 83 proposes that Congress authorize the establishment of a roving Presidential Com-

mission with authority to wander to and fro over the face of such portions of the United States as it may select for the purpose of investigating such vague matters as "unwarranted economic pressures by reason of color, race, religions, or national origin" and such unlimited matters as "economic, social, and legal developments constituting a denial of equal protection of the laws" under the 14th amendment.

There is absolutely no justification for the establishment of any such Presidential Commission. If it should be of the opinion that there is any occasion for conducting investigations in this particular field, Congress should conduct such investigations through the instrumentalities of existing Congressional committees, which are operated by men who are elected by the American people to legislate for them and who will necessarily take the political consequence of any errors committed in such investigations. The members of the Presidential Commission would not be responsible to anyone for any action which they might take.

It is submitted, moreover, that it would be exceedingly unwise for Congress to create a Presidential Commission as proposed by S. 83. Such a Commission could harass the American people beyond measure in the proposed investigations, because the bill contains no indications whatsoever as to what the phrase "unwarranted economic pressures" means, and because the equal-protection-of-laws clause of the 14th amendment is so broad as to cover every economic, political, and other activity carried on under State statutes and municipal ordinances.

Some idea of the meaning attributed to the nebulous phrase "unwarranted economic pressures" by organizations advocating S. 83, may be obtained by a reading of the testimony taken before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary. One of these organizations presented a witness before the subcommittee who testified that a bank had brought "undue economic pressure" upon his father, a member of a so-called minority race, by calling upon his father to pay his bank note when it fell due.

The Presidential Commission would undoubtedly be productive of great evils. This is true because the bill impliedly solicits the testimony of maladjusted persons suffering from delusions of persecution in the area of racial relations. Besides, it contemplates that the Commission would avail itself of the services of "voluntary * * * personnel" who will undoubtedly entertain in most cases fanatical opinions in the area in which the Commission is to operate. As a consequence of these matters, the activities of the Commission would undoubtedly foment considerable bitterness in the area of racial relations.

In addition, the Commission could be readily used as a means of exploiting so-called minority groups for political purposes.

S. 83 also proposes that Congress authorize the establishment of a new Civil Rights Division in the Department of Justice. In view of the fact that pressure groups would insist that this Division act as guardian for so-called minority groups, no one can foretell at this time the number of officers who will inevitably be required to exercise the autocratic and despotic powers which S. 83 is calculated and intended to confer upon the Attorney General. All that one can predict with any degree of certainty at this time is that the Attorney General would employ swarms of officers to harass our people, and eat out their substance.

When all is said, S. 83 is deliberately designed to confer upon the Attorney General autocratic and despotic powers which may befit the office of commissar of justice in a totalitarian country, but which are incompatible with the office of chief law officer of a republic having a government of laws rather than a government of men.

Undoubtedly Daniel Webster had such tyrannical governmental actions in mind as those proposed by S. 83 when he uttered these eloquent words:

"Other misfortunes may be borne, or their effects overcome. If disastrous wars should sweep our commerce from the ocean, another generation may renew it; if it exhaust our treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again, and ripen to future harvests.

"It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these may be rebuilt.

"But who shall reconstruct the fabric of demolished government?

"Who shall rear again the well-proportioned columns of constitutional liberty?

"Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security, and public prosperity?

"No, if these columns fall, they will be raised not again. Like the Colosseum and the Parthenon, they will be destined to a mournful and melancholy immortality. Bitterer tears, however, will flow over them than ever were shed over the monuments of Roman or Grecian art; for they will be the monuments of a more glorious edifice than Greece or Rome ever saw—the edifice of constitutional American liberty." (Daniel Webster, 1832.)

OLIN D. JOHNSTON.
SAM J. ERVIN, Jr.

Mr. CARROLL. Mr. President, the point I wish to call to the attention of the Senator from Oregon is that the majority report of the subcommittee, according to my information, was filed by the Senator from Missouri [Mr. HENNINGS], the chairman of the subcommittee, on March 19. After listening to the remarks of the Senator from Rhode Island [Mr. PASTORE], it seems to me that if the hearings were instituted, let us say, sometime in January or February, the subcommittee moved with reasonable speed by filing the majority report on March 19.

Although I do not know the exact date, I think the minority views of the distinguished Senator from North Carolina [Mr. ERVIN] and the distinguished Senator from South Carolina [Mr. JOHNSTON] probably followed within a few weeks or a month. That is the information I have from the committee.

Mr. MORSE. Mr. President, let the RECORD show that the minority views were filed on May 10.

Mr. CARROLL. Mr. President, I should like to comment on the action the Senate took in placing the House bill on the calendar, instead of referring it to a committee. Let me say it was a procedural action, in the sense that it was under a rule. It was procedural in the sense that there had to be a decision on it. It was procedural in the sense that it would establish a precedent—although that precedent can be overcome if the Committee on Rules and Administration decides to set it aside.

But before some of us voted to have the Senate take that step, we reached the conclusion—and I am sure the Senator from Oregon did, too, at one time; although later he changed his mind, as he had a perfect right to do, and I defended his right to change his mind on that matter that the bill should be placed directly on the Senate Calendar, instead of being referred to the Committee on the Judiciary. That conclusion was reached, not as a punishment, not as a criticism, but, as the distinguished Senator from Rhode Island [Mr. PASTORE] has said so forcefully on the floor of the Senate this afternoon, because we concluded that that was the only method and the only procedure which could be adopted by the Senate if the bill was to be brought before the Senate forum.

Let us see whether or not that conclusion can be sustained. It is in the record of the Senate. The distinguished chairman of the subcommittee of the Committee on the Judiciary, the Senator from Missouri [Mr. HENNINGS], standing within a few feet of the position which I occupy now, said that week after week after week he sought to get action. There was a colloquy between the distinguished Senator from Missouri and the distinguished Senator from North Carolina, who was also a member of the committee. I personally asked the question of the distinguished Senator from Missouri, "Do you really believe that unless we take this action under rule XIV there will be no consideration of this bill?" He said, "In my opinion that is true. Unless we invoke rule XIV, there will be no action on this bill."

That is the reason we acted under rule XIV, not because we desired to violate any historic concepts or precepts of constitutional procedure, about which many of us have strong and deep convictions. And again I pay tribute to the Senator from Oregon for his strong feelings about constitutional procedures. There are inherent dangers in the type of action we are taking, but it seems to me, in the circumstances so ably set forth by the Senator from Rhode Island, had we not taken that action, we would not have had the benefits of the wonderful editorials which have been written in the Washington Post and the New York Times and illuminating articles by Columnists Reston, Lippmann, Fleeson, and Stokes. Today we know the issue. This has been a great thing for the American people and a great thing for the Senate, and I believe that before we are through with this debate we shall understand the issues more clearly than we could by sending the bill to committee and accepting the committee's opinions. The members of the committee can now offer their opinions on the floor of the Senate, as the distinguished Senator from North Carolina is doing day by day, as the distinguished Senator from Wyoming [Mr. O'MAHONEY] a member of the committee, is doing day by day, and as the distinguished chairman of the full committee, the Senator from Mississippi [Mr. EASTLAND] has been doing. The brilliant speeches which have been made will be good for the Senate and good for the country.

I thank the Senator from Oregon for yielding.

Mr. MORSE. Mr. President, I have the greatest respect for the views of the Senator from Colorado. In fact, I always feel very sorry when we do not agree. But I completely disagree with

the conclusions he reaches from the premises he has laid down. The Senate did not try, as the parent of the committee, to get a committee report from the committee. We did not take advantage of any of the available procedures we could have used, as a parent, to elicit a report from the committee. That is why I object to the procedural course of action that was followed.

I wish to say also, Mr. President, that while we have listened to some great speeches during the debate, the speeches do not correspond to a committee report which is based upon a judicial analysis of evidence and a record that has been made. That is not what is before the Senate.

The Senator from Colorado has referred to what the chairman of the subcommittee said on the floor of the Senate. I heard that speech. I have great admiration for my friend the Senator from Missouri [Mr. HENNINGS], but colleagues of his on the Judiciary Committee who are in favor of a civil-rights bill disagree with the analysis of the Senator from Missouri as to what happened in the Senate Judiciary Committee. There are colleagues of the Senator from Missouri on the Senate Judiciary Committee who tell me the Senate would have received a committee report from the Judiciary Committee, and would have received it in a very reasonable period of time if the Senate had not taken what I think was precipitate action in placing the House bill directly on the Senate Calendar, in disregard of the Senate Judiciary Committee.

I listened to the Senator from South Carolina [Mr. JOHNSTON] yesterday afternoon on the floor of the Senate tell the Senate that a committee report was on its way out of that committee; that is in complete rebuttal to what the Senator from Missouri [Mr. HENNINGS] said earlier in the debate. I am satisfied, Mr. President—and I use the phrase good-naturedly—that with a little prodding from the Senate, the parent of the committee, we would have been able to get the matter disposed of without our undermining, as I think we have, the whole committee procedure of the Senate.

Now, Mr. President, I am about through. But there are a few other points I wish to make.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JOHNSTON of South Carolina. I ask the Senator to yield inasmuch as my name has been mentioned. I did state yesterday that when the action was taken on the 20th day of June, the Senators who were opposed to the bill, the Senators who were fighting to bring out the facts, had reached the conclusion that within 2 weeks—certainly after not over 2 more meetings of the Judiciary Committee—they must yield to the majority of the committee to let the bill be reported. I think the Senator from North Carolina will vouch for that statement.

Mr. MORSE. There are other members of the Judiciary Committee who have told me personally exactly the same thing, and have assured me that, although it is easy to say the bill had been bottled up for 6 months, it was not bottled up at all. There were great differences in the committee on a highly controversial issue. Senators within the committee were fighting to make progress. One major amendment on jury trials had been adopted, and that major amendment was to go to the full committee in the report of the majority of the subcommittee. When we get an issue so controversially and emotionally charged as this one, the fact that the committee was making such progress is an answer to the accusation that the Judiciary Committee had bottled up the bill. I am satisfied that much of the charge that the Judiciary Committee bottled up the bill is political propaganda.

I do not think that those making that argument have yet sustained their burden of proof in contending that the bill was bottled up—which means there was a deliberate attempt to prevent report from coming out of the committee at any time. I am not a member of the committee, but I understand, and I have read newspaper accounts to the effect, that certain parliamentary strategy was used at the meetings which forced adjournment of the committee at high noon when the Senate was in session on the regular meeting days of the committee. But that is where the parent should have stepped in, which it has the power to do. Now we are complaining about the committee because we did not get a report as soon as we now think, with hindsight, we should have gotten it. I do not believe that is a fair way to treat a committee. I do not believe in so treating Senate committtes, whether I agree with the action of a given committee or do not agree with its action.

Mr. JOHNSTON of South Carolina. We must bear in mind also that the Judiciary Committee handles from 60 to 65 percent of all the bills which come to the Senate floor. It will be found that during the period the civil-rights bill was being discussed, the committee handled several hundred bills. So the committee had to take care of other business, along with dealing with this matter also.

Mr. ERVIN. Mr. President——

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Oregon may be permitted to yield to me for a statement without losing his right to 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 simply wish to state to the Senator from Oregon that I have lived with the Senate bill since about the first of February. As a matter of fact, I conducted most of the hearings of the subcommittee, so far as the taking of testimony was concerned, alone, since other Senators had other tasks which called them to other activities. I took the evidence of witnesses on both sides.

Then we were cut off, as I stated yesterday, by a vote of the majority that there would be no evidence of witnesses taken after Tuesday, March 5. On the following Friday, which was March 8, under the resolution adopted by the majority vote, the record was closed. On that last day a veritable multitude of statements were inserted in the record by persons who apparently were not willing to come to open hearings and be cross-examined.

I will state, initially, charges were made the first day the subcommittee met that the Senator from South Carolina [Mr. JOHNSTON] and I would filibuster merely because we came from below the Mason-Dixon line. In order that the charge could not be justified as to me, I sat up one night until after 1:30 a. m. and another night until after 2 a. m. to correct the transcript of the evidence taken before the subcommittee. The record was closed on March 8, and I handed in my last corrected transcript on the following day, March 9.

I had nothing to do with the printing of the record. The record was long. Everyone was given an opportunity to correct his statement.

For this reason, Senator JOHNSTON and I were unable to file a minority report until the record was printed. I might state that we agreed for the subcommittee to hold a session while the Senate was sitting, in order that the subcommittee might have a final vote on the matter, immediately after we completed the hearings, and without waiting for the record to be printed. After that action was had and the Senate bill was reported to the full committee, we insisted we ought to have the printed record before us when we filed and prepared a minority report, because we did not want to run the risk of quoting somebody and finding, when the printed record was printed, that he had changed his testimony and that in consequence the report was not accurate.

I have forgotten the exact date, but I think it was somewhere around the 19th or 20th of April before the record was finally printed and made available to members of the Committee on the Judiciary.

I have studied weeks and weeks upon this matter. No one can understand the bill merely by reading it. He has to study constitutional history, legal history, equity, law, and other Congressional acts, as well as court decisions.

As soon as we received the printed record, sometime about the 19th or 20th of April, we began to work on our minority report. I stayed in Washington through the Easter vacation to work on the minority report. I worked day and night, and even on Easter Sunday, on the minority report which was completed and filed about the 10th of May.

I prepared about 10 amendments, which I presented before the full committee. Southerners have been accused of many things in connection with this matter. For example, the committee did not have a quorum one day, and on that occasion I sat there until the Senate met awaiting a quorum which never came. While I never said a mumbling word, I read in the newspaper the next morning that I had conducted a filibuster on that day.

Since the majority leader had stated he was not going to take up the bill until the House acted on its bill and sent it over to the Senate, I urged in the utmost good faith that the House might take out some of the bad features of the bill and that I thought the Senate Judiciary Committee would act wisely if it awaited action on the House bill.

Then I stated that, when the House bill came to the Senate and was referred to the committee, we ought to sit down with the two bills. I made the suggestion that such action should be at the next regular meeting after the House bill came over, which would have been the following Monday, and I stated I thought we should stay in session from day to day until we had passed on the amendments and were ready to take a final vote on whether we should report the bill and any amendments adopted in committee to the Senate. If that had been done, I think the Senate bill would probably be on the calendar today instead of the House bill, and perhaps with some amendments to it which would make the bill less obnoxious to some of us.

I might add that the Senate Committee on the Judiciary did vote to write in a jury-trial amendment, patterned on the Norris-La Guardia Act.

I thank the Senator from Oregon for yielding to me. I wish to state that I agree with the Senator thoroughly on the proposition that we ought to follow the orderly procedure; that we ought to send the bill to the committee and let the committee have a reasonable opportunity to act. Then the Senate would certainly have the power, as the Senator so well points out, if there are enough Senators in favor of passage of the bill, to bring the bill back. If the committee would not report the bill, the Senate could have the committee discharged from further consideration of it. I think the committee would certainly obey any instructions given to it by a majority of the Senate.

Mr. MORSE. Mr. President, I thank the Senator from North Carolina very much for the citation of facts he has given to the Senate with respect to what happened in the Committee on the Judiciary, because the assumption has been, on the part of many, that the Committee on the Judiciary has been guilty of reprehensible, dilatory practices over a highly controversial bill. The committee has been tried by the newspapers.

There has been reference in this debate today to the fact that a great many newspapers are writing, in a very favorable fashion, about the course of action of the Senate in putting the House bill directly upon the calendar. I never have and I never shall, Mr. President, follow in the Senate of the United States a certain course of action simply because the newspapers think that is the course which ought to be pursued.

As we listen to the Senator from North Carolina [Mr. ERVIN] and the other members of the Committee on the Judiciary, I believe that we have listened to the answer, Mr. President, of trial by newspaper of the Senate Judiciary Committee. In this case as is usually true, the newspapers seldom have the facts. Any study of what has been done by the Committee on the Judiciary shows that much of the charge about the committee bottling up the civil-rights bill will not stand up under a careful analysis of the timetable of work performed by the committee during this session.

I happen to be one who is critical of the fact that the Committee on the Judiciary did not at least more often seek permission to hold meetings while the Senate was in session. The Senate could have instructed its committee on this point but we did not do it. Now some criticize the committee because it did not ask the Senate to waive the rule about not holding committee meetings when the Senate is in session.

Mr. President, I believe it is much more important that we have a committee report based upon the evidence—to which the Senator from North Carolina has referred, and which we find in the more than 900 pages of hearings placed on our desks for the first time this morning—than that we let the newspapers scare some of us into taking action which I think will prove to be a mistaken action. Six months is not too long a time for the Senate Judiciary Committee to consider such a major and complicated bill. We have wronged the committee with all these charges that it has bottled up a Senate civil rights bill. The more we study the facts about what the Senate committee has been doing during the last 6 months, the more unsubstantial such charges become.

Mr. President, as to the debate on part III of the bill, both by Members of the Senate from the South and by Members of the Senate from the North, the debate indicates very clearly we ought to have a careful analysis of the bill by the Committee on the Judiciary, and a committee report. The American public ought to be told that in the preparation of a committee report it is not simply the Senators alone who prepare the report. The fact is—and we all know it—that very able staff assistants do the drudgery research work on a great many of the problems assigned to them by individual members of the committees in the preparation of a report. On the Judiciary Committee staff, well known to many Members of the Senate, are some exceptionally able lawyers who are staff members of the committee, and who assist the lawyer Senators who are members of the committee.

How in the world, I respectfully ask, are we ever to reach any intelligent conclusions on the floor of the Senate, acting as the Committee of the Whole, on all the legal ramifications on part III of the bill? I have heard enough already to know that I shall have to spend a good many hours with the law books to satisfy myself as to whether or not the allegations and counterallegations in regard to part III have any basis in legal fact. I cannot vote for this bill if there is any possibility that some of the allegations have any legal basis in fact. I think we should have the assistance of the legal staff of the Judiciary Committee in regard to such problems made available to us through a committee report on the Senate bill.

As the Senator from North Carolina has just said—and I think the testimony he has given on the floor of the Senate is of the utmost importance—it was the plan of the members of the Judiciary Committee to compare the two bills after the House bill reached the committee, and then base a report to the Senate upon such comparison. We do not have such a committee report. We are not going to get it if the point of view expressed by some Senators here today prevails, and there is a stubborn resistance to sending the bill to the Senate Judiciary Committee with instructions to report back to us a bill, within a reasonable length of time.

The next point I wish to make with my Democratic colleagues is that I think we should return the Senate of the United States to the leadership of the majority leader. I happen to believe that as Democrats we ought to stand together on these procedural matters. I think the situation is an unhappy one. Today we find a coalition in the Senate in which the majority leader—and I speak respectfully—has really been stripped of his leadership. He has made very clear the procedure which he thinks we should follow in handling this subject. He has given his pledge—and we all know it to be a fact—that if a motion to send the bill to the committee with instructions is agreed to, the power of his leadership will be used to see to it that the procedure called for by the motion is carried out. We will get a bill back from the committee with a report.

It is said that if we follow the course of action which I have proposed, we shall have to go through again the debate as to whether or not we shall take up the bill as the pending business of the Senate. I do not believe it; but if that be true, then with the votes we shall have we can soon make short dispatch of that dilatory tactic. Either we have the votes or we do not have the votes. I think if we follow the course of action which I am recommending, we shall have more votes than we shall have if we do not follow it.

There are some who believe that temporarily it would be better to forego for a time substantive legislation on this issue if getting it immediately means the sacrifice of great procedural safeguards in the Senate. So I plead with my Democratic colleagues to reenlist under the leadership of the majority leader of the Senate on procedural matters.

There will be plenty of business to transact in the Senate while the bill is being considered by the Judiciary Committee. I think the statement just made by the Senator from North Carolina is of the utmost importance in this debate. If one has read the newspapers he knows that it has been the Senator from North Carolina who has been carrying the fight for the minority point of view on the Judiciary Committee. With his usual forthrightness and complete intellectual honesty, he has just told the Senate what the position of his group on that committee was. Although the Senator from North Carolina and I may differ on substantive civil-rights legislation, I have

the greatest admiration for the brilliance of his legal mind. I wish to say respectfully that I think one of the things troubling some of my colleagues in the Senate is that he has called upon them for a kind of research and study which involves hard work, to find the answer to some of the points raised by the Senator from North Carolina in regard to part III of the bill. Speaking for myself, I intend to take on that work. That means an expenditure of time, too.

Oh, I know that the pressures are on. I know that there are groups in this country who think that the Judiciary Committee ought to be disciplined, and that anyone who does not go along with their form of discipline really is not for civil rights.

That leads me to my last point. There are those who would have the American public believe that the vote placing the House civil-rights bill on the calendar is the acid test of one's devotion to the cause of protecting and promoting civil rights in the Senate. It was said in Detroit, at the convention of the National Association for the Advancement of Colored People, that that was one of the tests as to whether or not a Senator is for civil rights. Let me say to the officials of the National Association for the Advancement of Colored People who hold to that point of view that I think they are dead wrong.

Let me say to them further that in my judgment they are letting down the best interests of the colored people of America by taking that point of view.

The colored people of America need at all times to be protected in their procedural rights in the legislative processes of this democracy. I am greatly disappointed in those officials of the National Association for the Advancement of Colored People who have taken the position that the political heat ought to be applied to any Senator who voted against placing the House bill directly on the calendar.

I am accustomed to political threats; and I will take on the officials of the National Association for the Advancement of Colored People among their own rank and file, so far as my dedicated devotion to civil-rights legislation is concerned. But to those representatives of the National Association for the Advancement of Colored People, let me say that I will never retreat from the record I have made over the years in support of what I consider to be one of the precious safeguards of the democratic process, namely, procedure that is fair to minority interests as well as majority interests.

In my judgment, the procedure of putting the House bill on the Senate calendar was not fair to a minority point of view in the Senate. I contend that this question should be brought before the Senate for deliberation and debate based upon an analyzed report of the Judiciary Committee containing both majority and minority views.

There are some other liberal groups which are trying to make much of the split in the ranks of the liberals on this side of the aisle in the Senate. Such a split does exist on this procedural issue; and there is no denying the fact. Let me say to liberal periodicals such as the New Republic, which have had something to say about this question, "You had better go back and take a refresher course in fair procedure." I did not teach procedure for years only to walk out on my teaching when a civil-rights issue reached the floor of the Senate.

I happen to believe that we shall safeguard our constitutional system only to the extent that we maintain all the procedural rights of minorities and majorities. If the determining factor in deciding whether or not I obtain support from so-called liberal groups is to be based upon the issue of whether or not I go along with the course of action which the Senate has taken, then let me say I do not want their support. I would not want the support of any so-called liberal group based on that test. In my judgment, I would be untrue to my convictions if I yielded on this point. Therefore, I deny that a vote to place the House Civil Rights bill directly on the Senate Calendar is a test of one's devotion to the cause of protecting and promoting civil rights. I do not subscribe to this liberal "loyalty test." Indeed, those who urge it are on very weak ground.

There have been other votes on civil-rights issues in the Senate and I marvel at the sudden access of virtue on the part of some of those who voted to put the House bill on the calendar. There have been other procedural motions which were much more closely related to civil rights in which many of the June 20, 1957, converts did not vote to promote the interest of civil rights.

Let me recall for the Senate that at the opening of the Senate sessions in 1953 and 1957 the junior Senator from New Mexico, Mr. ANDERSON, led two great fights for the adopting of new rules by the Senate for the purpose of rewriting rule 22, which remains the principal obstacle to the enactment of worthwhile equal civil-rights legislation.

Let me recall for the Senate that on August 1, 1955, I moved to recommit to conference H. R. 4048 with instructions to the Senate conferees to insist upon retaining the rights of persons in uniform in time of war to vote without a payment of a poll tax. At the time such a provision was in force. The new absentee voting law, as agreed to in conference, repealed the 1942 act providing that our servicemen voting by absentee ballot need not pay a poll tax.

I think it is pertinent to point out that the present minority leader [Mr. KNOWLAND]—and I make this as a statement of fact from the RECORD, not in personal criticism—voted against both the Anderson motions and the Morse motion. I think it is pertinent to point out that the acting minority leader, the Senator from Illinois [Mr. DIRKSEN]—and I make this statement as a statement of fact from the RECORD, not by way of personal criticism—also voted against the Anderson and Morse motions to promote civil rights.

I think it is pertinent to point out that the senior Senator from Massachusetts [Mr. SALTONSTALL]—and I make this statement as a statement of fact, not by way of personal criticism of the minority whip—also voted against the Anderson and Morse motions.

Furthermore, it is pertinent to point out that among Republicans who voted to place the House bill on the calendar, at least 16 of them voted against the Anderson motion in 1953, at least 14 of them voted against the Anderson motion this year, and at least 14 of them voted against my motion to recommit the absentee voting bill in 1955. These votes were in addition to the votes cast by the present Senate Republican leaders already described.

I say to the officials of the National Association for the Advancement of Colored People, to the officials of ADA, and to self-designated liberal publications, read the record. I shall read it into your teeth, when you start talking to me about who in the Senate has a record for fighting for legislation for first-class citizenship in America. There did not happen to be many Senators on the other side of the aisle who voted to place the House bill directly on the Senate Calendar.

I wish to say to some of my liberal friends on this side of the aisle: Reenlist in this fight on procedural matters under the leadership of the minority leader, because we liberals on this side of the aisle have a great record in fighting for civil-rights legislation. I do not like to see develop a split whereby some of the liberals on this side of the aisle are marching under the leadership of the minority leader, instead of under the leadership of the majority leader. I think that in thus marching they are retreating from a glorious record on this side of the aisle in support of civil-rights legislation.

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

Mr. MORSE. I wish to finish my prepared speech, then I shall be happy to yield. I wish to repeat a sentence in my speech.

In addition, it is pertinent to point out that among the Republicans who voted to place the House bill on the calendar, at least 16 of them voted against the Anderson motion in 1953, and at least 14 of them voted against the Anderson motion this year, and at least 14 of them voted against my motion to recommit the absentee voting bill in 1955. These votes were in addition to the votes cast by the present Senate Republican leaders already described.

For my part I am amazed at the new "party line." There are those of us who have worked and fought for civil-rights progress for years. Now we find that many of those with a consistent record of voting against civil rights in the past have not only become fervent promoters, but they have become the arbiters of what is adherence to the "party line."

My only wish is that these recent converts will demonstrate their zeal on the substance of civil rights, as so many of them have not in the past.

I submit a very simple proposition to the Senate: To regularize its procedure by recommitting House bill 6127 with specific instructions that it or a measure on the same subject be reported back to the Senate within 14 calendar days.

Mr. President, I am not married to the 14 days limitation. Perhaps the motion should be modified to provide for 10 days. Perhaps, on the basis of agreement, and a study of the problems confronting the Committee on the Judiciary, the number of days could be less. What I plead for is that each of us be given the benefit of an analysis of the bill by the Committee on the Judiciary, assisted by its staff, in the form of the scholarly report which I know would come from the committee, both by way of the committee report and minority views, on the sections of the bill we are discussing.

I close by saying that the floor of the Senate is no place to write a civil-rights bill. We should first have the civil-rights bill written in the Judiciary Committee, and then, on the basis of debate, amend it on the floor of the Senate, if we think it necessary to do so.

The motion I shall make reads as follows:

I move that the pending bill—H. R. 6127, the Civil Rights Act of 1957—be referred to the Committee on the Judiciary with instructions to report the same back to the Senate within 2 weeks, either with or without amendment, as the committee, in its judgment, may determine.

If the rules permitted it—and I am informed by the Parliamentarian that the rules do not permit it—I should like to have included in the motion a statement to the effect that the bill would automatically be the pending business before the Senate when it is reported by the committee. As I say, the Parliamentarian states that that cannot be done, but that the bill must be taken up either by majority vote of the Senate, or, without objection, by unanimous consent.

However, I repeat, if we have the votes now to adopt the Knowland motion, we also would have the votes to take the bill up after it comes from the committee. That is the orderly procedure, and that is the way to protect the orderly procedural rights of the Senate. We ought to think it over and follow what I consider to be a very sane and sensible and commonsense approach to the procedural question.

I now yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, the senior Senator from Oregon is a man of great courage. He has been called many times the conscience of the Senate, and I think it is an accurate designation. Is it not a fact that when the present chairman of the Committee on the Judiciary was selected for that particular position, the senior Senator from Oregon rose on the floor to make known his opposition to his appointment?

Mr. MORSE. The Senator from New York, Mr. Lehman, and the senior Senator from Oregon opposed the application of the seniority custom in the Senate to the appointment of the Senator from Mississippi [Mr. EASTLAND] to the chairmanship of the Judiciary Committee.

My difference with the Senator from Mississippi was not a personal one. My difference was a professional one. I am perfectly willing to let the record speak for itself. That issue has nothing to do with the issue before the Senate now. The issue before us involves the complete membership of the Judiciary Committee. I have read the names of the members of the committee to the Senate. They are great lawyers.

I think we are very shortsighted clients if we do not go into our lawyer's office. In a very real sense, that is what the present situation involves by way of analogy. Here we have some lawyers whose advice we ought to have, on the basis of the study they have already made on civil-rights legislation. We at least ought to get a memorandum opinion from them before we decide what we are going to do, if anything, independently of the Committee on the Judiciary.

Mr. MANSFIELD. I know what I mentioned has no relation to the question before the Senate at present; I used the example as an indication of the Senator's courage. His was not an easy speech to make nor an easy position to take. I point out that of the entire present membership of the Senate, he alone is the one who took, at that time, the position he assumed. I repeat, it was not an easy position to take, when he fought—and unfortunately fought a losing battle—to keep alive the procedural traditions of the Senate. But I think the Senator was right, and I think he is still right.

I express the hope, however, that when he offers his motion that the House bill be referred to the Committee on the Judiciary, a time limit of 7 days will be set, if at all possible, and some sort of firm agreement be made that within that period of time, the Committee on the Judiciary will report the House measure, or its own measure.

Mr. MORSE. I thank the Senator from Montana. He has been very kind and helpful to me. His kind words and friendship strengthen my resolve to make this fight. Between now and the time I offer my motion, I shall confer with all the Senators concerned on the Committee on the Judiciary, to see if the matter cannot possibly be handled within 7 days, as the Senator suggests. But whatever may be the period of time which the committee thinks is reasonable in which to report a bill, that is the time I think the Senate should fix. I am going to be guided pretty much by the committee's judgment on the matter. But the maximum time, so far as I am concerned, is 2 weeks.

I wish to say, because of what the Senator from Montana has pointed out, that we are making a great mistake if we think the bill as it came from the House is a bill which had prolonged analysis in the House. The House bill was adopted under the 5-minute rule. The entire House bill did not have the consideration which the motion we are considering on this one segment of the problem has already had in the Senate. I am in favor of full debate on these matters, and of having the rights of the majority as well as of the minority protected, as all Senators know.

We will not present a very good picture for the country to view if we become involved in a prolonged debate, much of which I honestly think could be avoided if we respected the rights of the Committee on the Judiciary and gave it at least an opportunity to come forward with some reasonable proposal for us to pass upon in the Senate.

I again say to my liberal friends who have not shared my point of view in this matter that they are going to need votes if they get to the point where they actually have to stop prolonged debate. They should not put some of their friends who believe that procedure is extremely important in a position where they might not be able to cooperate with them with their votes on cloture.

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

Mr. MORSE. I yield.

Mr. ANDERSON. The Senator from Oregon has mentioned an item I was about to mention. He said we might get to a point where we would need votes in order to bring to a conclusion the debate over an issue which is very important to all of us.

Earlier the Senator mentioned the efforts which were made in 1953 and again in 1957 to change rule XXII. I am glad he referred to that. I have read some news articles to the effect that if it is impossible to reach an agreement to vote by next Wednesday, or thereabouts, an effort might be made to file a cloture petition. I ask the Senator if he thinks we would be in better shape to proceed under such a cloture petition and make it effective if there had been a little different vote on the proposal to change rule XXII in 1953 or 1957?

Mr. MORSE. There can be no question about that.

Mr. ANDERSON. Would not the Senator agree with me that that was a proper time to have done something for civil rights, as well as at the present time?

Mr. MORSE. I most certainly do agree with you.

Mr. ANDERSON. I am happy to have heard what the Senator said in general about the situation, because I am one of those who voted with him to refer the civil rights bill to committee, and not to place it immediately on the calendar. I did so as a matter of principle. Sometimes we run into difficult situations as a result.

I have had some mail which indicates that I had not done as much for civil rights as I should, but I did not see too many Senators rush in to take part in the effort to change rule XXII in 1953 and 1957.

Mr. MORSE. If I were the Senator from New Mexico, who has made many contributions to the history of the United States Senate, I would be perfectly willing to rest my record on the historic fight he has made twice in the Senate concerning rule XXII. I think it has been one of the greatest records of courageous statesmanship that has happened in my 13 years in the Senate. It took real courage. Perhaps I should not say so publicly, but I happen to know the price the Senator paid for that manifestation of courage. It has been one of the things which has caused me to have such an abiding admiration for the Senator from New Mexico.

I stood with him then, and I may say that I expect to be standing with him

shoulder to shoulder when we win that fight, for so far we have simply lost a few rounds. Under his leadership, I am satisfied we will win the battle.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CASE of South Dakota. As the able Senator from Oregon knows, the distinguished Senator from Missouri [Mr. HENNINGS] is not able to be on the floor at present, because he is in the hospital for an operation.

On June 20 the Senator from Missouri, who is the chairman of the subcommittee of the Committee on the Judiciary, which considered several civil-rights bills, detailed for the Senate the chronology of the hearings which the subcommittee had conducted, and of the actions of the subcommittee in an effort to get consideration by the full committee of one of several bills relating to civil rights.

I wonder if the Senator from Oregon would object if I were to ask unanimous consent that the portion of the remarks of the Senator from Missouri on June 20, constituting about five columns of the RECORD, be printed in today's RECORD following the remarks of the Senator from Oregon, for the convenience of Senators in referring to the course of action followed by the subcommittee.

Mr. MORSE. I should be delighted to have that in the RECORD. As the Senator from South Dakota knows, earlier in the debate today the statement of the Senator from Missouri was the subject of comment by other members of his committee. As I have said, I have the highest regard for the Senator from Missouri. We are, however, confronted with a factual situation in which some of his colleagues do not share his point of view that undue, dilatory, bottling-up tactics have been used in the committee. I think his colleagues have made a good case in support of their position.

Mr. CASE of South Dakota. I do not ask for permission to place a great deal of the argumentative part of the speech by the Senator from Missouri in the RECORD, but I should like to offer that part starting on page 9791, which begins:

> Mr. President, I think I can speak as one who has been somewhat close to this issue throughout the past few years. I say reluctantly, but frankly, that I believe there is presently no convincing assurance whatever that the Committee on the Judiciary will report a civil-rights bill in the near future.
>
> To substantiate that statement, Mr. President, I wish to review for a moment my own experiences with civil rights in the Senate Committee on the Judiciary in the 84th Congress, and to date this year.

Mr. MORSE. I shall be glad to have that part placed in the RECORD.

Mr. CASE of South Dakota. The part I ask to have printed in the RECORD extends to the bottom of the first column of page 9793, where the Senator from Missouri said:

> I see presently no hope of any other way of getting a Senate bill, or, indeed, the House bill, before the Senate.

Mr. MORSE. Mr. President, I shall be glad to have that part of the remarks of the Senator from Missouri placed in the RECORD, and I join with the Senator from South Dakota in asking unanimous consent that it be printed at this point in my remarks.

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

Mr. President, I think I can speak as one who has been somewhat close to this issue throughout the past few years. I say reluctantly, but frankly, that I believe there is presently no convincing assurance whatever that the Committee on the Judiciary will report a civil-rights bill in the near future.

To substantiate that statement, Mr. President, I wish to review for a moment my own experiences with civil rights in the Senate Committee on the Judiciary in the 84th Congress, and to date this year.

On February 23, 1956, the Subcommittee on Constitutional Rights, of which I happen to be chairman, favorably reported to the full Committee on the Judiciary three bills aimed at strengthening Federal protection of civil rights. That was last year, 1956, on the 23d day of February. It so happens that that day coincided with the funeral ceremonies of our late beloved and distinguished colleague, Harley M. Kilgore, who had been chairman of that committee.

We called a meeting that afternoon in my office and reported those measures to the full committee. I remind Senators that was February 23, 1956, a year and a half ago. These bills included S. 900, which would have made lynching a Federal offense; S. 903, which was aimed at protecting the voting rights of all citizens in Federal elections and primaries; and H. R. 5205, which would have protected members of the Armed Forces from bodily attack.

Shortly after we reported these three bills, the subcommittee also favorably reported S. 902, a bill to reorganize the Department of Justice so as to provide additional civil rights enforcement machinery. On March 4, 1956, the day after this latter bill was favorably reported, I publicly urged passage of all four of the bills so as—if I may take the liberty of quoting what I said at that time—to "bring about equality of citizenship in this country, without regard to race, color, religion, or ancestry of any citizen."

Then, on April 12, 1956, I placed in the CONGRESSIONAL RECORD a statement expressing my strong support for the bills and urging the administration's leaders and others to join in passing them.

Continuing with the chronological history of this proposed legislation, on April 24, 1956, the Judiciary Committee commenced hearings on all of the civil-rights bills then pending before it, and held hearings on 10 different days, extending over a period from April 24 to July 13. I attended and took an active part in many of these hearings, with the purpose of expediting them as much as possible so that the committee might report out the appropriate bills and thereby give the Senate an opportunity to vote on them. Despite the best efforts of some of us, however, the committee took no action on any of the civil-rights bills before Congress adjourned.

At this time I wish to pay the highest tribute to my distinguished and eminent friend, the senior Senator from Illinois [Mr. DOUGLAS], who also has borne the burden of this battle. He did so last summer, and he has again come to the forefront. We all recognize the sincerity of his motives, and we admire his outstanding ability.

On July 19, 1956, the distinguished Senator from Illinois and I made speeches on the floor of the Senate, calling attention to the few days remaining in the session during which the Senate could take action on civil-rights legislation. I urged that Senate action be taken immediately, as did the distinguished Senator from Illinois. And, in an attempt to prevent political partisanship from in any way helping to sound the death knell of civil-rights legislation in the 84th Congress, I threw my wholehearted support behind H. R. 627, the administration's civil-rights bill, even though some of us thought it was far too weak. Despite its inadequacies, we preferred the administration's bill to nothing at all.

Finally, in a last-ditch attempt to get Senate action on civil rights, on July 27, 1956, Senator DOUGLAS, Senator Lehman, and I moved to discharge the Committee on the Judiciary from further consideration of H. R. 627. The three of us fought to the very last day of the session, but to no avail. The three of us did the best we could, but it was not nearly enough. The Senate adjourned without taking action.

On January 9, 1957, immediately after the beginning of the 85th Congress, I introduced in the Senate 4 bills, S. 427, S. 428, S. 429, and S. 468, which were identical to the 4 civil-rights bills reported favorably the year before by the Subcommittee on Constitutional Rights, a standing subcommittee of the Committee on the Judiciary.

These bills, together with other civil-rights bills, were referred to the Committee on the Judiciary.

On January 22, 1957, at the regular meeting of the Judiciary Committee, I sought to have the committee set February 18, 1957, as the deadline for the termination of hearings on civil rights, and to vote on civil-rights legislation and report on it to the Senate not more than 1 week later. However, my motion to this effect was not acted upon at that time.

On January 26, 1957, the various civil-rights bills then pending before the Judiciary Committee—numbering 14 in all—were referred to the Subcommittee on Constitutional Rights for consideration.

On January 30, 1957, at a meeting of the Constitutional Rights Subcommittee, I presented to the subcommittee an omnibus bill which I had prepared and which contained what I felt were the best features of all the bills then under consideration, including the President's civil-rights program, the four bills I had introduced, and the bills of various other Senators which we thought were meritorious. At that time I moved that this omnibus bill be reported to the full Judiciary Committee without delay, but my motion was voted down. When the subcommittee then decided to hold public hearings on the civil-rights bills then before it, I proposed that such hearings be commenced February 12, and be limited to 2 weeks, with the subcommittee to act on the bills immediately thereafter. This motion, too, was defeated in the subcommittee.

Public hearings on civil rights were commenced by the Subcommittee on Constitutional Rights on February 14, 1957, and were terminated March 5, 1957, after 13 days of hearings which produced a record totaling 899 printed pages.

The extensive, full, and open hearings by the Subcommittee on Constitutional Rights, before which many witnesses appeared, included the Attorney General of the United States, the distinguished Senator from Pennsylvania [Mr. CLARK], the distinguished Senator from Illinois [Mr. DOUGLAS], and the distinguished junior Senator from Georgia [Mr. TALMADGE] among many others. There were also a number of other various distinguished witnesses, including a number of other distinguished Senators.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a list of the witnesses who appeared and testified before that subcommittee.

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

WITNESSES WHO TESTIFIED AT THE CIVIL RIGHTS HEARINGS OF THE CONSTITUTIONAL RIGHTS SUBCOMMITTEE, JUNE 19, 1957

One United States Representative testified: GEORGE R. HUDDLESTON, JR., Alabama.

Fourteen Senators testified or submitted statements: CLARK, of Pennsylvania; DIRKSEN, of Illinois; DOUGLAS, of Illinois; EASTLAND, of Mississippi; GOLDWATER, of Arizona; HUMPHREY, of Minnesota; IVES, of New York; JAVITS, of New York; NEUBERGER, of Oregon; SALTONSTALL, of Massachusetts; SPARKMAN, of Alabama; STENNIS, of Mississippi; TALMADGE, of Georgia; THURMOND, of South Carolina.

Two State senators: Hon. Sam Engelhardt, Jr., Alabama; John West, South Carolina.

Three State representatives: Robert E. McNair, South Carolina; Joseph O. Rogers, Jr., South Carolina; James Spruill, South Carolina.

Two governors appeared or sent a representative: Georgia, Charles J. Bloch, representing the Governor; Mississippi, James P. Coleman, Governor.

The Attorney General of the United States, Herbert Brownell, Jr.

Two attorneys general: Eugene Cook, Georgia; George B. Patton, North Carolina.

Three assistant attorneys general: Robert Giles, North Carolina; Davis Grant, Texas; Dan R. McLeod, South Carolina.

Nineteen organizations were represented: Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO; American Baptist Convention; American Civil Liberties Union; American Council on Human Rights; American Jewish Committee, AFL–CIO; Unitarian Fellowship for Social Justice; Arlington County Women's Democratic Club; Organized Women Voters of Arlington County, Va.; Montgomery Improvement Association, Alabama; National Economic Council; Japanese American Citizens League; National Association for Advancement of Colored People; National Association of Social Workers; National Council of Churches of Christ in the United States; Textile Workers Union of America, AFL–CIO; United Automobile Workers, Aircraft and Agricultural Implement Workers of America, International Union; United Steel Workers Committee on Civil Rights; Women's International League for Peace and Freedom.

Mr. HENNINGS. After the hearing ended I made every effort to have the subcommittee vote out a civil-rights bill immediately, and after considerable debate and discussion, on March 19 the subcommittee did approve S. 83 for report to the full Committee on the Judiciary.

On March 21, just 2 days after S. 83 was reported to the Judiciary Committee, I introduced in the Senate S. 1658, a bill identical to the one then pending in the House of Representatives and later passed by the House. I introduced S. 1658 with the thought that at the appropriate time it could be substituted in the Judiciary Committee for S. 83, and action in the committee thereby would be speeded up considerably.

On March 23, 1957, I circulated among all the members of the Judiciary Committee a memorandum containing a detailed and documented rebuttal to the fallacious argument that the enactment of civil-rights legislation then under consideration by the committee would result in the denial of the right to a trial by jury.

On April 1, 1957, at the regular meeting of the Judiciary Committee, I made a motion that the committee should dispose of civil-rights legislation on or before April 15. However, I was unable to obtain a vote on this motion.

On April 8, 1957, I planned to renew my motion aimed at speedy action on civil-rights legislation in the Judiciary Committee, but there was not even a meeting of the committee that day because of a lack of a quorum.

I might add parenthetically that about a year ago this time questions arose with respect to those measures involving substantially the same objections as are now raised. At that time we finally obtained a quorum by agreement to vote on the nomination of Judge Sobeloff, but only with the understanding that we would not mention anything about civil rights.

To return to 1957, on April 15, the last meeting day of the Judiciary Committee before the Senate's Easter recess, I moved that S. 83, together with any amendments, be voted upon on May 6, 1957, and that that date be the terminal date for the consideration of civil-rights legislation in the committee. Again, the committee took no action on this motion.

On May 13, 1957, the day the Judiciary Committee next met, I tried to obtain approval of my motion that the committee meet every morning, and all day when the rules of the Senate permitted, and even in the evenings, if necessary, in order to vote on the question of reporting out civil-rights legislation by May 16, 1957. On that occasion, I was not even able to get the floor for the purpose of making such a motion.

During the latter part of May and the early part of June of this year, I became ill and necessarily was absent from several meetings of the Judiciary Committee. It was during that period—on June 3, to be precise—that the opponents of civil-rights legislation were able to muster enough support in the committee to add their crippling trial-by-jury amendment to S. 83, the bill under consideration.

Finally, during both of the past two meetings of the Judiciary Committee, on June 10, and June 17, I was unable even to get the floor in the committee to make any definitive motion or to take any other action to speed up consideration of the civil-rights legislation, which, by that time, had been the pending business before the committee for a very long time.

Mr. President, I do not want to labor this matter further. I should like to add, however, that it is reluctantly my conclusion, based on sad experience, that it is most unlikely that there will be on the part of our Committee on the Judiciary any attempt to act at this session on any bill protecting the voting rights of all Americans.

If I am mistaken—and I sincerely hope I am—and we are able to get such a bill out of the Committee on the Judiciary, I will be very much pleased and, indeed, jubilant. We could then certainly proceed to act on such a Senate bill.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HENNINGS. I am very glad to yield to my able and distinguished friend from South Dakota.

Mr. CASE of South Dakota. Did the Senator from Missouri earlier in the debate hear the question asked by the Senator from Georgia [Mr. RUSSELL], of the Senator from California [Mr. KNOWLAND] as to what criteria would be used or what criteria should be used to determine when the provisions of section 4 of rule XIV should be invoked?

Mr. HENNINGS. I was on the floor, and I heard most of the discussion.

Mr. CASE of South Dakota. I may say that the recital the Senator from Missouri is giving now, of the history of the attempt he has made to get consideration of the civil-rights measure in committee, and the frustration he must feel as a result of the failure of the committee to report the bill might be suggested as one of the criteria by which a Member of the Senate might determine whether he wanted to invoke his rights under rule XIV.

Mr. HENNINGS. I might say to my good friend from South Dakota as I said earlier in my remarks that I had reluctantly done something that—with the one exception, last year—I had not done before, either in my 6 years' service in the House, or in my 7 years in the Senate, that is, to join in a movement or attempt to discharge a committee, especially a committee of which I happen to be a member, and again especially a committee for which I have such high respect.

But again, there we sat day after day and nothing emerged, and no progress was made. I have been living with this matter as chairman of a subcommittee of the Committee on the Judiciary. After all, there is a point beyond which human endurance and human tolerance sometimes cannot go.

Certainly it was not with any jubilation or any great satisfaction that I found that such a situation had arisen that I had to make a very hard choice. Having had to make it as a matter of principle, I believe I should stand by it.

I see presently no hope of any other way of getting a Senate bill, or, indeed, the House bill, before the Senate.

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

Mr. MORSE. I yield.

Mr. JAVITS. I have known the Senator from Oregon a long time, and I need not attest my regard for him; I think I have shown it on many occasions. What he has said with respect to the reference of the bill to committee has been debated before. Other distinguished Members of the Senate have spoken also. I do not care to debate that subject again.

But the Senator from Oregon left me in doubt concerning one point which is important to the substance of civil rights. I had a rather deep conviction that the reason why things looked more promising now than they have for a very long time for some effective civil-rights bill was the very bipartisan coalition, having a very material number of votes on this side available, and a material number of votes on the other side available. The Senator left me in some doubt as to whether he thought that was good, bad, or indifferent.

Mr. MORSE. I think it is a most unfortunate coalition, so far as the procedure which has been followed is concerned. I believe it is a very happy coalition so far as the final substantive legislation is concerned. I hope we will all as liberals be standing together on the final substantive legislation, when we finally come to a vote on the merits of the final bill. But I say, most respectfully, that I think it is most regrettable that on this side of the aisle we are not following our own leadership on procedure in regard to the handling of the bill, because I believe the procedure advocated by the majority leadership is the proper one to use.

Mr. JAVITS. Will the Senator agree with me that if one desires to work with another in partnership, it is necessary often that both partners be consulted; and sometimes one has to do what one partner thinks is best, and sometimes what the other partner thinks best; otherwise there is no partnership?

Mr. MORSE. When I am asked by a partner to do something which I think is illegal, I dissolve the partnership.

Mr. JAVITS. We are asking that the Senate handle the matter in this way. In my opinion, this is the only way the Senate can handle it. That is my own opinion; of course, I am very respectful of the opinion of my colleague.

Mr. MORSE. And, of course, I am very respectful of the opinion of the Senator from New York; and I am sure he knows I mean it when I say that we are good friends. I just disagree completely with his course of action on the procedural phases of this issue.

Mr. JAVITS. Of course, I understand that.

Mr. MORSE. Mr. President, I yield the floor.

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PASTORE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hill	Pastore
Anderson	Holland	Potter
Barrett	Hruska	Purtell
Bible	Ives	Revercomb
Bricker	Javits	Robertson
Butler	Jenner	Russell
Carlson	Johnson, Tex.	Saltonstall
Carroll	Johnston, S. C.	Schoeppel
Case, N. J.	Kefauver	Scott
Case, S. Dak.	Kerr	Smathers
Church	Kuchel	Smith, Maine
Clark	Lausche	Smith, N. J.
Cooper	Mansfield	Sparkman
Cotton	Martin, Iowa	Stennis
Curtis	McClellan	Symington
Dirksen	McNamara	Talmadge
Dworshak	Monroney	Thurmond
Ervin	Morse	Thye
Flanders	Morton	Watkins
Gore	Mundt	Wiley
Hickenlooper	Murray	Yarborough

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present.

Mr. STENNIS. Mr. President, in the beginning of my presentation I wish to pay my respects to and thank the subcommittee of the Senate Judiciary Committee which held the hearings on a Senate bill on the same subject matter as that covered by the House bill, and for the majority report and minority report filed by the members of that subcommittee. I have had the advantage of reading and studying both the reports. I realize that if the Senate did not have those two reports, from the viewpoint of a Senator's obligations in representing his State we would not have any kind of analysis before us on one of the most far-reaching and complicated bills the Senate has had before it, or that it has been our duty to study in a long, long time.

I desire to thank especially the Senator from North Carolina [Mr. ERVIN] for the very fine work he did, in which he was joined by the Senator from South Carolina [Mr. JOHNSTON], in filing a minority report, which is a splendid legal analysis of many far-reaching governmental questions. I believe that the report which they filed will be a landmark on this subject matter.

I wish that we did have a report from the full Senate Committee on the Judiciary, which is composed of many men of many viewpoints and of skilled understanding of the law. I have never felt a greater need for a good committee report, so as to have the benefit of their advice and counsel and the benefit of their votes on major and minor points of a bill, than I feel at this time.

Let me say to my colleagues, in all seriousness, with generous feelings toward the good motives of those who sponsor the bill, that in my humble opinion it constitutes a serious assault on and a challenge to five basic American principles of government:

One of those is our jury system. The bill is a challenge to the concept of the administration of justice through the jury system. I shall direct further remarks to that subject later, but I point that out as one of the major problems presented.

Another point is that the bill is the most far-reaching bill that has ever been considered by the Senate concerning the vital subject matter of our public-school system.

Mr. President, during the debate, slurs have been cast toward my area of the country, where the problem is so very acute, and it is implied that the South is not worthy of being entrusted with enforcement of the law through local officials or through jurors. I wish to point out to Senators that even though more than 3 years have passed since the decision of the Supreme Court calling for integration of the schools with deliberate speed, whatever that may mean, one can travel from the western boundary line of Louisiana across that great State, across the State of Mississippi, across the State of Alabama, down through the State of Florida, up through the State of Georgia, over into the State of South Carolina, and then through the State of North Carolina and through the State of Virginia, and one will not be able to find a single integrated public school.

Can we accuse that great area of the United States and those States of being composed of outlaws? Can we summarize the situation by saying, "They are lawless people and have no regard for the Court decision?" We certainly cannot. In that area almost 25 million people live. Four of those States were among the Original Thirteen Colonies. Almost one-third of the Colonies was comprised in the group I have named.

Have those States abolished their schools? No. The fact that they are taking the present course is proof that such a decision as that rendered by the Supreme Court simply does not fit in with their idea about custom and their social pattern. The further fact is that they love their schools. They are still building the school systems and building and strengthening their faculties. Each race is still committed to love of schools and to a constructive program.

So I say we cannot write that area off as being a lawless area of the country, where local officials are not deserving of confidence and where jurors cannot be trusted, so therefore, we have to sweep aside the safeguards of American liberty, push them out of the way, and come forward with a special broom to clean up the situation.

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

Mr. STENNIS. I prefer not to yield at this time, unless the Senator has something urgent to present.

I should like to tell Senators about another thing involving the schools. I refer to our whole concept of State and local government. If we are going to suspend all the States laws in a wholesale way, suspend the local court and jury system to the extent that the people take part in it, as the bill would do regarding elections, schools, county boards of commissioners, and district commissioners, and empower a Federal official with a superior power—I am not referring to the individual, but to the Attorney General's office in this case—then we shall drive a road through local and State governments so wide, and establish such a precedent that in some other time of stress and strain or unrest because of conditions, other safeguards will be suspended and other powers will come into play to coerce local government. I think we might as well face that prospect now.

Another 1 of the 5 great American principles which I believe is affected has to do with the fate of our equity courts. In my State we still have the old chancery court as an independent court under our Constitution. Tennessee has such a court, and perhaps some other States have. Most States have combined the courts, and have one judge.

The concept of a court of equity or a chancery court, to provide special remedies, is very important. We have seen experiments before which tried to convert that great court into a quasi-criminal law court. That was done during prohibition. There have been other instances when an effort was made to convert courts of equity into a system of enforcing a social pattern. The result was that the court failed to carry out the mission expected of it, and we wound up with a failure, the court itself being brought into disrepute. We must maintain the equity side of our courts for its designed purpose, rather than, in a supposed emergency, dump into the laps of the equity courts social problems and the enforcement of criminal statutes or quasi-criminal statutes.

Another 1 of the 5 great, far-reaching Government principles I desire to mention is this: We shall decide here, just as certainly as that night follows day, whether or not the Federal Government is going again to revive in a new form, the provision for the use of force to impose a social system or Federal law. We might as well meet that question now, because such power is carried in the bill. That fact was brought out in the hearings, and the charge was not denied.

I have the hearings before me. The discussion appears on page 218 and following. That point is not disputed now. The power to use force is in the bill.

We cannot meet that issue by saying, "Oh, well, it will not be used." We cannot meet it by standing with the Attorney General, when he says that even bringing the point up indicates a lack of confidence in the present President of the United States. That is the point the Attorney General made in the hearings, on page 218, when he asked the Senator

from North Carolina [Mr. ERVIN] to withdraw all mention of the subject matter because, as he said, it might be misunderstood.

We cannot brush aside that issue. We must meet it and we shall meet it when we pass upon this bill.

I dwelt briefly on five major points.

I think this bill was put together by a very shrewd and capable lawyer. As the Senator from Georgia [Mr. RUSSELL] pointed out so clearly, it is difficult really to get into its meaning. Whoever drafted the bill accepted a legal principle here when it would serve his purpose and rejected or totally obliterated a legal principle somewhere else when it opposed his purpose; and the draftsman produced a single bill which contains revolutionary departures from sound and accepted legal principles and procedures under our American system of law.

This bill is not by any of its provisions limited to voting rights, but part III, by amending existing statutes, would extend the operation of the bill to all conceivable kinds of cases which could be lumped in the general category of civil rights.

If anyone had wanted to bring before the Congress a bill with reference to voting rights, there was nothing in the world to prevent him from writing a bill on that subject and saying, "This is the bill. This is all the power conferred. There is no more power conferred." Instead, the bill was tied in with the old Reconstruction Act of 1870.

I believe the bill could be used to force the intermingling of the races in the public schools. That is not seriously denied. There may be some argument as to when that would take place, but that is one of the primary purposes of the bill.

I believe that if its provisions were vigorously enforced, a single Federal judge could be substituted for almost all the existing legal authority and agencies of State government. I am not attacking the judiciary and I am not attacking any judge. However, the tragedy of eliminating the jury trial lies not alone in the fact that the decision is left to a judge, but in the abandonment, to that extent, of the great fundamental legal principle of trial by jury.

I oppose the bill for the additional reason that it would deluge and overwhelm courts of equity with thousands of cases in which injunctions would be sought. Equity courts were not created for the purpose of enforcing criminal law, and they should try only cases of the type for which the machinery of the court was designed.

I have already stated that only a few years ago, in large areas of the country, prohibition was never enforced. But law enforcement and even the courts were brought into great disrepute. In fact, to some extent the courts have not yet recovered from that era, and the country has not fully recovered from the effects of the lawlessness engendered by that experience. The same injunctive process is now sought to be used in another social experiment; and again it will fail.

I object to any bill giving the Attorney General of the United States authority to make the United States a plaintiff in a civil suit at the election or discretion of the Attorney General, when such suits are primarily directed against units of State governments and the so-called little officeholders. There is a built-in, implicit conflict in the bill, between the Federal Government and the States.

I think it is sound and in accordance with the principles of equity that a suit must be brought in the name of the real party in interest. The bill dispenses with the element of consent, and even knowledge on the part of the injured party, in bringing the civil suit.

I believe that some of the most valuable counsel an attorney for a client can give him is advice as to when to bring or not to bring suit in his behalf.

The suit involved in the bill would rob a citizen of this choice, and would empower the Attorney General of the United States to make the choice for him, which in itself is an invasion of a major civil right.

Thus we could have the spectacle of a man appearing before a judge and requesting that his suit be withdrawn. At the same time the Attorney General might be objecting, and he would have the power to keep the suit alive.

I have already mentioned the point with respect to the Attorney General being vested with the discretion to sue or not to sue, on behalf of any person or group of people. That subject was covered in a thorough fashion by the Senator from North Carolina.

The bill, in seeking to provide a quasi-criminal remedy for chosen beneficiaries, seeks to circumvent the fundamental guaranty of a trial by jury. This purpose is not expressed in the provisions of the bill, but, when the applicable sections of the United States Code are read together, there is no doubt that the swift, summary power of punishment in contempt proceedings, without the right of trial by jury, is the chief coercive force which would be brought against citizens and public officials throughout a large section of our country.

An atmosphere of fear would be created in local government, in the village, in the town, in the small city, or even in the large city, or at the county level or the district level. Such an atmosphere would be engendered in the hearts and minds of the people who hold the so-called small offices. They are the heart and core and soul of our local government. They are the ones who serve without pay, and who endure the tribulations and headaches which go with such public service. They are prompted by motives of the most unselfish kind—a love for the schools, a desire to do something for youth, the building of playgrounds, civic pride, civic improvements, and a host of other motives which prompt the so-called little people to move forward on the civil and social local government front.

When Federal officers come in—with all deference to them as individuals—armed with power of the type provided in the bill, seeking to modify, reform, change, or turn upside down the local institutions, habits, and customs of those people, such Federal officers move in on them where they really live, and take from them their very life. Few of them would be able to withstand pressure from such authority. Such offices would then fall into the hands of an inferior type of person, and stagnate the movement forward of those people.

The history of the practical and useful benefits of the jury system need not be fully reviewed here. To many English-speaking peoples, the jury system has insured individual freedom for more than a thousand years. Such peoples have made contributions to others.

It has not been the great judges through the centuries who have kept open the lanes of freedom. It has been the mandatory use of the jury system. Whatever exceptions are necessary—and exceptions are necessary in the case of contempt charges—they should be sparingly made, and should never extend to a vast field of social activities, as provided in the bill.

I know that the jury system is not popular with some lawyers. My observation is that most of such lawyers have never gone down to the courtroom and tried a lawsuit. They are book lawyers, or they are teaching lawyers—and I say that with all respect to them. The lawyers who go down to the courtroom and try the lawsuits, and fight there the battles of the people, especially after they have done so for several years, are the lawyers who have a fine appreciation of just what the jury system means as an institution, and not merely as it relates to the guilt or innocence of a particular individual. As history has proved, when we make inroads on the jury system, we take something away from the American way of life.

I had the pleasure and honor to be in a courtroom for a good number of years. I came away from it believing that there was no finer way to get at the truth of an issue and to reach a sound verdict on disputed facts than to have witnesses who knew the facts come into the courtroom, before a jury—with the witnesses knowing some of the jurors and some of the jurors knowing them—to have the witnesses put under oath, confront the person they were testifying for or against, and to have them subject to cross-examination, and in that way to have the issue developed and tried before a jury of 12 men, after selections had been made, and objectionable members of the panel had been excused.

It is my firm conclusion, Mr. President, that that is the best way. It is not a perfect way. It may be far from perfect. But it is the best way that has ever been provided by the English-speaking people.

On July 4 I went to the National Archives Building to look at the Declaration of Independence and the Constitution of the United States in their original form. I noticed two of the special exhibits which the Archivist had provided in connection with those documents. One was an extract from the Ordinance of 1787, regarding the Northwest Territory. The Archivist had selected for exhibition one clause in that

document which provided for trial by jury in that area. The Archivist had also selected that page of the original Constitution itself upon which is found the mandatory provision for trial by jury.

That right has come down through the decades for almost two centuries. Who are we to destroy it in a large and broad social field?

Can we say that the people to whom I have referred are disloyal and that we cannot entrust to them the jury system? Does the record prove it? Will we solve anything, Senators, by taking away from them the right to trial by jury?

Let me refer to the trend in connection with this subject. Every time the injunctive power has been used on a larger and broader scale without a trial by jury, it has called for legislation on the part of Congress. There were serious abuses in the use of the injunctive process by a court, which were repugnant to the American people.

When that issue came before Congress, Congress passed a law providing that in injunction cases for contempt, where the facts constituted a crime either under Federal or State law, there shall be a jury trial. That was 35 years ago. Does anyone want that law repealed? I have not heard of anyone, except that the proponents of the bill want a vast exception made to it, in favor of this so-called civil-rights legislation. That is not all.

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

Mr. STENNIS. I should like to finish my remarks first. Then I shall yield without limit.

That is not the whole history. The use of the injunctive process by equity courts continued to an extent that did not meet with the American concept of fair play, and in 1932 the same question was again brought before Congress. What did Congress do? Congress said that a change needed to be made. There was written into the Norris-La Guardia Act the provision that in all trials for violation of an injunction growing out of a labor dispute, there shall be a trial by jury. Does anyone want to repeal that provision? I have not heard anyone advocate its repeal, except that the proponents of the bill we are considering want it abrogated to the extent of this vast social problem that is involved in the question of civil rights. It is another social problem, just as the labor-dispute controversy was, and is now, partly, a social problem.

Mr. President, with all deference to the great organized labor group, from the man who has most recently joined the movement to the president of a union, I cannot see under high heaven how they can, in one breath, ask for this law to be passed to strike out the jury provision for this great area and, in another breath, protest to the utmost against interference with the statute that has been passed to give them better justice. I think it has given them better justice. I have no particular contact with them. I have not conferred with them. If they have any sense of fair play, on reconsideration, that great group of Americans, who rightfully insist on that privilege for themselves, should, and I hope will, change their position.

I could not help but be reminded of a Biblical character. I found the reference in the 7th chapter of the Book of Esther. I will not quote it in full, but merely read the last verse:

> So they hanged Haman on the gallows that he had prepared for Mordecai.

I trust our friends in organized labor will never have to hang on the gallows that they are helping to prepare now for Mordecai.

I wish to point out, Mr. President, that I am not making an attack on the judges or on the judiciary. The tragedy of this effort to set aside the jury system, is that it discredits the system itself. It takes the responsibility away from the people. The jury system is their responsibility, Mr. President. I used to call the circuit court of unlimited jurisdiction, over which I had the honor to preside, the people's court, because the people were called in to help administer justice.

The passage of the bill would be another inroad, and a very large, great, vast, and extensive inroad on the great jury system itself, and a complete reversal by Congress of the position it took in 1912 and again in 1932.

I submit that time has proven that the action of Congress in 1912 and 1932 was right, and I believe it will be right again in 1957. Congress was right in maintaining the same principle of putting the responsibility of the jury system where it belongs, on the people, and maintaining it in a system of justice, not for the benefit of any one person who might be charged with a crime, but for the benefit of all persons who might come before the court in the course of years and decades, and even centuries.

Mr. President, I have covered already a large part of what I had in mind to say about the bill operating in such a broad field, and coming into a local area and virtually destroying the cornerstone of administrative law.

As an outgrowth of that body of law known as administrative law, has come a rule which has rigidly been enforced by courts, including the United States Supreme Court, that no one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy has been exhausted. The Library of Congress has been able to find only one Federal statute which authorizes State remedies to be ignored before Federal authority can take jurisdiction. This is part of the Interstate Commerce Act, and the rationale behind such a provision is that the Constitution specifically places the responsibility on the Federal Government to regulate commerce among the several States.

There have been some instances where the court has decided that available remedies were not and could not be adequate and have taken jurisdiction of cases prior to exhaustion of the available remedy. This has been a very limited rule, and is usually employed only in cases of extreme urgency. Further, it has always in the past been a judicial question as to whether prescribed remedies might in fact and in law be unable to cure the defects alleged in the petition. But this bill takes from the court the power to make such a decision by vesting the court with jurisdiction "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law." The bill not only confers jurisdiction but provides that the court shall exercise the same.

This would give the courts the absolute authority to review the actions of any State court or administrative body or Federal administrative agency in the field of constitutional rights. It would give them the power to continue jurisdiction of the case until the matter had been concluded to the satisfaction of the court even though no real cause of action had ever have matured and no real issue ever presented for adjudication. But the power of the Federal judge to concur in the action taken by a lawfully constituted State agency, pursuant to the constitution of the State and the United States and the laws of both, carries with it the power to review, and the power to review includes the power to overrule and reverse the proceedings of any such body.

I have a quotation from James Bryce in his American Commonwealth. Most Senators have read it; I shall not read it at length. But I think it has a place here. I do not have the page number at which this portion appears, but it bears a copyright date of 1894:

> Nothing has more contributed to strength and flexibility to the Government of the United States or to train the masses of the people to work their democratic institutions, than the existence everywhere in the Northern States of self-governing administrative units—

I do not know why he confined that practice simply to the Northern States, because the very Reconstruction statutes which are now sought to be amended, enlarged, and extended were then in effect in the South. Anyway, the South does not play second fiddle to anyone in an attempt to try to have effective local government. I continue:

> such as townships, small enough to enlist personal interest and be subject to the personal watchfulness and control of the ordinary citizen. Abuses have indeed sprung up in the cities, and in the case of the largest among them have become formidable, partly because the principle of local control has not been sufficiently adhered to. Nevertheless, the system of local government as a whole has not been merely beneficial, but indispensable, and well deserves the study of those who in Europe are alive to the evils of centralization, and perceive that those evils will not necessarily diminish with a further democratization of such countries as Britain, Germany, and Italy.

James Bryce was an English scholar who spent years of study in the United States in the 1870's and 1880's. He wrote his book sometime in the early 1890's.

I shall not dwell further on this point except to plead today for the serious consideration of the whole question of local administrative law.

Thus we have, Mr. President, a proposal which would put the United States Attorney General, whomever he might be

at any time, in a position to proceed in this vast field of civil rights almost without limitation and subject only to the rulings of a trial judge. These civil rights would include everything enumerated, as well as everything covered by the all-inclusive terms in section 1985 relating to "being deprived of having and exercising any right of privilege of a citizen of the United States." This is the broadest possible field. We do not know how far we are going when we adopt that term and apply this vast power to all civil rights.

On the average, public affairs, which so frequently include semisocial affairs, are administered by the following local boards or agencies: The county school boards; the local school trustees; the county election board; the precinct or county registrars; the county boards of commissioners; the county boards of supervisors; park and playground boards; village boards of commissioners; mayors and boards of aldermen of towns and small cities, and mayors and commissioners of cities; village, town, or city school boards; village, town or city election officials. Most of these offices pay no compensation whatsoever, or perhaps simply a nominal sum. They are positions of honor, trust, and responsibility.

Such positions are filled by persons who are interested in all the affairs of the community. They are the same persons who contribute to the church, the Sunday school, and the other local activities. These are the persons who will be intimidated, whether it is intended to do so or not, as the Senator from North Carolina [Mr. ERVIN] pointed out in his report. Either they will not serve in the first place; or if they are in office, they will have to resign.

Because of the uncertainty of the vast power when an attempt is made to exercise it with respect to a specific school, those persons, rather than to be subject to it, will step out. They cannot afford to do anything else. In that way, unintentionally, perhaps, the very foundations of this Government will be undermined—the foundations which make for our great strength.

We need not think we are a great, strong, powerful nation because of anything that is done in Washington or which comes from Congress. The strength of our great Nation lies at the local level, among the local people—the boards of commissioners, the school supervisors, the district agencies, the State legislatures, and the State governments. There is the basis of our strength.

But the scope of the bill is so great that it would give roving power to any Attorney General under the political influence, or under the political competition, if I may say so, of the major parties of this country, with the temptation to make a showing.

The ends sought to be met by the bill can be achieved more effectively and far faster by another approach to this great problem.

The proceedings to be conducted by the Attorney General would be criminal or quasi-criminal, at best. They would intimidate and coerce the very type of people who are needed in those positions, without whom a local government cannot be properly administered.

I go back to the school matter, which is close to my heart; to the public schools, about which I know something, although I am not an educator. Schoolhouses and schools are not operated by Attorneys General armed with writs; they are not operated and built by judges; they are not built by United States marshals; they are not built by men armed with bayonets to enforce the law.

Who will build and operate the schools in the area which the bill gives authority to the Attorney General to take over? Will the Attorney General do it? Will John Kasper do it? He is a notorious, publicity-seeking, so-called segregationist who is drifting around from court to court. He should have been put in jail already and kept there. He is not the kind or type of person who deserves recognition. He will not build any schools. The law-enforcement agencies will not build any schools. The John Kasper type of people will not build schools.

We must go back to the very people I have been talking about, those in the local communities, those who carry on the church work and Sunday schools; those who are interested in the welfare of youth; those who have civic pride.

I am speaking about members of both races. Senators tell us what we should do about our course of conduct with reference to law enforcement in the schools of the great area of the country I have described. I doubt if they have ever been in the South; that they have been in a schoolhouse or a courtroom in the South. I doubt if they have ever stopped on the highway to try to help someone solve a problem, be he a colored man or a white man, a colored child or a white child.

The people who live there and carry on these burdens of government are the ones against whom the Attorney General's power will be turned loose. They are the only ones under high heaven who will, or can, carry the burdens of the public schools, the churches, the Sunday schools, the recreation programs, and all the other civic enterprises.

It will take a long time before it will be possible to turn loose on those people the monstrous authority and power imposed by an act of Congress on the institutions of our great Government which I have already mentioned.

Mr. President, to operate the schools, taxes must be imposed, money must be raised, buildings must be erected, teachers must be attracted to the community and employed by a school board, parents must cooperate and support the school administration and faculty through the PTA or other organizations, and the personal moral support of the parents and other interested parties must be forthcoming and sustained over the year.

The people of the South will not be run out of their own communities. That approach is negative and punitive. The approach must be positive and constructive.

I do not believed there is a single Member of this great body who believes that the schools of our Nation will be helped one iota by the inclusion of part III in the bill. On the other hand, I believe that most Members of the Senate fully realize that such a provision will greatly injure and, in many instances will totally destroy the public-school system, should part III be generally employed. Therefore, it should be entirely stricken from the bill.

Mr. President, that is not a threat. No one is threatening to destroy the public-school system—not at all. It would be only after prayerful consideration, and after earnest hopes and earnest efforts to find some other way, that the public schools would be abolished. But, Mr. President, Senators should not deceive themselves. The Southern States will not adopt the pattern here proposed, regardless of whether the procedure is through judicial decree, legislative enactment, or in any other way. If necessary, they will find some other way to have the children educated. That is a sad fact, but it is true.

So, Mr. President, the proper approach to this matter is not through judicial fiat; it is not through the exercise of power by whatever authority may be vested with such power. Instead, the proper approach is through a spirit and an effort of constructive cooperation.

The recent Supreme Court decision on school integration used the term "proceed with deliberate speed." Mr. President, I do not know what that term means; Senators differ as to what it means. The term is a vague and indefinite one, and few agree as to just what it really does mean. But I believe that almost all agree that it does not mean to proceed by placing in the hands of the prosecuting officers of the Federal Government blanket authority to hale into court the thousands of school officials in the many school districts throughout the Nation.

So, Mr. President, it is my most earnest plea that the sponsors and supporters of this bill will reconsider the evil compilation of provisions it contains, and conclude that it is unworthy of their support. Its dangers are clear and present; and the promised benefits microscopic, when compared with the evil of warping the due process of law in America.

Mr. President, I believe that success is on the horizon; I believe there is great hope of success in dealing with the very problems with which the bill undertakes to deal. But the proper course is not through the processes which the bill proposes.

Senators are experienced persons. Some of us have held State offices; some of us have been governors of our States; and some of us have served in the House of Representatives. The Members of the Senate are now in the maturity of life, and they have a very fine understanding of human nature and of the problems of government. Therefore, Mr. President, let us not provide that the course to be followed shall be the course of the prosecutor of the course which demands this or demands that. Instead, let us give the people a chance to

work for the constructive things which means so much to them and to the Nation and, I know, to each Member of the Senate.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield to me?

The PRESIDING OFFICER (Mr. (McNAMARA in the chair). Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. STENNIS. I am glad to yield.

Mr. ERVIN. Mr. President, I wish to commend the able and distinguished Senator from Mississippi for the exceedingly sound argument he has made regarding this matter.

At this time I should like to ask him a few questions, if I may.

Mr. STENNIS. I shall be glad to have the Senator from North Carolina do so.

Mr. ERVIN. I was struck by the Senator's observations to the effect that the lawsuits the bill contemplates the Attorney General will bring will essentially be lawsuits between the Federal Government, on the one hand, and State and local officials, on the other. The Senator from Mississippi pointed out very well that most of the local officials who will be involved in those cases will be men who perform essential governmental services at the local level, for little or no pay, out of a sense of public duty.

Mr. STENNIS. Yes.

Mr. ERVIN. I wish to ask the distinguished Senator from Mississippi whether the bill could not be used either by a politically minded Attorney General or by an Attorney General who happened to be a zealot on civil-rights matters, in the following way: The Attorney General, speaking through a subordinate, would say to one of the local boards or officials, "If you do not do as I say in respect to registering this particular man," or "in respect to assigning this particular child to that particular school," or in any number of other respects, "I will put the law on you; and when I put the law on you, all the legal and financial might of the United States will be arrayed against you, in a lawsuit in which you will be robbed of every substantial constitutional and legal safeguard erected by the Constitution and Congress to protect the people against governmental and judicial tyranny." Could not the Attorney General say that?

Mr. STENNIS. The Senator from North Carolina is eminently correct; that would be a wide-open door through which the Attorney General could travel at any time he wished to do so. I am not speaking of the present Attorney General; but I think there would be a great epidemic of such cases, at least in election years; and then the people would be in turmoil and great uncertainty.

Mr. ERVIN. If such a threat were made, would not each officer to whom it was directed be confined to three—and only three—courses of action? First, the officer would be tempted to say, "I am not getting any great salary out of this office, and I am being perplexed and annoyed by the multitude of difficulties I am encountering in performing the duties of this office. If I remain in this office, I am likely to become the victim of this law, and to have to serve a long sentence in jail or to pay a large fine. Therefore, I will resign." Would not that be one of the three choices that officer would have?

Mr. STENNIS. That is correct.

Mr. ERVIN. Would not the second choice he would have be the following: He could say, "Well, I will avoid trouble by doing just what the Attorney General wants me to do in the discharge of the duties of my local office." Would not that be the second course of action that officer could take? In that connection, would not the result be, in effect, to have local matters governed by the Attorney General, acting from Washington, D. C., in the case of all the States to which the law would be applied?

Mr. STENNIS. That would be the effect, if not all the time, certainly in great periods of time; and the resultant unrest, uncertainty, and confusion would destroy the functioning of the local governmental groups.

Mr. ERVIN. Would not the third course of action open to such an official be the following: He could fight, in the Federal court, the attempt of the Attorney General to make him comply with the wishes of the Attorney General in an essentially local matter; and in that fight in the Federal court, the financial might and power of the United States would be arrayed against him; not only that, but he would be denied the right of trial by jury. At that time he would run the risk of either winning the fight or losing the fight. If he won the fight, he could be bankrupted by the expense he would incur in defending himself, could he not?

Mr. STENNIS. That certainly would be possible.

Mr. ERVIN. And if he lost, would he not run the risk of having his lifetime savings wiped out by an unlimited fine, or the risk of being sentenced to an unlimited number of years in jail—simply because his ideas of how he should discharge the duties of his State or local office happened to be inconsistent with those of the Attorney General in Washington and those of the one-man Federal court which tried him?

Mr. STENNIS. That is a fair description of the result of the provisions of the bill.

Mr. ERVIN. I should like to ask the distinguished Senator from Mississippi whether he can imagine any legislative proposal which would come nearer to centralizing local government in Washington and robbing local communities of the right to manage their own affairs?

Mr. STENNIS. Not only would it do that, as to this particular subject matter, but it would lay the groundwork for destroying it in other subject matters; and, frankly, I think that is what would happen.

Mr. ERVIN. I wish to ask the distinguished Senator from Mississippi, further, whether, from his experience as a judge, he does not believe that the Federal judges are entitled to be protected against legislation of this character.

Mr. STENNIS. I could not more heartily agree with the Senator from North Carolina. The provisions of the bill, if enacted and applied, could virtually destroy those courts.

Mr. ERVIN. Like the Senator from Mississippi, I had the privilege of being a trial judge in a court of general jurisdiction in my State. I served in that capacity for 7 years, lacking 11 days. During that time, I spent practically 42 weeks a year trying jury cases. From my experience, I am thoroughly convinced that the best method ever devised to try and determine issues of fact is by a jury of 12 men drawn from the populace of the community.

Mr. STENNIS. I heartily agree with the Senator from North Carolina.

Mr. ERVIN. As a result of my experience as a judge, I would not want to have to pass on and determine the issues of fact arising in these cases.

Mr. STENNIS. It would be virtually an impossible task, and would destroy the equity side of the court, as such.

Mr. ERVIN. As one who has lived in a Southern State and witnessed the fine relations between the races there, I will ask the Senator if he does not think that the bill, if enacted, would do more to promote bad race relations than any other conceivable measure.

Mr. STENNIS. If this bill is passed and its provisions are undertaken to be carried out in any considerable way—not fully, but only in a considerable way—it would blow out the light of hope for constructive and peaceful race relations in this great field.

Mr. ERVIN. I will ask the Senator if he believes that there is any way on earth to solve race relations save and except by mutual respect and tolerance among the people of the two races in the local communities where men and women live and have their being.

Mr. STENNIS. That is the only way. I think history will bear out the fact that is true not only in the South, but in other areas of the world. I have sensed it in the few areas in which I have been, and the history books which I have read bear out that fact.

Mr. ERVIN. I am astounded to hear the charges made against Southern States by some supporters of this bill. Take my own State of North Carolina. We have a little over 1 million members of the colored race living within the borders of my State. In a section of this great country from which many supporters of the bill come, there are 3,500,000 colored people living. I refer to Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, and Massachusetts. Yet North Carolina employs approximately 1,000 more Negroes to teach in its public schools than are employed in all 12 of those States, notwithstanding that the Negro population in those 12 States is 350 percent of that of my State.

Mr. STENNIS. Those figures are quite interesting and very revealing, and they tell the story.

Mr. ERVIN. North Carolina supports five State colleges attended by colored students. These colleges are headed by colored educators of high caliber, and have colored faculties of high caliber. Moreover, there is in Durham, N. C., the

largest insurance company in the world owned and operated by members of the Negro race. Furthermore, the city of Winston-Salem, N. C., has a public transportation system which is owned and operated, under a public franchise, by members of the Negro race. Therefore, I am grieved to hear it insinuated that State and local officials in North Carolina are unjust to Negroes and for that reason are so unworthy that they are not even entitled to occupy the same constitutional and legal status as murderers, thieves, smugglers, counterfeiters, dope peddlers, and parties to the Communist conspiracy. Yet that is precisely what this bill says.

Mr. STENNIS. I am certainly glad the Senator has given us those figures. The State of Mississippi cannot match North Carolina in some respects, but we do have more than 900,000 colored citizens in Mississippi, and more than 7,000 colored schoolteachers. By the way, they are very proud of their school system, and do not want to give it up. We have six colored college presidents, with their staffs and faculties, who are doing fine work. We have in Mississippi many school buildings for colored children which are better than the ones for white children in some towns or cities. That has come about as a result of cooperative efforts.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. The Senator from New Mexico had asked me if I would yield to him, and I do so now.

Mr. CHAVEZ. Mr. President, I have always been recognized as a so-called liberal, and I am. I believe in fair play. Knowing I am a beneficiary of the American institutions and what they mean, I commend the Senator from Mississippi for what I think is the best American speech I have heard in 24 years on the subject of protecting all of us. I personally do not believe in minorities; I believe in Americans. I wish to commend my good friend from Mississippi. Whether one is a Negro, a Jew, a Mexican, or a so-called Anglo-Saxon Protestant, he and all of us are Americans. I think the speech of the Senator from Mississippi is the most wonderful one I have heard in 24 years.

Mr. STENNIS. I thank the Senator very much for his generosity and his very fine comments with respect to the merits of the America we live in and its varied groupings.

I now yield to the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, I should like to say to the distinguished Senator from Mississippi that I have listened to his remarks with great interest this afternoon. I can say again, as I have on other occasions, that I never listen to him without feeling he has made a contribution to an understanding of the legislative problem before the Senate.

Mr. STENNIS. I thank the Senator very much.

Mr. CASE of South Dakota. In the Senator's reference to and his delineation of the importance of the units of local self-government, he has made a real contribution to an understanding of the problem we have in dealing with the question presented.

I should like to ask the Senator whether or not he would make any differentiation in the application of the interest of the Federal Government, in the person of the Attorney General, as between questions which relate to rights generally, in the matter of local units of government, and the voting privilege, for it seems to me that the Federal Government has a definite interest in the exercise of the right to vote, particularly for Federal officials.

Mr. STENNIS. I appreciate very much the sentiment of the Senator and his question. The question of voting is a different one from the question of schools. It is in a different statutory category. I believe in the right to vote of those who are qualified under the laws enacted by the States, I believe each State has a considerable latitude in prescribing the limitations or qualifications, or whatever they may be called, in the field of voting. The Senator well knows the State constitutions cover those qualifications. There are some negative aspects in the Federal Constitution regarding the State constitutions; but as to the general idea of voting I certainly agree with the sentiments of the Senator from South Dakota.

When it comes to the enforcement of such rights, the point has been made that there has to be quick action in order to permit a person to vote. I have tried election cases and voting cases, and my observation is that it is sometimes hard to get any kind of action quickly enough to let a person vote in the particular election involved.

I do not think any system would meet that problem. Elections are in a way like a football game; they are always won the next Saturday afternoon, and there is another one right around the corner.

I think by and large the election officials carry out their obligations. If some one of them simply will not, of course there should be a legal remedy. I heartily agree with that. There may well be a difference of opinion as to what the remedy should be.

Mr. CASE of South Dakota. I thank the Senator for yielding, and I appreciate his direct attention to the possible differentiation between some of the problems. I say again I think his speech helps us all realize the breadth of the legislative problem presented.

Mr. STENNIS. I thank the Senator very much. I appreciate his attitude. He is always constructive and helpful.

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

Mr. STENNIS. I am glad to yield to the Senator from New York.

Mr. JAVITS. May I say also that I always listen with the deepest interest and respect to the eloquence of my friend, the Senator from Mississippi, who is a distinguished lawyer and judge.

The fact that the Senator has made the speech just concluded, and that his beliefs are fundamentally different from mine, lessens my respect not one whit. In fact, I deprecate the difficulty of somehow breaking through the sound barrier. To some of us the separate and equal facilities, which so many of the fine southern men have worked hard to see were good, honest, and decent, are the mark of Cain. It would be well if we could ever break through the concept, which the Supreme Court has tried to do, although it seems to contrast with the feelings of many decent people of the South, which the Senator expressed so eloquently. The fact that the schools are good, the schoolteachers work hard, and they like their colored school system—represents a society which is important to me in the context of the United States.

I have a question to ask. The Senator spoke with respect to the jury trial amendment. I would like to see if we can pinpoint that together. We are both lawyers, and I know we both wish to have the facts clear.

What is the legal situation in the bill with respect to jury trials? I ask the Senator this question: Is it not a fact that the law is now, and has been since 1912, that where the United States is a party plaintiff in obtaining a decree and there is a contempt of the decree, the punishment for the contempt is not subject to a jury trial? That has been the case for years.

Mr. STENNIS. Yes. If I may answer before the Senator leaves that point, that is the law today, that is the United States is a party to the suit, then there is not a jury trial. That question was argued on the floor of the Senate, as the Senator may have seen in his research. An amendment was offered by Senator Borah to strike out the provision regarding the United States being a party, and to make all parties the same. The amendment was supported by Senator Norris and other Senators, but it lost, by only 3 votes. A very powerful argument was made in the Senate that that should not be the law at all, even if the United States were a party to the suit. As I say, the amendment lost, and so the Senator has correctly stated the law today.

That is one of the ruses, if I may use that word, of the civil-rights bill. The bill does not say that there shall be no jury trial. The bill does not mention a jury trial, but simply says the United States shall be a party to the suit, which eliminates the jury trial.

Mr. JAVITS. Therefore the bill does not repeal anything by simply making the United States a party to the suit, and it would represent the invoking of established law. We are in agreement.

Mr. STENNIS. No. In effect it is materially changing the law, by making the United States a party to all these suits, and thereby sidestepping the jury trial.

Mr. JAVITS. So if those of us who are the proponents of the bill can carry the burden of the fact that the United States ought to be a party to the suit, and if the United States ought to be a party, then we proceed to the point that it is not unfair, it being the established law, and nothing is being changed and nothing is being repealed. We have to prove that the United States ought to be a party.

Mr. STENNIS. The Senator reduces the argument to a very fine point indeed. The law is as we have said. There is a most logical argument against it: The argument is that there is no basis for a difference. But certainly there is a tremendous argument that there is no rightful cause or reason to make the United States a party to these suits. Frankly, I think the bill was so worded primarily to avoid the jury trial. The Senator from New York may think otherwise.

Mr. JAVITS. Mr. President, if I may ask one other question, the Senator spoke about a repeal of the terms of the Norris-La Guardia Act. Is it not a fact that the jury-trial provisions of the Norris-La Guardia Act were repealed by the Labor-Management Act, known as the Taft-Hartley Act, and that in the Taft-Hartley Act there was stated exactly what the Senator says we are doing in this bill, to wit, making the United States a party plaintiff, which makes it no longer necessary to proceed under the Norris-La Guardia Act?

Mr. STENNIS. The Senator from Mississippi understands the Taft-Hartley Act. In the vast, far-flung operations of labor unions and strikes or other such activities, there is the power of the United States to use the injunctive process, but the distinction between a vast, far-flung nationwide labor union and a local school board is too obvious to have to point out.

Mr. JAVITS. May I ask a last question, please? I am very grateful to the Senator, who is always willing to engage in a fair debate. I think the Senator knows I am, also.

Mr. STENNIS. I certainly do.

Mr. JAVITS. In the Senator's own State of Mississippi, in the case of *O'Flynn* v. *State* (89 Mississippi 850), the court said as follows, and I should like to have the Senator comment on the opinion:

> We do not think it necessary to discuss the error assigned because of the court's action in denying appellants the right of trial by jury in this proceeding for contempt, further than to say that the overwhelming weight of authority is that in such cases they were not entitled to a jury trial.

I ask the Senator to comment also upon the fact that even the county board of supervisors in Mississippi has the power to punish for contempt, Mississippi Code Annotated, title 13, section 2881; and that that also is a power granted to the recently created State sovereignty commission, which has the power to punish for contempt "by fine or imprisonment at the discretion of the commission."

I ask the Senator to comment upon such authority in terms of the practice of his own State.

Mr. STENNIS. The power of the sovereignty commission and the local boards of supervisors is very, very limited in its application.

As I said earlier in my discussion, in Mississippi we have retained a separate court of equity. We have the old chancery system, which came directly from England. The court has been confined largely in its jurisdiction to equity matters, and cannot operate in the field of quasi-criminal law, criminal law, social experiments, or trying to impose this and that. There is a very limited and proper field of operations in the court of equity. The court has been limited, and its power has not been abused, so as a matter of State policy it has never been necessary to pass a statute on the subject.

Mr. JAVITS. I thank the Senator.

Mr. STENNIS. I thank the Senator very much.

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

Mr. STENNIS. I yield to the Senator from Louisiana.

Mr. LONG. It has been pointed out previously that the Senator recognizes there really would be no new civil right conveyed to anyone under the bill.

Mr. STENNIS. The Senator is entirely correct. There would be no new civil right conferred by the bill. There is a tortured twisting of remedies and procedures for other rights.

Mr. LONG. As the law stands today, for example, any individual who feels he is being denied a privilege or an immunity which is rightfully his has a right to go into court and redeem and protect the rights which are his as an American citizen.

Mr. STENNIS. Absolutely. There are statutes in that regard. Those rights are present. They are protected. The individual has his freedom completely. That is a rather technical matter to discuss, and I did not attempt that.

Mr. LONG. The purpose of the bill, substituting the Federal Government and the Attorney General of the United States in place of the citizen who has the right to protect his own right, is to deny these citizens who are being prosecuted their right to trial by jury. Is that not correct?

Mr. STENNIS. That is correct. It is a shortcut and a denial of certain rights in order to try to bring about an additional avenue of procedure for certain other rights.

Mr. LONG. The Senator will agree, I am sure, that of all the people who should be entitled to the rights of American citizens, that category should include the very type of individuals against whom the bill proposes that the Attorney General should proceed. As the Senator has well pointed out, the people against whom the Attorney General would proceed under the terms of the bill are almost invariably among the best and finest people in the entire areas, and the most civic-minded and responsible persons.

Mr. STENNIS. The Senator is correct. They represent the heart and core of the various communities.

I believe that the charge that southern juries would not convict in proper cases is unsustained by the facts. I do not believe that officials would willfully and arbitrarily refuse to act justly and properly, under their limited authority.

I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator yield to me for a question?

Mr. STENNIS. I yield.

Mr. ERVIN. I have some questions which are inspired by the questions which the able and distinguished Senator from New York [Mr. JAVITS] asked the able and distinguished Senator from Mississippi.

Under existing law, in a civil-rights case, in which injunctive relief is sought, I ask the Senator if the statute would not only give the accused a right to trial by jury, but would limit the period of his imprisonment to 6 months in indirect contempts.

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. If this bill were enacted, instead of the punishment being limited to 6 months, he could be sent to prison for any number of years which a judge might specify, up to the point where the judge might transgress the nebulous and vague provisions of the eighth amendment, prohibiting cruel and unusual punishment.

Mr. STENNIS. The Senator is correct. That is the only limitation.

Mr. ERVIN. I ask the Senator if, under the existing statute, relating to indirect contempts in civil rights cases it is not provided that the respondent cannot be compelled to pay a fine of more than $1,000 to the Federal Government.

Mr. STENNIS. That is correct.

Mr. ERVIN. If the bill should be enacted in its present form, I ask the Senator if the accused could not be fined any amount of money the judge might specify, until he reached the vague, unknown, and nebulous limit of the eighth amendment, which prohibits the imposition of excessive fines.

Mr. STENNIS. That is the only ceiling or limitation on his power to impose fines.

Mr. ERVIN. Is it not the opinion of the Senator from Mississippi that the equity rule that actions shall be brought only by the real party in interest, in his own name, is sought to be perverted and distorted by the bill, so as to rob respondents in indirect contempt cases of the benefit of limited punishment, as well as the right of trial by jury?

Mr. STENNIS. The Senator is eminently correct. I looked into that question fully. Of course, the Senator is familiar with the subject.

Mr. ERVIN. With reference to the Taft-Hartley Act, I ask the Senator if the Taft-Hartley Act does not provide for injunctions in only three cases: First, an injunction merely to maintain the existing status quo until the National Labor Relations Board can consider the case; second, the case of an application made to the circuit court, or the court of appeals, as it is now called, to enforce an order of the National Labor Relations Board; and third, a suit brought by the United States in a case involving a strike of an entire industry, or a substantial part of an industry, which affects national health and safety, in which case injunctions can be obtained for only a period of 80 days at the most. If the difficulty is not adjusted in that time, the injunction ceases to apply.

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. In all cases in which suits are brought by individuals, as well as in suits brought by corporations, the Norris-La Guardia Act still remains in full force and effect, does it not?

Mr. STENNIS. Absolutely. As I understand, some of the cases that have been brought have involved the national safety.

Mr. ERVIN. Of course, in the case of virtually all the injunctions under the Taft-Hartley law, applications are made to the court of appeals for the enforcement of the National Labor Relations Board award; and the court of appeals is an appellate court, in which there is no such thing as trial by jury.

Mr. STENNIS. The Senator is correct, as always, on that point.

Mr. HILL. Mr. President, will the Senator yield to me?

Mr. STENNIS. I am glad to yield to the distinguished Senator from Alabama.

Mr. HILL. First, let me commend the Senator for the magnificent speech he has delivered.

Mr. STENNIS. I thank the Senator from Alabama.

Mr. HILL. I invite particular attention to the fact that the Taft-Hartley Act was enacted in 1947. In 1948, subsequent to the enactment of the Taft-Hartley Act, Congress revised the United States Code of Laws, and in the Revised Code, title XVIII, section 3692, we find a provision which I wish to read, if the Senator will bear with me.

Mr. STENNIS. Certainly.

Mr. HILL. This is section 3692 of Title XVIII of the United States Code as revised and codified in 1948:

SEC. 3692. Jury trial for contempt in labor dispute cases

In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court (62 Stat. 844).

That exception applies in all these contempt cases, but there is a very definite, clear, specific, and explicit declaration now in the code, in a provision enacted in 1948, a year after the Taft-Hartley law was enacted, which provides that, not in some, but in all cases, involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury.

Mr. STENNIS. The Senator has made a real contribution in bringing out the fact of the reenactment, in 1948, of the statutes of 1932, based upon 16 years of experience.

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

Mr. STENNIS. I yield.

Mr. THURMOND. I congratulate the distinguished Senator from Mississippi for the fine address he has delivered, and the information he has brought to the attention of Members of the Senate.

Mr. STENNIS. I thank the Senator very much.

Mr. THURMOND. The Senator from Mississippi served as a distinguished trial judge in the highest trial court in the State of Mississippi for a number of years. I should like to ask him a question.

Does not the Senator think that an individual can obtain the fairest trial under the jury system—even a fairer trial than he could obtain under a judge, although the judge might be sincere and conscientious in what he did?

Mr. STENNIS. I think the Senator is correct. The average jury, representing the combined judgment of 12 individuals who concur in an opinion on facts, is a body which knows more about the factual problems of life than does any one person, be he a judge or anyone else.

Let me comment further. It is very unpleasant for any judge to have to pass upon a contempt proceeding growing out of any order he issues, because, in a way, he is a party to the suit, and no judge should be called upon to pass upon many of such cases.

Let me make it clear that nothing I have said with reference to contempt applies to direct contempt, or to a case of anyone who misbehaves or disobeys in the presence of the court, or so near thereto as to impede the operations of the court.

Mr. THURMOND. Even though the trial judge be a conscientious and fair judge, is he not the legislator, the prosecutor, the jury, and the judge in such proceedings?

Mr. STENNIS. The Senator has well and truthfully expressed it. There is no getting entirely away from that position of the judge.

Mr. THURMOND. The Senator is an able lawyer, as well as having been a brilliant judge. I should like to ask him another question. Article 3, section 2 of the Constitution, provides:

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.

Does the Senator know of any exception which would warrant the trial of cases in any other way under the Constitution?

Mr. STENNIS. There are no exceptions in criminal cases. At the time of the adoption of the Constitution, there was a very restricted and very limited court of equity or court of chancery. That was the only exception to trial by jury.

Mr. THURMOND. In the sixth amendment to the Constitution, it is provided:

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.

I should like to ask the Senator this question: Under that amendment to the Constitution, which is a part of the Bill of Rights, adopted 2 years after the Constitutional Convention, does not every citizen feel that he is entitled to trial by jury when he is charged with the commission of a crime?

Mr. STENNIS. The Senator is eminently correct. There are no exceptions to that, except in what was at one time the very narrow field of equity or chancery proceedings. One of the main objections to including the United States as a party under the bill is that it opens the door and throws all these cases into the lap of the equity court, and avoids trial by jury.

Mr. THURMOND. I should like to ask the distinguished Senator if trial by jury is not one of the bedrocks of the American form of government which distinguishes it from totalitarian and dictatorship type of governments, and which has caused America to attain her leadership among the nations of the world, and to be held up as a nation that might well be emulated by other nations of the world?

Mr. STENNIS. The Senator is eminently correct. This bill proposes the evasion of the requirement for a jury system in a broad field. I do not believe it is permissible under the Constitution to amend the jurisdiction of the court to the extent of denying thousands of cases the guarantee of jury trial.

Mr. THURMOND. Under our Status of Forces Treaty with Japan, the soldier Girard is now going to be tried in a Japanese court. I believe the Army has held that he was on duty at the time of the commission of the crime that is charged against him. However, the Defense Department did not waive the primary right to trial by court-martial; therefore it gave jurisdiction to the Japanese court. The Supreme Court has upheld that decision, primarily on the ground that the Defense Department of our country had waived that right. When Girard is tried in a Japanese court, it will be before a court, not before a jury. Regardless of whether it be Japan or Thailand or any other country, does not the Senator feel that any citizen in the world today could feel safer and more secure if he were tried by 12 of his countrymen instead of by one man, called a judge, regardless of how sincere and how able he might be as a public official?

Mr. STENNIS. I believe that is true as to the individual; also, the great merit of the jury system, as an institution of government, is the fact that a jury trial is guaranteed. It influences prosecutors, and it influences sheriffs. It has proved to be sound, even though not perfect.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. Merely by way of clarification, I should like to point out that the Girard case does not come under a Status-of-Forces treaty, but it comes under an executive agreement undertaken by the administration and the Government of Japan. I think that ought to be made clear in the RECORD.

Mr. THURMOND. That is correct. It comes under an executive agreement, rather than under a Status-of-Forces Agreement.

Mr. STENNIS. The Senator from South Carolina has made a great contribution to the debate, and I thank him for the kind words he said about me. I appreciated the fine speech the Senator made last evening.

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

Mr. STENNIS. I yield.

Mr. LAUSCHE. Mr. President, I do not know whether I ought to impose an additional burden upon the Senator from Mississippi, but I wonder whether he has given any study to paragraph (b) of section 105, at page 6 of the bill, which reads:

(b) The Commission may accept and utilize services of voluntary and uncompensated personnel * * *. Not more than 15 persons as authorized by this subsection shall be utilized at any one time.

I tried to find out whether there was any discussion before the committee as to the reason for creating a system under which there would be voluntary uncompensated persons working for the Commission in the fulfillment of the duties which are prescribed for the Commission. My question is, Has the Senator from Mississippi given any study to subsection (b)? If so, I should like to have him tell us his views on the provision I have read.

Mr. STENNIS. I may say to the Senator from Ohio that I appreciate his question, but that that is a part of the bill to which I have not given special study as yet. I expect to study that part of the bill later. I have not completed my study of that part of the bill. I am not a member of the committee, and I have not heard that part brought up in discussion.

Mr. LAUSCHE. I thank the Senator.

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

Mr. STENNIS. I yield.

Mr. SPARKMAN. The Senator from New Mexico made reference a few moments ago to the fact that he was a liberal; yet he stated his viewpoint, particularly with reference to some of the provisions of the bill. I wonder whether the Senator read the editorial in the Washington Evening Star this evening entitled "Brownell Versus Norris"?

Mr. STENNIS. Yes; I had the editorial printed in the RECORD.

Mr. SPARKMAN. I am glad the Senator did so, because the Senator from Mississippi, I am sure, recognizes the fact that George Norris, of Nebraska, was one of the great liberals of all times. Is that not true?

Mr. STENNIS. I think so. The Senator from Alabama is correct. He was a fighting liberal.

Mr. SPARKMAN. What he had to say about the right of trial by jury certainly ought to have considerable weight with people who call themselves liberals.

Mr. STENNIS. The Senator is correct, and I thank him for his contribution.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Green	Mundt
Allott	Hayden	O'Mahoney
Anderson	Hickenlooper	Pastore
Barrett	Hill	Potter
Bennett	Holland	Purtell
Bible	Hruska	Revercomb
Bricker	Ives	Russell
Bush	Javits	Saltonstall
Butler	Jenner	Schoeppel
Carlson	Johnson, Tex.	Scott
Carroll	Johnston, S. C.	Smathers
Case, N. J.	Kefauver	Smith, Maine
Case, S. Dak.	Kerr	Smith, N. J.
Church	Knowland	Sparkman
Clark	Kuchel	Stennis
Cooper	Lausche	Symington
Cotton	Long	Talmadge
Curtis	Malone	Thurmond
Dirksen	Mansfield	Thye
Dworshak	Martin, Iowa	Watkins
Ervin	McClellan	Wiley
Flanders	McNamara	Williams
Goldwater	Monroney	Yarborough
Gore	Morton	

The PRESIDING OFFICER (Mr. BIBLE in the chair). Seventy-one Senators having answered to their names, a quorum is present.

Mr. JOHNSON of Texas. Mr. President, I should like to have the attention of the Senate. I have a brief statement to make, and then I shall submit a proposed unanimous-consent agreement on behalf of the distinguished minority leader [Mr. KNOWLAND] and myself.

Mr. President, I believe that the Senate, through its debating process, is proving that it can meet any issue with dignity and with thoroughness. I have been a Member of this body since 1949. During that period, there have been many debates over issues, both great and small. But in all that period, I do not believe I have ever heard a finer debate, especially over an issue so charged with controversy. The speeches have been to the point; the colloquies have been searching; and they have been confined to a genuine effort to obtain information. Members have conducted themselves as Senators of the United States, not as bitter partisans. This may disappoint those who were looking for a bitter and a bloody brawl, but it will not disappoint the American people.

I think all of us realize that, in a very real sense, the Senate is on trial; and the American people want us to win. Winning means that we shall deliberate on the issues, search our consciences, and then come to the conclusions to which we are impelled by our convictions. The debate will necessarily be long, because we must face the fact that this issue is complex, and there are no simple answers. To the partisan, there may be simple "yes" or "no" solutions. But the American people expect us to put the national interest above partisan interest; and I have every confidence that we shall do precisely that.

Mr. President, with the help of the distinguished minority leader, I have conducted a survey of the Senators who desire to speak before the motion of the Senator from California [Mr. KNOWLAND] is voted upon. I am informed that there are approximately 15 or 20 Senators who wish to make speeches varying in length between 1 hour and 2 hours.

We expect to have the Senate convene on tomorrow morning at 9:30, and to have the session run until late tomorrow evening.

We expect to have the Senate convene on Monday morning at 9:30, and to have the session run until late Monday evening.

We expect to have the Senate convene on Tuesday morning at 9:30.

We are going to ask the Senate to approve a proposed unanimous-consent agreement which will permit the Senate to have a quorum call at 4 p. m. on Tuesday, and thereafter to have 1 hour reserved under the control of the distinguished minority leader [Mr. KNOWLAND], to be used in support of his motion. He may yield back all of it if he chooses to do so. Another hour will be reserved under the control of the distinguished senior Senator from Georgia [Mr. RUSSELL], to be used in opposition to the motion.

Mr. President, I have at the desk a proposed unanimous-consent agreement providing that after a quorum call at 4 p. m., on Tuesday, 1 hour shall be reserved for each of those Senators, and then the Senate shall proceed to vote on the motion of the Senator from California.

At this time, I should like to have the formal agreement read, for the information of the Senate.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The proposed unanimous-consent agreement will be read, for the information of the Senate.

The Chief Clerk read as follows:

Ordered, That on Tuesday, July 16, 1957, following a quorum call at the hour of 4 p. m., further debate on the motion of the Senator from California [Mr. KNOWLAND] that the Senate proceed to the consideration of H. R. 6127, the the Civil Rights Act of 1957, shall be limited to not exceeding 1 hour on each side, to be controlled by the minority leader, on the part of those favoring the motion, and by Mr. RUSSELL, on the part of those opposing such motion.

The PRESIDING OFFICER. Is there objection to the proposed unanimous consent agreement?

Mr. RUSSELL. Mr. President, reserving the right to object, and I shall not object, I desire to make a very brief statement.

Mr. President, I well realize that many of the issues involved in the proposed legislation, the motion to proceed to consider which will be voted upon by the Senate on Tuesday next, represent to some Members of this body questions that are almost abstract. There are others who look upon this bill as an opportunity for political advantage. There are those of us from some of the States of the Union who know we are dealing with an issue that is vital to the welfare of our States and to the peace and happiness and security of our people.

An appeal was made to us at the outset of the discussion to act as responsible men. We have endeavored, and shall endeavor in the days that lie ahead, to comport ourselves as responsible men.

In entering into this agreement on a matter of such transcendent importance to our people, I believe that I am justified in appealing to every Member of the Senate to consider the issue on its merits, and in urging them, as responsible,

fairminded men, to investigate the various amendments which will be proposed, and to deal with the issue as they would like to have it dealt with if they were in the position of some of those from the States that are principally affected by the proposed legislation and the powers it would create.

We ask, Mr. President, that we be dealt with justly and fairly, as each Member of the Senate would ask to be dealt with if he should in the future be placed in the position that we occupy.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? Without objection, the proposed unanimous-consent agreement is approved.

IMPORTANCE OF ATTENDANCE OF SENATORS DURING CIVIL-RIGHTS DEBATE

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I want to express my appreciation to every Member of the Senate, and particularly the minority leader and the Senator from Georgia [Mr. RUSSELL], for their cooperation in this matter. I want to say to the Members of the Senate there are 20 speakers who wish to address themselves to the question. We may likely have numerous rollcalls. It is possible that several motions may be made. The minority leader and I cannot control that situation. I want every Member on my side, and, yes, every Member of the Senate, to be on notice that until we vote on this motion, sometime after 4 o'clock on Tuesday, the attendance and presence of Members of the Senate may be required, and that they will absent themselves on their own responsibility.

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

Mr. JOHNSON of Texas. I yield to the minority leader.

Mr. KNOWLAND. I want to join the majority leader in expressing my appreciation to the distinguished Senator from Georgia [Mr. RUSSELL] and all other Senators on both sides of the aisle for their cooperation in entering into this unanimous-consent agreement and for the tone and character of the debate and discussions that have been carried on.

I should also like to make a special plea, in my responsibility as minority leader, to Senators on this side of the aisle to hold themselves available so long as debate is proceeding. I think the debate is of importance. I think there is much value in it. As the majority leader has indicated, we shall very likely have several live quorum calls tomorrow and Monday and Tuesday before we come to a vote under the terms of the unanimous-consent agreement, and it is always possible that a point of order may be raised on a parliamentary question. So I think it is important that all Senators keep themselves available so long as the Senate is in session.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. The Senator realizes that any Senator could rise and obtain recognition and make a motion to postpone to a day certain, or make a motion to postpone consideration of the motion indefinitely.

Mr. KNOWLAND. Or make a motion to lay on the table.

Mr. JOHNSON of Texas. Or make a motion to lay on the table. This is not the usual situation when we have unanimous-consent agreements and Members feel they need not show up until it is time to vote.

CIVIL RIGHTS AND THE SOVIET'S FESTIVAL OF YOUTH

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. WILEY. Mr. President, while we are debating civil rights and are concerned with the threat of inflation, we must remain alert to the rest of the world and its problems.

Let me quote from the July 15 issue of Newsweek:

> WARSAW.—Reports reaching here indicate all Soviet Armed Forces at home and abroad were in a state of alert when the Central Committee met in Moscow to depose Molotov and company. Presumably under Marshal Zhukov's personal orders, tanks and planes were armed and ready to go into action at a moment's notice.

I received a letter a few days ago from a friend in London, and among other things he said:

> The Government over here is deeply concerned about the Soviet's Festival of Youth later this month. Thirty thousand young men and women from outside the Communist orbit will attend—1,700 from Britain alone and 2,000 each from France, Italy and Germany, and they—the Kremlin—are currently sending a charter ship through the Mediterranean to pick up the various Middle East contingents of youth.

At this time I ask unanimous consent to insert in the RECORD following my remarks what the diplomatic correspondent of the London Sunday Times had to say on June 30 regarding this monster meeting, the World Youth Festival, that is coming off in Moscow this month.

Some of my colleagues may remember that several weeks ago there was a group of Japanese and Asian youths who were received on the Hill. This group also had been invited to go to Moscow, but decided instead to attend the meeting at Mackinaw Island, under the auspices of Moral Re-Armament. At that time I had something to say in the RECORD in relation to the meeting at Mackinaw Island.

Moscow is reaching out for the minds of the youths, and if we fail to carry out appropriate action in relation to civil rights, our failure will be used to influence the youth of other countries.

I do not say at this time what that appropriate action should be, but I do say that in our concern about civil rights we should not close our eyes to the real challenge which is facing us abroad, namely, the peace of the world.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Wisconsin?

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

[From the London Sunday Times of June 30, 1957]

ONE THOUSAND SEVEN HUNDRED BRITONS FOR MOSCOW FESTIVAL—YOUTH VISIT MISGIVINGS

(By Nicholas Carroll)

With only a month to go before the curtain rings up on Moscow's monster World Youth Festival, some 1,700 young Britons between the ages of 14 and 30 have undertaken to attend it for the all-in price of £47 a head. It is no secret that this substantial number is a matter of concern not only to the Government, but also to church leaders, the National Union of Students, and the Standing Conference of National Voluntary Youth Organizations.

About 30,000 young people will be pouring into Moscow from the corners of the earth at the end of July for the festival. It promises to be the most spectacular of the 6 youth festivals sponsored by the 2 Communist-front organizations, the World Federation of Democratic Youth and the International Union of Students.

The organizers are soft-pedalling the political aspects, but its basic motive is the promotion of world communism.

The Bishop of Willesden, the Rt. Rev. G. E. Ingle, recently warned readers of the Church Times that "our youngsters will return to this country with an entirely false impression of what life under communism means."

RUSSIAN DOUBTS

The bishop's misgivings appear to have their counterpart in Moscow. Readers of the Moscow youth paper Moskovsky Komsomolets have been warned not to be impressed by guests' clothes, jewelery, cigarette cases and lighters. The U. S. S. R.'s electricity power stations are worth any number of wonderful cigarette lighters the paper observed.

It is current talk in Moscow that some Russian students intend to show foreign students the discomforts of normal Soviet housing conditions; and recently house commandants have called meetings of tenants and forbidden them to bring foreigners home.

The judge from the program there will be little occasion for exploration of Moscow's seamier side. The enormous range of activities for the festival fortnight includes concerts, ballet, sports, demonstrations, and political discussion groups—the climax will be a ball in the Kremlin and the planting by each participant of a tree in "Friendship Park."

The organizers granted generous quotas of invitations to Western European countries—France, Italy, and Finland were given 2,000 each—as well as to Asian countries.

Surprisingly the Indian Government has decided that only 60 of the 500 invitations to Moscow may be accepted. It is insisting that the contingent shall be a thoroughly representative cross-section of Indian youth.

It can be generally assumed, on the basis of previous festivals, that about one-third of the Britons are Communists, one third fellow-travelers, and one-third non-Communist. This last third includes students from Oxford, Cambridge, and London Universities and from the London School of Economics, many of them students of Russian.

ORDER FOR RECESS UNTIL 9:30 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. If I may have the attention of the minority

leader, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 9:30 o'clock a. m. tomorrow morning.

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

ORDER FOR MORNING HOUR ON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour after the Senate convenes tomorrow, for the introduction of bills, petitions, memorials, and the transaction of other routine business, with statements to be limited to 3 minutes.

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

ORDER TO RECOGNIZE SENATOR MANSFIELD AFTER MORNING HOUR ON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that at the conclusion of the morning hour tomorrow the distinguished junior Senator from Montana [Mr. MANSFIELD] be recognized.

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

TESTIMONY OF SECRETARY HUMPHREY BEFORE COMMITTEE ON FINANCE

Mr. CARLSON. Mr. President, this morning the Secretary of the Treasury, Mr. George Humphrey, concluded 14 days of testimony before the Senate Committee on Finance, during which time some 1,500 pages of testimony were given. At the conclusion of the Secretary's testimony this morning, the distinguished chairman of the Senate Committee on Finance, the very able senior Senator from Virginia [Mr. BYRD], issued a statement. I should like to quote a few sentences from the statement, and I ask unanimous consent that then the entire statement be printed in the RECORD as a part of my remarks.

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

(See exhibit 1.)

Mr. CARLSON. Mr. President, the Senator from Virginia stated:

I am aware of criticism voiced by at least one Member of the Senate even as the study is just beginning, that these hearings have been a failure, and that the jurisdiction of the Finance Committee has been questioned.

I merely want to say that no committee in the Senate has responsibility for the matters concerned in this investigation as great as the Senate Finance Committee. Our committee has the responsibility for the public debt, determining the rates of interest to be paid on Federal obligations, and recommending Federal debt limitations. It has the responsibility for raising the revenue necessary to pay the Federal obligations as enacted by Congress, including obligations incurred in the past.

It is directly concerned in interest rates, as the Federal Government is the largest borrower in the world. It has a direct concern with inflation because of the Federal Government is the largest purchaser of goods and services, and, as prices increase, it becomes necessary to increase the tax revenue.

It likewise has responsibility for tariffs and customs, which have a direct bearing on economic conditions.

The resolution under which the committee is conducting the hearings calls for study of:

(1) The revenue, bonded indebtedness, and interest rates on all public obligations, including contingent liabilities;

(2) Policies and procedures employed in the management of the public debt and the effect thereof on credit, interest rates and the Nation's economy and welfare; and

(3) Factors which influence the availability and distribution of credit and interest rates thereon as they apply to public and private debt.

Mr. President, after having attended 14 days of these hearings, during which time the committee received very important and valuable information from the Secretary of the Treasury, I am looking forward to the continuation of the hearings. I assure the Senate and the country that the hearings, under the able leadership of the Senator from Virginia [Mr. BYRD], will be conducted on a profitable basis, and I feel confident some very outstanding recommendations will be made at the conclusion of the hearings.

EXHIBIT 1

STATEMENT BY SENATOR HARRY F. BYRD, OF VIRGINIA, CHAIRMAN, SENATE FINANCE COMMITTEE, AT CONCLUSION OF TESTIMONY BY SECRETARY OF THE TREASURY HUMPHREY IN HEARINGS ON FINANCIAL CONDITION OF THE UNITED STATES

Mr. Secretary, as your testimony concludes as Secretary of the Treasury, I want to express to you the appreciation of this committee for your cooperation, your patience, and the forthright answers you have given to the questions propounded to you.

You have promptly supplied a great mass of detailed and enlightening information for the record. I believe your testimony and the opinions you have expressed in answer to the questions propounded by the members of the committee have provided an excellent beginning to the examination of the financial condition of the United States, which this committee has undertaken.

I am aware of criticism voiced by at least one Member of the Senate, even as the study is just beginning, that these hearings have been a failure, and that the jurisdiction of the Finance Committee has been questioned.

I merely want to say that no committee in the Senate has responsibility for the matters concerned in this investigation as great as the Senate Finance Committee. Our committee has the responsibility for the public debt, determining the rates of interest to be paid on Federal obligations, and recommending Federal debt limitations. It has the responsibility for raising the revenue necessary to pay the Federal obligations as enacted by Congress, including obligations incurred in the past.

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(1) The revenue, bonded indebtedness, and interest rates on all public obligations, including contingent liabilities;

(2) Policies and procedures employed in the management of the public debt and the effect thereof on credit, interest rates, and the Nation's economy and welfare; and

(3) Factors which influence the availability and distribution of credit and interest rates thereon as they apply to public and private debt.

This committee is concerned also over possible results of a recession, even though it may be a minor one. It was developed by your testimony and by calculations of the Joint Committee on Internal Revenue Taxation that should economic conditions revert to 1955, just 2 years ago, under the existing taxes, a deficit of $12 billion would occur.

You stated, I believe, that to revert to a national income on a basis of 1955 would not be regarded by you as a major recession, yet a deficit of $12 billion coming at this time, especially in the light of the inflation, now so actively increasing, would create a very bad situation.

I am even more convinced now than I was at the beginning of your testimony that inflation is the most serious internal problem in our country today. Had this renewal inflation started with a 100-cent dollar, the danger would not be so great, but it is alarming to note the fact that 48 cents of the 1939 dollar was lost up to 1953; in 1954, 1955, and 1956 the value of the dollar was stable; in early 1956 inflation started again, causing a loss of 2 cents on the basis of the 1939 dollar, or 4 percent of the present dollar between April 1956 and April 1957. As of April 1957, the dollar value, as compared to 1939, was 49.8 cents.

I am informed by qualified experts that the opinion is that in May and June and July that percentagewise the inflation has increased.

We all know the terrible consequences of inflation, not only in property values but in the destruction of the democratic form of government. No democratic government can survive with a badly impaired currency. If we continue to debase the value of the American dollar, it is certain that the results will be disastrous.

The causes for this new inflation have not yet been clearly shown. It was not due in the past year to deficit spending as it was in the 1940's. It was not due in this period to increases in wages above productivity, because in the period from April 1956 to April 1957 these were not excessive.

It is apparently not due to the conditions that debased the value of the dollar between 1939 and 1952.

The problem is to find the cause of this new inflation and then take the necessary measures to stop it before disaster occurs.

This committee is diligently attempting to discharge its responsibilities and to do so objectively in the light of conditions and testimony given by you and other distinguished witnesses who will follow.

It has been my privilege to serve with you closely during your 5 years of service as Secretary of the Treasury. We have had our differences and some have been rather sharp, but I have a great admiration for your ability and high patriotism.

I regret that you are leaving the public service and wish you much contentment and happiness in whatever work you may undertake.

The committee wishes to note that you have testified on 14 days since the hearings were started on June 18, and that your interrogation has covered 1,500 pages.

The chairman has not checked the record, but your examination must be among the most exhaustive. I am advised unofficially that former Secretary of the Army Stevens also was on the witness stand 14 days, in an examination of some television fame earlier in this administration.

This examination is into one of the most serious problems facing the American peo-

ple. It is not intended to be a three-ring circus. Members of the committee are taking their obligations seriously, and have framed their examinations accordingly.

Fourteen members of the committee have examined the witness on all aspects of the problem, and I believe they have exhausted his official and personal knowledge of the situation confronting us.

As chairman of the Senate Finance Committee I am glad to have the opportunity to make this statement today because this is perhaps your last appearance before the committee as Secretary of the Treasury. It is possible the committee will want your counsel as time goes on, and, if so, I know you will be glad to appear whenever requested.

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. TALMADGE. Mr. President, as I rise to address myself to this bill I am pleased that I can say with full sincerity and in good conscience that I speak for the rank and file of Georgians of every color, race, faith, and national origin.

Harmony prevails today throughout Georgia among all our people. They are living and working together in pleasant, friendly relations and are taking advantage of our State's limitless economic resources and opportunities.

I am proud that Georgians are showing such good judgment and are refusing to allow outside influences to detract from the mutual respect and common determination which motivate their efforts to solve Georgia's problems within the framework of Georgia's authority and Georgia's resources.

Georgia is giving her people the real and important civil rights—not table pounding, empty words and false, unresulting hopes.

And I do not believe that Georgians are alone in their view of the important things of life. The same standard of values, I feel, prevails among the great majority of the American people. I believe they, too, wish to work out their problems along local self-determinative lines.

Mr. President, if I am right in analyzing the wishes of the great bulk of the citizens of this Nation, it is viewed as a very serious matter when a branch of our Federal Government proposes, as it does in H. R. 6127, to create a commission with limitless inquisitorial powers to meddle into—and through its meddling to direct—the heart and detail of the social, economic, and political life of the United States of America.

When Congress undertakes to enact laws giving special rights to minorities which are denied to the majority, then constitutional safeguards of all the people become meaningless.

When Congress jeopardizes individual rights and transfers or creates rights in a special group or class, it is treading on dangerous ground.

The rights of every American citizen—whatever his color, extraction, or national origin—are threatened by this bill.

That is true whether he be a nisei farmer on the west coast, a colored steelworker in Toledo, a Catholic fisherman in New England, a Mexican rancher in Texas, or a Jewish rabbi in Brooklyn.

Mr. President, I should like to analyze some of the more salient passages of H. R. 6127, its effects on our Government and the dangers which I see in it for every American.

H. R. 6127 is presented to this body as the administration's civil rights bill. It is referred to in section 141 as the "Civil Rghts Act of 1957."

Under "Part I: Establishment of the Commission on Civil Rights," section 101 (a) reads as follows:

> There is created in the executive branch of the Government a Commission on Civil Rights.

Section 101 (b) provides:

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

While this Commission will not be able to bestow a single additional right upon the American people, it will be vested with tremendous powers which, to the contrary, will jeopardize, encroach upon, and actually take away existing rights.

To paraphrase Justice Cardozo in *A. L. A. Schechter Poultry Corporation* v. *United States* (295 U. S. at p. 551): The delegated power of investigation which has found expression in this bill is not canalized within banks that keep it from overflowing. It is unconfined and vagrant. It is a grant of a roving commission to inquire into whatever the Commission may deem evil, and upon discovering them to inform the Attorney General to do with them anything he pleases.

Which raises the question of why, if such powers are to be voted, they should not be placed in the hands of a Congressional committee rather than a Commission of the executive branch?

The American people, in my opinion, have far more confidence in their elected representatives than in executive appointees who receive their jobs as political rewards.

Under section 101 (c) of this bill, the Commission would not even be permitted to name its own chairman and vice chairman. That prerogative, too, would be conferred on the Executive.

Under the terms of section 102 the Commission is constituted as a law unto itself and is given a blank check to write its own rules of procedure. Not a single line of that section even purports to guarantee to those who may be called before the Commission that their constitutional rights will be respected by it.

It does, however, graciously concede in sections 102 (b) and (c) that "a copy of the Commission's rules shall be made available to the witness before the Commission" and that "witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights."

From that point, section 102 proceeds to enumerate the vast powers of the Commission to ignore and override the constitutional rights about which witnesses are to be accorded the privilege of being advised by counsel.

Section 102 (d) vests in the Chairman, or whomever he may designate as acting chairman, the absolute authority to "punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings." The presiding officer is thereby constituted as both judge and jury from whose decision and judgment there is no appeal.

No legislation proposed has ever opened an avenue for more flagrant abuse and intimidation of the American public.

Section 102 (e) gives full authority for the conduct of star chamber sessions by the Commission, contrary to the provisions of the Constitutions of the United States and the individual States for public trial. Thereunder, at the arbitrary discretion of the Commission, not only the general public, but also the accused and the press, could be excluded from such secret meetings.

Under this section, all the Commission has to do is to declare that the evidence or testimony to be heard may tend to defame, degrade, or incriminate any person and it can then lock its doors to the eyes and ears of the world.

Furthermore, it—along with section 102 (f)—makes it discretionary with the Commission whether to honor the request of any person so accused to subpena witnesses in his behalf. This is an unheard-of procedure, because it is an established tenet of American jurisprudence that an accused person has the right to have subpenas issued for any and all individuals whose testimony he feels can shed light upon his innocence.

Section 102 (g) surrounds testimony given in executive session with an iron curtain of secrecy. It provides that no evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. It even goes so far as to attach a criminal penalty to the action of anyone who might even inadvertently in casual conservation discuss the nature of such closed-door proceedings.

Section 102 (h) is a give-and-take paragraph. It confers upon witnesses the right to submit brief and pertinent sworn statements in writing for inclusion in the record. But in the very next sentence it establishes the Commission as the sole judge of the pertinency of testimony and evidence adduced at its hearing and grants it the discretion to determine in that light whether such sworn statements shall be accepted for the record.

Witnesses are permitted under section 102 (i) to obtain transcripts of only that testimony which they themselves give and only then when authorized by the Commission. No provision is made for any person to obtain a copy of charges made against him by others at Commission hearings, either in public or in private.

According to section 102 (j) witnesses are to be compensated at the rate of $4 per day and 8 cents per mile if they can go and come to the hearings on the same day or $12 per day and 8 cents per mile if distances traveled necessitate overnight trips. By the same token, however, section 103 (a) provides that Commission members shall draw salaries of $50 for each day of session in addition to $12 per diem and 8 cents per mile, regardless of the distance they are required to travel.

No provision is made for any period of advance notice of Commission hearings.

No provision is made for any public announcement of Commission meetings or hearings.

No provision is made for notification of persons against whom charges are to be made.

No provision is made for persons adversely affected by testimony taken by the Commission to be present when they are accused or later to confront and cross-examine their accusers.

No provision is made for accused persons to have access to testimony concerning themselves, whether adverse or favorable, unless it is officially released.

No provision is made for accused persons to offer rebuttal or in anywise to set the Commission records straight.

Mr. President, I submit that the seeds of tyranny are sown in this measure.

Under the procedures established herein, it would be possible for the Commission to convene one afternoon and summon a witness and all of his records from the other end of the State to attend a hearing the following morning.

It would be possible for a person to be slandered and smeared and not know about it until he read it in the newspaper.

It would be possible for the Commission to release adverse testimony and to suppress favorable testimony.

It would be possible for the Commission to make irresponsible and unfounded attacks upon individuals, firms, and organizations with arrogant impunity and absolute immunity from accountability.

Never has so much power been concentrated in the hands of so few.

Never have the rights of the American people been left so starkly at the mercy of the caprices of 6 men from whose arbitrary judgment there would be no appeal and no recourse.

Section 104, dealing with the duties of the Commission, reads in part as follows:

> The Commission shall—
>
> (1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which said belief or beliefs are based;
>
> (2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and
>
> (3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

Such broad jurisdiction coupled with such arbitrary powers raises many questions.

Do "allegations in writing" include wild charges by irresponsible crackpots or distorted half-truths by motivated slanderers?

Does the inclusion of "religion" mean that this Congress is attempting to eliminate by legislation one of the most sacred of our constitutional prohibitions upon the arbitrary exercise of its power—that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof"?

Does the power to "study and collect information concerning legal develments" expose to the purview and criticism of this Commission the decisions of the courts of our States?

Who is to define what constitutes "a denial of equal protection of the laws under the Constitution" which the Commission is directed to study?

Is the phrase, "granting the authority to appraise the laws and policies of the Federal Government with respect to equal protection of the laws," just another way of authorizing a study of "unwarranted economic pressure" applied by reason of "sex, color, race, religion or national origin" as provided in the administration's original bill?

An examination of H. R. 6127 affords no other conclusion but that—instead of spelling out the powers of the proposed Commission—the language of the bill is loosely drawn by design—loosely drawn in order to remove all control of Congress over the deliberations of the Commission and to deprive the people of this Nation of their basic rights in its conduct.

The language of H. R. 6127 affords no protection to the people from the potential abuse of powers granted to the Commission and to the Attorney General under it.

In that sense, Mr. President, H. R. 6127 is even more vicious in its implications than was the original administration proposal.

I submit, Mr. President, that the possibilities under it for evil results are endless.

While provision is made in section 104 (c) for the demise of this Commission after 2 years, we all know that, as a practical matter, commissions never die or fade away.

I predict that, if created, 2 years hence the sponsors of this Commission will be back asking Congress not only to continue it but also to grant to it even broader powers, greatly increased appropriations, and a much larger staff.

It should be pointed out that it is possible under the wording of section 105 (c) of this bill for this Commission to consult with and seek the advice of nongovernmental private organizations, however partisan may be their purpose or however self-serving and biased may be their motives. I ask in all candor if such an authorization is good governmental practice worthy of intelligent consideration?

Section 105 (e) requires all Federal agencies to cooperate with this Commission. Whether this means to the extent of furnishing it with confidential and classified information is not made clear.

It should also be noted—and viewed with alarm—that the Commission is authorized by section 105 (b) to accept and utilize services of voluntary and uncompensated personnel in its activities. It should further be noted that such personnel, under secton 105 (c), are specifically exempted from the conflict-of-interest provisions of the Criminal Code of the United States.

I do not have to remind Senators that this provision will make it possible for persons with divided loyalties to engage in practices for this Commission which would be punishable as crimes if allowed by any other agency of the Federal Government. Neither do I have to remind Senators that these 2 sections—105 (b) and (c)—provide a deliberately contrived vehicle through which chronic meddlers with selfish axes to grind and the hired hatchetmen of partisan organizations not only can influence the course of the Commission, but also give their direction to its deliberations and activities.

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

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the able and distinguished junior Senator from Georgia if the bill does not contemplate that the Commission shall act as a quasi-judicial body.

Mr. TALMADGE. It certainly does.

Mr. ERVIN. Yet the bill contains the astounding provision to which the Senator has alluded, that the Commission can accept the services of volunteers to assist it in the discharge of its quasi-judicial functions.

Mr. TALMADGE. I am covering that in my remarks in a moment.

Let us look at two of the provisions and penalties of Federal law from which such personnel—along with members of the Commission and members of advisory committees constituted by the Commission—will be exempted by this act.

I know that the distinguished Senator from North Carolina will be interested in these provisions.

One is section 281, chapter 15, title 18 of the United States Code, which provides a maximum penalty of $10,000 fine and/or 2 years' imprisonment for any Federal employee who "directly or indirectly receives or agrees to receive, any compensation for any services rendered or to be rendered, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter in which the United States is a party or directly or indirectly interested before any department, agency, court-martial, officer, or any civil, military, or naval commission."

The other is section 1914, chapter 15, title 18 of the United States Code which provides a maximum penalty of $1,000 fine and/or 6 months' imprisonment for any Federal employee who "receives any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality"; as well as for

any person, association, or corporation which "makes any contribution to, or in any way supplements the salary of, any Government official or employee for the services performed by him for the Government of the United States."

All the employees of the Commission would be specifically exempted from those two criminal statutes and from other criminal statutes which I did not list.

Those are penalties of the law—along with four other less directly related prohibitions—which members of this Commission and voluntary personnel picked by them can flaunt with impunity.

I ask, Mr. President, is it the wish of the Senate to create an inquisitorial Commission immune from all legal restraint and free to pursue whatever partisan course it may choose without accountability for its actions?

I further ask you, Mr. President, is it not a dangerous precedent for this Senate to set to create within any agency of the Federal Government an elite personnel superior even to the operation of the laws of the land and the reproof of the judiciary?

I can foresee, Mr. President, many grave abuses which could arise out of such an exemption—not the least of which is that personnel so freed from the restraint of our conflict-of-interest laws will thus be enabled to act as both investigator and prosecutor in cases in which they and their organizations have a vindictive interest.

Such a procedure, Mr. President, is completely alien to our constitutional concept of government by law as opposed to government by men.

And let us look to the possible effects of certain other provisions.

Under section 105 (f) it would be possible for 3 subcommittees of the Commission to conduct 3 public hearings or three executive-session hearings simultaneously in different parts of the country. It is impossible to see how intelligent direction could be given to the activities of a body embarking on so many different tangents.

Full powers of subpena and every compulsion of Federal investigatory authority are granted by sections 105 (f) and (g).

On as little notice as it saw fit to give it could summon anyone to defend himself against charges of which he was totally ignorant prior to receipt of the subpena. It could compel him to bring with him all personal and business records which the Commission might desire to inspect. Furthermore, he would be required to comply, regardless of the cost or inconvenience to himself or his business, and failure to do so in any particular would make him subject to fine or imprisonment, or both, for contempt.

It is obvious that such a Commission, through its investigations, could deprive a man of his fundamental constitutional rights of freedom of speech, security of papers and personal effects, freedom from unreasonable searches and seizures, protection from unfounded warrants, freedom from double jeopardy, freedom from self-incrimination, freedom from deprivation of property without due process of law, the right to a speedy, public trial by an impartial jury, the right to be tried in the district of the alleged offense, the right to know the charges made against him, the right to seek damages in court, the right to confront his accusers, the full protection of common law, and the other unspecified, but nevertheless inalienable, rights such as respect for the dignity and integrity of a free man living in a free country.

Upon application of the Attorney General of the United States any person failing to respond to a subpena or refusing to be intimidated by the Commission may be cited for contempt in any Federal district court either where the recalcitrant witness resides or where the hearing is held or is to have taken place.

That provision and the entire concept of this Commission constitute tyranny in its rankest form.

So much for part I of the bill.

Part II calls for one additional Assistant Attorney General in the Department of Justice, ostensibly for the purpose of assisting the Civil Rights Commission in the exercise of its broad powers of investigation and intimidation.

While, Mr. President, after studying the bill I concede the Attorney General is in need of another assistant, it is not for the purpose stated. It would be a pleasure for me to vote to hire him an assistant if that assistant were to be a good lawyer, well-grounded in constitutional law and capable of drafting bills which would adhere to, rather than fly into the teeth of, the organic law of the land.

As insidious and dangerous as are parts I and II of the bill, they are paled into comparative insignificance by the adroit Machiavellism of parts III and IV.

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

Mr. TALMADGE. I am delighted to yield to my senior colleague.

Mr. RUSSELL. I note that my distinguished colleague has referred to the Attorney General having another assistant. What the bill does is to create not only the assistant, but also a section composed of undetermined numbers of other lawyers to work under him, does it not?

Mr. TALMADGE. There is no limitation on the number he may employ.

Mr. RUSSELL. A whole section would be established. I unhesitatingly assert that if the new section is created, there will be, within 12 months after its creation, nearer 200 lawyers in that section than the 1 assistant to whom my colleague has referred.

Mr. TALMADGE. Under the terms of the bill, a thousand or two thousand lawyers could be employed, if the Attorney General saw fit, and could be paid whatever salary he wished to pay.

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

Mr. TALMADGE. I am delighted to yield to the senior Senator from North Carolina.

Mr. ERVIN. Cannot the Senator predict with confidence that if the bill is enacted, and when the Attorney General has finished appointing all the new lawyers in the proposed Civil Rights Division, we can say, as our ancestors did in the Declaration of Independence, that the Government has swarms of officers to eat up the substance of the people?

Mr. TALMADGE. That certainly could be said, and probably would be said, if the bill were passed.

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

Mr. TALMADGE. I yield.

Mr. LONG. Is it not true that all the lawyers and assistants would require secretarial help?

Mr. TALMADGE. They would require secretarial help; and they, in turn, would require more supervisors to look after them. There would be an endless group of bureaucrats to harass the people.

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

Mr. TALMADGE. I am delighted to yield.

Mr. THURMOND. Is it not also true that all those lawyers and secretaries would go on the retirement rolls and would be paid retirement benefits by the Government; and that that expense could run up into hundreds and hundreds of thousands of dollars, which would have to be paid by the taxpayers?

Mr. TALMADGE. The Senator is entirely correct. The amount could run into millions of dollars.

Although we of Congress are told that this measure is designed principally to protect the already constitutionally guaranteed right to vote, parts III and IV—through the amendment process—are very carefully grafted into the existing civil rights statutes of the Nation.

In properly evaluating the far-reaching effect of so amending the existing law, one must remember that the existing laws stem from the passions which flamed throughout this Nation immediately before and for years after the War Between the States. Most of them were enacted during a period of hatred and strife when the States of the South lay conquered and prostrate in much the same status as were the countries of Germany and Japan at the close of World War II.

The full import of the amendments contemplated by the bill can be grasped only by reading in context both the law as it now stands and the amendments proposed to it.

In order that the Members of the Senate might have that opportunity prior to casting their votes on this measure I ask unanimous consent that there be printed herewith in the RECORD, as a portion of my remarks, chapters 20 and 21 of title 42 of the United States Code, sections 1971–1972, and sections 1981–1994; section 1343, chapter 85 of title 28 of the United States Code and those portions of H. R. 6127 designated as parts III and IV.

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

CHAPTER 20.—ELECTIVE FRANCHISE

Section

1971. Race, color, or previous condition not to affect right to vote.

1972. Interference with freedom of elections.

SEC. 1971. Race, color, or previous condition not to affect right to vote.

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. (Rev. Stat., sec. 2004.)

DERIVATION

Act May 31, 1870, (ch. 114, sec. 1, 16 Stat. 140).

SEC. 1972. Interference with freedom of elections.

No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. (Rev. Stats., sec. 2003.)

DERIVATION

Act Feb. 25, 1865 (ch. 52, sec. 1, Stat. 4377).

CHAPTER 21.—CIVIL RIGHTS

Section

1981. Equal rights under the law.
1982. Property rights of citizens.
1983. Civil action for deprivation of rights.
1984. Same: review of proceedings.
1985. Conspiracy to interfere with civil rights.
(1) Preventing officer from performing duties.
(2) Obstructing justice; intimidating party, witness, or juror.
(3) Depriving persons of rights or privileges.
1986. Same; action for neglect to prevent.
1987. Prosecution of violation of certain laws.
1988. Proceedings in vindication of civil rights.
1989. Commissioners; appointment of persons to execute warrants.
1990. Marshal to obey precepts; refusing to receive or execute process.
1991. Fees; persons appointed to execute process.
1992. Speedy trial.
1993. Aid of military and naval forces.
1994. Peonage abolished.

SEC. 1981. Equal rights under the law

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (Revised Statutes, sec. 1977.)

DERIVATION

Act May 31, 1870, chapter 114, section 16, 16 Statute 144.

SEC. 1982. Property rights of citizens

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (Revised Statutes, sec. 1978.)

DERIVATION

Act April 9, 1866, chapter 31, section 1, 14 Statute 27.

SEC. 1983. Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress. (Revised Statutes, sec. 1979.)

DERIVATION

Act April 20, 1871, chapter 22, section 1, 17 Statute 13.

SEC. 1984. Same; review of proceedings

All cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court. (Mar. 1, 1875, ch. 114, sec. 5, 18 Stat. 337.)

REFERENCES IN TEXT

This act, referred to in the text, has reference to act March 1, 1875. Sections 1 and 2 of said act, March 1, 1875, were not classified to this Code. Sections 3 and 4 of said act, March 1, 1875, formerly classified to sections 44 and 45 of title 8, were repealed by act June 25, 1948, chapter 645, section 21, 62 Statute 862, and are now covered by sections 243 and 3231 of title 18, Crimes and Criminal Procedure. Section 5 of said act March 1, 1875, is classified to this section.

SEC. 1985. Conspiracy to interfere with civil rights—

(1) Preventing officer from performing duties: If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror: If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws or of equal privileges and immunities under the laws; or 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; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (Rev. Stat., sec. 1980.)

DERIVATION

Acts July 31, 1861 (ch. 33, 12 Stat. 284); April 30, 1871 (ch. 22, sec. 2, 17 Stat. 13).

SEC. 1986. Same; action for neglect to prevent.

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within 1 year after the cause of action has occurred. (Rev. Sat. sec. 1981.)

DERIVATION

Act April 20, 1871 (ch. 22, sec. 6, 17 Stat. 15).

SEC. 1987. Prosecution of violation of certain laws.

The United States attorneys, marshals, and deputy marshals, the commissioners appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of section 1990 of this title or of sections 5506–5516 and 5518–5532 of the Revised Statutes, and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense. (Rev. Stat. sec. 1982; June 25, 1948, ch. 646, sec. 1, 62 Stat. 909.)

DERIVATION

Acts April 9, 1866 (ch. 31, sec. 4, 14 Stat. 28); May 31, 1870 (ch. 114, sec. 9, 16 Stat. 142).

REFERENCES IN TEXT

Revised Statutes, sections 5506–5516 and 5518–5532, referred to in this section, which related to crimes against the elective franchise and civil rights of citizens, were all repealed by acts March 4, 1909 (ch. 321, sec. 341, 35 Stat. 1153), or February 8, 1894 (ch. 25, sec. 1, 28 Stat. 37). However, the provisions of sections 5508, 5510, 5516, 5518, and 5524–5532 were substantially reenacted by said act March 4, 1909, and were classified to former sections 51, 52, 54–59, 246, 428, and 443–445 of title 18. Such sections of title 18 were repealed by act June 25, 1948 (ch. 645, sec. 21, 62 Stat. 862), and are now covered by sections 241, 242, 372, 592, 593, 752, 1071, 1581, 1583, and 1588 of title 18, Crimes and Criminal Procedure.

CHANGE OF NAME

Act June 25, 1948, substituted "United States attorneys" in lieu of "district attorneys." See section 501 of title 28, Judiciary and Judicial Procedure.

SEC. 1988. Proceedings in vindication of civil rights.

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. (Rev. Stat., sec. 722.)

DERIVATION

Acts April 9, 1866, chapter 31, section 3, 14th United States Statutes at Large, page 27; May 31, 1870, chapter 114, section 18, 16th United States Statutes at Large, page 144.

REFERENCES IN TEXT

In the original "this chapter and title 18" reads "this title and of title 'Civil Rights', and of title 'Crimes'," meaning titles XIII, XXIV, and LXX of the Revised Statutes.

FEDERAL RULES OF CIVIL PROCEDURE

Effect of rule 69 on this section, see note by Advisory Committee under said rule, following section 2072 of title 28, Judiciary and Judicial Procedure.

Execution, see said rule 69.

FEDERAL RULES OF CRIMINAL PROCEDURE

Scope and application, see rules 1 and 54, following section 3771 of title 18, Crimes and Criminal Procedure.

SEC. 1989. Commissioners; appointment of persons to execute warrants.

The district courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in section 1987 of this title; and such commissioners are authorized and required to exercise all the powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States. Said commissioners are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. (Revised Statutes, secs. 1983, 1984; March 3, 1911, ch. 231, sec. 291, 36 Stat. 1167).

DERIVATION

Acts April 9, 1866, chapter 31, sections 4, 5, 14th United States Statutes at Large, page 28; May 31, 1870, chapter 114, sections 9, 10, 16th United States Statutes at Large, page 142.

CHANGE OF NAME

Act March 3, 1911, changed "circuit courts" to "district courts."

SEC. 1990. Marshal to obey precepts; refusing to receive or execute process.

Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions of section 1989 of this title. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of this section or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of $1,000, for the benefit of the party aggrieved thereby. (Revised Statutes secs. 1985, 5517.)

DERIVATION

Revised Statutes sec. 1985 from acts April 9, 1866, ch. 31, sec. 5, 14 Stat. 28; May 31, 1870, ch. 114, sec. 10, 16 Stat. 142.

Revised Statutes sec. 5517 from act May 31, 1870, ch. 114, sec. 10, 16 Stat. 142.

SEC. 1991. Fees; persons appointed to execute process.

Every person appointed to execute process under section 1989 of this title shall be entitled to a fee of $5 for each party he may arrest and take before any commissioner, with such other fees as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction. (Revised Statutes section 1987.)

DERIVATION

Acts April 9, 1866, chapter 31, section 7, 14 Stat. 29; May 31, 1870, chapter 114, section 16, 16 Stat. 143.

SEC. 1992. Speedy trial.

Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of section 1980 of this title or of sections 5506—5516 and 5518—5532 of the Revised Statutes, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and United States attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him to attend at the place and for the time therein designated. (Revised Statutes section 1988; June 25, 1948, chapter 646, section 1, 62 Stat. 909.)

DERIVATION

Act April 9, 1866, chapter 31, section 8, 14 Statute 29.

REFERENCES IN TEXT

Revised Statutes, sections 5506–5516 and 5518–5532, referred to in this section, which related to crime against the elective franchise and civil rights of citizens, were all repealed by acts March 4, 1909, chapter 321, section 341, 35 Statute 1153, or February 8, 1894, chapter 25, section 1, 28 Statute 37. However, the provisions of sections 5508, 5510, 5516, 5518, and 5524–5532 were substantially reenacted by said act March 4, 1909, and were classified to former sections 51, 52, 54–59, 246, 428, and 443–445 of title 18. Such sections of title 18 were repealed by act June 25, 1948, chapter 645, section 21, 62 Statutes 862, and are now covered by sections 241, 242, 372, 592, 593, 752, 1071, 1581, 1583, and 1588 of title 18, Crimes and Criminal Procedure.

CHANGE OF NAME

Act June 25 1948, substituted "United States attorney" in lieu of "district attorney." See section 501 of title 28, Judiciary and Judicial Procedure.

SEC. 1993. 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. (Revised Statutes, § 1989.)

DERIVATION

Acts April 9, 1866 (ch. 31, sec. 9, 14 Stat. 29); May 31, 1870 (ch. 114, sec. 13, 16 Stat. 143).

SEC. 1994. Peonage abolished

The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void. (Revised Statutes, § 1990.)

DERIVATION

Act March 2, 1867 (ch. 187, sec. 1, 14 Stat. 546).

CHAPTER 85.—DISTRICT COURTS; JURISDICTION

SEC. 1343. Civil rights.

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right of privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States. (As amended Sept. 3, 1954, ch. 1263, § 42, 68 Stat. 1241.)

AMENDMENTS

1954: Act September 3, 1954, amended section to substitute "section 1985 of title 42" for "section 47 of title 8" wherever appearing.

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

SEC. 121. Section 1980 of the Revised Statutes (421 U. S. C. 1985) is amended by adding thereto two paragraphs to be designated "Fourth" and "Fifth" and to read as follows:

"Fourth. Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs First, Second, or Third, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

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

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

(a) Amend the catch line of said section to read "§ 1343. Civil rights and elective franchise."

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

(c) Add a paragraph as follows:

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

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

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

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

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

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

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

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

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

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

Mr. TALMADGE. Mr. President, let me call the attention of the Senate to the fact that section 1985, chapter 21, of title 42, provides for the recovery of damages by any person who has suffered deprivation of his civil rights.

It was of this section that Justice Robert H. Jackson of New York said in *Collins* v. *Hardyman* (341 U. S. 651):

> This statutory provision has long been dormant * * * The act was among the last of the Reconstruction legislation to be based on the "conquered province" theory which prevailed in Congress for a period following the Civil War * * * The act, popularly known as the Ku Klux Act, was passed by a partisan vote in a highly inflamed atmosphere.

That is the very act which we are now asked to extend, to revise, to amend, to revivify.

That characterization of it by a Justice of the Supreme Court of the United States who had been Attorney General of the United States, a lawyer who had been born and reared in the State of New York, ought to mean something to this Senate which, "in a highly inflamed atmosphere" is being asked to punish the South again—90 years later.

Let me further call the attention of the Senate, Mr. President, to the fact that section 1988, chapter 21, of title 42, provides for the criminal prosecution and punishment of persons adjudged to be guilty of violating the civil rights of others not only under the provisions of title 18 of the United States Code but also under the common law and the laws of the States in which the offenses are committed.

In both instances the right of trial by jury is inherent.

Mr. President, let me read for the benefit of the Senate, the language of section 1993, chapter 21 of title 42. Entitled "Aid of Military and Naval Forces," it states:

> 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 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.

For the sake of emphasis, Mr. President, let me reiterate that section 1985, which this part of the bill purports to amend, is specified as one of those which can be so enforced.

Therefore, let there be no misunderstanding on the part of anyone that under this measure the full might of the United States Army, the United States Navy, and the United States Marine Corps can be used to enforce with bayonets and bombs the provisions it is proposed that we enact into law here today.

I have read with great interest the testimony of Attorney General Brownell on this point before the Subcommittee on Constitutional Rights, of the Senate Committee on the Judiciary.

I noted that he expressed outrage that anyone would even deign to think, let alone suggest, that the present occupant of the White House would even consider the utilization of such authority.

I also noted that he made much of the contention that governors of individual States would first have to request the use of such Armed Forces, and that the present administration would not want to take away any supplementary aid which the governor of a State may want.

But I further noted—and I wish to emphasize it as vigorously as I know how—that nowhere in his testimony of self-righteous indignation did Mr. Brownell deny, or attempt to deny, that if this bill—H. R. 6127—were enacted into law, there would immediately exist the authority for the President, or for the Attorney General, acting for him, to use the United States Army, the United States Navy, and the United States Marine Corps to enforce whatever arbitrary action the Attorney General might, by caprice or political motivation, take under its terms.

Mr. President, I ask you: Is it the sense of this Senate—known as the greatest deliberative body on earth—that civil rights in this Nation are to be guaranteed or denied by the point of a bayonet and the butt of a rifle?

God forbid, Mr. President, that this Nation has traveled so far away from the concept of human dignity and freedom written into the Bill of Rights of our Constitution.

God forbid, Mr. President, that our rights and freedoms are in such great jeopardy that they must be preserved under the heels of storm troopers and behind the gun muzzles of tanks.

Equally alarming as the threat of bayonet rule, Mr. President, is the fact that, by cunning calculation, this bill would interpose the Government of the United States between the individual and his right under the law to the two specific remedies afforded him for redress of violations of his civil rights—that is, through the equitable relief of civil proceedings and through the operation and enforcement of our criminal statutes.

Yet, that is exactly what is done by adding to the provisions of section 1985 of chapter 21 of the United States Code the additional authority for the Attorney General to seek preventive relief through the injunctive process for civil-rights violations.

I would point out, Mr. President, that while this measure has been presented to the Congress as one to preserve voting rights, by amending the existing civil-rights statutes, it extends its scope over the entire field of civil rights.

Section 121 of part III of this bill specifies that the Attorney General can initiate these new-type proceedings in

any manner "pursuant to paragraphs first, second, or third" of section 1985 of chapter 21 of the United States Code which it amends. Let us look to the language of that section—commonly known as the conspiracy law—to see the breadth of the field in which we are today asked to legislate.

Paragraph "first"—as it is styled in this bill—prohibits conspiracies "to molest, interrupt, hinder, or impede" any officer of the United States in the discharge of his official duties.

Paragraph "second" prohibits conspiracies for the purpose "of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws."

Paragraph "third" prohibits conspiracies "whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States."

There, Mr. President, by the very language of the statute we are undertaking to amend, it is plain that we are not legislating solely in the field of voting rights, but, rather, in the entire field of "equal protection of the laws" and "having and exercising any right or privilege of a citizen of the United States."

There, Mr. President, by the very language of the statute we are undertaking to amend, we have an area as broad as the imagination of mankind and as fathomless as the minds of some individuals who may transiently enforce its provisions.

Who is to say, Mr. President, what constitutes "equal protection of the laws"?

Who is to enumerate, Mr. President, "the rights and privileges of a citizen of the United States"?

A very large percentage of all cases, particularly civil suits, involves the determination of these very questions.

This language opens an entire spectrum of civil suits relating not only to every phase of civil rights, but also to virtually all civil procedures and suits at law.

Under the authority of this language the Attorney General could initiate injunctive proceedings affecting not only the full range of laws governing relationships between individuals, groups, and races, but also such totally unrelated fields as taxation and the location of roads by Federal and State agencies.

Such language would, for example, make the Attorney General the sole arbiter of matters such as the enforcement and interpretation of the Status of Forces Treaty and related international agreements. That would be true, because who could deny that a man like Specialist William S. Girard has been denied "equal protection of the laws" as well as "the rights and privileges of a citizen of the United States."

The Attorney General could even become involved in the enforcement of speed laws and the prosecution of traffic cases by State and municipal governments, under the theory that some citizen is thereby denied "equal protection of the laws" and the "rights and privileges of a citizen of the United States."

Furthermore, should the Attorney General so determine, he could take the position that the failure to employ a citizen because he does or does not belong to a labor union denies him "equal protection of the laws," and thereby extend the provisions of this bill over the entire field of labor relations.

Likewise, he could take the position that failure to employ a person because of race, creed, color, national origin, or any other factor constitutes a denial of the "rights and privileges of a citizen of the United States," and thereby set himself up as a one-man FEPC, with authority to use the military might of the United States to regiment the industry and business of this Nation.

There is not an area of human thought or conduct, Mr. President, which the language of this bill does not cover. It runs the gamut from sowing to reaping, from sleeping to waking, from thought to action, and from the cradle to the grave.

Therefore, I submit, that, under the guise of enacting a law applying to one area of civil rights, Congress in reality will be handing the key to Pandora's box to an appointive official—one who never has been elected to any national office and one who, on more than one occasion, has demonstrated his indifference and complete lack of concern for the real rights and wishes of the people of this Nation.

Nor has his voice, which should have been raised the strongest, been heard in defense of, or for, the maintenance of constitutional government in this country.

As the law now stands, when an individual is charged with a criminal violation of civil rights he is accorded his right under the Constitution of the United States to have his case heard and determined by a jury of his peers. In all civil cases at law where material facts are in dispute, litigants likewise have the right to have the issues involved submitted to a jury for determination.

In my State, in the trial of any proceedings for equitable relief, upon the request of either party to the cause, the presiding judge shall instruct and require the jury to find a special verdict of the facts. Under Georgia law, even in equity cases, a jury is required if either party asks for it—Georgia Code 37–1102, 37–1104, 37–1105, 24–3366.

But the Attorney General wishes to change the law to permit him to step into such proceedings—to take sides—and to bring actions in the name of the United States against those individuals whom he, in his arbitrary judgment, deems to have violated someone's civil rights.

Furthermore, by initiating action in the name of the United Sates, he would remove the determination of such cases from the hands of juries and place it in the hands of judges.

We have seen in this century, in the field of labor relations, the abuses which arise under arbitrary and indiscriminate use of the injunctive and contempt processes. As a matter of fact, it became so flagrant that Congress was prompted in 1914 to enact, as a section of the Clayton Act, a statutory provision extending the right of trial by jury to persons accused of indirect contempts of court—that is, contempts committed outside the presence of the court.

The question of the right to trial by jury in such instances was the subject of a ruling by the Supreme Court of the United States in *Michaelson* v. *United States* (266 U. S. 42 (1924)). In that case, the High Court held that trial by jury is mandatory in all contempt proceedings in which the contempt also constitutes a criminal offense.

The reasoning of the Court in this instance is most enlightening—reasoning which was handed down before the day that the Court sought to take unto itself the role of law giver, rather than its appointed role as law interpreter.

Those who would deny the right of trial by jury in civil-rights cases would do well to read the language of this decision.

The Court held that since all Federal courts except the Supreme Court are established by Congress under the Constitution, their inherent rights are not derived from the Constitution and they, therefore, are subject to whatever limitations Congress may prescribe. It decreed that the right to a trial by jury in criminal cases is a constitutional right which may be extended by statute to contempts that are criminal offenses, without invading the powers of the courts, as intended by the Constitution.

In this case, the lower courts had contended that the wording of the Clayton Act made the granting of a trial by jury permissive with the judge, but the Supreme Court emphatically stated that it was mandatory. The history of the act showed, the Court stated, that "the intent of Congress was to give the accused the right to a trial by jury and not to vest authority in the judge to call a jury at his discretion."

This statutory provision is now embodied, in somewhat-altered phraseology, in sections 402 and 3691 of title 18 of the United States Code.

Section 3691 provides that, upon demand, a person accused of criminal contempt shall have a jury trial, except in cases brought in the name of the United States and in instances of contempt committed in the presence of the court. Section 402 provides for a maximum penalty of $1,000 fine and/or 6 months' imprisonment.

The Attorney General, through clever manipulation of the amendment process, would subvert the language of the present law, under which trial by jury is inherent and limits of punishment specified, into a cloak for actions in the name of the United States, under which trial by jury is denied and the extent of punishment left to the unbridled discretion of the presiding judge.

Some of the most masterful and eloquent defenses of the American jury system and its place in our constitutional concept of republican government were delivered during the course of the debate over the Clayton Act. Those speeches of

Senators Borah, Walsh, and Reed are destined to take their place in history along with the great addresses which have shaped the destiny of our Nation.

It would be well for us to recall their words on this occasion.

Said Senator Borah:

Every argument * * * in favor of the right of trial by jury on the part of one citizen of the United States is equally applicable to the right of trial by jury upon the part of every other citizen of the United Sates. * * * The right of the citizen to have his guilt or innocence determined by his peers * * * cannot be changed by reason of the fact that a particular party happens to be a plaintiff in one case and another party a plaintiff in another case.

Said Senator Walsh:

There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury as we know it * * *. Instead of being an attack on the court, the proposal to submit to trial by jury alleged contempts not committed in the presence of the court is a plan to restore to the Federal court the confidence and good will which the people ought to bear toward them, but which, unfortunately, by a liberal and sometimes inconsiderate exercise of the power to issue injunctions and to punish as for contempt, has, among certain classes of citizens, been all but forfeited.

Said Senator Reed:

I believe that if it is right to submit questions involving the right of life to a jury it is not dangerous to submit to a jury a mere question of contempt. If we can safely repose in a jury the power to try all questions of property, all questions affecting the honor of the citizen * * * there is nothing unsafe in submitting to the same kind of tribunal, summoned in the same way, the simple question of fact has this * * * or that individual violated the order of the court * * * I believe that the dignity and authority of the courts will remain unimpaired.

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

Mr. TALMADGE. I am delighted to yield to my friend, the distinguished Senator from Louisiana.

Mr. LONG. The Senator from Georgia is making a very fine contribution to this debate. It occurred to me, as I listened to his remarks, as one who has practiced before the courts—and I believe the Senator from Georgia has also practiced law——

Mr. TALMADGE. Yes, I am an attorney. I have been for 21 years.

Mr. LONG. I do not believe the Senator could make the speech he is making if he had not had a considerable amount of experience practicing before the courts. That is obvious from the Senator's speech.

Mr. TALMADGE. I thank the Senator.

Mr. LONG. The thought occurs to me that where there are contested cases, with one set of witnesses who say one thing is true and another set of witnesses who say just the opposite is true, of their own personal knowledge, somebody is telling the truth and somebody is simply lying, if one wants to be blunt about it. Most good judges would much prefer to leave that question to a jury of 12 honorable men, selected and agreed upon by both contesting parties, for them to decide who is lying and who is telling the truth.

Mr. TALMADGE. I agree wholeheartedly with the Senator. There are many arguments and reasons for jury trials.

I would say that the first one is that when a judge has authority to issue the injunction and write the order he might be described as the prosecutor, legislator, juror, and executor all at the same time, because that is what he becomes in equity matters.

There is another argument for trial by jury. One may make a mistake. The Senator from Louisiana may make a mistake, or I may make a mistake. Any individual may make a mistake. There is less likelihood that all 12 jurors will make a mistake than there is that 1 man will. That is the best argument for trial by jury.

Mr. LONG. I thank the Senator from Georgia.

Mr. TALMADGE. I thank the distinguished Senator from Louisiana.

To return to the statement of Senator Jim Reed, of Missouri, one of the greatest men who ever served in the Senate, he concludes the statement by saying:

At the same time judges inclined to tyrannical practices or who are influenced by prejudice or passion will find a wholesome check has been placed upon unjust and arbitrary punishment.

Senator Borah further made an observation which applies directly to the question now before this body. He declared that the denial of a jury trial to persons charged with indirect contempts in injunction proceedings brought in the name of the United States offends every sense of justice and every principle of free institutions and equal rights.

His words almost prophetically apply to H. R. 6127.

On June 24, 1957, the Supreme Court of the United States decided the case of Kingsley Books, Inc., et al. against Peter Campbell Brown, corporation counsel of the city of New York. It, in the lower court, was a proceeding under section 22–A of the New York Code of Criminal Procedure, as amended. That section supplemented the existing convention criminal provision dealing with pornography by authorizing the chief executive, or legal officer, of a municipality to invoke a limited injunctive remedy under closely defined procedural safeguards, against the sale of written and printed matter found after due trial to be obscene.

The injunctive procedure provided for in that act was attacked in the appeal.

Justice Frankfurter, writing the opinion in which four other Associate Justices joined, affirmed the judgment of the lower court. Among the legal authorities cited by Justice Frankfurter—and I am not joking—read the opinion, and see—is Warburg, Onward and Upward With the Arts—The New Yorker, April 20, 1957, page 101.

But in approving this use of the injunctive remedy to prevent the spread of obscene matter, Justice Frankfurter distinctly pointed out that in each case, a jury might be summoned as a matter of discretion. He distinctly pointed out, too, that the appellants in the case before the Court did not request a jury trial, did not attack the statute in the courts below for failure to require a jury, and did not bring that issue to the Supreme Court.

Chief Justice Warren dissented saying that in the New York law "there is totally lacking any standard in the statute for judging the book in context."

Where are the standards for determining "any right or privilege of a citizen?" What are "the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution," which the commission is to "appraise" in section 104 (3) of the act?

Justice Douglas, with whom Justice Black concurred, dissented, because they thought the provision for an injunction pendente lite gave the State "the paralyzing power of a censor"—Said they: "A decree can issue ex parte—without a hearing and without any ruling or finding on the issue of obscenity"——

Surely, the Senate of the United States will give as much consideration to the constitutional rights of its citizens, although they may be people of the South, as the Supreme Court gave to obscene books and their publishers and distributors.

Then these two Justices at the very conclusion of their opinion used this language:

The regime approved by the court goes far toward making the censor supreme—it also substitutes punishment by contempt for punishment by jury trial. In both respects it transgresses constitutional guarantees.

Personally, I agree that the books involved in that case ought to have been burned, and their distributors punished, but I agree that the distributors should not be punished without a jury trial if they wanted one. They waived it, but even with that waiver, Justice Brennan in his separate dissent said:

I believe the absence in this New York obscenity statute of a right to jury trials is a fatal defect. Provision for jury trials in equity cases is made by Section 430 of the New York Civil Practice Act, but only for discretionary jury trials, and advisory verdicts to be followed or rejected by the trial judge as he deems fit and proper.

But mark well that the majority of the court in this "dirty book" case upheld the New York law only because it granted appropriate opportunity for the trial of the underlying issue after due notice of the proceeding and a "court order specifically directed to him for a prompt and carefully circumscribed determination of the issue."

It would appear to me, Mr. President, that Congress should give as much consideration to the citizens of the United States as the Supreme Court gives to obscene, filthy books and their purveyors.

If enacted, this bill will change private action to government action.

It will interfere with the right of Americans to pursue their equitable remedies.

It will deny Americans the right of indictment.

It will deny Americans the right to confront and cross-examine their accusers.

It will deny Americans the right of trial by jury—a right now guaranteed by law to even rapists, murderers, and traitors.

It will have the net effect of completely changing our form of government from one under which rights are inalienable with the individual to one under which rights are arbitrarily determined by the Attorney General of the United States.

This measure does not confer upon a single American a single additional right. The only person to whom it grants any new rights is the Attorney General of the United States, on whom it confers the arbitrary and unrestricted power to use the Federal judiciary as an instrument of his political caprices to deny civil rights.

It will make of the Attorney General a czar of civil rights superior even to the Constitution of the United States.

The provision in part III of this bill permitting the Attorney General to initiate his injunctive proceedings in Federal courts without first exhausting all administrative and judicial appeals provided by State law strikes at the very vitals of constitutional government.

It is proposed that these actions may be initiated "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

Enactment of that proposal, Mr. President, would truly be the death knell for State and local self-government in this country. Its inclusion in this bill apparently indicates that the executive branch of our Government no longer considers the 10th amendment an integral part of the Constitution of the United States.

The requested authorization of the Attorney General to seek injunctions to restrain persons who "are about to engage in any acts or practices which would give rise to a cause of action" is ridiculous on its face; that is, unless it also is to be accompanied with an authorization to hire mindreaders and dream analysts to advise the Attorney General when and where such acts are being contemplated or dreamed about.

Such a provision directly contravenes basic legal doctrine and the repeated rulings of our Federal courts that injunctive relief cannot be afforded in speculative instances nor in criminal matters.

An adjunct of that authorization would be to allow the Attorney General to file injunctive proceedings and civil suits in the name of the United States for private individuals whom he considers to have been deprived of their civil rights, whether those individuals desire to go into court or not.

Not only does such a proposal presuppose the existence of an Attorney General with the wisdom of Solomon, but also it anticipates making him a glorified nationwide public counsel and the de facto legal guardian of 170 million Americans.

Here also we have the fundamentally wrong proposition of the United States Attorney General seeking the power to enforce criminal laws through injunctive relief in a Federal court of chancery, meting out punishment for civil and criminal contempt.

We are being asked to bypass the sacred right of an individual to a warrant before being submitted to arrest or otherwise unlawful searches and seizures.

We are being asked to bypass the protective safeguard of grand jury inquiry and formal indictment before an accused can be brought before the bar of justice.

We are being asked to bypass the constitutional guaranty of trial by a jury of one's peers which is indelibly written into that instrument with no ifs, ands, or buts.

And moreover, an arrogant demand is being made upon us to so rig our laws that Federal prosecuting attorneys can convict any citizen of this Nation under circumstances in which the evidence is insufficient to warrant such a conviction by his peers.

It is a settled principle of equity jurisdiction that a court of chancery will not interfere where criminal prosecutions have been unsuccessful because of the reluctance of local juries to convict particular defendants.

This, the courts have held, is no ground for affording injunctive relief against criminal acts by such defendants.

The remedy is criminal prosecution. The remedy is an indictment for breaches of the criminal law in the criminal courts. The remedy is the trial and adjudication of alleged abuses by a jury.

We are being asked by the enactment of H. R. 6127 to turn our Federal courts into an arm of the Justice Department to be used as an instrument of intimidation in cases in which the criminal law will not suffice.

We are being asked to make every election—local, State, and Federal—and every local governmental controversy of any significance subject to Federal jurisdiction, Federal interference, Federal scrutiny, and ultimate Federal control.

It is regrettable that the Senate is wasting its energies on this bill tonight. The same effort applied along constructive lines to develop the human and natural resources of this great country, to stimulate new job opportunities, to provide decent housing, and to provide more effective governmental services for the masses of our people—would result in the achievement of real civil rights and far greater human security for minorities and majorities alike. By this method, and by this method only, can we bring needed social and economic improvement. Certainly, it is foolish to suggest that we can do it by destroying or weakening the fundamental constitutional rights of every citizen of the United States.

The Star Chamber trials under Henry VIII and the other Tudor monarchs of England were accompanied by trials by commissions. Both Sir Walter Raleigh and Sir Thomas More were convicted and beheaded upon evidence which no court today would even admit.

To return to such trials by commission, with no rules of evidence, would set us back 400 years.

Mr. President, I state quite frankly that if this bill or any other measure that we could consider here would give or better secure to the American people any civil right they do not already possess, while not destroying any that exist, I would support it wholeheartedly and without reservation.

Mr. President, I submit that if the sponsors of this legislation really sought an effective means to protect and preserve civil rights they would rather be urging enactment of my bill, S. 1182, to guarantee a jury trial to all persons accused of contempt of court for alleged acts committed outside the presence of the court.

Even considering the lofty motives which its sponsors say move them to push H. R. 6127, it cannot be shown that it would do one single thing to better guarantee the fundamental rights of the American people. To the contrary, it is totally negative and it fails to offer any concrete program of tangible benefit designed to solve our problems.

One must look beyond the facade of idealism to see the ultimate potential of the powers contained in this bill.

To illustrate, I would suggest a comparison between the noble language which created the infamous Spanish Inquisition and the sordid history of its methods of actual operation. I would suggest the same comparison with respect to Hitler's Gestapo and Stalin's OGPU.

Mr. President, rights cannot be strengthened by secret-police methods regardless of the name by which they might be called or the motivation of their advocates.

The rights and civil liberties of the people of this Nation can be secured only through the judicial processes available to them under the Constitution.

There is no other way without destroying the rights of all the people.

Great as is my respect for the collective judgment and intellect of my colleagues of the Senate and my compatriots in the House of Representatives, Mr. President, I cannot concede that Congress can improve on the Bill of Rights of the Constitution of the United States.

I submit that every citizen—regardless of his religion, race, color, creed, previous condition of servitude or place of residence—is fully protected by that Constitution in the enjoyment of his civil rights and has available to him immediate remedies in the event those rights are circumscribed or violated in any degree.

It is my view, Mr. President, that the protection of the civil rights of our citizenry lies not in the enactment of new, confusing, contradictory, and unconstitutional laws, but rather in a strict adherence to the constitutional guarantees, processes, and prohibitions which already are the law of the land and which, without question, are adequate to meet every requirement of those who are concerned about protecting the rights of the American people.

Our Nation has grown great and stands today as the world's foremost bastion

of individual freedom because of our jealous regard for our civil rights and our diligence in providing for the free exercise of them by all Americans.

History teaches us that people lose their civil rights because of governmental action. It was because of that fact of life that our Founding Fathers deemed it wise to enumerate in the Bill of Rights of our Constitution the inalienable rights of free men and to insure their perpetuity by prohibiting governmental interference with the enjoyment of them.

Every civil right which we as citizens of the United States cherish is set forth and guaranteed in that Bill of Rights.

These guaranties are stated clearly and unequivocably in language which can readily be understood by any person with a fourth-grade education.

They are express prohibitions with no exceptions, no qualifications, and no loopholes. They are all-inclusive in their guaranties.

The Bill of Rights is emphatic in assuring that there shall be no legislative infringement of the liberties it enumerates. It declares that Congress shall make no law circumscribing any of them.

Section 2 of article III of the Constitution is specific in establishing the manner of recourse for any person denied any of these civil rights. It vests in the Federal judiciary the power to hear and determine all cases in law and equity arising under this Constitution.

Therefore, Mr. President, I submit that this proposed legislation not only is unnecessary but also would be in direct conflict with the Constitution of the United States and the Bill of Rights.

In a nation so large as ours, it is possible to find examples of injustice anywhere—from among the Indians of the Southwest to the Eskimos of Alaska. Civil rights are violated in the Middle West and the East just as often as they are in the South and on the west coast.

But the mere fact that injustices do occur and civil rights sometimes are violated cannot by any stretch of the imagination be said to be justification for the destruction of constitutional government and the abrogation of constitutional guaranties.

State and Federal courts are now available and no one has submitted the first bit of evidence to show they are not doing their job in this regard.

Mr. President, on the tombstone of a great President and a great Senator—Andrew Johnson of Tennessee—are carved these words:

His faith in the people never wavered.

That sentiment is a great source of comfort to me in this hour because, if we pass this bill, I put my faith in the good sense of the American people to save us from ourselves.

At this moment I think it appropriate to recall the words of President Johnson—that giant among defenders of our Constitution and the rights of the American people—when he stood as a shield to protect every American, turning back repeated assaults of impassioned fanatics who would have destroyed the fundamental rights of every American and laid waste the very institution which gave them sanctuary.

Said President Johnson in one of this land's darkest hours:

Let us enforce the Constitution * * * I tell the opponents of this Government, and I care not from what quarter they come—East or West, North or South—you that are engaged in the work of breaking up this Government are mistaken. The Constitution and the principles of free government are deeply rooted in the American heart.

I intend to stand by the Constitution as the chief ark of safety, as the palladium of our civil and religious liberty. Yes, let us cling to it as the mariner clings to the last plank when the night and tempest close around him.

Speaking for myself, Mr. President, I am certain that the masses of the American people, if they were aware of the contents of H. R. 6127 and its dangers to their liberties, would demand that it be struck down forthwith.

At a time when our form of government and very existence as a nation is under attack both from within and without, there is no place for modern-day witch hunts or reincarnated Star Chamber trials. This Nation cannot afford the inflamed passions and the damage to its foundations which such would arouse.

I, for one, Mr. President, will not be a party to establishing an American inquisition to smear the name of our generation on the pages of history.

I, for one, Mr. President, will not be a party to ushering in another age of hate to blight an otherwise peaceful nation and destroy the unity which exists among our citizens.

I, for one, Mr. President, will not be a party to forcing upon an unsuspecting populace legislation which has its inspiration in the Dark Ages.

I, for one, Mr. President, will not be a party to the tragedy of our times.

Rather, Mr. President, I, for one, wish history to record that I stood in defense of the rights and liberties of the American people and the sacred Constitution of the American Republic.

During the delivery of Mr. TALMADGE'S remarks,

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

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from Louisiana, with the understanding it will not break the continuity of my remarks, and the colloquy will appear at the conclusion of my speech.

Mr. LONG. The Senator makes the point that not a single additional right is conveyed to any American citizen under the bill.

Mr. TALMADGE. To only one person. A right is created for the Attorney General of the United States of America to institute, in the name of the United States, lawsuits against any individual in the land.

Mr. LONG. The Senator is correct. There is only one man who receives any additional right.

Mr. TALMADGE. The Attorney General.

Mr. LONG. The Attorney General of the United States. He receives the right to file lawsuits against practically anybody in the entire United States.

Mr. TALMADGE. On any matter he sees fit, as to practically the whole phase of civil rights and the relationship of one individual to the other, at the expense of the taxpayers of this country.

Mr. LONG. So, far from conveying additional rights, the bill would convey no additional rights to anyone except the Attorney General of the United States, just one man.

Mr. TALMADGE. The Senator is correct.

Mr. LONG. Furthermore, the bill would strip vast numbers of Americans, by the tens of millions, of sacred rights they have held dear throughout their lives, and rights for which their forefathers made untold sacrifices.

Mr. TALMADGE. The Senator is entirely correct. I thank him for his observation.

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

Mr. TALMADGE. I am delighted to yield to my distinguished colleague.

Mr. RUSSELL. Mr. President, I cannot speak too highly in commendation and congratulation of my colleague for the powerful address he has just delivered. He has dissected the bill in detail and has pointed out the evil virus that is found in every provision of the bill. He has made an outstanding contribution not only to this discussion, but to those who are interested in preserving the institutions of our Government as we found them when we came to the Senate.

I was particularly impressed with his statement to the effect that if the masses of the American people understood the full import and the far-reaching implications of the measure, they would demand that it be cast into oblivion. I unhesitatingly say that if my colleague, in making this presentation, could have been permitted a jury of 12 fairminded, outstanding citizens in any State of the land, they would have found the bill to be a tyrrannous and a destructive measure, rather than a bill which would secure or protect the civil rights of any person.

My distinguished colleague has shown conclusively that the bill is destructive of the constitutional rights—indeed, of the inherent and inalienable rights—of all the American people. I again commend my colleague.

Mr. TALMADGE. I am deeply grateful to my distinguished senior colleague from Georgia for his generous and complimentary remarks.

Let me say that my colleague has taken the leadership in this fight. He has been ever conscious of and vigilant to expose the great evils which a bill such as this would bring upon the people of all sections of our great country.

I think that under his leadership the people of America are now becoming aware of the great evils of the bill and that it will actually deprive our citizens of rights, rather than protect their rights.

Mr. RUSSELL. I thank my colleague.

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

Mr. TALMADGE. I yield to the distinguished junior Senator from South Carolina.

Mr. THURMOND. Mr. President, I extend my congratulations to the dis-

tinguished junior Senator from Georgia for the great address he has just delivered. I think it is one of the finest addresses which have been made during this debate. It is a magnificent contribution to constitutional government, of which the junior Senator from Georgia has long been an advocate.

I know of his reputation. He was Governor of Georgia, and made one of the finest records of any governor in the United States while he served as the chief executive of his great State. It is a pleasure to serve in the hall of the Senate with him.

I am proud that he has made a presentation today which will go down in the annals of the history of this Nation as a great speech delivered on an important subject which concerns the future of this Nation.

Mr. TALMADGE. I am deeply grateful for the comments made by my distinguished friend and neighbor, the Senator from South Carolina.

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

Mr. TALMADGE. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I was very pleasantly impressed with the very forceful speech made by the junior Senator from Georgia. I feel that it represents his own mind and heart. The words are his; the thoughts are his. His speech was very penetrating and very timely.

I wish to commend him, if I may briefly, upon his first paragraph. He said:

> I am pleased that I can say with full sincerity and in good conscience that I speak for the rank and file of Georgians of every color, race, faith, and national origin.

I am certain the Senator believes, and I feel sure it is true, that if this problem could really be understood, and if the subject matter of the bill could really be understood, as we who live in the region where it is perhaps most acute, understand it, there would be no doubt of the bill's fate. I think the Senator from Georgia opened his speech on a very sound and very true note.

I commend him, too, for what he said about the soundness of jury trials as a part of our system of self-government, and the soundness of the verdict of a jury and the probability of its being correct, because it represents the minds of 12 different persons who have to concur in the verdict, thus more nearly precluding all likelihood of human error than the verdict of one person.

This was a very fine speech and an excellent analysis of the entire bill. Some parts of the bill have not been heretofore analyzed, and I think the Senator's entire contribution will be very helpful and constructive.

Mr. TALMADGE. I thank my good friend, the Senator from Mississippi.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 12, 1957, he presented to the President of the United States the enrolled 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.

RECESS TO 9:30 A. M. TOMORROW

Mr. THURMOND. Mr. President, in accordance with the order previously entered, I move that the Senate now stand in recess until 9:30 tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 55 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Saturday, July 13, 1957, at 9:30 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 12 (legislative day of July 8), 1957:

IN THE ARMY

The following-named officers to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Stanley Raymond Mickelsen, O7042, Army of the United States (major general, United States Army).

Lt. Gen. David Ayres Depue Ogden, O12051, Army of the United States (major general, United States Army).

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447.

To be major general

Brig. Gen. Frank McAdams Albrecht, O15131, United States Army.

Brig. Gen. Ralph Joseph Butchers, O17242, United States Army.

Brig. Gen. Sidney Clay Wooten, O18126, Army of the United States (colonel, United States Army).

To be brigadier general

Col. Carl Willard Tempel, O18284, Medical Corps, United States Army.

Col. John Barclay Sullivan, O18363, United States Army.

Col. George Wilson Power, O18691, United States Army.

Col. James Abner Richardson 3d, O29906, United States Army.

Col. Charles Golding Dunn, O18996, United States Army.

Col. Edward Spalding Ehlen, O19286, United States Army.

Col. Edward Francis Penaat, O29598, United States Army.

Col. James Dyce Alger, O19848, Army of the United States (lieutenant colonel, United States Army).

Col. Autrey Joseph Maroun, O19865, Army of the United States (lieutenant colonel, United States Army).

Col. Clifton Ferdinand von Kann, O21371, Army of the United States (lieutenant colonel, United States Army).

Col. Frederick Grant Waite, O30358, United States Army.

The officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of the Reserve Officer Personnel Act of 1954, Public Law 773, 83d Congress:

To be major general

Brig. Gen. Ansel Blakely Godfrey, O163566, National Guard of the United States.

Brig. Gen. Charles William O'Bryant, O328896, United States Army Reserve.

Brig. Gen. James Earl Rudder, O294916, United States Army Reserve.

To be brigadier general

Col. Harry Moore Arthur, O148758, Artillery, National Guard of the United States.

Col. Max Krause Bitts, O342244, Corps of Engineers, United States Army Reserve.

Maj. William Edwards Blake, O295362, Armor, National Guard of the United States.

Col. Edwin Rufus Bodey, O271852, Artillery, National Guard of the United States.

Col. Joseph Marvin Bosworth, Jr., O330885, Medical Corps, United States Army Reserve.

Col. Thomas Patrick Fox, O230823, Dental Corps, United States Army Reserve.

Lt. Col. Jacob Hawley Herzog, O293320, Infantry, National Guard of the United States.

Col. William John Lange, O1175482, Artillery, National Guard of the United States.

Col. Sam Lyman Marshall, O102920, staff specialist, United States Army Reserve.

Col. Frank McCarthy, O304373, staff specialist, United States Army Reserve.

Col. John Worley McConnell, O1048490, Artillery, National Guard of the United States.

Col. Clarence Harris Pease, O355161, Infantry, National Guard of the United States.

Col. Frank Richards, O329568, Infantry, National Guard of the United States.

Col. Frank Price Williams, O309461, Infantry, National Guard of the United States.

The officer named herein for appointment as Reserve commissioned officer of the Army under the provisions of title 10, United States Code, section 593 (a):

To be major general

Maj. Gen. Francis William Billado, O311562, National Guard of the United States.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 12, 1957

The House met at 12 o'clock noon.

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

Almighty God, as we daily assemble in this Chamber to engage in the sacred business of politics and statecraft, we beseech Thee to bestow upon us the fatherly benediction of Thy grace and favor.

We rejoice that Thou art always willing and able to make available and mediate unto us, through faith and prayer, the wisdom and strength which we need to discharge our duties and responsibilities faithfully and well.

Grant that our hopes and longings for our own beloved country may be something more than a selfish ambition to achieve material greatness but may it be the goal of all our aims and aspirations to make America a God-fearing and spiritually minded Nation.

Give us a sincere and heartfelt sympathy and concern for the welfare and blessedness of all mankind and in every humanitarian and altruistic adventure may we labor together as partners with all peace-loving nations.

Hear us in the name of the Prince of Peace. Amen.

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

MESSAGE FROM THE PRESIDENT— APPROVAL OF BILLS AND JOINT RESOLUTIONS

A message from the President of the United States was communicated to the

House by Mr. Ratchford, one of his secretaries, informing the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 21, 1957:

H. R. 7221. An act making supplemental appropriations for the fiscal year ending June 30, 1957, and for other purposes.

On June 27, 1957:

H. R. 1451. An act for the relief of Cecelia Vaccaro;

H. R. 1454. An act for the relief of Jeffrey Charles Medworth;

H. R. 1765. An act for the relief of Ellen G. Marinas;

H. R. 1837. An act for the relief of Elda Mondillo;

H. R. 6500. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1958, and for other purposes;

H. R. 6548. An act to amend the Universal Military Training and Service Act, as amended, as regards persons in the medical, dental, and allied specialist categories;

H. R. 7143. An act to amend the act of August 3, 1950, as amended, to continue, in effect, the provisions relating to the authorized personnel strengths of the Armed Forces;

H. R. 7505. An act to permit a retired officer of the Navy to be employed in a command status at Port Lyautey, Morocco;

H. J. Res. 185. Joint resolution to implement the convention between the United States of America and Norway, which entered into force on November 9, 1948, for disposition of the claim against the Government of the United States of America asserted by the Government of Norway on behalf of Christoffer Hannevig;

H. J. Res. 272. Joint resolution for the relief of certain aliens;

H. J. Res. 274. Joint resolution to waive the provision of section 212 (a) (9) of the Immigration and Nationality Act in behalf of certain aliens;

H. J. Res. 289. Joint resolution to facilitate the admission into the United States of certain alien children; and

H. J. Res. 308. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

On June 28, 1957:

H. J. Res. 379. Joint resolution making supplemental appropriations for the Post Office Department for the fiscal year 1958, and for other purposes.

On June 29, 1957:

H. R. 3373. An act to amend the act of December 2, 1942, and the act of August 16, 1941, relating to injury, disability, and death resulting from war-risk hazards and from employment, suffered by employees of contractors of the United States, and for other purposes;

H. R. 4748. An act to amend the act of August 11, 1955, to extend the time during which annual assessment work on unpatented mining claims subject to that act may be made;

H. R. 6070. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1958, and for other purposes;

H. R. 6287. An act making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1958, and for other purposes;

H. R. 6523. An act to amend the Federal Employees' Compensation Act to provide compensation for employees of the United States suffering injuries from war-risk hazards or during detention by a hostile force or person;

H. R. 7050. An act to amend the law with respect to the recoupment of funds expended in cooperation with the school board of Klamath County, Oreg., because of the attendance of Indian children, and for other purposes;

H. R. 7835. An act to increase the authorization for appropriations for the Hospital Center and facilities in the District of Columbia, and for other purposes; and

H. R. 7954. An act relating to the exemption of furlough travel by service personnel from the tax on the transportation of persons.

On July 1, 1957:

H. R. 5189. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1958, and for other purposes;

H. R. 7599. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1958, and for other purposes; and

H. J. Res. 391. Joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes.

On July 10, 1957:

H. R. 1752. An act for the relief of Frank J. and Mae T. W. Burger;

H. R. 2964. An act to confer jurisdiction on the United States District Court for the Eastern District of Texas, Jefferson Division, to hear, determine, and render judgment on certain claims of George W. Edwards, Jr., against the United States;

H. R. 3400. An act to provide full and fair disclosure of the character of charitable, benevolent, patriotic, or other solicitations in the District of Columbia; and for other purposes;

H. R. 3477. An act relating to moneys received from mineral lands in Alaska;

H. R. 3836. An act to repeal section 1157 of title 18 of the United States Code, as amended;

H. R. 3837. An act to amend the act of August 24, 1912, as amended, with reference to educational leave to employees of the Bureau of Indian Affairs;

H. R. 4945. An act to provide for the conveyance of certain real property in West Palm Beach, Fla., to the Port of Palm Beach District;

H. R. 6692. An act to authorize the transfer of the Coyote Valley Indian Rancheria to the Secretary of the Army, and for other purposes;

H. R. 7249. An act to improve and extend, through reciprocal legislation, the enforcement of duties of support in the District of Columbia;

H. R. 7259. An act relating to marketing quotas and price supports for fire-cured dark air-cured, and Virginia sun-cured tobacco;

H. R. 8383. An act to authorize the Honorable JOHN W. MCCORMACK and the Honorable JOHN J. ROONEY, Members of the House of Representatives, to accept and wear the award of the Ecclesiastical Order of Saint Gregory the Great, with the rank of Knight Commander with the Star;

H. R. 8384. An act to authorize the Honorable JOHN W. MCCORMACK and the Honorable JOSEPH W. MARTIN, JR., Members of the House of Representatives, to accept and wear the award of the Philippine Legion of Honor in the degree of commander, tendered by the Republic of the Philippines;

H. J. Res. 172. Joint resolution relating to the stockpile of extra long staple cotton under the Strategic and Critical Materials Stockpiling Act; and

H. J. Res. 273, Joint resolution to waive the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act, in behalf of certain aliens.

On July 12, 1957:

H. R. 6659. An act to extend and amend laws relating to the provision and improvement of housing, to improve the availability of mortgage credit, and for other purposes.

THE NATURAL GAS ACT

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. FRIEDEL. Mr. Speaker, once again I am compelled to arise and voice my opposition to H. R. 8525, a clean bill for H. R. 6790, which amends the Natural Gas Act, and which was ordered reported from the House Interstate and Foreign Commerce Committee on July 9. I strongly urge that it be defeated.

Mr. Speaker, as a member of the committee, I listened patiently to the arguments for and against the new proposals submitted as a substitute for the legislation vetoed more than a year ago.

Bills to exempt producers of natural gas from regulation by the Federal Power Commission have been before the committee for many years.

Proponents of H. R. 8525 claim it contains ample provisions to protect the consumers. It is true that the bill is different in approach from the legislation vetoed by the President last year. But it does not provide the protection captive consumers of natural gas must have and which they have a right to expect from the Federal Government.

The bill would relieve gas producers of utility-type regulation, and prohibit the FPC from considering costs in determining the reasonable market price of gas in the field.

Enactment of H. R. 8525 would immediately expose more than 20 million consumers of natural gas to the threat of price increases. The committee heard testimony that even a minor increase in prices paid to the producer might spiral upward to increase the cost to the ultimate consumer by as much as $950 million yearly. In my Congressional district, and in the great city of Baltimore, up to 1 million consumers of natural gas could be adversely affected should this bill be enacted into law.

Not only is the prohibition against considering costs highly objectionable but there are inadequate safeguards to protect the consumer when the reasonable market price is determined. I am afraid that the term reasonable market price would come to mean what the market will bear.

While there are many other weaknesses and defects in this bill, it is enough to say that I am convinced the legistion does not include specific language protecting consumers in their right to fair prices.

For this reason I voted against the bill in committee and will vote against it on the floor, just as I voted against similar legislation in the last session of Congress.

FOOD INSPECTION AT THE CAPITOL

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

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

There was no objection.

Mr. HOFFMAN. Mr. Speaker, earlier in the week we passed a bill which will cost, they tell us, something like $10 million a year for the inspection of poultry.

I just came from the New House Office Building cafeteria. For many years I have been trying to get a place where we would have a kitchen and cafeteria and perhaps a dining room all on a basis which would pay for itself and perhaps make the Government a little money, where we could be served clean wholesome food. The effort never got anywhere.

While we have been so concerned about the inspection of poultry for people generally, some of our food served in that cafeteria comes across from an underground kitchen, through the underground corridor, from the Capitol to the New House Office Building, with no cover over it; all the dust and dirt that floats around in the air can lodge on that food.

In my district the Hamilton Co-op dresses and sells thousands of chickens. The business runs about $2½ million a year. They take better care of the preparation of that poultry than we do of our own food. How come? Dr. Calver says we should take care of ourselves. How about a little more protection for what we are forced to eat?

GOVERNMENT EXPENDITURES

Mr. PRESTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. PRESTON. Mr. Speaker, I learned a few minutes ago of a directive of the Bureau of the Budget which has been sent to each fiscal officer in the Government. The directive was sent out about 2 weeks ago, and it just leaked out yesterday. It directs that the fiscal officers during 1958 shall keep expenditures at a level no higher than that which has been spent in 1957. It is becoming increasingly difficult to keep up with the gymnastics of this administration. First, Secretary Humphrey, the President, and Secretary Weeks say that we cannot cut this budget. It is sacred. You have got to give us $71 billion for 1958. They insisted on it. A great controversy arose about it. When the Congress set about to reduce the budget, there was much talk about it. Now the President says you must reduce spending in fiscal 1958 back to $68,500,000,000. In other words, reduce it $3 billion below what they were telling the people of the country 2 months ago was essential. What kind of fiscal gymnastics is this administration giving the people?

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. PRESTON. I yield to the gentleman from Massachusetts.

Mr. MARTIN. I would like to ask the gentleman: Is he complaining about what the President is doing?

Mr. PRESTON. I am trying to find out.

Mr. MARTIN. Which side is the gentleman on?

Mr. PRESTON. We are on the side of economy.

Mr. MARTIN. Then why does not the gentleman applaud the President for his recent statement in trying to bring about savings?

Mr. PRESTON. I want to know if there is any sanity in the fiscal policy of this administration.

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

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

Mr. PRICE. The question arises as to whether we can have much confidence in the recommendations of the executive department.

Mr. PRESTON. That is correct.

COMMITTEE MEETING DURING GENERAL DEBATE

Mr. McCORMACK. Mr. Speaker, on behalf of the gentlewoman from Idaho [Mrs. PFOST], chairman of the Public Lands Subcommittee of the Committee on Interior and Insular Affairs, I ask unanimous consent that the subcomittee may sit during general debate in the House today.

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

There was no objection.

CALL OF THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 141]

Anderson, Mont.	Engle	Mumma
Bailey	Farbstein	Patterson
Beamer	Fino	Pelly
Blitch	Fogarty	Powell
Bolling	Green, Pa.	Robeson, Va.
Bowler	Gregory	Scherer
Buckley	Griffin	Sieminski
Celler	Hays, Ark.	Taylor
Chudoff	Healey	Teller
Clark	Holtzman	Thompson, Tex.
Coffin	James	Thornberry
Dawson, Ill.	Kearney	Vinson
Diggs	Kearns	Wharton
Dollinger	Krueger	Wigglesworth
Dooley	Mailliard	Zablocki
Edmondson	May	Zelenko
	Multer	

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

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

LIMITING PAYMENTS TO CERTAIN BENEFICIARIES OF CERTAIN VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 72) to amend section 21 of the World War Veterans' Act, 1924, to provide for the disposition of certain benefits which are unpaid at the death of the intended beneficiary.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H. R. 72, with Mr. HARRIS in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Permit the Chair to state that when the Committee rose on yesterday, the gentleman from Texas [Mr. TEAGUE] had 23 minutes remaining, and the gentlewoman from Massachusetts [Mrs. ROGERS] had 45 minutes remaining.

The Chair recognizes the gentleman from Texas [Mr. TEAGUE].

Mr. TEAGUE of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. CANNON].

RESCISSION OF THE BUDGET

Mr. CANNON. Mr. Chairman, the press this morning reports that the President issued instructions some time in June that during the fiscal year 1958 the departments shall use no more money than they used in the fiscal year 1957.

In keeping with this instruction Budget Director Brundage immediately issued a classified letter to the department secretaries to the effect that they must take positive action in keeping their expenses at or below the level for the fiscal year 1957.

It is the most extraordinary action that could be taken—and especially in view of the fact that the Congress has been working since the opening of the session on the 1958 figures which are now abandoned without notice to the committee or the House.

It is to be hoped that the leak is authentic and the budget really is to be further reduced below the cuts made by the Committee on Appropriations. We have been insisting all along that the Government is spending entirely too much money thereby raising the cost of living and reducing the purchasing power of the dollar, creating runaway inflation, and postponing reduction of taxes. Certainly the 1957 budget, the highest peacetime budget on record up to that time, is not too low.

When the 1958 budget was messaged to the House in January the country was surprised and dismayed to find it was the largest peacetime budget in the history of the Nation. The Committee on Appropriations promptly called Secretary of the Treasury Humphrey and Director Brundage to the Capitol and urged them to point out where the budget could be cut. Both insisted there was not an item in the entire budget that could be reduced—not a dollar that could be saved. These hearings were printed and were available to all who asked for them.

The House then went to the unusual length of passing a resolution asking the President, on reconsideration, to indicate economies that could be effected in this high budget.

In response the President said:

A substantial reduction in Federal expenditures next fiscal year in keeping with

House Resolution 190, whether in any one or a combination of these major segments of the budget, would weaken the Nation's defenses, or cut back or eliminate programs now required by law or proposed in the public interest, or both. That forces the conclusion that a multi-billion-dollar reduction in 1958 expenditures can be accomplished only at the expense of the national safety and interest.

But he now orders a multi-billion-dollar reduction without any reference whatever to the preservation of national safety and interest.

In closing his reply to the House he said:

Any additional reductions found possible in new spending authority will be promptly reported in the usual way to the Senate and House of Representatives.

But he has ordered these additional reductions aggregating a total of two or three billion dollars without reporting to either the Senate or the House of Representatives.

On the contrary, he has sent the representatives of the departments to our hearings with instructions to ask for the 1958 figures when he has secretly notified them that they are not to use more than the 1957 figures.

For example, the representatives of the Atomic Energy Commission came before us this morning and asked for the 1958 figures when on cross examination they acknowledged they had been notified that they were not to use more than the 1957 figures which were some $600 million less. In other words they were asking for half a billion dollars more than the amount they can expect to use under the President's order.

If the committee had accepted the budget figures, which they insisted on, and the President, as soon as it was appropriated, had announced to the country that he was saving half a billion dollars on that item, Congress would have been put in the absurd situation of prodigal spending.

And that is true of the entire budget. The 1958 estimates aggregate $71,800,000,000 in comparison with the $68,900,000,000 estimated for 1957. If the President thought he could run the Government on $68,900,000,000 why didn't he send down a budget estimate for that amount? Why did he ask for $71,800,000,000 and then issue orders to the departments not to spend more than $68,900,000,000?

In the meantime the Committee on Appropriations has devoted over 6 months of hard work to a budget the President did not intend to follow. All subcommittees have held long and exhaustive hearings on the 1958 figures when he really intended to use the old 1957 figures. We have cut his 1958 budget over $4 billion in the face of determined opposition of the departmental representatives who throughout the year have insisted they could not operate effectively with a dollar less than the 1958 figures. Think what we could have saved if we had known that all the time the administration had the 1957 budget up its sleeve.

And when the House formally asked the President if the budget could be reduced or how much, why did not he say it could be reduced to the 1957 figures?

Now the real question here is why is this difference between the 1958 budget and the 1957 budget being impounded after every effort has been made by the departments to get the full amount of the 1958 budget? And why wasn't the House notified when the Cabinet was notified—especially in view of the President's promise to let us know where further reductions were possible?

But regardless of the reasons motivating this remarkable procedure, the fact remains that the Congressional committees are left without dependable budget estimates on which to work. We cannot use the 1958 estimates because the departments have been instructed to disregard them and keep at or below the 1957 estimates. We cannot use the 1957 estimates because they have not been officially submitted to the Congress.

In the absence of any definite and dependable figures the committee and its subcommittees have recessed all hearings until a firm budget for what little remains of the program is submitted.

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

Mr. CANNON. I yield to the gentleman from Virginia.

Mr. GARY. Does this apply to the Post Office Department?

Mr. CANNON. It applies to every branch of the Government service.

Mr. GARY. Does it mean that the Post Office is going to cut out all the services that they have told the Congress they would have to cut out if we did not give them more money for 1958?

Mr. CANNON. That is the instruction.

There are two minor escape clauses which may apply to some portion of the various Federal activities but speaking generally the purport of the letter is to impound all 1958 appropriations in the amounts in excess of the fiscal year 1957, aggregating on a rough estimate something like $3.9 billion.

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

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, frankly, I cannot understand the feelings of the chairman of the Committee on Appropriations about this letter. It is a letter designed to keep the departments of the Government under control in their expenditures, and to keep them within the appropriations that have been made or will be made by the Congress. Those things can be done only by the closest and most careful scrutiny and by paying attention to what needs to be done and leaving out the things that do not need to be done and are not absolutely necessary.

This is the situation that I think we should have in mind: The appropriation figure that the House provided for Defense Department regular activities was $33,562,000,000; the defense expenditures for this year—and I have in front of me the Treasury statement for the last day — were $37,982,000,000, indicating that the expenditures for next year, if they cannot absorb a great lot of unexpended and unobligated balances, must be downed by $4,420,000,000, or almost $4½ billion.

There is nothing in the letter that does anything except tell the agencies of the Government they must keep within their appropriation. They do not say so in the letter, but they mean that they cannot violate the antideficiency law and must keep within bounds.

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

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

Mr. CANNON. He does not say they shall keep within the appropriation; he says they shall not spend more than was spent in 1957.

Mr. TABER. That is true.

Mr. CANNON. And he has recommended this increase and we have been holding hearings and have been appropriating on that basis. Now he tells us at the last minute that some other base should be used.

Mr. TABER. The 1957 figure is the figure he set up, but he is also confronted with the amount of money that is appropriated.

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

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

Mr. ARENDS. If I may say to the gentleman from New York, or if I might ask the question: What is so wrong about that? What is so wrong about asking a department to stay within their means?

Mr. TABER. It is simply an effort to provide some measure of economy in the operation of the Government, keeping things under control.

Mr. ARENDS. That is exactly what I mean.

Mr. TABER. And it is just exactly what the gentleman from Missouri ought to applaud.

Mr. ARENDS. If I can interpret it, Mr. Chairman, it means that he is telling them they cannot spend any more next year than they did last year.

Mr. TABER. That is what he has said.

Mr. Chairman, I want to read one thing from page 23 of the hearings:

Mr. CANNON. In other words, you are telling us this budget ought to be reduced?

Secretary HUMPHREY. No; I am not. I am saying that I hope that you will be able to find ways to improve on what we did; and if gradually each of us can improve on things from day to day we will be better off. You are in a pretty bad way when you say that you cannot make further improvements.

That is what the Appropriations Committee tried to do. That is what the President is trying to do—keep things in hand and keep them from going overboard at this time.

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

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

Mr. HOFFMAN. As I get it, from what the gentleman from Missouri said, he is mad because the President admits that the gentleman from Missouri may have been right and the President was wrong. He is mad because the President

agrees with him. What is he sore about?

Mr. TABER. I do not know.

Mr. HOFFMAN. Nor do I.

Mr. TABER. Mr. Chairman, this is a constructive move on the part of the budget and all of us ought to be pleased with it.

Mr. TEAGUE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Chairman, I was amazed to read in this morning's paper that the President has directed the departments to hold 1958 expenditures at or below the 1957 level.

When the 1958 budget was submitted to Congress last January, the highest peacetime budget in history, we immediately called the Secretary of Treasury and the Director of the Bureau of the Budget before the Appropriations Committee. We asked them where the budget could be cut and they could not recommend a single item which they thought might be reduced.

Mr. Brundage was asked if he had thought that any part of the budget could be cut he would not have submitted it. And he replied, "That is correct."

He said it was a reasonable budget—a well-balanced budget.

Now that was last January.

At the very time this matter came up the difference between the figure for 1957 and 1958 on the estimates before us was $400 million. We are spending our time trying to figure how we can cut and how we can conserve the assets of the people of this country when the administration is making a request at one time for $400 million more and at the same time they have a letter circulating around in high places of the administration saying: We are going to cut back to the 1957 figure making a farce of the $400 million increase in the AEC appropriations requested for 1958.

If that is not hypocrisy of the first rank, I do not know what to say. This letter that was sent at a time when the Congress is steeped in its study is a deception upon the Congress of the United States by the executive department.

Mr. Chairman, committees have conducted exhaustive hearings and have made substantial cuts in the budget. We decreased many activities but where essential we approved some increases in certain items over the 1957 level. Many of these bills have been passed and signed by the President. And now, in July, Mr. Brundage who could not tell us where to pick up one dollar in January, has told the Department Secretaries, according to this morning's paper, "that they must take positive action in keeping their expense" at or below the level for the fiscal year 1957.

The Congress has been kept in the dark on this action which renders months of work on appropriation bills meaningless. This instruction of Mr. Brundage's has been in the hands of the departments for 2 weeks. There has been no notice, to my knowledge, to the Congress about it in all this time, not even to the distinguished Speaker of the House. There was certainly no notice of it to the Appropriations Committees, which in that time have been proceeding to sit for hours listening to departmental witnesses support a much inflated budget which has no meaning and does not even represent the program the administration plans to put into effect.

The purpose of the administration is clear. A big inflated budget was put up to win the support of the big spenders. Now it is planned to curtail expenditures to satisfy those clamoring for economy. In the process the Congress is put in the position of looking stupid for having appropriated a whole lot of money. The executive departments, though requesting it, plan not to use it. I have seen cheap politics at the expense of taxpayers' own best interest before, but this is the king-sized variety.

The directive says those who cannot live within the fiscal year 1957 amounts are to justify exceptions to Mr. Brundage. Where does the Congress get off in this process? No longer is the power of the purse where the Constitution placed it. Now Mr. Brundage has it. Variations in spending are no longer a matter for justification to the Congress, but to Mr. Brundage, whose wisdom and knowledge transcends the will of the people through action of their representatives in Congress.

All Appropriations Committee hearings have been temporarily recessed since there is nothing now before the committee for consideration.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise to speak of the fact that the Treasury Department has had the use of the money that was turned over to incompetent veterans for many, many years. And, it is no small amount. So, the Government, every single year, is getting the advantage of that money and is using that money. Consequently they have been making money, so to speak, all this time.

I want to briefly give a list of what would happen upon the death of a legally incompetent beneficiary.

Mr. HOFFMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Michigan.

Mr. HOFFMAN. What the gentlewoman means, if I understand it, is that they have been saving interest because they did not need to borrow money. They used the veterans' money from day to day.

Mrs. ROGERS of Massachusetts. That is correct. And they are using it to pay bills, so they are having the advantage of it, and the Members of the House do not realize it.

Mr. HOFFMAN. By using the veterans' money they save the interest and can give that much more to foreign aid.

Mrs. ROGERS of Massachusetts. Well, it might well be.

Mr. HOFFMAN. Then, what it boils down to, they are using the veterans' money for foreign aid.

Mrs. ROGERS of Massachusetts. That might be. But, they are using it for the expenses of Government departments, and I think we are losing sight of that fact. The Treasury Department has had a great deal of benefit from the money payable to incompetent veterans.

Let me give briefly the effects of H. R. 72.

Upon the death of a legally incompetent beneficiary of the Veterans' Administration, leaving no spouse, child, or dependent parent, all funds and property held by the Government or in the hands of a guardian or other fiduciary of such beneficiary which were derived from payments of the following benefits made by the Veterans' Administration before or after enactment of the bill would revert to the United States Treasury:

First. Compensation for service-connected disability or death.

Second. Pension for non-service-connected disability or death.

Third. Emergency officers' retirement pay: Payable to certain emergency officers of World War I who incurred physical disability in line of duty during such service.

There are a good many veterans of World War I here in the House in this category who incurred physical disability in line of duty.

Fourth. Servicemen's indemnity: The $10,000 automatic or "free" indemnity against death in the active service or within 120 days after separation for persons who served after June 26, 1950, and prior to January 1, 1957.

Fifth. Retirement pay: Refers only to retirement payments by the Veterans' Administration which were made to certain Reserve officers under Public, No. 18, 76th Congress, until the payment function was transferred to the Armed Forces on June 30, 1950, and to retirement payments by the Veterans' Administration to a very small number of Reserve officers under Public Law 262, 77th Congress.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. What the gentlewoman has brought out is that the lump insurance paid to Korean veterans who might be adjudged permanently incompetent or insane because of their experiences in the war would be recoverable by the Government.

Mrs. ROGERS of Massachusetts. That is absolutely correct, and the estate would lose all of that. It seems to me to be an outrage.

Mr. H. CARL ANDERSEN. In other words, considerable insurance, due to the late wars, is recoverable.

Mrs. ROGERS of Massachusetts. That is correct.

Mr. H. CARL ANDERSEN. But that having to do with World War I mainly is not recoverable. Is this not class legislation?

Mrs. ROGERS of Massachusetts. Yes It is a strange paradox, too.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, I think it would be worth while to take a quick look at the background of this bill. When the committee was making a study of this situation it was found that there were, throughout the United States, many instances in which very large accumulations of money were building up for the benefit of incompetent veterans. In

many instances also, after the death of the veteran, those funds were then going to relatives far removed who, during the lifetime of the incompetent veteran had shown little or no interest in his welfare. That, briefly, is the background upon which this bill is predicated.

The purpose of the bill, simply put, is to remove the possibility that these remote kinsmen will inherit these funds which have come gratuitously from the Government. It ought to be understood that this bill applies only to that portion of an incompetent veteran's estate which came to him gratuitously from the Government. His private funds, or funds that arise under insurance contracts, are by no means touched by this legislation. It has been, I think from the beginning, the policy of our Government to care for the veterans themselves and not to care for relatives several times removed.

As this bill is presently written, it provides, however, that even those funds which come gratuitously from the Government will go to a spouse of the deceased incompetent veteran, or will go to children, or will go to dependent parents.

The chairman of the committee, the gentleman from Texas [Mr. TEAGUE], assures me that there are amendments prepared and ready to be offered which would make the bill provide that these funds would go to parents—the word "dependent" will be stricken out—to spouses, or to children, or to brothers or sisters, in certain instances.

Mr. Chairman, if this bill passes we are protecting people within the specified degrees of kinship. The people who will be adversely affected by this bill are certainly not the veterans themselves but are, I repeat, remote kinsmen.

Mr. CUNNINGHAM of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. CUNNINGHAM of Iowa. I appreciate the gentleman's statement with reference to the amendment that is to be offered to include brothers and sisters. But what about grandchildren whose parents are dead? They would still be excluded from the estate of the incompetent veteran.

Mr. ADAIR. Under the provisions of the bill and the proposed amendments; that is correct.

Mr. CUNNINGHAM of Iowa. The gentleman does not think that they should be included?

Mr. ADAIR. I would answer the gentleman by saying, "No." I do not think that the Government has an obligation to support the grandchildren or to contribute to the support of grandchildren of a deceased incompetent veteran.

Mr. CUNNINGHAM of Iowa. I am talking about grandchildren whose parents are also deceased.

Mr. ADAIR. I say again that I think our obligation is first to the veteran. If we enact this legislation we will be saving a very considerable amount of money for the taxpayers. The exact amount cannot be specified, but over the years it will be many millions of dollars.

Mr. CUNNINGHAM of Iowa. I thank the gentleman for yielding. I do not like to take more of his time, but I should like to ask him one more question. If the amendment includes brothers and sisters and leaves out grandchildren, it seems to me that we are discriminating against a relative in the direct line of descent in favor of a collateral relative. The amendment certainly should include grandchildren where the parent is not living.

Mr. ADAIR. I appreciate the gentleman's view. The committee considered that, and we just felt we did not want to go that far in this legislation.

Mr. CUNNINGHAM of Iowa. The gentleman is doing such a good job in answering my question, will he answer one more? Yesterday the gentleman from Texas [Mr. TEAGUE], whom I greatly admire, answered a question of mine and said it did not touch the insurance. Later in answer to the gentleman from Tennessee [Mr. BASS] he said, as I understood him, that the proceeds of the insurance, except those kinds mentioned and specified, would go back into the Federal Treasury. Then he used the term "free insurance." Does the bill distinguish between the insurance of World War I veterans, where they paid for it and continue to pay for it, or is he referring only to the recent insurance where the serviceman never pays for it? The bill is not specific on that.

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

Mr. TEAGUE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana.

Mr. ADAIR. The answer to the gentleman's question is that this bill does not reach any funds based upon contracts, that is, any insurance contracts. Therefore, the World War I insurance to which the gentleman referred would not be included. The funds which come from the so-called free insurance of the Korean war would be reached by this bill.

Mr. CUNNINGHAM of Iowa. Does not the gentleman think that should be spelled out in the bill so there would be no question? I am afraid some bureaucrat would interpret it the other way.

Mr. TEAGUE of Texas. If the gentleman will yield, the gentleman from Iowa has served long on the Committee on Veterans' Affairs.

Mr. CUNNINGHAM of Iowa. I am much interested in this bill and appreciate all the committee is doing.

Mr. TEAGUE of Texas. If he will refer to the first page of the report, he will find that we have tried to spell that out in unquestionable language.

Mr. CUNNINGHAM of Iowa. I thank the gentleman.

Mr. ADAIR. There have been discussed on this floor two questions, both I think important, the first regarding the constitutionality of this legislation particularly as it relates to funds already in being, and the second major question, one relating to the difficulty of separating funds which would be touched by this bill from the private funds of the incompetent.

As to the constitutional question, I would invite the attention of the Members of the House to the committee report at the bottom of page 4, where this statement appears:

> The bill does not provide that property of any person under legal disability shall be taken from him. If the beneficiary regains competency or attains majority, the accrued payments become his absolute property and are not affected by the bill. The bill does, in the case of future deaths, take from distant relatives of a veteran or other beneficiary, their present expectancy of inheriting that part of the estate derived from gratuities paid by the United States. No right to receive the estate of a beneficiary vests before the beneficiary dies. It follows, then, that the bill does not take away the vested rights of any person but merely prevents his expectancy from ever vesting.

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

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

Mr. KEATING. I do not want to take up a lot of the gentleman's time, but I seriously question the reasoning of that language because one of the incidents of ownership is the power to pass that property along. I am very sympathetic with the objectives of this legislation. I am greatly concerned, however, with the constitutionality of taking those funds away from the guardian and not permitting them to pass as a part of the incompetent's estate.

Mr. ADAIR. I would say to the gentleman that the committee gave considerable thought and study to that question. I agree with the gentleman that it is a point upon which individuals and lawyers may differ. We think that the legislation as written is constitutional.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Chairman, in my considered opinion, this bill is ill-advised. If I know the American people, I am sure they do not want to give and then take away. There is an old saying that describes that sort of thing. That saying, in short, is "Indian giver." That means one who gives and then takes away. I am sure we do not want to put Uncle Sam in that category. Our Constitution puts great emphasis on the individual. It says, in effect, "Now, Mr. American citizen, you take care of yourself first," and then, it puts responsibilities on each American citizen to live within the due bounds of the laws of the land. Socialism and communism demand that the individual is only an instrument of the state. Two Americans marry. A man and woman and, in effect, they establish a sovereign government of their own. When the Constitution was signed, there were only about 1,500,000 such sovereign family governments in America—the American home—mother, dad, and the children. Now, we have 47 million such sovereign governments in America—dad and mother are in control of those 47 million sovereign governments. Our Constitution says, in effect, "If you look after yourself and your family and live within the law of the land, you are doing that which is expected of American citizens." It is the combined strength of those 47 million sovereign governments that makes America the most blessed and most wonderful land in this world. Now, a family sovereign government is a pretty closely knit organization. It not only encompasses mother and dad and the children, but it includes the grand-

children; in fact, every member of the family is a part of this family sovereign government, and it has always been recognized as such. This bill would tend to amend the inheritance laws of every sovereign State in the Union, let alone, doing an injustice to the 47 million sovereign family governments we have here today. Please think seriously about the far-reaching effect of this proposed legislation. The entire family feels a certain responsibility to all the other members of his entire family. I do not want to see anything hamper or interfere with that responsibility, or the feeling of that responsibility, because if that happens, we will be striking at the foundation of our cherished way of life.

Another thing. I would like to know the difference between a boy or girl that Congress sends to war, who becomes mentally incapacitated, and a boy or a girl who is sent to war and who becomes physically incapacitated. Why, I ask, should their family be treated differently, as this bill would do.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. JENSEN] has expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. JENSEN. It would be just as fair to take the inheritance of physically handicapped veterans away from certain relatives which this bill attempts to take from certain relatives of mentally incapacitated veterans. Yes, it would be just as fair to treat certain heirs of Members of the Congress, old people, farmers, and everybody else who have received Federal funds for any reason. I must, I will, vote against this bill regardless of how it is amended.

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

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania, a very distinguished member of our committee [Mr. SAYLOR].

Mr. SAYLOR. Mr. Chairman, I would like the members of the committee to know that all veteran organizations throughout the United States approve of this legislation, with the exception of the DAV, and if the amendments which have been suggested by our distinguished colleague from Texas [Mr. TEAGUE] are accepted by the House, all of the objections of the DAV will be done away with.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield.

Mrs. ROGERS of Massachusetts. I know there are individual posts all over the country who object to this bill. I understand the National VFW came out with a strong statement against it. My own impression is that the American Legion did not realize what was in the bill and they did not take it up with the proper committee. I am sure they would not go along with some of these provisions.

Mr. SAYLOR. The members should know that this bill amends the World War Veterans' Act of 1924. In 1924 the Congress passed that law which stated that disabled veterans were to be given certain sums of money, dependent upon their disability.

That bill also provided that in case the veteran became incompetent a guardian should be appointed and the funds authorized for payment to the disabled veteran should be turned over to his guardian for the exclusive use of the veteran. Then it provides that if there was any money left it would be inherited in accordance with the laws of the States; but the original act of 1924 stated that if there were no heirs, instead of escheating to a State this money would come back to the United States.

We must understand that these people who are up now pleading for all these relatives are pleading the cause of people who have no present interest in this money, this money that has been given to the guardians for the sole benefit of the veterans; and the Committee on Veterans' Affairs has been advised by the Veterans' Administration that there are many abuses which have come to their attention, cases where large sums of money which should have been used for the benefit of the veteran have not been so used because the veteran has been an inmate of a veterans' institution and been completely taken care of by the Government.

What this bill, presently before us, does, is to say, that unless you are in a direct line, a spouse, or a child, or a dependent parent, the money shall revert to the United States.

The opponents who have gotten up and talked to you have no interest in the veteran or his guardian, they are only interested in getting their hands on this money when the veterans dies.

If the veteran regains his competency at any time this money is there for him, and will be turned over to him as a competent veteran, and there is nothing in this bill or any part of it that changes that one iota. What this bill does is to say that those collateral heirs who have been inheriting large sums of money are now to be cut off. We are taking a look at what has developed into an abuse in the World War Veterans' Act of 1924 and correcting it.

I commend the Veterans' Committee, its chairman, also the gentleman from Ohio [Mr. ADAIR,] and some of the others who have looked at this problem and had the courage to stand up and bring this bill to the House.

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

Mr. TEAGUE of Texas. Mr. Chairman, I yield the gentleman 2 minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 2 additional minutes.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. TEAGUE of California. I want to go on record as being in complete agreement with the gentleman from Pennsylvania. I was on the subcommittee last year when we considered this matter. I think the gentleman is 100 percent correct in his analysis and statement.

Mr. SAYLOR. I wish the gentleman from Pennsylvania [Mr. FULTON], were here, because yesterday he said this would necessitate these cases going to court. Let us realize that these cases are already in court. He was also worried about what the guardian was going to have to do, that the improvident guardian was going to have to spend money. I remind him that bond is required by each and every State, and the guardian cannot spend this money except on behalf of the veteran. This will not cause any guardian to waste any assets. A guardian cannot under the State law waste any assets. All this bill does is to say that those people who are not direct heirs shall not inherit money that is provided by the Government to take care of veterans.

This bill does not deprive a veteran anywhere in the United States of 1 penny. I think that is one of the things we should stress if we get any mail with regard to this bill. This does not deprive a veteran of any right whatsoever. All it does is to see that collateral relatives do not get benefits intended solely for veterans.

I would like to assure all of the members of the committee that this does not involve insurance which any veteran has paid for. That feature is specifically taken out of the bill. I may say with respect to the gratuity of $10,000 which is now given in lieu of insurance that this House has already passed a bill providing that if a man dies in the service of his country and his parents are not dependent upon him, they cannot receive that $10,000 gratuity.

Mr. Chairman, I urge that the pending bill with the amendments which will be suggested by our distinguished chairman, be adopted.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MILLER].

Mr. MILLER of New York. Mr. Chairman, may I say that I have great respect for the distinguished chairman of the Committee on Veterans' Affairs and also I am in total agreement and in complete sympathy with the objectives of this bill. I feel, of course, that the Congress of the United States should not and ought not to grant gratuities to distant relatives of a veteran who are in no way dependent upon him nor contribute to his happiness or welfare in the tenure of his life.

My serious consternation about this legislation is based on the fact that in its present form it is going to cost the Government of the United States money rather than saving the Government money. It will only lead to a lawsuit to determine the constitutionality of the bill in its present form and, in my judgment, in its present form the bill is unconstitutional. If you had attempted to do what you are doing today and make it apply only to future payments, to future actions, to future implied obligations and moral obligations of the Government to its veterans, I would be for it. I think this committee has served notice that the Congress probably should and will enact legislation that in the future will meet the very problem which this legislation attempts to do. But the

difficulty is that today we have, for instance, brothers who serve as guardians of these funds. I have some in my district. Why, they do not even bother to incur a lawyer's expense in order to go into court and get authorization from the court to spend some of these funds to provide needed clothing and other things for veterans. They say, "He is my brother and someday what he has I will have anyway." So he goes out and pays his own money for clothing, food, or other things which this incompetent veteran needs and wants, relying upon the fact that this inheritance will someday be his and under the law now it will be. You are by this legislation going to change that. You are going to reach funds that are already vested under State law in guardians for the benefit of the veteran and under State law that carries with it the right to pass on to his heirs the inheritance.

In other words, it seems to me that what this legislation will do is to destroy the implied contract, the moral obligation that has occurred and ensued all over this country as the result of a dependence by the American people upon the law as it now stands. If you now by legislation today attempt to reach funds that have been paid over to veterans or to their guardians in years past, predicated upon actions between people and families that have occurred, you may correct some evils but you are going to do an awful lot of harm and injustice and inequity. I think this bill should not reach back in a retroactive manner.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of New York. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. Mr. Chairman, the gentleman has brought out some very basic facts. May I call his attention to page 2 of the report, a statement by the committee of what is supposed to be the horrible example at which they are driving. They say this:

> One such estate, for example, held for a veteran having no close relatives, amounts to over $250,000.

Now, they are undoubtedly referring to that poor illiterate Negro down in Texas who has brothers and sisters who would inherit the money, and yet they say that he has no close relatives. Are not brothers and sisters close relatives?

Mr. MILLER of New York. I only say that as a lawyer I think this bill would certainly serve its purpose, if its features were to be effective in the future, and eliminate the retroactive features that would certainly in many cases, cases of which I know personally, create inequities and injustices.

Mr. H. CARL ANDERSEN. Is not the gentleman convinced that the bill is unconstitutional?

Mr. MILLER of New York. That is my opinion.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MILLER of New York. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Does the gentleman realize that if a veteran is competent and leaves a will, thinking that all of his money will go to his family, but then later on, if he becomes incompetent, whether in a veterans' hospital or not, that money would be taken away from his family, although he made the will prior to his incompetency?

Mr. MILLER of New York. That is the very point I am trying to bring out. During the time of his incompetency many things may occur between families which might give rise to at least a moral obligation attempting to perhaps correct some abuse, but by this law we invalidate his will after he becomes incompetent, although he was competent when he drew it.

Mrs. ROGERS of Massachusetts. I would like to have the bill recommitted and see if a proper bill could not be reported out.

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

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. H. CARL ANDERSEN].

Mr. H. CARL ANDERSEN. Mr. Chairman, concerning the comments relative to this Negro veteran down in Texas, may I quote from page 1325 of the hearings, by Mr. Eric Eades, chief attorney, Veterans' Administration, regional office, Dallas, Tex. Now, here is a good example of what we are going to get into if we enact this legislation. Mr. Eades states:

> For example, we have under the supervision of our office a guardianship over the estate of a World War I veteran whose guardian has been receiving both compensation and insurance from the VA. During the east Texas oil boom oil was discovered on a small tract of land which had been purchased for the ward by his guardian. As a result the estate is now worth around $300,000. I doubt that we could ever determine just how much, if any, compensation was used in the purchase of the land in question and just how much of it was derived from other sources. It would be practically impossible to ascertain what portion of the present estate was derived from the compensation.

Yes, Mr. Chairman, as I stated yesterday, this bill, if enacted into law, will be a challenge to the attorneys of the Nation and the accountants.

Now, I plead with the Members here in the House to be very careful what you do here today. Remember, there are on an average of 300 of these incompetents in every Congressional district in America, and enough doubt nas already been raised as to the constitutionality of the retroactive provision.

Certainly the Government has no right to go backward from this date. If the Committee on Veterans' Affairs wants a logical bill let them provide what shall be done from this date on; let them sever, if they wish, all future payments. But to pass this bill as it is will create confusion confounded in every veterans' estate in America.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut [Mr. CRETELLA].

Mr. CRETELLA. Mr. Chairman, I had the privilege of serving on the great Committee on Veterans' Affairs in the last session and it was a pleasure to be associated with my colleague, the gentleman from Texas [Mr. TEAGUE]. However, I cannot agree with him on this bill because I believe it to be both morally and legally wrong. And before I get into the reasons for my position, I have to disagree with my friend the gentleman from Minnesota [Mr. H. CARL ANDERSEN] who takes the position that any controversy on this legislation would be a lawyer's paradise. I happen to be a lawyer and I happen to have represented in my time veterans involved in litigation. And for the information of the gentleman from Minnesota, by law I was at one time allowed the grand sum of $3 for taking care of one veteran's claim.

Mr. H. CARL ANDERSEN. Mr. Chairman, if the gentleman will yield, I should like to exclude that remark from the record. I do not want to reflect on the two-hundred-forty-odd good attorneys in this House.

Mr. CRETELLA. Mr. Chairman, as we look at the report on this there appears at page 3, the following, and I quote:

> The benefits affected by the bill are (1) compensation for service-connected disability or deaths—

If you stop at that point, you are saying that if a man has received an income during his lifetime for a service-connected disability, it is referred to in the report as a gratuity. To my way of thinking, it is not a gratuity, because a gratuity is nothing more than a tip for services rendered. That is hardly what we would call a service-connected disability. So, if the bill affects only that aspect of it, you are putting a very severe penalty on a man who might have had the opportunity to divest himself of the income he derived from that source while he was sane and in sound mind, but if he has had the misfortune to be committed to an asylum, because he is incompetent, then you add to that the penalty that all that he has received reverts to the Treasury of the United States.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CRETELLA. I yield.

Mrs. ROGERS of Massachusetts. A man does not necessarily have to be in an institution to be exposed to the penalty of having his money taken away from him, if he is incompetent. If he is incompetent on the outside, and even with his family, it may still occur.

Mr. CRETELLA. That is correct; as long as he is under supervision of a court-appointed guardian or conservator. So that is one of the very severe penalties in this bill.

Further reference is made in the report to brothers in Sweden or Greece, or Italy, or Russia, or Norway who may inherit. If it is the intent of the committee to divest these funds from these estates and prevent them from going overseas to foreign heirs, then they might just as well state in simple language that we intend to keep these funds in the United States and that under no circumstances shall they leave our shores.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CRETELLA. I yield to the gentlewoman.

Mrs. ROGERS of Massachusetts. I am sure the gentleman would agree with me that having this money go abroad or go to veterans families abroad is one of the best propaganda occurrences that could happen to this country, because it would create a good deal of good will.

Mr. CRETELLA. I hope so.

As you read the bill on page 3, I find fault with the language contained. Because of the ambiguity, I say we are headed right for the courts for the determination of the constitutionality of the law. It states:

> Such funds, and the proceeds of such property, shall revert * * * to the Administration of Veterans' Affairs.

I should like to know just what that language means. Therefore, I am opposed to the bill.

Mr. TEAGUE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Chairman, other Members preceding me have attacked this legislation on moral grounds and on legal grounds. About 5 years ago, before legislation of this sort was contemplated, information came to me from a minister in my district, who came to my office and indicated that he felt a certain situation involving a veteran, his potential heirs, and the Veterans' Administration which was wrong morally. He told me this story, and his story convinces me that this legislation is sound on moral grounds.

He happened to be the minister of a family that had two sons. The mother and father were divorced. The veteran was in an institution and had been for many years. The mother and father subsequently remarried. The father was divorced a second time, after having had a son by that marriage. He was then remarried a third time. The mother remarried after the first divorce and subsequently had children.

This veteran had been in the hospital for a number of years. He had in effect been abandoned not only by his mother and his father but in effect by his brother and his half brother. This minister of the Gospel came to me and said that in his opinion it was morally wrong for the Government to pay money into an estate where the veteran's life expectancy was longer than that of his mother and father, even though they in effect had abandoned him, and where the brother and half brother had done the same thing. This minister of the Gospel said to me that something ought to be done by the Congress about that kind of condition, that it was morally wrong for the Federal Government to be a party to such a situation.

I then talked to the lawyer who was the guardian of the veteran's estate and asked his opinion as to what ought to be done. He said that from a legal point of view he felt that legislation of a corrective nature should be enacted so that even the brother and the half brother, in this instance, should not be the beneficiaries of Federal payments.

This one personal experience that came to my attention prior to the existence of this bill convinces me that on moral grounds and on legal grounds the Congress should do something to correct this situation. From my experiences with the chairman of this committee, for whom I have the highest personal regard, and from my experience with the members of the subcommittee, I am convinced that they have taken the right moral course. In addition, I am convinced that they have taken a proper legal course in order to correct a situation which has long been in need of correction.

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

Mr. FORD. I yield.

Mr. ROOSEVELT. May I simply ask a question in order to clarify something in my own mind? Does this bill limit the payments to those collateral inheritors who have been in an immoral position such as you have described? Has the committee, for instance, examined cases where sisters were going to inherit or brothers were going to inherit, and does it know in each instance that these are immoral sisters or immoral brothers? Is it limited to immoral people?

Mr. FORD. The limitation, as it is presented here, is across-the-board in the exclusion of sisters or brothers. But I understand an amendment is to be offered which will permit an estate to go to a brother or sister where they have contributed to the support of the veteran.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 2 additional minutes to the gentleman in order that he may answer further the question of the distinguished gentleman from California, who is making an excellent point. May I say at this time that Members of the House are always telling me when I am fighting for special legislation or for special exemptions that special legislation makes bad law.

Mr. FORD. I must thank the gentlewoman for giving me this additional time.

Mr. ROOSEVELT. Will the gentleman yield in order that I may ask him a question?

Mr. FORD. I yield.

Mr. ROOSEVELT. I am sympathetic to the point that the gentleman has made, but I cannot see that it is fair legislation to brand a nephew or a niece or a grandchild or even a rather distant cousin as immoral because of the fact that there are some immoral people. As I understand this bill, it is not limited to the immoral people but it covers everybody right down the line. If I am wrong, I would like to be corrected.

Mr. FORD. With reference to these collateral heirs, it may not decide the issue on whether they were moral or immoral in their attention to the disabled veteran. But, when you get down to the collateral heir issue, I think the circumstances are quite different, and, therefore, in my opinion, the legislation as drafted and as the proposed amendment indicates approaches the brother and sister relationship on a better basis.

In conclusion, Mr. Chairman, it seems to me that we can, as a legislative body, approve this legislation as moral and, I think, we can likewise approve it on the grounds that it is legally proper. I hope it is enacted.

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

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I would like to ask the distinguished gentlewoman from Massachusetts, because I did not, frankly, get a very clarifying response to my question: Is this bill limited to the cousins or nephews or nieces or any of the other distant relatives along that line who are immoral or does it cover them all straight across the board?

Mrs. ROGERS of Massachusetts. It covers them all straight across the board. I do not think this bill is immoral, but I think it is very unmoral. It does not seem to be the kind of legislation that is usually passed by the Congress of the United States.

Mr. ROOSEVELT. Has the committee made an examination as to whether these relatives like brothers or sisters or some of the other relatives have been, in fact, taking care of the unfortunately incompetent veteran?

Mrs. ROGERS of Massachusetts. I have made some investigation. I happen to have done a great deal of work with the sisters and brothers or the relatives of the mentally incompetent whether the veteran is hospitalized or not. I know also in hospitals the families are deterred by suggestion from visiting their relatives.

Mr. ROOSEVELT. Under this bill, then, they would be discriminated against even though they were not immoral, or unmoral, as the gentleman from Michigan describes them?

Mrs. ROGERS of Massachusetts. Yes; and as I said before, this is an unmoral bill.

Mr. ROOSEVELT. I thank the gentlewoman.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield such time as he may require to the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS. Mr. Chairman, I thank the gentlewoman from Massachusetts for yielding me this time.

Mr. Chairman, may I say that I have the highest regard for the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Texas [Mr. TEAGUE]—and all the members of the subcommittee that considered this legislation—and in fact all members of the Committee on Veterans' Affairs. I had the privilege of serving as a member of this great committee for a number of years and I have a high regard for the committee and its work. However, I must record my opposition to the pending bill in its present form. I think the bill goes too far and is certainly in need of amendment in several particulars before it should be considered for favorable passage.

Among the defects of the bill in its present form is the so-called dependent parents classification. I think the word "dependent" should be repealed from the bill and also that the retroactive feature of the bill directing recapture of benefit payments should be

repealed. I do not think such a provision constitutional or proper to require the repayment to the Federal Treasury of funds that have previously been paid to an administrator of a veteran's estate, or the recapture of funds that are held in trust by a guardian for a veteran or his dependents. In other words, the retroactive payment feature of the bill should be repealed or deleted.

In addition, I think the bill is further defective in that it attempts in one full swoop to amend the laws of descent and distribution of the 48 States. Although I am sure that such was not the intention, in my considered opinion such is the effect.

The bill also raises some other serious questions in that it may well encourage the dissipation of estates and tends to set a policy of being opposed to the building up of estates. Would not a better approach to the problem be achieved by the placing of a statutory limitation—if such is considered needed—rather than enacting a measure which would encourage wasteful expenditures and the dissipation of estates of veterans.

In addition, it seems to me that the bill further discriminates against the heirs of veterans who become deceased because of mental difficulties as against the heirs of veterans who become deceased for other reasons—let us say because of heart conditions or other physical disabilities. By the terms of this bill we would deny payments to beneficiaries of veterans in certain categories while permitting payment to beneficiaries of deceased veterans in other categories.

The question of the commingling of funds has not been satisfactorily resolved and because of the constitutional grounds and moral reasons among the other reasons I have mentioned, I certainly feel constrained to favor recommitting the bill to the Committee on Veterans' Affairs for further study and consideration unless the bill is amended in the particulars mentioned.

Let us be constructive in our approach to benefits for the veterans of this Nation rather than destructive of existing rights, gratuities and benefits for veterans and their dependents.

Mrs. ROGERS of Massachusetts. I agree with the gentleman that the bill should be recommitted.

Mr. TEAGUE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Chairman, I have the highest admiration for the chairman of this committee, but I reluctantly must oppose this bill.

This bill is legally wrong. It is administratively impossible and will work to the detriment of the veteran during his lifetime, the person with whom you are seriously concerned. I will not explore the proposition that this bill is unconstitutional, for the reason that it will confiscate property without due process of law. I wish to demonstrate that this bill is administratively impossible and will harm the veteran during his lifetime. One case is sufficient to prove the principle. The courts of New York have appointed me a co-committee of an incompetent veteran. With me as a co-committee was a brother. This incompetent brother of World War I is ambulatory and is not confined to a hospital. He had money of his own. We as a committee are obligated to take his funds and the pension payments and to invest them, and we have done so. We have commingled these funds. We must make a report annually to the court and the Veterans' Administration. I do not know what profit was made from money which belonged to him or which he received from the Veterans' Administration. Furthermore, we get $181 monthly for his support, but the court and the Veterans' Administration allow us to spend only $140. This man cannot survive alone. The veteran lives with his brother, who out of his own funds buys clothes, his food, and other necessities for the ward. The incompetent lives with his brother, who must suffer during his lifetime and tolerate all of the incompetent's eccentricities. Yet this bill takes away from that brother who has sacrificed for his human blood, who has contributed, the opportunity to inherit. It takes from the brother, the man who has supported and suffered, the right to inherit from his blood brother. This bill is retroactive, and it is bad legally. If you take away this present right to inherit, what will happen to the veteran in whom you are interested? You will not permit him to go among his family because, whether you like it or not, money makes people be kind and act properly. When the incompetent veteran has money his family will give him comfort and proper treatment, but if you pass this bill others in that similar situation will not be treated decently. If you pass this bill in its present form, you will be injuring the veteran in whom you are interested.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. SANTANGELO. I yield.

Mr H. CARL ANDERSEN. The gentleman has stated the situation exactly as I have found it. I have watched these cases in hospitals where in one instance 1,000 of these veterans are incarcerated. I think the gentleman is absolutely correct in what he says. This bill is so full of inequities, and yet it has a basic goodness about it which I would like to see incorporated into law, and the committee should take it back and remove some of the wrongs.

Mr. SANTANGELO. I thank the gentleman. I would suggest to the committee which has the objective of giving the estate only to the proper heirs that they not give it to those distant relatives who have contributed nothing to the welfare of the veteran. Also, let this bill be prospective and not retroactive. If you do so, you will not have these administrative difficulties in the future. If you accept my suggestions, you will be denying benefit to those who did nothing, who do not deserve it, and you will award the grandchildren and the brothers and sisters who have helped the incompetent and who have shown an interest in the incompetent veteran during his lifetime.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mrs. ROGERS of Massachusetts. Would the gentleman from Missouri like a minute?

Mr. CHRISTOPHER. Yes; if the gentlewoman has the time to yield.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CHRISTOPHER].

Mr. CHRISTOPHER. I thank the gentlewoman from Massachusetts.

Mr. Chairman, one of my grave objections to this bill is that it repeals the inheritance laws of 48 States in one swoop.

Another thing I do not like is that it knocks another little chunk out of States rights, something that has been going on for the last 50 years. I object to the bill strenuously on these two grounds.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield to the gentleman from Massachusetts the remainder of my time. He is a great constitutional lawyer, I may say.

Mr. PHILBIN. I am afraid that compliment, while very generous, is undeserved; but I may say I am in complete agreement with the position taken by the distinguished gentlewoman from Massachusetts.

Mr. Chairman, I have greatest admiration for the distinguished chairman and members of our great House Committee on Veterans' Affairs and gratefully acknowledge their many substantial contributions to the cause of the veteran and his dependents.

However, I am deeply concerned about some of the provisions of the pending bill limiting payments to certain beneficiaries of certain disabled and other veterans. It seems to me that the bill as written would materially and unwisely restrict the laws of the several States relating to the descent and distribution of property. In my opinion, this bill would create considerable confusion and result in definite injustice to the relatives of a class of veterans, namely, the unfortunate mentally afflicted and incompetent, for whom, I know, this Congress is always most desirous of providing for and caring for with deep sympathy and heartfelt generosity.

The basic law on this subject and the regulations of the Veterans' Administration pertaining thereto has already placed limits upon the classes of persons and relatives entitled to share in the veteran's estate.

So far as I know, and I believe so far as the evidence shows, the present law and regulations are functioning satisfactorily and allow the veteran's property upon his death to be distributed among those members of his family, who, in his contemplation as well as in the contemplation of statute law in the several States, would be for the most part the natural objects of his affection and bounty. I do not believe this legal result should be disturbed by the Congress. I do not believe it can be disturbed without creating injustice and promoting perplexity, difficulty, discrimination and confusion. I do not believe this legislation as presently written can serve any useful or good purpose. I believe it

would be in controvention of established legal rules for distributing property and would in many conceivable instances work serious injustice and inequity upon the relatives of deceased veterans.

It would also alter our legal concept of ownership. Reference has been made in this debate to the fact that these benefits are gratuities. While I realize that the courts frequently use that term, I believe that it is most unfortunate and a needless reflection upon our veterans. I do not believe that it ever was the purpose of Congress to pauperize our veterans, or to attach any stigma or derogatory implication to any benefits or services which the Congress in its wisdom has provided for the veteran and his dependents.

Be that as it may, the legal situation affecting paid veterans' benefits is very clear. I do not believe there is a lawyer in this House who will not agree that when these benefits are paid that the title to the moneys received by the veteran from the Government has passed to him, or his legal representative as the case may be. In practice, in the case of incompetents, these benefits are held in trust for the veteran by the Veterans' Administration, or by his duly constituted legal representative to whom they are paid in his behalf. The payments made are outright payments. They are executed payments. They are unconditional payments. As soon as they are made, the title to the funds immediately passes, and there is no provision in law that I know of that, in the absence of fraud or mistake, makes this money, or any part of it, defeasible or recapturable by the Government. To do this would destroy our whole concept of property title and ownership.

There are two principal situations confronting us regarding these payments. First, relating to those funds which have been paid to the veteran before he was adjudged to be incompetent, and secondly, the funds paid to his legal representative, or held by the Veterans' Administration after the veteran has been declared incompetent.

In the first case, that is, where moneys have been paid to the veteran prior to incompetency, these funds may have been spent, they may have been placed in a bank, they may have been invested in securities or real estate, they may have been placed in joint accounts with relatives or others, they may have been invested in individual or joint business ventures, they may have been mingled with other property of the veteran derived from his own labor or business or from inheritance. The Government has no more right to seize or confiscate these funds or this property than it would have to seize or confiscate the property of any other citizen. Title to this property has already vested in the veteran and it belongs to him legally in every sense of the word.

The second class of funds to which I referred has been paid or is payable after the veteran's incompetency has been established to his guardian, his custodian, his conservator or some other type of legal personal representative of the veteran. This money is presumably being held for the veteran under the law until he shall recover his reason and be able to care for himself and handle his own affairs, or until he shall become deceased. In the event of his recovery and the legal release of his fiduciary these funds would be legally payable to the veteran by his representative or by Veterans' Administration officials holding any part of them. In case of his death, these funds should be distributed as his estate under existing law.

In view of these facts and the legal status of these funds and the existence in the several States of laws of descent and distribution providing for the sharing of decedents' estates, it is my opinion that the Congress should not further legislate in this field so as to deprive close relatives of our veterans of property to which they are entitled under the law and which the veteran, if he were legally competent, would want them to have. I do not think it is justified on grounds of economy, or on any other grounds, to seize or confiscate these funds that have accumulated from veterans' benefits over the years. Nor do I believe that it is wise for the Congress to interfere with the escheat of the several States in cases where there are no legal relatives.

I hope that the House will take appropriate action to confirm and continue present methods of distributing the property of deceased, disabled, and other veterans. This bill would permit unconscionable expropriation of veterans' property by the very Government which owes them so much. I cannot concur in such a result.

Mr. TEAGUE of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. SISK], a member of the subcommittee.

Mr. SISK. Mr. Chairman, I thank the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield.

Mr. TEAGUE of Texas. Will the gentleman point out to the committee that today when a service-connected veteran goes into a VA hospital drawing compensation of $181 a month, his estate, unless he has a dependent is not allowed to build up beyond $1,500; that when it gets to be $1,500 it is cut off? When it drops to $500 then it may start building again until it reaches $1,500.

Mr. SISK. Yes; I might say, Mr. Chairman, that is exactly correct at the present time, that any disabled veteran in this country who goes into a hospital and whose estates builds up to $1,500 is automatically cut off unless he has dependents and it is necessary to pay this money for their survival.

Mr. Chairman, I have some considerable trepidation in coming down to the well to speak after all the things that have been said. I mentioned to a colleague a few moments ago that I had begun to feel as though we members of the subcommittee in comparison would make Black Bart appear pearly white. I would like to assure the Members of this House that those of us on that special subcommittee certainly had no such intents in mind as have from time to time been pictured to you.

We are gravely concerned with the well-being and the welfare of all American veterans.

I want to pay a special tribute to the gentleman from North Carolina [Mr. SHUFORD] who presided over this subcommittee and who has the deep interest in and the greatest concern for our veterans and for their well-being. I want to express my personal appreciation as well as that of the entire Committee on Veterans' Affairs for his work on this particular matter.

I had some reservations about this legislation at the time our committee started its hearings, but after having heard the testimony of the VA officials, the testimony of the various veterans' organizations, the testimony of a great many people concerned with this problem, I am completely of the opinion that this is not nearly so black as the legislation is painted.

For whom are we shedding tears? Are we concerned with the veteran, the disabled veteran, the incompetent veteran? Or are we more worried about the brother, the sister, the grandchild, the aunt, the uncles, or the cousins who may inherit some good old American dollars after he is dead and gone?

When the time comes to vote which I hope will be very soon, this is the consideration we should have uppermost in our minds.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Will the gentleman point out that nowhere in our veteran program except in the field of which we are speaking, can the brother, sister, or others in that line participate in the veterans' program?

Mr. SISK. I appreciate the statement of the chairman, and I want to point out that there is plenty of precedent with reference to limitations.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SISK. If the gentlewoman will just let me finish this particular part I will be glad to. There are precedents after precedents with reference to limitations regarding people who may inherit or people who may even receive the insurance of a veteran actually killed on the battlefield. This is not new from the standpoint of a limitation.

We have heard a lot about constitutionality around here. Certainly every consideration was given by the committee with reference to the constitutionality of this particular legislation. We are dealing with funds that have not vested in anyone, therefore, in my humble opinion there can be no constitutional question involved. Our sole aim in this legislation is to protect and improve the veterans' program and to eliminate abuses wherever possible.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

Mr. TEAGUE of Texas. Mr. Chairman, I ask unanimous consent that the bill be considered as read and be open for amendment at any point.

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

Mr. H. CARL ANDERSEN. Mr. Chairman, reserving the right to object, may I ask the chairman if it is his intention to permit reasonable debate on each of the amendments to be offered?

Mr. TEAGUE of Texas. As far as the chairman of the committee is concerned, I have no intention of trying to limit debate on any amendment.

Mr. H. CARL ANDERSEN. There is no reason why we cannot finish this bill by 4 o'clock, but I do think that in connection with certain amendments we should be assured that reasonable debate will be permitted and, having the gentleman's assurance, I will not object.

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

There was no objection.

The bill is as follows:

Be it enacted, etc., That (a) paragraph (3) of section 21 of the World War Veterans' Act, 1924 (38 U. S. C. 450), is amended by striking out all that follows "or, in the event of his death," and inserting the following: "to the survivor of the beneficiary first listed below:

"(A) The spouse of the deceased;

"(B) The children (as defined in paragraph VI of Veterans Regulation No. 10, disregarding any part thereof relating to age or marital status) in equal parts;

"(C) The dependent mother or father (as defined in paragraph VII of Veterans Regulation No. 10), or, if he has both a dependent mother and a dependent father, to them in equal shares.

If there are no survivors in the classes listed above, the balance so held shall revert to the Treasury to the credit of the current appropriation or appropriations from which made. Any funds in the hands of a guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, derived from automatic or term insurance payable under said acts, which under the law of the State wherein the beneficiary had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, or by the personal representative of the deceased beneficiary, less legal expenses of any administrator necessary to determine that an escheat is in order, to the Administrator of Veterans' Affairs. Such funds shall be deposited in the Treasury to the credit of the current appropriation (as determined by the Administrator of Veterans' Affairs) from which such funds were appropriated."

(b) Such section 21 is further amended by adding at the end thereof the following:

"(5) Where a beneficiary dies, any funds or property in the hands of a person who is a guardian, curator, conservator, chief officer of an institution in which the beneficiary was an inmate, or person legally vested with his care or the care of his estate, which funds or property were derived from payments of compensation, pension (including pension under private acts), emergency officers' retirement pay, servicemen's indemnity, or retirement pay made to such person on behalf of the beneficiary before or after the date of enactment of this paragraph by the Administrator of Veterans' Affairs shall be paid to the personal reepresentative of the deceased beneficiary. Such funds, and the proceeds of such property, shall revert and be returned by the personal representative to the Administrator of Veterans' Affairs, except that before making such return the personal representative shall satisfy the claims of creditors and the expenses incident to the administration of the estate of the deceased beneficiary from such funds and such proceeds if the other assets of the estate of the deceased beneficiary are insufficient for that purpose. The Administrator shall then pay such funds, and the proceeds of such property, to the survivor or survivors of the beneficiary first listed in paragraph (3) living at the time the payment is made. If there are no survivors in the classes listed in that paragraph, such funds, and the proceeds of such property, shall be deposited in the Treasury to the credit of the current appropriation or appropriations (as determined by the Administrator of Veterans' Affairs) from which such funds, or the funds from which such property was derived, were appropriated."

With the following committee amendment:

Page 1, strike out lines 5, 6, and 7 and insert the following: "changing the comma to a period after the word 'conservator' where that word first appears, striking out all that follows, and inserting the following: 'In the event of his death, any such balance which was derived from insurance may be paid to his personal representative, except as otherwise provided by law; however, payment will not be made to his personal representative if under the law of his last legal residence, his estate would escheat to the State. Any balance in such fund derived from benefits other than insurance may be paid to the survivor of the beneficiary first listed below.'"

Mr. TEAGUE of Texas. Mr. Chairman, this amendment is for the purpose of being absolutely sure that insurance is taken out of this bill. That is the sole purpose of the amendment.

Mr. BASS of Tennessee. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BASS of Tennessee. Mr. Chairman, there is an amendment pending before the committee, is there not?

The CHAIRMAN. A committee amendment.

Mr. BASS of Tennessee. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to advise the committee that I have prepared three amendments to this bill which I hope to offer at the proper time. These three amendments are very important to this legislation and appear as amendments on page 3. You will notice the categories from which the money is derived. One of the amendments will delete payments for compensation, another amendment will delete money derived from retirement pay and the other amendment will delete servicemen's indemnity, which is the $10,000 insurance from this bill.

Mr. Chairman, for the life of me, I cannot see why money that is actually earned by a veteran during the period of his service should be returned to the Government on the instant of his death. Certainly, retirement pay that a veteran receives is as much income as it would be as rent from a building that he owned or anything else. For instance, we Members of Congress will receive retirement if we stay here long enough and leave the body when we reach a certain age.

Certainly the money that we receive as retirement as Members of Congress should become a part of our estate and should be inheritable at our death. I can see no reason why this should be returned to the Federal Government; that is, the retirement pay of servicemen.

Now, as to the $10,000 insurance which is termed "serviceman's indemnity" here, that is an emolument that is given to the veteran, and he is assured that it will be his when he goes into the service, and certainly it should become a part of his estate. That certainly is true of the payment for compensation of a veteran.

Now, when you get to the other category, I can understand where non-service-connected disability payments should not become a part of the estate for inheritance purposes, because non-service-connected disability payments may be considered as a gratuity for indigent care. But certainly payments given to a veteran for retirement, for insurance, and also for service-connected disability are moneys and income that have been earned by that veteran.

Therefore, I certainly hope that the House will give consideration to these three amendments which will eliminate earned income from the deletion, that will be brought about in this bill, from the estate of a veteran. At the proper time I will introduce these three amendments.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BASS of Tennessee. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Would he be willing to add the word "pension"?—because that is just as important as the other one.

Mr. BASS of Tennessee. If the gentlewoman will withhold for a moment, the word "pension" in this case means non-service-connected disability payments. Now, I think non-service-connection is really indigent payments, one for the care of a veteran, that has not been necessarily earned, and I can understand why non-service-connected disability payments should be reverted if they are not used during the lifetime of the veteran, because it is not earned compensation. It is payment for indigent care, and I would approve of leaving the word "pension" in the bill.

Mrs. ROGERS of Massachusetts. Of course, many of these incompetent veterans have no means of establishing their service connection when they are mentally incompetent. A great many should be service-connected.

Mr. BASS of Tennessee. I think that the various veterans' organizations have done a good job in assisting incompetent veterans or the estates in establishing service connection, and I see no reason why pensions as such, non-service-connected payments, should not be reverted in the event of the veteran's death. In most cases the veterans are very well represented in order to establish service connection in their cases.

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

Mr. Chairman, I want to begin by saying that there is no Member of this House that I have greater affection for than I do the gentleman from Texas [Mr. TEAGUE], the chairman of the Committee on Veterans' Affairs. I have the greatest respect for the entire membership of the

committee, on which I had the pleasure and the privilege of serving for several years.

Mr. Chairman, I have given lots of thought to this bill, and I can find no reason in my own mind to support it. I am against it. I hope the House will defeat it. I will support such amendments as are offered that I think might improve the bill as we proceed with it. Then I will vote to recommit the bill. If it is not recommitted I will vote against it.

Now, here is the situation we have. I might say, Mr. Chairman, that I had the privilege one time of serving as general guardian of my home county of Walker, Ala. For several years I was in charge of the administration of the guardianship estates of many incompetent World War veterans. I know how the guardianship system works. Most of these incompetent veterans are not in hospitals. At least, that is my experience. I tried to get the exact figures a few moments ago, but they were not available. Most of them are in their homes where their wives or their mothers or their children or grandchildren or brothers or sisters are patiently and carefully looking after them and aiding them to care for their estates as best they can. And these estates are not large. There are about 110,000 of them, somebody said. Most of them I think are estates of World War I veterans. These World War I veterans now are about an average age of 65 or 66, somewhere in that neighborhood. I do not think that Uncle Sam needs money so badly that he has to put his hands into the socks of these estates that have been so carefully looked after and preserved in order to get a few millions of dollars.

I am not much of a lawyer, but I think this bill is unconstitutional as it refers to these estates already in being. Now under this bill we are to go back to try to get a few million dollars out of these estates of people who have suffered most, whose families have suffered most as a result of their service in the wars of our country. I just do not think it is right. I do not think it is constitutional. It ought not to be done.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. I yield to the gentleman.

Mr. H. CARL ANDERSEN. Mr. Chairman, I wish to compliment the gentleman on the stand he has taken. To my mind what is objectionable is the fact that because of several hundred cases which the gentleman from North Carolina [Mr. SHUFORD] mentioned yesterday, that the committee is trying to get after, they are forcing 110,000 mentally incompetent veterans' estates into the courts to arrive at the divisibility of the money, whether these dollars are to go the VA route or the regular inheritance route. I repeat, it will increase confusion in every one of those estates.

Mr. ELLIOTT. And in addition to that, I would like to say to the gentleman, I do not know what right we have as the Congress of the United States to say where the property of an incompetent veteran may go by way of the descent and distribution route. We are not giving these veterans an awful lot. We are giving these incompetent veterans who are totally disabled about $175 or $180 a month. That is what we are giving them. And it is out of the savings of those monthly compensation checks that these little estates have been accumulated.

What right has Uncle Sam to come in now and say, after the passage of the World War Veterans Act of 1924, "Yes, you were wrong in thinking that this money was yours. You are completely mistaken about that. You are wrong about it, and because you are mistaken we are going to reach down and take it back."

I do not believe the Congress of the United States means to do anything like that.

This bill ought to be defeated.

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

Mr. Chairman, I have prepared three amendments which I feel will make this bill much more in keeping with the intent of its author and the intent of those who presently sponsor this bill. These amendments which I shall offer at the proper time—and I hope that the three of them may be considered en bloc—are not designed as crippling amendments.

Further, I want to say that if these amendments should be adopted, most of my objection to the bill in its present form will be removed and I shall then support this bill even though it may not be quite exactly what I would like it to be.

I want to say that I have the very highest esteem and regard and even affection for the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Texas [Mr. TEAGUE] and for the ranking minority member, the gentlewoman from Massachusetts [Mrs. ROGERS]. I know full well of their interest in the welfare of all veterans, both able bodied and disabled, and of those who are disabled whether by reason of physical or mental disability.

These three amendments which I shall propose will be substantially if not verbatim as follows:

On page 2, line 11, after the parenthesis following the word "status" add "and children of deceased children."

The second amendment is, on page 2, in lines 11 and 12, strike out "in equal parts" and insert the words "per stirpes." If this should be done it would put the law contemplated in this bill into general accord with the law of distribution and descent of all of our States. I know in my own State of Georgia and I have reason to believe in all 48 States that children of deceased children in theory stand in the same legal position as the child, and therefore, a grandchild who is the child of a deceased child will inherit per stirpes with his deceased parent's, living brothers and sisters, and with his living first cousins, who are children of deceased uncles and deceased aunts.

The third amendment which will be included in the three which I shall offer and ask unanimous consent to consider en bloc will be to strike out the period on page 2, line 16, following the word "shares" and insert in lieu of the period a semicolon and add a new subparagraph numbered "(D)" to include the words "Brothers and sisters and half brothers and half sisters."

If the members of the committee in their wisdom and judgment see fit to adopt these amendments, in my opinion much of the disagreeable portions of this bill will be eliminated, and, if they are adopted, I shall then propose to support the legislation.

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

Mr. FLYNT. I yield to the distinguished gentleman from Florida, a member of the committee.

Mr. HALEY. If the amendment the gentleman proposes to offer is adopted, I just wonder who will be left out.

Mr. FLYNT. I will tell the gentleman who will be left out: Uncles, aunts, cousins of the first and other degree, and nieces and nephews will be left out. I think this would cure every major objection the members of the committee have advanced to me in talking to me and in speaking from the well of the House during the past 2 days.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Texas, the Chairman of the Veterans' Affairs Committee.

Mr. TEAGUE of Texas. Does the gentleman realize that nowhere else in our whole veterans' benefit system does such a situation exist? For example, if there was a son in the service and he were killed, there is no way that any benefits could go to a brother or sister. If we are going to do it in this case we should extend it across the board to all of them.

Mr. FLYNT. I would have no objection to extending it across the board. However, may I call to the attention of the distinguished gentleman from Texas that we are not dealing with death gratuities and death benefits. What we are dealing with here, as I read this legislation, are vested rights of the estates of persons who will soon be deceased, which I think should be protected and held inviolate.

Mr. CUNNINGHAM of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I am glad to yield to the gentleman from Iowa.

Mr. CUNNINGHAM of Iowa. I just want to concur with the gentleman. I think the amendment which he said he is going to offer will add materially to the bill, particularly the one dealing with grandchildren. When I get some time, I want to support that with a further statement.

Mr. FLYNT. I thank the gentleman.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. MARTIN. Mr. Chairman, I move to strike out the last word, and I do so in order to inquire of the majority leader about the program for next week, if the gentleman is able to tell us.

Mr. McCORMACK. On Monday, the Consent Calendar will be called. There will also be four bills called up under suspension of the rules. One is H. R. 3658, eligibility of widows for pensions. Then S. 1747, the poultry inspection bill.

The House passed a similar bill the other day and the Senate bill will be called up under suspension to amend the Senate bill by inserting the provisions of the House bill, as passed. Then there is H. R. 7576, amending the Federal Civil Defense Act of 1950.

Mr. MARTIN. Will the gentleman explain just what that bill is about?

Mr. McCORMACK. That bill was reported out of the Committee on Armed Services. The purpose of the bill, as stated in the report of the committee, is to amend the Federal Civil Defense Act of 1950, as amended, to permit the orderly expansion of the civil-defense activities by the Federal Government in order to achieve a more effective total national defense program. I was under the impression that my colleague from Massachusetts, the distinguished minority leader, had been consulted with reference to that bill.

Mr. MARTIN. I do not recall being consulted about the bill although the title sounds very nice.

Mr. McCORMACK. Mr. Chairman, will the gentleman from Massachusetts yield to the gentleman from Florida [Mr. BENNETT] who can explain the purpose of the bill much better than I can.

Mr. BENNETT of Florida. Heretofore the basic responsibility under our civil-defense legislation has been placed almost entirely on the local governments. Under this legislation, a greater degree of responsibility and participation will be placed upon the Federal Government.

Mr. MARTIN. Is this a unanimous report?

Mr. BENNETT of Florida. It is a unanimous report. This legislation will enable the Federal Government and the local governments to work together with better teamwork in the field of civil defense than has been possible in the past. Legislation was requested by the civil-defense authorities. As I said, it was unanimous and there was no objection to it in committee.

Mr. MARTIN. I thank the gentleman.

Mr. McCORMACK. The next bill to be called up under suspension of the rules is the bill, H. R. 7458, amending the Fair Labor Standards Act of 1938, relative to restricting its application to certain overseas areas. Then, we will also take up the bill, S. 2130, the Mutual Security Act of 1954, as amended. There will be general debate on that and we will continue on that right through until it is disposed of next week.

Mr. MARTIN. Is there a bill out of the Committee on Education and Labor which is to be called up under the suspension of the rules?

Mr. McCORMACK. That is the bill H. R. 7458, to amend the Fair Labor Standards Act of 1938. That is relative to this application to certain overseas areas.

On Tuesday there will be a call of the Private Calendar.

Mr. MARTIN. Then following the Private Calendar we will resume general debate on the Mutual Security Act?

Mr. McCORMACK. Resume general debate on the Mutual Security Act. Of course that will start on Monday after the disposition of the Consent Calendar and the suspensions.

I have no further announcements to make at this time.

Mr. HOFFMAN. Will the gentleman yield?

Mr. MARTIN. I yield.

Mr. HOFFMAN. What is the rest of the program for today?

Mr. McCORMACK. After the disposition of this bill——

Mr. HOFFMAN. About when?

Mr. McCORMACK. And if we have time, we will take up H. R. 3753, to enable the Secretary of Agriculture to extend financial assistance to desert-land entry grants to the same extent that such assistance is available to homestead entry.

If we dispose of this bill and possibly that bill this afternoon, we will go over until Monday.

Mr. HOFFMAN. Has the gentleman any idea when we will finish this bill?

Mr. McCORMACK. That is within the will of the Committee of the Whole.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. TEAGUE of Texas. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas: On page 2, lines 13, 15, and 16, strike out "dependent."

Mr. TEAGUE of Texas. Mr. Chairman, this amendment would permit any mother or father to inherit an estate. This amendment was discussed in committee, but the subcommittee decided that to make it consistent with all other veterans' programs it should remain "dependent." Since that time a number of Members came to me and asked to strike out the word "dependent." I then discussed it with the members of the subcommittee and they all agreed to the offering of this amendment.

Mr. H. CARL ANDERSEN. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. H. CARL ANDERSEN: On page 2, strike out lines 13, 14, 15, and 16, and insert the following:

"(C) The mother or father (as defined in par. VII of Veterans Regulation No. 10), or, if he has both a mother and father, to them in equal shares.

"(D) The brothers and sisters of the deceased (including those of the half blood and those through adoption) in equal shares."

Mr. H. CARL ANDERSEN. Mr. Chairman, this simply adds to the amendment offered by the gentleman from Texas, Mr. TEAGUE, the right of brothers and sisters to inherit, and it takes out of the bill any allusion to "dependency," either on the part of the parents or the brothers and sisters.

Mrs. ROGERS of Massachusetts. Does the gentleman ask that the grandchildren be considered?

Mr. H. CARL ANDERSEN. I have not placed that in this particular amendment.

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

Mr. H. CARL ANDERSEN. I yield.

Mr. FLYNT. I would like to say in answer to the inquiry of the gentlewoman from Massachusetts that an amendment is already at the desk which would accomplish the purpose just inquired about by the gentlewoman.

Mr. H. CARL ANDERSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. H. CARL ANDERSEN. Is it possible for the gentleman from Georgia [Mr. FLYNT] to offer his amendment as an amendment to the substitute?

The CHAIRMAN. A substitute is pending, and an amendment to the substitute would be in order.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the substitute.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. FLYNT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from Texas yield for a parliamentary inquiry?

Mr. TEAGUE of Texas. I yield.

Mr. FLYNT. At what time will it be in order for me to offer an amendment to the substitute?

The CHAIRMAN. As soon as the gentleman can secure recognition.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. TEAGUE of Texas. I yield.

Mrs. ROGERS of Massachusetts. Does the gentleman's amendment include grandchildren?

The CHAIRMAN. That is not a parliamentary inquiry.

The gentleman from Texas will proceed.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the substitute. If the substitute is voted down and this amendment is adopted the word "dependent" will be stricken. Then an amendment will be offered pertaining to brothers and sisters. It will not include all brothers and sisters, but will include brothers and sisters of the deceased, including those of the halfblood, and those through adoption who reside in the United States or in a territory, commonwealth, or possession thereof, and who establish to the satisfaction of the Veterans' Administrator that they have contributed substantially to the support of the deceased, and that they were in fact dependent on the deceased for support during his lifetime.

This amendment differs from that offered by the gentleman from Minnesota in that his amendment would extend to all brothers and sisters regardless of dependency or whether they contributed to the care of the veteran. My amendment would tie it down to those brothers and sisters who made some contribution toward the veteran during his lifetime.

Mr. FLYNT. Mr. Chairman, I offer an amendment to the substitute.

The Clerk read as follows:

Amendment offered by Mr. FLYNT to the substitute amendment offered by Mr. H. CARL ANDERSEN: On page 2, line 11, after the parenthesis following the word "status" insert "and children or deceased children"; and on page 2, lines 11 and 12, after the

parenthesis following the word "status", strike out "in equal parts" and insert "per stirpes."

The CHAIRMAN. The Chair will state to the gentleman that that is not an amendment to the substitute but was read as an amendment to the paragraph.

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

The CHAIRMAN. The Chair had already ruled.

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

Mr. Chairman, it is my understanding that the whole theory of veterans' legislation is to attempt at least to compensate those who have rendered service over and above and beyond that rendered by the average citizen and who is in need. That has always seemed to me to be the purpose of veterans' legislation—that was the purpose in the beginning, anyway, and a worthy one. Now we are getting along to where we want to take in all the relatives and a few other persons. My understanding is that this money contributed by all of the taxpayers is for the benefit of the veteran who suffered some loss because of his service over and above that of other citizens. Is that right, Mr. Chairman?

Mr. TEAGUE of Texas. I would certainly think that was right.

Mr. HOFFMAN. Then why should we take the money that is contributed by every one of the citizens, let it accumulate either because the veteran did not need it or perhaps in some few cases because not as much was spent for his benefit as should have been, and give that, as it would be given under this amendment, to a brother or sister, maybe a millionaire? I just cannot fall for this one.

I yield back the balance of my time.

Mr. CUNNINGHAM of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I desire to direct my remarks to the portion of the amendment offered by the gentleman from Georgia or what is proposed to be offered later. What I have to say will have nothing to do with cost to the taxpayers in the way of money because what I shall direct my remarks to will be money that never would go into the Treasury anyway.

I turn to paragraph (B), page 2, of the bill, which says "The children in equal parts."

That leaves out grandchildren.

I want to pose a hypothetical question, and it is not entirely hypothetical either. A veteran of World War I, incompetent, has 3 children, 1 of those children being killed in World War II. That child had a son. An estate is built up involving a lot of money. I am not talking about insurance money, but gratuities that would revert to the Federal Treasury under this bill. There are 3 children, 2 sons and a daughter. A son and daughter living would get it all. The son of the boy who was killed would get nothing.

That amendment will not do anything to the taxpayer, but it will correct an inequity in the bill as it now exists, and I trust that when the amendment is eventually offered to include grandchildren or the child of a deceased veteran, it will prevail.

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

Mr. CUNNINGHAM of Iowa. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Why should the son of the deceased individual in the gentleman's example receive anything?

Mr. CUNNINGHAM of Iowa. Because he is as much entitled to it as is the brother and sister of the boy who was killed, who did not go into the service at all. This money belongs to the veteran grandfather just as any other money that the grandparent would leave which is divided equally to each child or the children of each child under State law. Why should we not do equity to the heirs of the veteran with money that could not revert to the Treasury anyway?

It is just a matter of equity, that is all.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM of Iowa. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I have an amendment at the desk, but the gentleman from Minnesota offered his amendment ahead of me. Mine included grandchildren that would inherit in equal parts. I do not believe there is any Member of the House who would vote against that amendment. It is just a matter of equity.

Mr. CUNNINGHAM of Iowa. I realize I am speaking out of turn, but I was afraid I would not get another chance.

Mrs. ROGERS of Massachusetts. I am delighted the gentleman spoke about it. We do not have enough of that sort of thing around here.

Mr. H. CARL ANDERSEN. Mr. Chairman, I have a copy of the amendment which would have been offered by the gentlewoman from Massachusetts had I known she had it prepared. I note it does include grandchildren in equal parts. It also includes the mother or father, and so forth, and the brothers and sisters in equal parts as contained in my amendment.

Mr. Chairman, I ask unanimous consent for the withdrawal of my amendment to permit the gentlewoman from Massachusetts [Mrs. ROGERS] to offer hers instead. I believe that will hasten up matters at this point.

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

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I offer a substitute.

The Clerk read as follows:

Amendment offered by Mrs. ROGERS of Massachusetts as a substitute for the amendment offered by Mr. TEAGUE of Texas: On page 2 strike out all of lines 13 through 16 and insert in lieu thereof the following:

"(C) The grandchildren in equal parts;

"(D) The mother or father (as defined in paragraph VII of Veterans Regulation Numbered 10), or, if he has both a mother and a father, to them in equal parts;

"(E) The brothers and sisters in equal parts."

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that all debate do now close on the substitute.

Mr. H. CARL ANDERSEN. Mr. Chairman, I object.

The CHAIRMAN. The question is on the substitute amendment offered by the gentlewoman from Massachusetts [Mrs. ROGERS].

The question was taken; and on a division (demanded by Mrs. ROGERS of Massachusetts) there were—ayes 54, noes 76.

So the substitute amendment was rejected.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the Teague amendment be again reported.

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

There was no objection.

The Clerk again reported the Teague amendment.

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

The amendment was agreed to.

Mr. TEAGUE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas: On page 2, line 16, strike out the period following "shares" and insert a semicolon, and immediately below line 16 insert the following:

"(D) The brothers and sisters of the deceased (including those of the half blood and those through adoption) who reside in the United States or any Territory, Commonwealth, or possession thereof, and who establish to the satisfaction of the Administrator that (i) they contributed substantially to the support of the deceased over the years, (ii) that they were, in fact, dependent upon the deceased for support during his lifetime, or (iii) that they had custody of the deceased during his lifetime and provided care and aid to him."

Mr. TEAGUE of Texas. Mr. Chairman, this amendment is an attempt to give brothers and sisters who have made a contribution to the veteran a chance to inherit his estate. It does not include all brothers and sisters. There is no question but that many brothers and sisters have done much to help the incompetent veteran. However, we are still going beyond the veterans' program in other respects by extending this to a dependent brother or sister who helped care for the veteran.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. The gentleman, I think, inadvertently misspoke himself. He said, "It does not include all veterans." He means it does not include all brothers and sisters.

Mr. TEAGUE of Texas. It does not include all brothers and sisters.

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

Mr. TEAGUE of Texas. I yield to the gentleman from Rhode Island.

Mr. FORAND. Will the gentleman tell the House what is meant by the word "substantial," which is a term that has caused an awful lot of trouble in many, many places?

Mr. TEAGUE of Texas. I would say to the gentleman that in this program the Administrator of Veterans' Affairs is required to make this decision. For instance, if a disabled veteran goes to a hospital and he has a mother who is dependent on him, the Administrator is required to make a decision as to how much is to be apportioned for the care of the mother.

Mr. FORAND. In the hope that he will interpret the word "substantial" on the liberal side?

Mr. TEAGUE of Texas. Yes.

Mr. FORAND. I thank the gentleman.

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

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. FLYNT: On page 2, line 11, after ")", following the word "status," insert "and children of deceased children."

Mr. FLYNT. Mr. Chairman, I have another amendment, and I ask unanimous consent that they be considered en bloc and that the second amendment be reported.

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

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLYNT: Page 2, line 11, after ")", following the word "status", strike out "in equal parts" and insert "per stirpes."

Mr. FLYNT. Mr. Chairman, the two amendments which are now being considered are two of the three to which I referred a few minutes ago in discussing a pro forma amendment. If you will turn to page 2 of the bill, on line 11, after the parenthesis, following the word "status", there would be inserted the words "and children of deceased children." The words "in equal parts" would be stricken and inserted in lieu thereof the words "per stirpes."

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman.

Mr. TEAGUE of Texas. Would not the gentleman include some need in a grandchild?

Mr. FLYNT. I do not think it is necessary to do so, and I will explain to the gentleman why. There is no such provision now with regard to children.

Mr. TEAGUE of Texas. There are as far as brothers and sisters are concerned.

Mr. FLYNT. Under the law of my State a child of a deceased child does not stand in the category as brothers and sisters, to whom the gentleman has just referred. On the contrary, the child of a deceased child—I think this applies to the law of every State in the Union as well as my own State of Georgia—the child of a deceased child stands on a comparable legal footing with his deceased parent. And in order to make this fair and equitable I think it also takes into consideration at least most of that which was contemplated by the substitute amendment offered by the gentlewoman from Massachusetts. I sincerely hope the committee will adopt these two amendments.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield.

Mrs. ROGERS of Massachusetts. I hope very sincerely the committee will accept the amendment, after thinking the matter over calmly, because I think then they will be very glad to accept it.

Mr. FLYNT. I thank the gentlewoman.

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

Mr. Chairman, it does seem as though we are forgetting all about the veteran and beginning to think about somebody who will profit when he dies. This money, as has been said before, is provided by all the taxpayers for the benefit of the veteran because he needs it; because he deserves it. It is unfortunate that human nature is what it is. But those of us who have practiced law over the years know that every once in a while there is born and lives an individual who is not at all concerned about the way he gets a dollar, just so long as he can get it. I happen to have had a case one time where a son was buried in a new suit of underwear and, believe it or not, the father put in a claim, asking the widow to pay for the underwear in which his boy was buried.

What is the effect of this amendment? It is bad enough as it is. The money, in the first place, was for the benefit of the individual veteran. Then in this law there is a provision that if he dies without the money having been spent it shall go to the individuals described on page 2. Referring to what I said, some individuals—thank the good Lord only one in a thousand—some who might profit do not see that the veteran, the incompetent veteran in the hospital, has the contributions spent for his benefit. Or, it may not be needed. Now you add to the group eligible to participate the grandchildren. The grandchildren have not rendered any service to the Government which entitles them to receive compensation from the general taxpayer. But now you come along and include another group. Now, why? Why not confine our legislation to payments for the benefit of the veteran, not endlessly down the line? We start this and there will never be an end.

I have an amendment which I shall offer that will take care of the situation referred to by the gentleman from Iowa. There are several other situations which have been called to the attention of Members of the House where someone has rendered a service to a veteran, yet does not come strictly under the class of creditor. There is an amendment to take care of that kind of situation. But it does seem that we should not now extend the list because ultimately there will be no end and it will result in a lack of care to the veteran himself.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. TEAGUE of California. I like the gentleman's statement that we are forgetting about the veteran. It seems to me unless the Congress has the courage to accept the responsibility to cure some of these abuses which have arisen, our whole very fine veterans' program is in danger.

Mr. HOFFMAN. Unfortunately that is true. Mr. Chairman, I yield back the balance of my time.

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

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

There was no objection.

Mr. SHUFORD. Mr. Chairman, at outset I want to compliment the gentleman from Michigan on bringing us back to the consideration of the bill in its original state and bringing us back to the law which was passed by this Congress for the benefit of veterans. The whole act is for the benefit of the veterans and not for the benefit of relatives or collateral kin. It is to take care of the individual veteran.

If he is in a hospital and incompetent and his moneys are being held from him because he has absolutely no need for them, he is receiving ample support, protection, and care from a thankful and appreciative Government. Why should we here try to divide up that veteran's estate among those that did not render the service to the Federal Government? We are forgetting in this debate today, I think, the fact that the veteran is the one in whom we are interested.

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

Mr. SHUFORD. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Is it not true that if we continue to give money to collateral heirs the time is coming, in view of the fact that as we progress the veterans' benefits are going to become more of a burden on the taxpayer, when either the veteran gets the money or the collateral heir gets the money?

Mr. SHUFORD. That is exactly right.

Mr. BELCHER. Every dollar that is given to a collateral heir will just be one that will not be available for veterans as they grow older and need it more than they do today.

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

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

Mr. HOFFMAN. I can think of one reason perhaps why this money should go to the collateral heirs or come down to somebody else. They can vote, while the veteran, being incompetent, cannot.

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

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

Mr. FLYNT. May I ask the gentleman, who is a distinguished lawyer and jurist from the State of North Carolina, if the law of his own State does not provide that the child of a deceased parent stands in the place of the deceased parent and inherits per stirpes?

Mr. SHUFORD. Yes; I think under the ordinary laws of inheritance as rec-

ognized in most of the States the child of deceased parents takes the parents' share, per stirpes or per capita, whichever way it is designated under the instrument; under the general law it would be per stirpes. But in this instance you are doing something else, you are not trying to change the laws of your State, and this bill does not attempt to change the laws of your State or any other State in the Union; the statement has been made here on the floor of the House that we are attempting by this law to change the inheritance laws of all of the States of the Union. We are not. There is no attempt here at all to change any law, but a designation is made as to how certain payments are to be made by the Veterans' Administration. That is all this bill is doing. It does not amend nor change any State law. It simply goes along and recognizes the veteran and his services to the Government and our obligation to the veteran, and it goes no further. That, I think, is proper. I think we should do it. But, I do not think we should try to establish an estate for some collateral kin or for some person who is not entitled to the estate or who does not need the estate. I think this law is a proper law.

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

Mr. SHUFORD. I yield.

Mr. BELCHER. I agree that you are not attempting to change the law of any State, but are merely determining the policy that the veteran and not the collateral heir is entitled to the money.

Mr. SHUFORD. That is correct. We are not changing any law at all. We are simply saying how this money is to be allocated upon the death of the incompetent veteran. In most cases he has not received it—it is money that is held by the Veterans' Administration. We are not changing the law whatsoever.

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

Mr. SHUFORD. I yield.

Mr. ROOSEVELT. The gentleman has stated a principle concerning which I have grave doubt. When, for instance, a disability payment or a pension payment is made to the veteran; is the gentleman correct in saying that that is to be used only for the veteran and that the veteran does not own it and that he is not able to do whatever he wants to do with that payment?

Mr. SHUFORD. I think the gentleman misunderstood me. What I said was that that money or at least most of it is held by the Veterans' Administration. It is for the benefit of the veteran. We discussed on yesterday the question of vested rights in any funds that were actually the veterans' funds. Those funds are not contemplated in this bill at all.

Mr. ROOSEVELT. Would the gentleman say that a retirement payment is a vested fund?

Mr. SHUFORD. I would not say a retirement payment was a vested fund. I do not think it is. It is something in the future and it has not been paid or given to the veteran.

Mr. ROOSEVELT. But it was owned by him while he was alive.

Mr. SHUFORD. But it has not been designated for distribution to him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. FLYNT].

The question was taken; and on a division (demanded by Mr. FLYNT)—there were ayes 46, noes 69.

So the amendment was rejected.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I have an amendment but I am going to ask the gentleman from New York [Mr. KEATING] to offer it.

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

The Clerk read as follows:

Amendment offered by Mr. KEATING: On page 3, line 14, immediately after "institution" insert the following: "(other than a Veterans' Administration institution)"; on page 3, line 20, strike out "before or"; on page 4, line 15, strike out the quotation mark, and immediately below line 15 insert the following: ".

Mr. TEAGUE of Texas (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD, and I think the gentleman from New York should say where the amendment came from.

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

Mr. FLYNT. Mr. Chairman, reserving the right to object, I would like to inquire how long the amendment is.

Mr. KEATING. It is a couple of pages, and I would be happy to explain, in answer to the suggestion of the gentleman from Texas, the amendment was obtained by me from the staff of the Committee on Veterans' Affairs, and I believe was prepared by the people in the Veterans' Administration.

Mr. TEAGUE of Texas. The legislative counsel and the staff of the Veterans' Affairs Committee.

Mr. KEATING. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. TEAGUE]?

Mr. BASS of Tennessee. Reserving the right to object, does it delete any further part of the present bill?

Mr. KEATING. No.

Mr. BASS of Tennessee. All of the deletions have been made?

Mr. KEATING. Yes.

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

There was no objection.

(The remainder of the amendment reads as follows:)

(6) Where a beneficiary dies, any funds in the hands of the chief officer of a Veterans' Administration institution in which the beneficiary was an inmate which were derived from payments of compensation, dependency and indemnity compensation, pension (including pension under private acts), emergency officers' retirement pay, servicemen's indemnity, or retirement pay, made to or on behalf of the beneficiary before or after the date of enactment of this paragraph by the Administrator of Veterans' Affairs, shall be paid to the survivor or survivors of the beneficiary first listed in paragraph (3) living at the time the payment is made. If there are no survivors in the classes listed in that paragraph, such funds shall be deposited in the Treasury to the credit of the current appropriation or appropriations (as determined by the Administrator of Veterans' Affairs) from which such funds were appropriated.

(7) Where a beneficiary dies, any funds or property in the hands of a person who is a guardian, curator, conservator, chief officer of an institution (other than a Veterans' Administration institution) in which the beneficiary was an inmate, or person legally vested with his care or the care of his estate, which funds or property were derived from payments of compensation, dependency and indemnity compensation, pension (including pension under private acts), emergency officers' retirement pay, servicemen's indemnity, or retirement pay made to such person on behalf of the beneficiary before the date of enactment of this paragraph by the Administrator of Veterans' Affairs, which under the law of the State wherein the beneficiary had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, chief officer, or person legally vested with the care of the beneficiary or his estate, or by the personal representative of the deceased beneficiary, less legal expenses of any administration necessary to determine that an escheat is in order, to the Veterans' Administration, and shall be deposited to the credit of the applicable current appropriation or appropriations (as determined by the Administrator of Veterans' Affairs).

Mr. KEATING. Mr. Chairman, I will try to explain as briefly as possible what this amendment does.

The objectives of this legislation have my full support. I commend the chairman of the committee and the chairman of the subcommittee and all the members of the Veterans' Affairs Committee for bringing this bill before us. I think generally it is sound.

The thing that troubles me about it is this: There are really in the first place two sets of funds that we are considering here. One, those built up hereafter; and, secondly, those already built up. As to those built up hereafter, there is no doubt in my mind we can attach any conditions to the receipt of those that we see fit. As to those built up, up to this time, there is no doubt in my mind that we can attach any conditions we see fit to that part of those funds which is still held in veterans' hospitals or by the representatives of the Veterans' Administration. Title to those funds has not passed. The part that troubles me is the funds, title to which has passed to the guardian. We cannot provide by legislation that those funds be taken back and revert to the United States Treasury, because that is taking property without due process of law, and in my judgment is clearly unconstitutional. It would be struck down by the court and it might imperil this entire legislation if we leave that in.

I want to refer to pages 39 and 40 of the report, in which this point was brought up by the Administrator of the Veterans' Administration. The Veterans' Administration has expressly said they are very much in sympathy with the objectives of this bill.

As has been said so often, we set up these veterans' programs for the benefit of the veterans and their close dependents—not for collateral relatives. But, as he points out on page 39:

It is recommended that if the essential plan of this bill is favorably considered the retroactive provisions be removed except as to funds composed of the mentioned benefits which have been deposited in personal funds of patients.

In other words, those funds upon which the Federal Government still has some hold, and not as to the funds, title to which has passed to the guardian.

On page 40 he says:

In summary, the Veterans' Administration strongly subscribes to the basic objective of this proposed legislation.

However, for the reasons set forth, enactment of the bill in its present form cannot be recommended.

I feel that this legislation and the whole bill before us is in considerable jeopardy as being unconstitutional unless we remove from it this inclusion of funds which have actually been turned over to the guardian. I urge that this amendment have the support of those who favor the objectives of the bill.

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

Mr. KEATING. I yield.

Mr. TABER. I wonder if the gentleman would tell us briefly just what this amendment does.

Mr. KEATING. Yes. I will say to the gentleman from New York there are two sets of already-built-up funds. We can do anything we want to as to the future, and this bill so far as it speaks in future is, in my judgment, sound, and I expect, in the judgment of the gentleman from New York, it is sound.

As to the funds already built up, they are of two characters: First, funds in the hands of the hospital over which the Federal Government still has the control and title to which has not passed. As I understand, that comprises the larger amount of these funds. Then there are other funds to which the title has passed to the guardian; they are the property of the guardian. I do not believe we can constitutionally divest the guardian of those funds and take them back again. Any legislation which seeks to do that violates the due process clause of the Constitution.

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

Mr. KEATING. I yield.

Mr. HOFFMAN. Assuming that is true, and it seems to be, could we not introduce a separation clause providing that, if any particular feature of the bill is stricken, the remainder shall stand?

Mr. KEATING. My fear about a separation clause, I will say to the gentleman, is that this is all one section; it is not divided, and I am afraid that a separation clause would not do the trick. That is why I feel quite strongly that those of us who favor the legislation should support this amendment. I shall feel compelled to vote to recommit the bill unless this amendment is adopted. After all, we should not pass legislation which is patently unconstitutional, no matter how worthy its objectives, and consciously leave it to the courts to set us straight. I apprehend a good many Members share that feeling. I fear, therefore, for the passage of this measure unless this amendment is adopted.

Mr. TEAGUE of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will yield shortly to the gentleman from New York. I am not a lawyer and I am not going to speak for or against the amendment, but I think the committee should know that this was discussed in the Veterans' Affairs Committee. As I understand there are a number of court cases which indicate that this is constitutional. It was our belief that rather than forego the possibility of getting back maybe $50 million or $100 million it was better to let the courts decide the issue.

Mr. KEATING. Mr. Chairman, I must preface my answer by saying that the admiration for the gentleman from Texas, which I have always had, is enhanced by the fairness of his approach to this amendment. I know it was discussed in the gentleman's committee and was rejected. I could be wrong about my position now but I do not think I am. The cases to which the gentleman refers are cited on page 5 of the report. I do not believe they are applicable to this situation. They are cases which say that while these funds are in the hands of the guardian as to their method of investment and as to other things affecting them, there is still a Federal hold over them and that the Federal laws apply. You could jump from that to say that the funds could be taken back by the Federal Government but I think it is a jump that the courts would never take.

Mr. DIES. If the gentleman will permit an interruption, I do not think the gentleman has yet explained the real effect of the amendment. We have neither heard it read nor explained.

Mr. KEATING. I thought I had explained it fully. Its effect is to change the bill so that this recoupment of funds by the Federal Treasury will apply only to future payments, and not to what has been paid outright in the past. Perhaps I should explain it a little more fully.

Mr. TEAGUE of Texas. If the gentleman will permit I should like to call attention to and read from the case of United States against Teller:

General Burnett claimed that having awarded him a pension under a private act, Congress could not later cut him off.

The Court states:

"It was competent for Congress to pass this act. No pensioner has a vested legal right to his pension. Pensions are the bounty of the Government, which Congress has the right to give, withhold, distribute, or recall at its discretion."

Mr. KEATING. I am familiar with that case.

Mr. TEAGUE of Texas. It was the feeling of our committee that the proper thing to do was to pass the bill and have the court decide the question. I do not believe there would be hundreds of cases. There would probably be but one case that the court would decide.

Mr. KEATING. I am a friend of this legislation and I want to have a bill which I can conscientiously support. But I am afraid this entire measure being encompassed in one section, that unless we eliminate this feature we may imperil the entire legislation.

Mr. TEAGUE of Texas. I am not speaking against the amendment. I am merely explaining to the Committee the position of my committee.

Mr. KEATING. I want to point out the difference between this case and those pension cases. There is a long line of such decisions. In pension cases it has been held that is a gratuity which the Government has elected to give and can rescind it at any time it wants to. That is perfectly fair. But the Government cannot come into that pensioner's pocket and say, "We have given you a hundred dollars. Now we want it back."

That is the distinction between the cutting off of the pension and this case here. In this legislation we are seeking to go into the pocket of the guardian and take away from him money as to which title has already vested in him.

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

Mr. TEAGUE of Texas. I yield to the gentleman from Michigan.

Mr. HOFFMAN. If this amendment is adopted then the Government does not get back any of this money?

Mr. TEAGUE of Texas. Oh, yes.

Mr. HOFFMAN. It is already accumulated. The gentleman stated this applies only to future payments.

Mr. KEATING. No. I was careful to make the distinction. It applies to all future payments and as to all past payments which are still in the hands of veterans' hospitals.

Mr. HOFFMAN. I get the gentleman's point.

Mr. KEATING. That is the danger, as I see it.

Mr. TEAGUE of Texas. May the gentleman from New York finish and then I will be glad to yield to the other gentlemen.

Mr. KEATING. I really do not have information on the relative amounts now in the guardians' hands and the amounts still held in veterans' hospitals. My amendment would not touch funds that are still in the hands of veterans' hospitals. They would still be taken back into the Treasury in the event the veteran did not qualify by leaving one of these close relatives designated in the bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TEAGUE of Texas. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes to yield to the gentleman from Michigan and the gentleman from New York.

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

There was no objection.

Mr. TEAGUE of Texas. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. HOFFMAN. As long as the courts have decided that where there is an appropriation of this kind for the benefit of the veteran the Congress can recall it, why not let that decision stand until the Supreme Court rules because we have discovered of late that we do not know anything about law until the Supreme Court comes along and tells us.

Mr. TEAGUE of Texas. I may say to the gentleman that the definition of "pension" has changed considerably in our country over the years. I may say to the gentleman further that everything in this bill has been determined to be a gratuity in the legal sense. It was our intention to have the courts decide the matter.

Mr. HOFFMAN. That is the position taken by the committee?

Mr. TEAGUE of Texas. Yes.

Mr. Chairman, I now yield to the gentleman from New York.

Mr. TABER. Mr. Chairman, I ask unanimous consent that the Keating amendment may be read for the information of the Committee.

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

There was no objection.

The Clerk read the Keating amendment.

Mr. H. CARL ANDERSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the gentleman from New York, for the information of the House, if the purpose of his amendment is not to set a date line, so to speak, and virtually start anew from the date of the enactment of this act, with the exception of certain funds still in the hands of the Government for the account of the veteran.

Mr. KEATING. That is in substance right, except my understanding of the factual situation is that they were not minor; that there were quite substantial amounts of funds still in the hands of the hospitals, title to which had not passed. This only affects those funds as to which title has passed to the guardian.

Mr. H. CARL ANDERSEN. Now, I think the whole Committee will agree that we have improved this bill considerably during this discussion. We have especially taken out the dependency relative to parents. Now, it seems to me that if your amendment is adopted, we will accomplish the two main objectives which have been brought before the Committee relative to this bill, and I believe we can go on and pass it. First of all, you have made it possible to effectively administer this legislation. In other words, we will not throw into litigation, as I have argued continually here, each and every one of these 110,000 veterans' cases, will we?

Mr. KEATING. I hope we will not.

Mr. H. CARL ANDERSEN. I am certain we will not under your amendment. Secondly, we will make it possible to prevent the bulk of the work in connection with the commingling, so to speak, of the assets from entailing a considerable expense. We will make it possible for any reasonable accountant to go in there without too much work or court adjudication to determine what shall be the VA's portion or what shall remain in the hands of the guardian for distribution.

Mr. KEATING. I think the gentleman is right. That is an incidental benefit of the amendment, but I would never have offered the amendment if that were the sole purpose, because I think it would be possible to differentiate these amounts. I think perhaps the gentleman and I are in some difference as to the general desirability of the amendment, although I appreciate his support for this amendment. I rather like this legislation. But I do want to remove from it what I feel are the unconstitutional elements in order that the legislation will not be thrown out in the courts.

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

Mr. Chairman, I would like to ask the gentleman from New York [Mr. KEATING] who offers the amendment a question so as to be completely clear as to the funds we are dealing with which may now be held in trust. It is my understanding of the gentleman's amendment that something over $59 million now held in trust by the Veterans' Administrator for patients in Veterans' Administration facilities would be recoverable under his amendment; is that correct?

Mr. KEATING. That is right. They are not affected by my amendment.

Mr. SISK. And if the situation we have mentioned in this bill should exist, then that money would escheat to the Unites States Government?

Mr. KEATING. That is right.

Mr. SISK. And in addition to that, any future funds would be subject to the provisions of the bill?

Mr. KEATING. That is right.

Mr. SISK. Is it the gentleman's understanding that his amendment affects the bill in any other manner; that is, deletes from consideration any funds set forth in the bill, or affects it in any manner at all?

Mr. KEATING. Only in the single respect of those funds which have been turned over to a guardian or to the legal representative outright, already.

Mr. SISK. So that what the gentleman is trying to do by his amendment is with reference to funds, title to which has passed and are what might be termed to be an interest vested in a guardian or in some member of the veteran's family?

Mr. KEATING. The gentleman is absolutely correct.

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

Mr. SISK. I yield to the gentleman.

Mr. SAYLOR. Mr. Chairman, I would like to ask the gentleman from New York a question, how he can justify giving money back to the Federal Government just because it has remained in the hands of the Veterans' Administration, when he cannot justify it when it has been turned over to a trustee?

Mr. KEATING. The reason for this, I will say to the gentleman from Pennsylvania—and it may be legalistic in character—is that it is the simple difference between those funds, title to which has passed and those funds, title to which has not passed. The Federal Government still has a hold on the funds held by it and which it has not passed to the guardian. It has no hold over those funds to which title has passed to the guardian.

Mr. SAYLOR. I would like to say to the gentleman from New York that apparently he has never read the original act of 1924, because the question of jurisdiction was resolved by this Congress in 1924 and the constitutionality of it has never been questioned from that date to this. That is, we have already stated that if these funds are not spent and would escheat to a State, instead of escheating to the State, they will come back to the United States.

Mr. KEATING. My amendment says that even as to those funds title to which has passed to the guardian, they shall escheat to the United States, rather than to any State. I think we can do that. I think, if they now escheat to the State we can provide that they escheat to the United States and my amendment so provides. That is not depriving a person of property without due process because a State is not a person within the terms of the Constitution. It is a different situation, I will say to the gentleman from Pennsylvania.

Mr. SISK. Mr. Chairman, I would like to ask the gentleman from New York one further question. In the future with reference to funds which would be paid—that is, pensions and other funds that are considered in this bill, that are paid to the guardian—and we are talking of the future now—they would be paid to a guardian or trustee and then would be subject to the provisions of this bill and would escheat to the United States, if such conditions as are anticipated by this legislation existed. Is that correct?

Mr. KEATING. That is correct, because as to the future in giving them we can attach any condition we wish to attach. We can conditionally give them and the guardian takes them with that condition attached. As to the funds to date, he has taken them outright without the attachment of any such condition.

Mr. SISK. That is what I wanted to get clear. We are setting up this provision ahead of time, and making all such funds subject to the provision of this bill in the future.

Mr. SHUFORD. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. SHUFORD. Mr. Chairman, I rise in opposition to this amendment because I think we misunderstand the condition of this fund that has been designated for certain incompetents.

In the hearing on this measure before the subcommittee it was brought out that the Veterans' Administration had certain funds and, they said, they did not know whether the money had been paid or had not been paid, but it was in the hands of the Veterans' Administration. One day they would consider their custody of the funds as a transfer and thereafter they would consider that the funds had not been transferred but still constituted funds in the Veterans' Administration. There was confusion in the Veterans' Administration as to the status of the funds. There is $55 million which would go back to the Federal Government under this amendment. About $500 million would not go back to

the Federal Government, yet they would go to individuals far beyond that relationship ever contemplated by the Federal Government or by the Congress.

We in the subcommittee recognized the question of a vested interest and we recognized it very seriously, and I think the point of the gentleman from New York is well taken; but this amendment would cripple the Veterans' Administration in handling certain matters in connection with this fund.

We in the committee did not think it was up to the committee or the Members of Congress to determine the complicated question of whether these funds were to be allocated and designated as vested funds or were not vested funds. That is the reason we brought the bill in in the fashion we did. We found court rulings that clearly indicated the funds were not to be considered as vested. We say now that if it is a vested interest the veteran has, that is one question, but if it is not a vested interest and the Government still has some control over it, then the question should be left to the court and determined by the court and not by action of this body.

I think this amendment will be crippling to the legislation. I think we should pass the bill as it is. The intent of the Congress as to what they want to do and have wanted to do is clear, that they wanted to compensate the veteran for his service for his acts in the past. If there is any question, then it will be resolved properly by the courts. There will not be a multiplicity of suits. I think one suit would probably settle the whole matter. It was with that idea that we brought in this legislation for your consideration. I hope the amendment will be defeated.

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

Mr. SHUFORD. I yield.

Mr. CRETELLA. The gentleman stated that the House probably does not understand this bill and that the Veterans' Administration is confused. Does not the gentleman think that that is good reason to send the bill back?

Mr. SHUFORD. The gentleman probably misunderstood me.

Mr. CRETELLA. No; I do not think I misunderstood the gentleman.

Mr. SHUFORD. I did not say the House was confused. I did not say the Veterans' Administration was confused. All I said was that there were certain funds in the Veterans' Administration and that at one time they held the funds in one way by administrative order and at another time they changed the order and, therefore, there is reason for this bill to be considered by the House.

Mr. CRETELLA. But that is confusion, is it not?

Mr. SHUFORD. There is reason for this bill to be considered by the House, so it may work its will in order that these funds may go, as I think the Congress in the past intended them to go.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I realize I may have taken too much time, but I cannot help it. Why all the confusion? Here is what the Supreme Court said about veterans pensions. This case, to which I refer, has not been overruled. Of course, it was decided a long time ago, but nevertheless it is still the law. This case is with reference to a veteran who was granted a pension and the Government later took it away from him. The Court said:

> All, therefore, that is left in his case is his contention that in addition to the pension he is entitled to about $75.

And this man thought he was entitled to the second pension. Here is what the Court said and there is one page and part of another page. The Court said:

> It was competent for Congress to pass this act. No pensioner has a vested legal right in his pension. Pensions are bounties of the Government which the Congress has the right to give, withhold, distribute, or recall at its discretion.

That is the law. Why not leave it that way until some court decides otherwise?

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise in support of the amendment. Perhaps I should not be in favor of the amendment because I still think the bill is an unfortunate bill, because certainly the money that a man earns because of his service is just as much his money as money that he earns in business. Also, Mr. Chairman, I think if the amendment passes, it will improve the bill. Again I must repeat, because of other provisions that I believe to be unfair, I do not want the bill to pass. I congratulate the gentleman from New York on the honesty and integrity and clear thinking of his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. KEATING].

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 62, noes 64.

Mr. KEATING. Mr. Chairman, I ask for tellers.

Tellers were ordered and the Chairman appointed Mr. TEAGUE of Texas and Mr. KEATING to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 79, noes 71.

So the amendment was agreed to.

Mr. BASS of Tennessee. Mr. Chairman, I have three amendments at the desk. I ask unanimous consent that all three of the amendments be read at one time in the reverse order as they appear on the bill, but that they be voted on separately.

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

Mr. TEAGUE of Texas. Mr. Chairman, I reserve the right to object until I hear the amendments.

Mr. BASS of Tennessee. I would like to ask that the Clerk read amendment No. 3 first, then amendment No. 2, and then amendment No. 1.

The Clerk read as follows:

> Amendment offered by Mr. BASS of Tennessee: On page 3, line 17, after the word "from", strike out "payments of compensation."
>
> Amendment offered by Mr. BASS of Tennessee: Page 3, line 19, after the word "indemnity", strike out ", or retirement pay."
>
> Amendment offered by Mr. BASS of Tennessee: Page 3, line 19, after the word "pay", strike out "servicemen's indemnity."

Mr. TEAGUE of Texas. Mr. Chairman, I withdraw my reservation.

Mr. BASS of Tennessee. Mr. Chairman, I spoke earlier on these amendments. I want you to understand that what these amendments really do is to differentiate between compensation, earned moneys, and gratuities. Certainly gratuities of the Government, that is, a pension that is paid for non-service-connected disability, should not be accrued as the estate of the veteran because that is given to him for indigent care during his lifetime. But that money which he has earned as retirement or for retirement for service that he has performed for the Government should be accruable in his estate. Also I believe that compensation paid for a service-connected disability should be accruable.

This is protection of the veterans' rights, not of the rights of his heirs. I am not interested in his heirs; but money should be allowed to accrue in his estate which he has earned, that money which he has paid for, and these three things are moneys which have been earned by the veteran: His retirement pay, his compensation for disability sustained during his period of service, and also his insurance, the servicemen's indemnity, or the $10,000 free insurance which is given to him when he entered the service. Certainly I cannot understand why the House would not want to protect the rights of the veteran or any other individual in America to accrue in his estate money which he has rightfully earned and that money which is his just as much as retirement from the postal service or the Congressional service or any other service. I certainly hope these amendments will be adopted in order to protect moneys which have been accrued and earned by the veterans.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the money concerned in this bill has been legally decided to be a gratuity. If this amendment is adopted you might as well recommit the bill or throw out the bill entirely.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I shall be glad to yield.

Mr. BASS of Tennessee. I understand that the courts have said that retirement pay, service-connected disability, and insurance are gratuities, but I disagree with the courts. I cannot see how the word "gratuity" can be applied to money which has been earned as a retirement by a veteran or anyone else.

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

Mr. TEAGUE of Texas. I yield.

Mr. HOFFMAN. Did not the Committee just a few moments ago by a vote of 71 to 79 decide that the courts were wrong?

Mr. TEAGUE of Texas. I would not say that the gentleman's statement on that is correct.

Mr. HOFFMAN. I will, then.

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

Mr. TEAGUE of Texas. I yield.

Mr. ADAIR. Comparisons have been made between retirement pay and Congressional retirement or retirement of a postal employee. I am sure the gentleman does not mean to imply that any consideration directly is paid by these retired veterans for their retirement pay.

Mr. BASS of Tennessee. There is a difference, of course, between this and Congressional retirement or civil-service personnel retirement.

Mr. TEAGUE of Texas. We must also realize that this word "retirement" applies to about 1,600 emergency World War I officers; that is all.

Mr. BASS of Tennessee. I understand that and I agree with that.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise in favor of the amendments offered by the gentleman from Tennessee [Mr. BASS].

Mr. Chairman, these amendments are clearly in order. Perhaps Members of Congress might be later considered incompetent and perhaps it might be said that neither they nor their families should receive their retirement, or emoluments.

Mr. Chairman, I hope that the amendments will be agreed to. The service men and women who are going into the service at this time are watching this bill very carefully and they are afraid of what might happen to them. Also our veterans who are lying in hospitals are watching this carefully and wondering what would happen to them if they should become incompetent, either in hospitals or in their homes. They live in dread of the future.

I hope the gentleman's amendments will be agreed to. It is horrible to me to think that money earned by these veterans will be snatched from them and will be returned to the Government.

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

Mr. ROOSEVELT. Mr. Chairman, the bill under discussion has been greatly improved by the amendments adopted by the Committee and I believe will be further improved if the amendment to be offered by the gentleman from Michigan is adopted.

I am also for this amendment, for, regardless of what the courts say is now the law, this or any Congress can change the law. It is immoral, by a technicality or legislative interpretation, to deprive a veteran of what he has earned. Retirement pay for instance even if held for the veteran by the Veterans' Administration certainly would seem to belong to and have passed to the ownership of the veteran. I recognize this is not now the law, but it is bad law and this amendment would change it. If any of the worthy amendments so far adopted are later defeated in the House I shall vote to recommit, especially because the gentleman from New York [Mr. KEATING] has impressed me with his successful amendment.

The gentlewoman from Massachusetts [Mrs. ROGERS] has certainly made a most valiant fight on grounds of high principle, and I support her approval of this amendment.

The CHAIRMAN. Without objection, the Clerk will read the first amendment offered by the gentleman from Tennessee [Mr. BASS].

There was no objection.

The Clerk read as follows:

Page 3, line 17, after "from", strike out "payments of compensation."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BASS].

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BASS of Tennessee: On page 3, line 19, after the word "indemnity", strike out the comma and "or retirement pay."

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

The question was taken; and on a division (demanded by Mr. BASS of Tennessee) there were—ayes 17, noes 84.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Tennessee [Mr. BASS].

The Clerk read as follows:

Amendment offered by Mr. BASS of Tennessee: Page 3, line 19, after the word "pay", strike out "servicemen's indemnity."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BASS].

The amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 4, line 2, after the word "creditors", insert "and those who have rendered beneficial services for which no charge was originally made."

Mr. HOFFMAN. Mr. Chairman, some Members may have had the idea from what has been previously stated that there is opposition on my part to this bill. That is all wrong. What I wish to do is to the greatest possible extent protect the veteran. That is what the money was appropriated for.

Some Members—some on the Republican side and some on the other side—have called attention to the fact that there are cases where people who do not qualify in the relationship set forth on page 2 (A), (B), and (C) and would not be compensated, would not be permitted to obtain any part of the fund that might be left on the death of the incompetent veteran even though they had made substantial contribution both in kindness and of a material nature.

Look at page 3. This has to do with the remaining funds. It says:

Such funds, and the proceeds of such property, shall revert and be returned by the personal representative to the Administrator of Veterans' Affairs except that before making such return the personal representative shall satisfy the claims of creditors—

And then it goes on. The sole purpose of this amendment is to insure, if that be possible, greater care to the veteran during his lifetime. Instances were called to my attention, for example, the hypothetical case cited by the gentleman from Iowa [Mr. CUNNINGHAM], which I suspect was a rather real one, and a case of two cited by the gentleman from Georgia on the other in which they had personal experience. By the way, I have no personal interest in this matter. My blood relatives who were in the war, thank the good Lord, are all living and well, so I have no interest. I am not talking from the personal angle at all, for I am talking solely in the interest of the veteran. We all know when there is a veteran, an incompetent, totally disabled veteran, in some institution that for a while at least, shortly after his commitment, anyway, not only his relatives but friends and neighbors are solicitous about his welfare. They want him to have every possible advantage that will relieve his condition. They visit him—see that he has care. But, as time goes on, the days pass, the weeks and the months and maybe the years, the people, often the relatives, sometimes lose interest. That case was cited by a gentleman on the Democratic side. In came an old aunt to take care of the nephew, and she rendered services; she did it gratuitously. She does not stand in the relationship of a creditor.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. As far as the amendment is concerned, I will be glad to accept the gentleman's amendment.

Mr. HOFFMAN. Then, we can save time. I yield back the balance of my time.

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

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. JACKSON: On page 4, after line 15, insert a new paragraph as follows:

"(6) This act shall not be construed as invalidating any provision of State law which would be valid in the absence of this act unless there is a direct and positive conflict between an express provision of this act and such provision of State laws so that the two cannot be reconciled or consistently stand together."

Mr. JACKSON. Mr. Chairman, I believe the wording of the amendment is such that it is completely self-explanatory. It goes directly to the point of the concern expressed by many Members of this body and of the other body on the floors of the two Houses. It is merely to express prohibition directed at the judicial chain of command, shall we say, that the purposes of this act, if passed, are precisely what are stated in the act and nothing further.

Mr. Chairman, I think it is an amendment that might well be accepted by the Committee in that it does not change in any way, so far as I am able to determine, the substantive clauses and provisions of the bill. It does, however, answer a part of the national outcry generated by some of the recent decisions of the courts and takes a step that

it is possible for the Congress to take legislatively. I hope that the amendment will be adopted.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, certainly I do not yield to my good friend from California in the concern that I feel over the issue of States rights. I am not sure what this amendment would do, except I think it would confuse the bill.

So for that reason I cannot accept the gentleman's amendment.

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

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. JACKSON. Mr. Chairman, I will say to my distinguished friend, whom I hold in the highest esteem, that either the bill does hold the threat of entry into this area or it does not. If it does not, then the addition of this amendment, in my opinion, is entirely harmless. If it does, then it seems to me that the adoption of this amendment is essential at this time.

I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. JACKSON].

The question was taken; and on a division (demanded by Mr. JACKSON) there were—ayes 66, noes 80.

Mr. JACKSON. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

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

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

There was no objection.

Mr. HENDERSON. Mr. Chairman, I am opposed to the provisions of H. R. 72 in its present form and believe it should be studied further. First, it presents a very definite constitutional problem whether the Federal Government, by legislative enactment, has the authority to determine the disposition of an incompetent veteran's estate even though funds included in that estate came from the Federal Government by way of compensation or pension. This bill would affect the laws of descent and distribution of each of the several States, which to my way of thinking is an invasion of the rights of the States themselves. If the matter of inheritance is not a subject within the province of State law, which the Federal Government should not invade, I would not know of any subject which can be free from the threat of Federal interference. Finally, this bill, if enacted, would present an insurmountable administrative problem in determining which part of an incompetent veteran's estate might be administered according to State law and which according to the Federal law we would enact by this bill. It would mean that no incompetent veteran's estate might ever be administered without Federal interference.

Congress may wish to act prospectively upon Federal funds which may in the future be turned over to incompetent veterans, but it is my feeling that for it to act upon funds which are already the property of our unfortunate servicemen is an action too drastic and too arbitrary for this Congress to consider.

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

Mr. Chairman, all during the course of the debate practically every Member who has taken the floor has had some kind words to say about the chairman of the Committee on Veterans' Affairs. In the 7 years it has been my privilege to serve with the chairman of the Committee on Veterans' Affairs I learned many times that he has been more familiar with legislation, had spent more time in studying it and was far more expert on it, than anyone in the House. We all say what a great fellow he is. Yet when the chips are down we vote against him. It has been most interesting.

I want to commend the chairman and the gentleman from North Carolina, Judge SHUFORD—I was not a member of the subcommittee—for the splendid work they have done. There was an amendment offered by the gentleman from New York [Mr. KEATING]. He made a very interesting legal approach to the bill, through his amendment. But I think we have all learned that there is a great difference of opinion among the lawyers in this House, of whom there are approximately 275. The debate we had on the bill here several weeks ago certainly would have convinced anyone here that they could not agree among themselves.

I am not going to accept the opinion of the gentleman from New York [Mr. KEATING] as being the final word. It was interesting to me to note that there was not one attorney in the House who took the floor other than the chairman of the subcommittee, to argue the point with him.

I have conferred with the chairman of our committee, the gentleman from Texas [Mr. TEAGUE] and he advises me—and I am willing to accept his opinion on it—that if the amendment of the gentleman from New York becomes a part of the bill when it is approved, it will take away the basic intent of the Committee on Veterans' Affairs under the leadership of the gentleman from Texas [Mr. TEAGUE].

It is my understanding that the gentleman from Texas will ask for a separate vote on the amendment. I hope we will support those who have studied this matter diligently, who have offered amendments that, in my judgment, make it acceptable to a vast majority of the Members of this House.

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

Mr. AYRES. I yield to the gentleman from Maryland.

Mr. HYDE. I will say to the gentleman from Ohio that a number of us made the same point yesterday that the gentleman from New York presented so ably, on his amendment, this afternoon.

Mr. AYRES. Then I am safe in saying that the attorneys in the House concur in the opinion of the gentleman from New York, concur in all the points that he has made in the debate? Am I safe in that assumption, may I ask the gentleman from Maryland? I think the gentleman from Maryland somewhat disagreed with him on a legal question several weeks ago.

However, I should like to say that when the final vote comes I hope you, that have not had an opportunity to follow the legislation as closely as the subcommittee and the chairman of the Committee on Veterans' Affairs, will think twice before you vote against the opinion they have formulated after careful and thoughtful consideration.

I may add one more thing: There are no members on the Committee on Veterans' Affairs who have anything other than the interests of the veteran at heart.

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

Mr. AYRES. I yield to the gentleman from Minnesota.

Mr. JUDD. Did I not understand the chairman of the Committee on Veterans' Affairs, the gentleman from Texas [Mr. TEAGUE], to say that he had no opinion on this amendment one way or the other?

Mr. TEAGUE of Texas. No; the gentleman from Texas did not say that. He said he was not a lawyer and that he was not going to argue for or against, but after listening to all the evidence in the committee it was his opinion that the bill should go through as is and let the court make a decision. If this amendment is defeated, it appears that some 50 or 60 or nobody knows exactly how many millions of dollars will come back, but the court will decide. If the amendment stays in, then for sure that money is gone.

Mr. JUDD. Others of us like myself who are also not lawyers want to be sure that we are not voting for something that puts in jeopardy the right of private property. We question whether our Government, for no matter how good a reason or cause, has the right or ought to have the right to take away from persons that which has been legally conveyed to them or to their estates. The bill says "return" to the Federal Government—how can funds be returned if they have not first been turned over? I do not know; but I hesitate to vote for something that could even call into question so fundamental a right. I would rather leave it to the gentleman and his committee to work it out more clearly before voting for it.

Mr. TEAGUE of Texas. All the committee is saying is, let the courts decide. It will be a court decision. We are not going to take it away from them. The courts will decide yes or no.

Mr. AYRES. This makes it possible for a decision to be made should a controversy arise.

I hope the bill, as amended by the committee amendment, will pass.

Mr. CHRISTOPHER. Mr. Chairman, I move to strike out the last word, and I shall not use 5 minutes because the hour is late.

Mr. Chairman, I was in opposition to this bill when it was before our committee. I am still in opposition to it. I will vote to recommit it to the committee if I get an opportunity to do so. I never have liked it and I still do not like it. The longer I have sat here and heard it discussed today the less I have thought of it.

We are a Congress that in the past have appropriated $48 million that is presently being used on the Island of Formosa, Taiwan, to pension and provide for Chiang Kai-shek's old war veterans. I want the CONGRESSIONAL RECORD to show following my name that I was not a party to helping reach fingers into the little estates that have been built up by men who have worn the uniform of the United States and fought under its flag, so that money given to them in pensions and compensation might be returned to the Treasury of the United States. I do not gag at a gnat and swallow a camel. I hope this bill will be defeated.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. HARRIS, 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. 72) to amend section 21 of the World War Veterans' Act, 1924, to provide for the disposition of certain benefits which are unpaid at the death of the intended beneficiary, pursuant to House Resolution 245, 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?

Mr. TEAGUE of Texas. Mr. Speaker, I demand a separate vote on the Keating amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments en gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 3, line 14, immediately after "institution", insert the following: "(other than a Veterans' Administration institution)"; on page 3, line 20, strike out "before or"; on page 4, line 15, strike out the quotation mark, and immediately below line 15 insert the following:

"(6) Where a beneficiary dies, any funds in the hands of the chief officer of a Veterans' Administration institution in which the beneficiary was an inmate which were derived from payments of compensation, dependency and indemnity compensation, pension (including pension under private acts), emergency officers' retirement pay, servicemen's indemnity, or retirement pay made to or on behalf of the beneficiary before or after the date of enactment of this paragraph by the Administrator of Veterans' Affairs, shall be paid to the survivor or survivors of the beneficiary first listed in paragraph (3) living at the time the payment is made. If there are no survivors in the classes listed in that paragraph, such funds shall be deposited in the Treasury to the credit of the current appropriation or appropriations (as determined by the Administrator of Veterans' Affairs) from which such funds were appropriated.

"(7) Where a beneficiary dies, any funds or property in the hands of a person who is a guardian, curator, conservator, chief officer of an institution (other than a Veterans' Administration institution) in which the beneficiary was an inmate, or person legally vested with his care or the care of his estate, which funds or property were derived from payments of compensation, dependency and indemnity compensation, pension (including pension under private acts), emergency officers' retirement pay, servicemen's indemnity, or retirement pay made to such person on behalf of the beneficiary before the date of enactment of this paragraph by the Administrator of Veterans' Affairs, which under the law of the State wherein the beneficiary had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, chief officer, or person legally vested with the care of the beneficiary or his estate, or by the personal representative of the deceased beneficiary, less legal expenses of any administration necessary to determine that an escheat is in order, to the Veterans' Administration, and shall be deposited to the credit of the applicable current appropriation or appropriations (as determined by the Administrator of Veterans' Affairs)."

Mr. TEAGUE of Texas (during the reading of the amendment). Mr. Speaker, since this is such a long amendment, I ask unanimous consent that the amendment be considered as having been read.

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

There was no objection.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 86, noes 106.

Mr. KEATING. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Members in favor of taking this vote by the yeas and nays will rise and remain standing until counted. [After counting.] Fifteen Members have arisen—not a sufficient number.

The yeas and nays were refused.

So the amendment was rejected.

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.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentlewoman opposed to the bill?

Mrs. ROGERS of Massachusetts. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mrs. ROGERS of Massachusetts moves to recommit the bill H. R. 72 to the Committee on Veterans' Affairs for further study.

Mr. TEAGUE of Texas. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 191, nays 161, answered "present" 2, not voting 79, as follows:

[Roll No. 142]

YEAS—191

Alexander	Green, Oreg.	O'Hara, Ill.
Andresen, August H.	Gross	O'Hara, Minn.
Andrews	Hagen	O'Konski
Ashmore	Hale	O'Neill
Bailey	Harden	Osmers
Baker	Haskell	Ostertag
Baldwin	Hemphill	Passman
Baring	Henderson	Patman
Barrett	Herlong	Perkins
Bass, Tenn.	Heselton	Philbin
Beckworth	Hill	Pilcher
Bennett, Fla.	Hoeven	Pillion
Bennett, Mich.	Holifield	Poff
Berry	Holland	Polk
Blatnik	Huddleston	Porter
Boggs	Hyde	Preston
Bolton	Jennings	Price
Boyle	Jensen	Rabaut
Bray	Johnson	Radwan
Brown, Ga.	Jones, Ala.	Rains
Brown, Mo.	Judd	Ray
Cannon	Karsten	Reece, Tenn.
Chelf	Keating	Reed
Chenoweth	Keeney	Reuss
Christopher	Kelly, N. Y.	Rhodes, Pa.
Church	Kilday	Richlman
Coad	King	Roberts
Coffin	Kirwan	Robsion, Ky.
Collier	Kitchin	Rogers, Colo.
Colmer	Knox	Rogers, Mass.
Cooper	Knutson	Rogers, Tex.
Corbett	Landrum	Rooney
Cramer	Lane	Roosevelt
Cretella	Lanham	Santangelo
Cunningham, Iowa	Lankford	St. George
Cunningham, Nebr.	LeCompte	Saund
Curtin	Lennon	Schenck
Curtis, Mass.	Loser	Schwengel
Davis, Ga.	McCarthy	Seely-Brown
Davis, Tenn.	McCulloch	Selden
Dennison	McGovern	Sieminski
Dingell	McGregor	Sikes
Donohue	McIntire	Smith, Miss.
Dorn, N. Y.	McMillan	Spence
Elliott	Macdonald	Springer
Evins	Mack, Ill.	Staggers
Fallon	Madden	Sullivan
Feighan	Magnuson	Talle
Fenton	Mahon	Thompson, N. J.
Flood	Marshall	Tollefson
Flynt	Martin	Trimble
Forand	Merrow	Ullman
Forrester	Metcalf	Vanik
Fountain	Miller, Calif.	Van Zandt
Frazier	Miller, N. Y.	Vorys
Fulton	Montoya	Walter
Garmatz	Moore	Watts
Gathings	Morgan	Whitten
Gavin	Morris	Wigglesworth
Gordon	Moss	Williams, Miss.
Grant	Murray	Willis
Gray	Natcher	Winstead
	Neal	Wolverton
	Nicholson	Yates
	O'Brien, Ill.	

NAYS—161

Abbitt	Auchincloss	Betts
Abernethy	Avery	Boland
Adair	Ayres	Bonner
Albert	Barden	Boykin
Alger	Bass, N. H.	Breeding
Allen, Calif.	Bates	Brooks, La.
Allen, Ill.	Baumhart	Brooks, Tex.
Arends	Belcher	Broomfield
Aspinall	Bentley	Brown, Ohio

Brownson	Harrison, Nebr.	Norrell
Broyhill	Harrison, Va.	Pfost
Budge	Harvey	Poage
Burdick	Hébert	Prouty
Burleson	Hess	Rees, Kans.
Bush	Hiestand	Rhodes, Ariz.
Byrd	Hillings	Rogers, Fla.
Byrne, Ill.	Hoffman	Rutherford
Byrnes, Wis.	Holmes	Saylor
Canfield	Holt	Scudder
Carnahan	Horan	Sheehan
Carrigg	Hosmer	Shuford
Cederberg	Hull	Siler
Chamberlain	Ikard	Simpson, Ill.
Clevenger	Jackson	Sisk
Cole	Jarman	Smith, Calif.
Cooley	Jenkins	Smith, Kans.
Curtis, Mo.	Jonas	Smith, Va.
Dague	Jones, Mo.	Smith, Wis.
Dawson, Utah	Kean	Stauffer
Dellay	Kee	Steed
Dempsey	Kelley, Pa.	Taber
Denton	Kilgore	Teague, Calif.
Devereux	Kluczynski	Teague, Tex.
Dies	Krueger	Tewes
Dixon	Laird	Thomas
Dorn, S. C.	Lesinski	Thompson, La.
Dowdy	Lipscomb	Thomson, Wyo.
Doyle	Long	Tuck
Durham	McConnell	Udall
Dwyer	McCormack	Utt
Engle	McFall	Van Pelt
Fascell	McIntosh	Vursell
Fisher	McVey	Weaver
Ford	Machrowicz	Westland
Friedel	Mack, Wash.	Whitener
Gary	Matthews	Widnall
George	Meader	Wier
Granahan	Michel	Williams, N. Y.
Griffiths	Miller, Nebr.	Wilson, Calif.
Gubser	Mills	Wilson, Ind.
Haley	Minshall	Wright
Halleck	Morano	Young
Hardy	Nimtz	Younger
Harris	Norblad	

ANSWERED "PRESENT"—2

Andersen, H. Carl Kilburn

NOT VOTING—79

Addonizio	Farbstein	O'Brien, N. Y.
Anderson, Mont.	Fino	Patterson
	Fogarty	Pelly
Anfuso	Frelinghuysen	Powell
Ashley	Green, Pa.	Riley
Beamer	Gregory	Rivers
Becker	Griffin	Robeson, Va.
Blitch	Gwinn	Rodino
Bolling	Hays, Ark.	Sadlak
Bosch	Hays, Ohio	Scherer
Bow	Healey	Scott, N. C.
Bowler	Holtzman	Scott, Pa.
Buckley	James	Scrivner
Byrne, Pa.	Jchansen	Shelley
Celler	Kearney	Sheppard
Chiperfield	Kearns	Simpson, Pa.
Chudoff	Keogh	Taylor
Clark	Latham	Teller
Coudert	McDonough	Thompson, Tex.
Dawson, Ill.	Mailliard	Thornberry
Delaney	Mason	Vinson
Derounian	May	Wainwright
Diggs	Miller, Md.	Wharton
Dollinger	Morrison	Withrow
Dooley	Moulder	Zablocki
Eberharter	Multer	Zelenko
Edmondson	Mumma	

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Becker for, with Mr. Kilburn against.

Mr. Johansen for, with Mr. Sadlak against.

Mr. Keogh for, with Mr. James against.

Mr. Anfuso for, with Mr. May against.

Mr. Buckley for, with Mr. Mason against.

Mr. Multer for, with Mr. Moulder against.

Mr. Holtzman for, with Mr. Robeson of Virginia against.

Mr. Addonizio for, with Mr. Sheppard against.

Mr. Rodino for, with Mr. Scott of North Carolina against.

Mr. Dollinger for, with Mr. Morrison against.

Mr. Delaney for, with Mr. Kearns against.

Until further notice:

Mr. Vinson with Mr. Simpson of Pennsylvania.

Mr. Riley with Mr. Pelly.

Mr. Dawson of Illinois with Mr. Dooley.

Mr. Fogarty with Mr. Beamer.

Mr. Farbstein with Mr. Kearney.

Mr. O'Brien of New York with Mr. Wainwright.

Mr. Zelenko with Mr. Taylor.

Mr. Powell with Mr. Wharton.

Mr. Green of Pennsylvania with Mr. Scherer.

Mr. Byrne of Pennsylvania with Mr. Scott of Pennsylvania.

Mr. Chudoff with Mr. Gwinn.

Mr. Clark with Mr. Fino.

Mr. Healey with Mr. Coudert.

Mr. Hays of Ohio with Mr. Bow.

Mr. Rivers with Mr. Latham.

Mr. Teller with Mr. Miller of Maryland.

Mr. Thornberry with Mr. Mumma.

Mr. Thompson of Texas with Mr. Patterson.

Mr. Zablocki with Mr. Scrivner.

Mr. Hays of Arkansas with Mr. Withrow.

Mr. Ashley with Mr. Chiperfield.

Mr. Gregory with Mr. Bosch.

Mr. Celler with Mr. McDonough.

Mrs. Griffiths with Mr. Mailliard.

Mrs. Blitch with Mr. Frelinghuysen.

Mr. Boling with Mr. Derounian.

Mr. COOLEY changed his vote from "yea" to "nay."

Mr. KILBURN. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. BECKER]. Had he been present, he would have voted "yea." I voted "nay." I therefore withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair lays before the House the following resignation:

JULY 12, 1957.

Hon. SAM RAYBURN,
Speaker of the House of Representatives,
The Capitol, Washington, D. C.

DEAR MR. SPEAKER: I hereby resign my office as Representative in the Congress of the United States from the 13th District of Pennsylvania, effective September 1, 1957.

It would be remiss of me if I did not state how much I have appreciated your many courtesies to me during the past years.

With great respect, I am,

Very sincerely yours,

SAMUEL K. MCCONNELL, Jr.,
Member of Congress,
13th District of Pennsylvania.

The SPEAKER. Without objection, the Speaker will notify the Governor of the State of Pennsylvania of the resignation of the gentleman from Pennsylvania [Mr. MCCONNELL].

There was no objection.

ADJOURNMENT UNTIL MONDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

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

There was no objection.

AUTHORIZATION TO ACCEPT AND WEAR CERTAIN AWARDS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8582) to authorize Ambassador Henry Cabot Lodge, the Honorable William A. Barrett, and the Honorable James G. Fulton, Members of the House of Representatives, to accept and wear the award of the Order Al Merito della Repubblica Italiana tendered by the Government of the Republic of Italy.

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 Ambassador Henry Cabot Lodge, of the State of Massachusetts, the Honorable William A. Barrett, Representative from the State of Pennsylvania, and the Honorable James G. Fulton, Representative from the State of Pennsylvania, are authorized to accept the award of the Order Al Merito della Repubblica Italiana, in the grade of Cavaliere Ufficiale, together with any decorations and documents evidencing such award. The Department of State is authorized to deliver to Ambassador Henry Cabot Lodge, the Honorable William A. Barrett, and the Honorable James G. Fulton 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.

AUTHORIZATION TO ACCEPT AND WEAR CERTAIN AWARDS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8678) to authorize the Honorable GEORGE H. FALLON, Member of Congress, to accept and wear the award of the Grand Cross, Order of Highway Merit, conferred upon him by the Government of Cuba.

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 GEORGE H. FALLON, Member of Congress, is authorized to accept the award of the Grand Cross, Order of Highway Merit, conferred upon him by the Government of Cuba, together with any decorations and documents evidencing such award. The Secretary of State is authorized and directed to deliver to the Honorable GEORGE H. FALLON any decorations and documents evidencing such award.

SEC. 2. Notwithstanding the provisions of section 2 of the act of January 31, 1881 (5 U. S. C. 114), or any other provision of law, the Honorable GEORGE H. FALLON, may wear and display the decoration referred to in the first section of this act 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.

DOUBLE THINK: 1957 STYLE

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an address.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, speaking before the National Education Association on July 3, 1957, the distinguished editor of The Saturday Review, Dr. Norman Cousins, cogently pinpointed the anxiety of the peoples of the world concerning the current race in nuclear weapons. In his address Dr. Cousins makes the point—which must be emphasized repeatedly—that "the time has come for the problems of atomic policy to be shared fully by the American people." Just as the wars in which this Nation has engaged became everyone's business, so should peace be everyone's business.

For his efforts to penetrate the paper curtain erected by the AEC and to show what lies behind the sloganeer's attempts to make the word "clean" an absolute rather than a relative term, Dr. Cousins deserves the commendation of all of us.

In order that the words he spoke may reach the attention of all Members of the Congress, I include Dr. Cousins' remarks in full in the RECORD:

THE ROLE OF THE LAYMAN IN MOVING FREEDOM FORWARD THROUGH EDUCATION

The news this morning from the disarmament meetings in London is good. Very good. According to the first news reports, the Western position calls for an immediate 10-month ban on nuclear testing during which other essentials of a comprehensive program for control of nuclear weapons can be worked out. Presumably, it is hoped that if things go well during this period, the stage may be set for the long-range problems of enforceable disarmament.

The American proposal at London appears to be a reasonable one and should serve as the immediate basis for putting an end to the nightmare of H-bomb and A-bomb experimentation.

We can only pray that the proposal will be quickly accepted by the Soviet Union.

We can pray, too, that the agreement will rigorously include all types of nuclear testing—aboveground or underground, whether fusion or fission weapons or a combination of the two, however large or small.

And, most important, we can pray that the nations of the world will proceed as swiftly as possible to the main business of our age, which is not solely the control of nuclear weapons but the control of war itself.

For, make no mistake about it, if war should come, fission and fusion bombs will be used and the cause of human life will be damaged for generations to come.

That is why it now becomes necessary to hold a conference for the purpose of determining how best the United Nations can be converted or strengthened into an organization which can do these things:

1. Eliminate the present world anarchy.

2. Set up effective deterrents to aggression, rather than attempting to deal with aggression only after aggression occurs.

3. Enact, interpret, and enforce world law in those matters concerned with the common security of the world's peoples.

4. Have the responsible and effective powers for carrying out any agreements on arms control. This means not only the power to inspect but the power to prosecute and the power to punish. At Nuremberg after the last war the principle was established that not nations but individuals make war. This principle must be put to work before, not after, a war begins.

5. Back up a permanent world police force with the checks and balances that will give the world's peoples full confidence in it as an arm of world justice.

Finally, we can hope that the American people will have a greater chance to share in the development of national policy on atomic energy than they have had so far.

It is impossible to talk about the future without talking about atomic energy in one way or another—whether with respect to foreign policy and war and peace, or the development of the national economy, or, indeed, the general shape of our culture.

Yet the Atomic Energy Commission—and this applies equally to the AEC under the previous administration—frequently seems to act as though it were something apart from the regularly constituted agencies of a Federal government. It has powers which are centered in the operation of our atomic energy installations. But its influence, inevitably, extends into the formulation of our foreign policy and our military policy.

It is fair to say that the Atomic Energy Commission, to a large extent, is somewhat immune from the checks and balances under which other Government agencies must operate. The importance of its assignment has given it this extraordinary position.

At the time it was set up, it was necessary for the AEC to have widespread powers to classify information and to determine what should and what should not be made public.

This was necessary at a time when the United States possessed a monopoly in the field of nuclear weapons.

But the powers of the AEC have not yet been revised to fit the new situation in which a monopoly no longer exists.

The American people today are virtually excluded from the big decisions on atomic policy that affect their future. They have not been given the information essential for making informed judgments. They have had to rely on sources outside the AEC for news of many aspects of the atomic energy situation affecting our future.

On the subject of nuclear testing, for example, it was only when other nations protested that we began to hear about the contaminating effects of radioactive fallout. No statements were made directly to the American public by the AEC that detectable amounts of radioactive strontium now exist in every quart of the Nation's milk. The AEC has not reported to the American people or the Congress about the fact that various parts of the United States, because of an unhappy confluence of winds, have received hundreds of times the national fallout average. The AEC was not the first to report publicly on the fact that various other radioactive elements, in addition to radioactive strontium, are released by nuclear explosions and represent a potential health hazard.

Again, I repeat: I do not believe there is anything political about this. The problem existed under the previous administration as well. To a large extent, the development was a natural one in view of the special nature of the problem.

But the time has come for the problems of atomic policy to be shared fully by the American people. I know of no better way for that policy to be a responsible one.

So far as educators are concerned, atomic energy is now as vital a subject as exists in the world. In order to provide information to the American students, they need information themselves. The AEC can help toward this end.

Almost without realizing it, we are adopting the language of madmen. We talk of "clean" hydrogen bombs as though we are dealing with the ultimate in moral refinement. We use fairyland words to describe a mechanism that in a split second can incinerate millions of human beings—not store dummies or imitations, but real people, exactly the kind that you see around your dinner table. What kind of monstrous imagination is it that can connect the word "clean" to a device that will put the match to man's cities? Yes; what is really meant by "clean" is that we may be able to build a bomb with a greatly reduced potential for causing radioactive fallout. But to call a hydrogen bomb or any bomb "clean" is to make an obscene farce out of words.

Or we will use the term "sunshine units" to measure the amounts of radiation suffered by people as the result of nuclear explosions. Serious research reveals that any added radiation shortens life. And when a radioactive poison such as strontium 90 enters the body, it gets into the nucleic acid and the bones with a risk of leukemia and bone tumors or cancers. Yet all this now goes by the name of "sunshine units." It is made to sound as though something beautiful and gleamingly wholesome were coming into a man's life. We seem to forget that this is human tissue that is involved here. Also human germplasm. And the effect on both of added radiation is a cheapening and a damaging effect, and therefore an evil one. To use the pretty words of the nursery in connection with such an effect is to engage in a fiendish act of moral shrinkage.

The clean bomb became headline news last week when three scientists, under the auspices of the Atomic Energy Commission, called on the President. The news accounts of the meeting reported that the scientists asked for continuation of nuclear testing for 5 years. They said they needed that much more time to develop a clean hydrogen bomb; that is, a fission-free explosive. There was a general air of jubilation about the announcement, as though this was the deliverance the human race was waiting for. The announcement said nothing about the fact that what the world is waiting for is not a better way to make a clean hydrogen explosive but a better way to get rid of dirty wars.

Exactly what do the 3 scientists think is going to happen in the next 5 years while

they calmly carry out their experiments? Do they suppose that everything will stand still, that the massive tensions that have been building up for more than a decade and that are now approaching the saturation point will somehow evaporate? Do they expect that the race between the Soviet and the United States to be the first to develop a missile that can cross the oceans—do they expect that this race will be called off? Do they expect that the reserves of nuclear weapons will not mount higher and higher until their very presence may create a quick-trigger psychosis? Do they think that unlimited freedom to continue unlimited testing will cause the present world anarchy to disappear?

Important though the laboratory may be to the scientists of the Atomic Energy Commission, it is not quite the whole world. The whole world is a world of movement and tempers and sudden impulses. It can't be squeezed into a row of laboratory storage bottles, no matter how neatly labeled. It can't be characterized by a single equation; at least not so long as there are people in it. And it is precisely the boiling and churning of the unpredictable that make it necessary today to bring the new weapons of mass destruction under control, to define new relationships among the nations, and to make these new relationships work under enforceable law.

The three scientists do not speak for the entire Government, but the circumstances of their visit to the White House may indicate that Government policy may now be developing along the lines of their recommendations. If so, and we pursue a policy of unlimited testing, then the present disarmament negotiations are fruitless. For the President had previously stated that any ban on nuclear testing must be tied to a ban on nuclear armaments. If, therefore, we now insist on continued testing, it can only mean that disarmament itself is doomed.

What is most serious is that we are, in effect, announcing that we don't want what the world's peoples are clamoring for—specific and concerted action that can bring the big killers under control. And nothing can be more damaging to our security than to allow the idea to get around that we are not really sincere in what we have been saying officially about our desire for arms control. Soviet Russia has been charging us with insincerity. If we now confirm that charge by what we ourselves do, then we will have suffered a loss in the world that no quantity of hydrogen explosives, however "clean," can effect.

No one argues against the proposition that we can't expect to deal with the threat of communism without some measure of moral influence or leadership in the world. But moral influence means what it says. And there is nothing either moral or influential about separating ourselves from the deeply held hopes of people everywhere.

CAN YOU TOP THIS?

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. ASHLEY. Mr. Speaker, those who fear that handwriting has become a lost art in this technological age can take heart. In yesterday's mail I received what best can be described as a packet—a cross between a letter and a package. Upon closer examination, it proved to be a 96-page communication, written by hand, weighing nearly half a pound and requiring 12 cents postage to bring it from Ohio to Washington by third-class mail.

This paragon of epistles is the product of a stanch Democrat and native Ohioan, Mr. Niles Wittenbrook. The letter, which took three days to compose, set forth the views of the author on a myriad of national legislative issues: veterans affairs, social security benefits, lower retirement age for men and women, the failure of communism as compared to capitalism, Federal aid to education, Federal aid to hospitals and libraries, foreign aid, Hells Canyon and other public power projects, Stevenson's defeat in 1952 and 1956, nuclear testing, the high cost of living, income taxes, juvenile delinquency and crime, the Taft-Hartley Act, and campaign contributions.

It was originally my intention, Mr. Speaker, to claim for myself the record for the longest handwritten letter ever received from a constituent by a member of either body of the Congress. This plan, however, suffered an incalculable setback when I discovered that Mr. Wittenbrook is not a resident of the Ninth Congressional District of Ohio, which I have the privilege of representing; that his monumental effort, in fact, was composed and mailed from Alliance, Ohio, represented by my distinguished colleague across the aisle, Representative FRANK T. BOW. Therefore, Congressional courtesy compels me to share this record with the gentleman representing Ohio's 16th District.

I considered having Mr. Wittenbrook's views inserted in the CONGRESSIONAL RECORD, Mr. Speaker, but in view of today's printing costs and the necessity of Federal economy, I decided to the contrary. However, I will preserve Mr. Wittenbrook's 96-page letter as evidence against any future claim of a new record. Meanwhile, Mr. Wittenbrook's work will stand as an example of tangible participation in our democratic process. If every member of this body were to encourage their constituents to express their views as Mr. Wittenbrook has done, Congress and the American people would become as one and, at the same time, the Post Office Department would—for the first time in history—be on a self-sustaining basis.

OUR FOREIGN POLICY

Mr. REECE of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. REECE of Tennessee. Mr. Speaker, on two recent occasions I have called attention of the House to the unprecedented belligerent attitude of the gentleman from Oregon toward the Government of the Dominican Republic and other South American republics. Not only has the gentleman criticized in the most opprobrious terms, but he appears to have used his office for the purpose of advocating the violent overthrow of the Dominican Government. I trust that the full import of the gentleman's actions have not gone unnoticed by the Members of the House.

To my continuing amazement, it now appears that the gentleman from Oregon has deemed it expedient to extend his campaign of revolution into other neighboring American republics. Apparently the Governments of Venezuela, Panama, Colombia, Cuba, and Nicaragua do not enjoy the confidence of the gentleman and thus should be extirpated without further ado. I am sure that only the physical limitations, which beset us all, have prevented the gentleman from proscribing additional governments. Given the necessary time, the gentleman obviously may attempt to alter the internal political picture in countless other nations.

When a Member of the Congress of the United States becomes a self-appointed international revolutionary, he necessarily imperils the entire delicate structure of international relations. Particularly, because in this context, revolutionary does not mean the advocacy of displacing foreign domination such as the removal of Soviet Communist control over the Eastern European satellites. I do not feel that anyone in the Government, much less in the legislative branch should permit himself to become a self-styled revolutionary in the classic sense of one who encourages the internal violent overthrow of a native indigenous government not dependent for support on any force outside its territorial limits and thus aid in pitting not Hungarian against Russian, but Cuban against Cuban.

Assuming that Congress shared equally with the executive the responsibilities for foreign policy, which is not the case, would the gentleman's actions then be justified? I say that such action would most certainly not be proper or justified American policy regardless of the source of its inspiration. This Nation was born of the desire of Americans to govern America. We broke the chains of foreign domination and have become the champion of peoples oppressed by alien dominion. Inherent in this basic and traditional American policy is the unequivocal respect for the sovereignty of our fellow nations. May I ask the gentleman from Oregon what his attitude is toward foreign support of Americans who disapprove of or would overthrow our Government? We have devised every imaginable safeguard against Soviet attempts at insurrection through the support of indigenous Com-

munists in the United States and other nations of the free world. Indeed our recognition of Russia was predicated upon Soviet assurances that American Communists would receive no support from Russia. Such assurance was immediately honored in the breach, and we have acted unswervingly to counter such interference in our domestic affairs. Aside from the innate immorality of encouraging revolution in other nations, we must accord other governments the same respect for their sovereignty which we demand of them toward ours.

Commonsense argues that a republic is not always suited to the best interests of all peoples, at every period of time. The laws of evolution and change apply equally to political life and physical life. The world is not inexorably marching toward democracy as we understand that term in present day parlance. And republics and democracies are not the invention of modern day man. They thrived when beasts possessed this land. The unavoidable convulsions of civilization periodically transfigure the world's political landscape. America has received no mandate to remake the world to our own political image. On the contrary, we are duty bound to observe the sovereign integrity of native government of every complexion no matter how repugnant they may seem to our concept of body politic.

In keeping with his efforts to translate personal dislike for certain governments into active American policy, the gentleman from Oregon will ask the Congress to amend the mutual security bill so to forbid assisting any country which is deemed a so-called Latin American dictatorship. It is proposed that our Department of State decide which country is dictator ruled.

The term mutual security is not a misnomer. This program operates to provide for the common defense of the United States and the participating countries. The gentleman speaks of withholding aid as if the assistance was a dole, for which the United States receives no consideration. In reality, we gain sites for military installations, the value of which could never be measured in dollars. The countries from which the gentleman would withhold assistance receive only a minute percentage of our total foreign-assistance funds and they have been most generous in giving us true value in return. I refer to the fact that in some of these countries, such as the Dominican Republic, we are given extensive land for our military installations, absolutely free of charge. In contrast, we pay phenomenal rents for our base sites in some countries. Every Member of this House who voted to establish this program did so with the full knowledge that it was in the best interests of national security and not merely a methodical means of wasting American taxpayers' money. The gentleman's proposal is indeed perplexing because the countries which he singles out are those which, from a strategic standpoint, are most important to the defense of the United States and the entire Western Hemisphere. We might ask why he objects to aiding countries with a different form of government on the immediate periphery of the United States but does not advocate withholding aid from nations with dissimilar types of governments in other parts of the world. Carried to its logical conclusion, his proposal would prevent aid to such nations as Yugoslavia, Morocco, Spain, Saudi-Arabia, Jordan, Indochina, Thailand, Formosa, Korea, and others too numerous to mention. If his proposal were adopted, it would have the effect of promoting instability in an area vital to the security of the United States. If the Communists were to secure a foothold in the Caribbean, our far-flung international defense system would be of no avail. In fact, it has been thoughtfully urged that we should increase our assistance to nations of the Western Hemisphere not only because all of these countries are our most steadfast allies, but more importantly, because they constitute a natural geographic defense block essential to our survival in any nuclear war.

There are other facets of the gentleman's activities which are somewhat perplexing. I am advised that on his trip to Puerto Rico and Costa Rica on which he advocated the violent overthrow of certain governments, he was accompanied by a Miss Rosita Bennett. The lady in question is an employee of the Library of Congress. I am at a loss to understand why this woman travels in the company of anyone engaged in supporting revolution against the governments of friendly, allied neighboring countries. We have cordial, diplomatic relations with the countries now under attack by the gentleman from Oregon, and yet an employee of the Federal Government, responsible for the conduct of foreign affairs, comports herself in a manner calculated to embarrass the Government of the United States and contrary to its official position. I might suggest that the countries affected are owed an apology by our Government. Perhaps the gentleman could explain why Miss Bennett has been his traveling companion on these revolution-bent excursions. And perhaps the gentleman can tell us who paid the traveling expenses of Miss Bennett. I am advised that the Library of Congress does not provide funds for such extracurricular activities.

If, as the gentleman suggests, we are obliged to impose our concepts of government on all peoples, what standards would we employ to determine that any government existed contrary to the will of the governed? Will the State Department make unilateral determinations from its far distant observation tower in Washington? And where do we find the omniscient individuals qualified to make such a decision? Or perhaps the State Department will establish a court empowered to entertain complaints and take testimony from foreign nationals regarding the illegality of their incumbent government. If there now existed such a supranational authority, the gentleman from Oregon might not have to wait 3 years for the chance to unseat our present national administration.

I submit that the gentleman's revolutionary activities and legislative proposal are cast in a mold of impropriety, illegality, impracticality, basic disdain of the sovereign rights of other nations and a lack of appreciation for the value and necessity of mutual security. I feel that his present course can only lead to grief among mankind and just as certainly an end result directly contrary to the avowed result the gentleman so earnestly seeks. For he would substitute for native dictatorships, if such exist, the dictatorship of United States upon every land whose government is not modeled on ours. I urge the gentleman to calmly and thoughtfully consider the impact of his action and to shed his cloak of revolution for the mantle of statesmanship. I am reminded of the words of Henry Thoreau, who in his usual perceptive way, commented that "any man more right than his neighbors, constitutes a majority of one."

TRIAL OF AMERICAN SERVICEMEN ABROAD

Mr. PROUTY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include related matter.

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

There was no objection.

Mr. PROUTY. Mr. Speaker, because of the deep interest in the Girard case and a rather widespread feeling that many American servicemen abroad have been denied trials in conformity with our standards of justice I requested the Defense Department to furnish me information as to the number of Armed Forces personnel presently incarcerated in foreign prisons, the nature of the crimes for which they were convicted and the sentences imposed.

I received this information yesterday and will include it in my revised remarks.

Throughout the world as of May 31 of this year, 61 individuals subject to United States military law were in foreign penal institutions.

The most serious crimes in the list were 3 cases of murder for which sentences ranging between 8 and 15 years were imposed and a case of rape resulting in death which brought a sentence of 12 years.

If one examines this list I am sure he cannot escape the conclusion that the individuals convicted received much lighter sentences than generally would be true had they faced military courts-martial or been tried in Federal or State courts.

While most of us feel that every reasonable effort should be made to have members of our Armed Forces abroad completely under our own criminal jurisdiction the facts which I have presented should discount some of the exaggerated statements which have been made or may be uttered in the future with respect to this matter.

The following is the data submitted to me by the Department of Defense:

United States personnel subject to United States military law confined in foreign penal institutions as of May 31, 1957—Total personsonnel of all services confined worldwide as of May 31, 1957–61

Name, rank and serial No.	Offense of which found guilty	Sentence	Date and place of post-trial confinement	Total number
BERMUDA				
Navy:				
	Wrongful appropriation of autocycle; driving while disqualified; driving without 3d party insurance.	120 days	Apr. 20, 1957, Hamilton, Bermuda.	
Total number of Navy personnel confined in Bermuda as of May 31, 1957.				1
Air Force:				
	Speeding, driving while disqualified, no 3d party insurance.	3 months and £10 fine	Apr. 9, 1957, St. George's, Bermuda prison farm.	
Total number of Air Force personnel confined in Bermuda as of May 31, 1957.				1
Total number of all personnel confined in Bermuda as of May 31, 1957.				2
FRANCE				
Army:				
	Robbery with violence and attempted robbery	8 years	Apr. 18, 1956, Fontevrault (Maine-et-Loire).	
	Robbery with violence	5 years	do	
Total number of Army personnel confined in France as of May 31, 1957.				2
Air Force:				
	Assault	1 month	May 27, 1957, Nancy prison	
	Involuntary homicide	1 year	July 30, 1956, Laon prison	
	Rape	6 years	July 3, 1956, Fontevrault	
Total number of Air Force personnel confined in France as of May 31, 1957.				3
Total number of all personnel confined in France as of May 31, 1957.				5
JAPAN				
Army:				
	Robbery with injury	3½ to 5 years	Aug. 15, 1956, Yokosuka prison	
	do	5 years	do	
	do	4 to 5 years	Dec. 23, 1955, Yokosuka prison	
	Robbery and murder	15 years	Sept. 12, 1954, Yokosuka prison	
	Robbery with injury	5 to 7 years	June 30, 1956, Yokosuka prison	
	do	5 years	Dec. 13, 1955, Yokosuka prison	
	Armed robbery	2½ years	Dec. 23, 1955, Yokosuka prison	
	Rape causing injuries	8 years	Feb. 10, 1955, Yokosuka prison	
	Attempted robbery with injuries	5 years	Aug. 1, 1955, Yokosuka prison	
	Attempted rape; robbery, sodomy	6 years	Aug. 4, 1955, Yokosuka prison	
	Robbery	3 years	June 21, 1956, Yokosuka prison	
	Armed robbery	4 years	Mar. 16, 1956, Yokosuka prison	
	Attempted rape with injury	3½ years	Oct. 27, 1956, Yokosuka prison	
	Armed robbery	4 years	Nov. 14, 1956, Yokosuka prison	
	do	2½ years	July 26, 1956, Yokosuka prison	
	Armed robbery and larceny	4 years	Apr. 11, 1957, Yokosuka prison	
	Armed robbery	do	Mar. 8, 1956, Yokosuka prison	
	do	3½ years	Mar. 23, 1956, Yokosuka prison	
	Attempted robbery, assault	2½ years	Apr. 5, 1957, Yokosuka prison	
	Murder	15 years	Sept. 12, 1954, Yokosuka prison	
	Robbery	4 to 5 years	Dec. 23, 1955, Yokosuka prison	
	Armed robbery	8 years	Nov. 8, 1955, Yokosuka prison	
	Robbery	6 years	Nov. 9, 1954, Fuchu prison	
	do	3½ to 5 years	Dec. 13, 1955, Yokosuka prison	
	do	4 to 6 years	June 30, 1956, Yokosuka prison	
	do	4½ years	Mar. 20, 1957, Yokosuka prison	
Total number of Army personnel confined in Japan as of May 31, 1957.				26
Navy:				
	Rape resulting in death	12 years	Mar. 19, 1955, Fuchu prison	
Total number of Navy personnel confined in Japan as of May 31, 1957.				1
Air Force:				
	Robbery	3 to 5 years	Jan. 7, 1957, Yokosuka prison	
	Aggravated assault	1 year	May 24, 1957, Yokosuka prison	
	Robbery with injury	3½ to 5 years	Mar. 4, 1957, Yokosuka prison	
	Murder	8 years	Jan. 11, 1955, Yokosuka prison	
	Aggravated assault	1 year	May 24, 1957, Yokosuka prison	
	Robbery	3 to 5 years	Jan. 7, 1957, Yokosuka prison	
	do	3 years	June 21, 1957, Yokosuka prison	
	Robbery with injury	5 years	Mar. 4, 1957, Yokosuka prison	
Total number of Air Force personnel confined in Japan as of May 31, 1957.				8
Total number of all personnel confined in Japan as of May 31, 1957.				35

United States personnel subject to United States military law confined in foreign penal institutions as of May 31, 1957—Total personsonnel of all services confined worldwide as of May 31, 1957–61—Continued

Name, rank and serial No.	Offense of which found guilty	Sentence	Date and place of post-trial confinement	Total number
UNITED KINGDOM				
Army:				
----------	Rape	5 years	July 23, 1956, Wakefield prison	----------
----------	Causing death by dangerous driving	1 year	Jan. 18, 1957, Grendon Hall prison	----------
----------	Robbery with violence	5 years	Mar. 12, 1957, Winchester prison	----------
----------	Rape	do	July 23, 1956, Wakefield prison	----------
----------	Aggravated assault with intent to inflict grievous bodily harm; aggravated assault and battery.	2 years	Jan. 18, 1957, Wormwood Scrubs	----------
----------	do	do	Jan. 7, 1957, Wormwood Scrubs	----------
----------	Robbery with violence	5 years	Mar. 12, 1957, Winchester prison	----------
----------	Aggravated assault with intent to inflict grievous bodily harm; aggravated assault and battery.	2 years	Jan. 18, 1957, Wormwood Scrubs	----------
Total number of Army personnel confined in United Kingdom as of May 31, 1957.	----------	----------	----------	8
Air Force:				
----------	Attempted rape	4 years	Oct. 3, 1956, Lewes	----------
----------	Assault causing grievous bodily harm	15 months	Jan. 15, 1957, Lewes	----------
----------	Rape	12 years	Oct. 14, 1955, Bedford	----------
----------	Dangerous driving causing death	2 years	Feb. 14, 1957, Norwich	----------
----------	Attempted murder	3 years	Nov. 6, 1956, Wormwood Scrubs	----------
----------	Rape	7 years	Oct. 14, 1955, Bedford	----------
----------	do	2 years	Feb. 26, 1957, Wormwood Scrubs	----------
----------	Assault causing grave bodily harm	4 years	May 11, 1956, Oxford	----------
----------	Assault with intent to ravish	2 years	Sept. 25, 1956, Oxford	----------
----------	Rape	7 years	Oct. 14, 1955, Bedford	----------
----------	Assault causing grave bodily harm	2 years	May 11, 1956, Oxford	----------
Total number of Air Force personnel confined in United Kingdom as of May 31, 1957.	----------	----------	----------	11
Total number of all personnel confined in United Kingdom as of May 31, 1957.	----------	----------	----------	19
Total personnel of all services confined worldwide as of May 31, 1957.	----------	----------	----------	61

THE CENTENNIAL YEAR OF HIAWATHA, KANS.

Mr. AVERY. 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 Kansas?

There was no objection.

Mr. AVERY. Mr. Speaker, a Kansas community rich in tradition and heritage, located in the heart of our rich and bountiful diversified agricultural area, is celebrating its centennial year. Hiawatha, county seat of Brown County, came into being as an incorporated town on February 17, 1857, under the authorization of the Kansas Territorial Legislature. And hence was born a community of hearty people who have added much to the progress of our great State.

The manner in which the town name was selected serves as indicative of the cultural and progressive thinking by the early residents. One of the citizens presents this description of the meeting held by the founding pioneers:

There were several small houses scattered about on the townsite. One of these, situated near where the armory now stands, was the place where a notable gathering was held about this time. We had no intention of leaving our literary and intellectual life behind us when we left the East, and always managed to keep fairly up to the times in that respect. In 1855 the Songs of Hiawatha, by Henry W. Longfellow, was first published. Several copies of the work reached us. They were read, loaned, appreciated, and discussed.

The meeting alluded to above was called to decide upon a name for our new city. B. L. Rider suggested Hiawatha. This proved acceptable to the assembly and was adopted. We love the name. None more beautiful or appropriate could have been selected for our prairie home. Hiawatha, the son of Wenonah, the Prairie Lily, and the West Wind.

The Hiawatha Town Co. was formed during the move from the East on the part of the people with the pioneer spirit to try their fortune in the vast unsettled regions beyond the Mississippi River. The fight in the Territory of Kansas was on—for freedom or slavery. Residents of the community rallied to the Union call with many serving in the 13th, the militia, and the home-guard organizations.

As the town grew so did its facilities. Today it boasts a fine hospital, excellent utilities, an outstanding school featuring a most talented high-school band, and many fine parks. As one travels through the residential sections you marvel at the beautiful tree-lined streets. Hiawatha is known as the city of beautiful maples. In the fall when the hard maple tree leaves are turning, the town becomes a galaxy of bright color.

Once a statewide contest was held to decide which city was best in which to raise children. Hiawatha was selected—the city beautiful—100-percent clean.

Also Brown County was recognized by receiving the Governor's cup for being the cleanest and most sanitary in the State.

Hiawatha history boasts of many outstanding people. Time and space does not allow me to present the many men and women who contributed to the progress and welfare of our State.

One outstanding figure was Ewing Herbert, Sr., elected to the Kansas Newspaper Hall of Fame, he for 60 years published the Brown County World and for many years was head of the Hiawatha Daily World. At the time of his death in 1947, newspapers in the Middle West published eulogies concerning him. The following is an excerpt from one which appeared in the Topeka Daily Capital:

He made frequent use of biting criticism after the manner of the giants of the old days of Kansas journalism because he believed that a newspaper had a duty of taking sides on controversial questions. Yet always, his were the goals of progress and betterment of all things and when he used the lash it was for what he considered benefits due those he was attacking for their own good.

Strong-minded, often impatient with the conflicting views of others he nevertheless had an infinite capacity for understanding human needs and human frailties. Those who worked with him closely observed that while he often scourged those in powerful places, his heart melted readily when the weak went to him to plead their cases. It was typical for him to defy influential enemies and to print blistering criticism of them in his newspaper, but to withhold from publication those stories which would have caused anguish among those unable to defend themselves.

Ewing Herbert was a close friend of William Allen White and Arthur Capper. He was best man at Senator Capper's wedding, and he shares with William Allen White the struggles of college days and the battles of early-day newspaper publishing.

His efforts have done much to promote the progress of Hiawatha. Following in his footsteps is his son, Ewing Herbert,

Jr., who with his mother now team as copublishers of the newspapers.

Another outstanding member of the community was Edmond N. Morrill. Not only was Mr. Morrill a leader in community and business affairs, but also he took a most active part in State activities. He served as Governor of the State of Kansas from 1895 to 1897. He helped to organize the Pioneer Banking House of Brown County. The bank came into existence to fill a very vital need in the affairs of a rapidly growing city and county. Mr. Morrill began serving in 1871 as a banking official and an outstanding civic leader, and continued his activities for 38 years until his death in 1909. His son, Frank N. Morrill, then became active in banking in Hiawatha and he, too, continued as his father did, by working for the progress and betterment of the community. Mr. Frank Morrill has retired from active banking work but still maintains an acute interest in the affairs of the town.

I commend the people of Hiawatha. They have just cause to take pride in the history of their city during the past 100 years. I know that the next hundred will be just as illustrious and bountiful. I am sure all Kansans join me in saluting Hiawatha during their centennial celebration.

HIDDEN BOON IN THE GIRARD CASE?

Mr. SIEMINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. SIEMINSKI. Mr. Speaker, if Japan frees Girard or suspends his sentence and ships him home, the question is, could the case galvanize world opinion to roll back Red oppression in the satellites and thus serve as a boon to the free world and all the world from here on in?

If the above happens, it would seem that no Red army soldier or officer could overstep his mark in any satellite country without having to account for it before civilian courts in that country.

If the people in the satellite countries cannot throw the Reds out or cause their voluntary withdrawal, then they could force their civil behavior to conform to the laws of the land they occupy. The Girard case could be cited as a precedent.

Surely, if the United States is willing to trust judgment on the off-duty conduct of its soldiers stationed in foreign countries to the courts of those countries, then, of course, the refusal of the Reds to do the same with their troops in the countries in which those troops are stationed would show beyond question the contempt the Russians have for the sovereignty and the legal processes of those countries.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. ROGERS of Massachusetts, for 5 minutes, today.

Mrs. ROGERS of Massachusetts, for 5 minutes, on Monday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. KELLEY of Pennsylvania.

Mr. MILLER of Nebraska.

Mrs. ROGERS of Massachusetts, the remarks she will make in Committee of the Whole today and include certain material from the Veterans' Administration.

Mr. MULTER (at the request of Mr. ALBERT) and to include related matter.

Mr. THOMPSON of New Jersey and to include extraneous matter.

Mr. DINGELL and to include extraneous matter.

Mr. WOLVERTON and to include extraneous matter.

Mr. FORD and to include an article.

Mr. SCHENCK and to include a speech.

Mr. LIPSCOMB and to include extraneous matter.

Mr. COLLIER and to include extraneous matter.

Mr. MILLER of Nebraska (at the request of Mr. MARTIN) and to include a letter from the Secretary of the Interior.

Mr. BAUMHART (at the request of Mr. MARTIN) and to include extraneous matter.

Mr. SHELLEY (at the request of Mr. MCCORMACK).

Mr. SIEMINSKI and to include extraneous matter.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 2070. An act for the relief of Mrs. Rhea Silvers.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1918. An act 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.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 2070. An act for the relief of Mrs. Rhea Silvers; and

H. R. 7238. An act to give the States an option with respect to the basis for claiming Federal participation in vendor medical care payments for recipients of public assistance.

ADJOURNMENT

Mr. MCCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m.), under its previous order, the House adjourned until Monday, July 15, 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:

1035. A letter from the Acting Secretary of the Treasury, transmitting a report covering claims paid on account of the correction of military records of Coast Guard personnel during the 6-month period ending June 30, 1957, pursuant to title 10, United States Code, section 1552 (f); to the Committee on Armed Services.

1036. A letter from the Director, Office of Defense Mobilization, Executive Office of the President, transmitting the report on borrowing authority for the quarter ending March 31, 1957, pursuant to section 304b of the Defense Production Act as amended; to the Committee on Banking and Currency.

1037. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, relative to a list of certain cases involving the provisions of section 4 of the Displaced Persons Act of 1948, as amended, and requesting that they be withdrawn from those before the Congress and returned to the jurisdiction of this Service; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 1446. A bill to amend title 14, United States Code, so as to provide for retirement of certain former members of the Coast Guard Reserve; with amendment (Rept. No. 806). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARDEN: Committee on Education and Labor. H. R. 7458. A bill to amend the Fair Labor Standards Act of 1938, as amended, to restrict its application in certain overseas areas, and for other purposes; with amendment (Rept. No. 808). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 3473. A bill to authorize and direct the Secretary of the Interior to convey certain public lands in the State of California to the Pine Tree Lumber

Co., Escondido, Calif.; with amendment (Rept. No. 807). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHRISTOPHER:

H. R. 8672. A bill to amend the Postal Field Service Compensation Act of 1955 to change the position of order filler from level 2 to level 4 of the postal field service schedule; to the Committee on Post Office and Civil Service.

By Mr. BURNS of Hawaii:

H. R. 8673. A bill to amend section 69 of the Hawaiian Organic Act; to the Committee on Interior and Insular Affairs.

By Mr. HOLTZMAN:

H. R. 8674. A bill to reduce the premium rates for FHA insurance on cooperative housing to one-fourth of 1 percent; to the Committee on Banking and Currency.

By Mr. IKARD:

H. R. 8675. A bill to exempt ultra-high-frequency television receiving sets from Federal excise tax; to the Committee on Ways and Means.

By Mr. MOSS:

H. R. 8676. A bill to amend the Interstate Commerce Act to permit railroads to transport free or at reduced rates certain postal officers and employees; to the Committee on Interstate and Foreign Commerce.

By Mr. OSTERTAG:

H. R. 8677. A bill to authorize the construction of certain works of improvement in the Niagara River for power and other purposes; to the Committee on Public Works.

By Mr. BAILEY:

H. R. 8679. A bill to provide a 1-year extension of the programs of financial assistance in the construction and operation of schools in areas affected by Federal activities under the provisions of Public Laws 815 and 874, 81st Congress; to the Committee on Education and Labor.

By Mr. FULTON:

H. R. 8680. A bill to provide for the conveyance of certain real property of the United States to the township of Neville Island, Allegheny County, Pa.; to the Committee on Government Operations.

By Mr. KILDAY:

H. R. 8681. A bill to prohibit the delivery of members of the armed services of the United States to the jurisdiction of any foreign nation; to the Committee on Armed Services.

By Mr. ROOSEVELT:

H. R. 8682. A bill to amend section 11 of the Clayton Act to provide for finality of orders of the Federal Trade Commission, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOLTON:

H. J. Res. 404. Joint resolution providing for the recognition and endorsement of the second World Metallurgical Congress; to the Committee on Foreign Affairs.

By Mr. WILSON of California:

H. J. Res. 405. Joint resolution for negotiation of a treaty with Mexico to limit border crossings by minors; to the Committee on Foreign Affairs.

By Mr. KEATING:

H. Res. 315. Resolution to create a select committee to conduct an investigation and study of existing statutes and treaties relating to the jurisdiction of courts of the United States over persons serving with, employed by, or accompanying the Armed Forces of the United States outside the territorial limits of the United States, and for other purposes; to the Committee on Rules.

By Mr. HARRIS:

H. Res. 316. Resolution amending House Resolution 99, 85th Congress, as amended; to the Committee on Rules.

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. 8678. A bill to authorize Hon. GEORGE H. FALLON, Member of Congress, to accept and wear the award of the Grand Cross, Order of Highway Merit, conferred upon him by the Government of Cuba; considered and passed.

By Mr. AUGUST H. ANDRESEN:

H. R. 8683. A bill for the relief of David H. Jones; to the Committee on the Judiciary.

By Mr. CRETELLA:

H. R. 8684. A bill for the relief of Enrico, Dianne, and Luciano Esposito; to the Committee on the Judiciary.

H. R. 8685. A bill for the relief of Petronilla Maria Ildegonda Centore; to the Committee on the Judiciary.

By Mr. CURTIS of Massachusetts:

H. R. 8686. A bill for the relief of Petra Rabadan-Colina; to the Committee on the Judiciary.

By Mr. DELLAY:

H. R. 8687. A bill for the relief of Lucia Trombetta; to the Committee on the Judiciary.

By Mr. DOWDY:

H. R. 8688. A bill for the relief of Monroe Woolley; to the Committee on the Judiciary.

H. R. 8689. A bill for the relief of Billy M. Bandy; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H. R. 8690. A bill for the relief of Margarete Staracek Holton; to the Committee on the Judiciary.

By Mr. HILLINGS:

H. R. 8691. A bill for the relief of Mirjam Haye; to the Committee on the Judiciary.

By Mr. KILGORE:

H. R. 8692. A bill for the relief of Mrs. Olga M. Carriger, nee Gallarotti; to the Committee on the Judiciary.

By Mr. LIPSCOMB:

H. R. 8693. A bill for the relief of Jose Domingo Quintanar; to the Committee on the Judiciary.

By Mr. PILLION:

H. R. 8694. A bill for the relief of Ksenija Gredelj; to the Committee on the Judiciary.

By Mr. WILSON of California:

H. R. 8695. A bill for the relief of Karl Johan Sell; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

305. By the SPEAKER: Petition of the secretary, Louisiana Conference Board of Temperance, Watson, La., petitioning consideration of their resolution with reference to requesting enactment of legislation now pending before the Congress which would ban the interstate transportation of alcoholic beverage advertising material; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

Does the Kremlin Play It Cute: Strategic Team Out, Tactical Team In?

EXTENSION OF REMARKS
OF
HON. ALFRED D. SIEMINSKI
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. SIEMINSKI. Mr. Speaker, Malenkov has been shifted to a spot just north of the Red China border. He has not been liquidated. Nor, to our knowledge, have the other three horsemen of World War II been liquidated.

The question is, Are these four horsemen to work on Asia for the Reds while the new Kremlin lineup works on Europe and the United States?

The team that went out of the Kremlin was skilled in strategic gains for the Soviet. They knew how to hold territory for Russia while rebellion against it flared; East Germany, Hungary, and Poland went into spasms. And the Red army held its ground. In the Suez crisis Egypt's sovereignty was firmed up.

Their work done in the West, it was time for the strategic team of the Kremlin to work another flank, to firm up in Asia strategic gains for Russia while a new team of political, economic, and social charmers worked the European flank.

Remember the Berlin airlift? It glued the eyes of the world while China was lost.

Red China has spasms. The British and others woo it. Mr. Dulles threw dirt in its face.

With Malenkov just north of the China border, will a bear hug by the four horsemen keep China clasped to the Soviet bosom and bring into its sphere other parts of Asia as well?

While the tactical team of the Kremlin works the European side of the street for the Soviets, it would not be amiss for us to watch Asia, would it?

Bastille Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. MULTER. Mr. Speaker, on July 14, the people of France will celebrate Bastille Day.

In July 1789, the French Revolution reached the peak of its disorder and chaos, when enraged French mobs stormed the Bastille, ancient fortress

prison of Paris, razing it to the ground. But this was not a simple act of physical destruction; it symbolized the triumph of the forces of liberty over those of brutality and corruption. It marked the beginning of freedom for the people of France from the abuses of the French royalty, the beginning of a revolutionary storm which was to engulf vast areas of the world.

Today, Bastille Day is the most important French national holiday. And, perhaps, at no other significant point in world affairs, could the world be more keenly aware of its real meaning. As the French forebears of present-day France resisted the oppression of decadent and self-seeking overlords, so, too, did the unarmed citizenry of Budapest, Hungary, seek to wrest despotic control from their overlords less than a year ago. History may not always repeat itself, it is true, but of one thing we all are sure: Man will not submit indefinitely to the irrational actions of a small clique of ruthless dictators whose main concern is to suppress freedom and justice, denying audience to the voice of the people. So, today, we are particularly proud to salute the French on Bastille Day, an international symbol of the unceasing fight for democracy and justice.

Hells Canyon

EXTENSION OF REMARKS
OF

HON. A. L. MILLER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. MILLER of Nebraska. Mr. Speaker, under permission to insert my own remarks in the CONGRESSIONAL RECORD, I include a letter with charts and tables from the Honorable Fred Seaton, Secretary of the Interior. The following letter deals with many of the problems surrounding Hells Canyon. You will note that the Secretary estimates that the construction and transmission costs of the Senate bill to be approximately $525 million. That this would call for an annual appropriation for the next 6 fiscal years at an average annual rate of more than $87 million for construction and transmission alone.

The Secretary pointed out that the Northwest power supply has been short. That it was necessary to interrupt electric energy to some of the plants last year and it affected more than 3,000 jobs in the area. There have been a number of brownouts. The area is short of the necessary electric energy.

The private power company would have this energy on the line late in 1958. It could not possibly be supplied by the high Federal dam for 6 or 8 years.

The Secretary pointed out that in the final analysis the controversy over Hells Canyon should not be one involving private versus Federal power. Personally I do not oppose Federal construction either in Hells Canyon or the great power sites on the Missouri River Basin or in the Colorado River project. I would favor them if there was no private enterprise to do the job. We do have private enterprise ready to do the job and do it more efficiently. I have supported Federal power projects all over the country. I will continue to support them. The list of the projects included with the Secretary's report has found me supporting at least 98 percent of them.

I feel the Federal Government should not be building hydroelectric plants when private industry can and will do the job. Nebraska is a public power State, but not Federal power. The directors are elected at the local level. They are doing a good job. There is a vast difference between local control and control from Washington, D. C.:

UNITED STATES
DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 1, 1957.

Hon. ARTHUR L. MILLER,
House of Representatives,
Washington, D. C.

DEAR DR. MILLER: In response to your request, I am pleased to send to you my views concerning the enactment of S. 555 or other similar legislation which would authorize the construction of Hells Canyon Dam and other facilities.

On March 27, 1957, this Department reported to the House Interior and Insular Affairs Committee that we opposed the enactment of this legislation. In addition to the reasons set forth in the Department's report, I believe that the tremendous cost of construction of a Federal dam at Hells Canyon as compared to the amount of funds made available by the Congress for reclamation projects throughout the West in the past, and the fact that the Northwest needs and can use the power to be provided by the Federal Power Commission licensed Idaho Power Co. projects, militate against favorable action upon these bills.

The Bureau of Reclamation has estimated the construction and transmission costs authorized by S. 555 to be $525 million, $472,500,000 for Hells Canyon and $53 million for Scriver Creek. A schedule of appropriations for these purposes if construction should be authorized is attached as table I. These amounts do not include interest during construction, annual operation and maintenance, or any funds to reimburse the Idaho Power Co. for its investment or damages, as the case may be.

Appropriations would be necessary during the next six fiscal years at an average annual rate of more than $87 million for construction and transmission alone. According to the preliminary schedule of the Bureau of Reclamation (table I) the actual request for the works authorized by S. 555 in 1961 ($140,484,000) would exceed 87 percent of the appropriation request for all reclamation projects in all 17 Western States in the 1958 budget. In comparison, during the past 20 years Congress has appropriated an average of $124,046,270 for reclamation construction and rehabilitation. During the past 10 years the average has been $183,604,012 annually. (See table II.) If S. 555 is enacted, appropriations for the next 6 years, for reclamation projects, will have to be 60 percent higher than those appropriated for the last 6 years.

Reclamation projects already authorized or under construction (see tables III and IV) will require appropriations of $2,267,189,015 for construction and rehabilitation. Thus, such projects need almost as much as the total amount of construction funds that the Congress has made available for reclamation projects throughout the 17 Western States over the past 20 years. These figures do not include projects currently under consideration by the Congress, such as the $300 million San Luis project in the State of California. Authorization of Federal construction of Hells Canyon Dam would place these bona fide reclamation projects in competition with a project the major purpose of which is power production. The Hells Canyon project would not provide additional water for or reclaim 1 acre of arid land; it has nothing to do with reclamation, yet the funds therefor would be provided out of the amounts made available for reclamation construction.

Furthermore, as you know, the Northwest power-supply situation has been somewhat spasmodic in recent years. For instance, in 1952, beginning August 19, the Bonneville Power Administration curtailed interruptible loads until by September 8 the total of such loads (388,000 kilowatts) had been turned off. I am informed that such interruptions may have affected more than 3,000 jobs in that area. Bonneville started picking up the load again in February of 1953, and by March 31 of that year service to such loads was restored. Fourteen out of fifteen of the industrial loads currently carried by Bonneville include an interruptible portion. In fiscal 1957–58, the interruptible load will be 619.5 megawatts out of a total industrial load of 1,623.3 megawatts. This means that over 38 percent of the industrial power delivered by Bonneville is subject to interruption and accompanying unemployment during such periods.

This situation is again important because even in median month-year hydroelectric conditions, unless the West group customers of the Northwest power pool wish to utilize and pay premium rates for energy generated by old, small, and inefficient steam plants, there will not be enough power available to meet loads predicted for that area without again seriously curtailing interruptible loads. Hydro projects under construction, including the Idaho licensed projects, would aid the West group area to continue to carry all existing firm and interruptible loads under such conditions. The loads and resources prediction for the West group area does not include provision for any new large industrial loads, yet with normal growth, the deficit in average energy capabilities, without the utilization of expensive steam generated energy, will continue to increase unless all hydro projects are completed as scheduled.

I am informed that power supply in East group of the Northwest Power Pool will be deficient in the 1959–60 fiscal year unless the Idaho Power facilities already licensed are permitted to continue to completion. This situation could become serious because I am further informed that the existing transmission facilities from the West group to the East group will, even in the most favorable conditions, permit the exportation of no more than about 150 megawatts from West to East to meet the growing deficit in the East system. The facilities under construction by the Idaho Power Co. include a new 230 kilovolt line which would help alleviate this situation and would permit an interchange of larger loads between the West and East group. Tables V and VI attached to this letter show the load and resource predictions for the West group and the Idaho Power Co.

Due to the dominance of the Federal facilities in the Northwest at the present time, whenever a power shortage occurs, the bulk of the interruption falls upon Federal customers. We believe that the addition of non-Federal facilities now under construction by the Idaho Power Co. will bring about greater diversity in the power supply picture in the Northwest.

In the final analysis, the controversy over Hells Canyon should not be one involving private versus Federal power. We do not oppose Federal construction of Hells Canyon because it would provide more Federal power. We do oppose such construction because the Federal Power Commission found that the Idaho Power facilities presented the best plan for the com-

prehensive development of that portion of the Snake River. That Commission, the bipartisan arm of the Congress created to regulate and control private development of hydroelectric power, the need for which was pointed out for us by such great conservationists as Theodore Roosevelt and Gifford Pinchot, protects the interests of future generations because their licenses are issued for only 50 years and the Government reserves the right to determine who should operate the hydro facilities after the license expires.

In 1956, Federal generation amounted to 63.5 percent of all the power produced by principal electric utility systems in the Pacific Northwest Power Pool. Private utilities generated only 27.8 percent of the total. In our opinion, the preponderance of Federal activity and the resultant heavy reliance of the area upon Federal spending to meet increased demands for power supply helped bring about the curtailment of interruptible power in 1952 and may well bring about a further critical power shortage in the future if the Congress does not permit the utilization of non-Federal funds for power construction when such funds are made available.

Ten years ago and from time to time since then, the Congress had a choice between Federal construction of the Hells Canyon Dam and the alternative of permitting the Federal Power Commission to license non-Federal construction. During this 10-year period the theoretical benefits dramatized by proponents of the high dam have been repeatedly considered by the Congress. The Congress did not heed their pleadings and refused authorization for Federal construction.

Today we are not faced with a theory. As a practical matter it would be impossible to justify to the taxpayers of the Nation, overburdened as they are, the extravagant waste of authorization of Federal construction at this time. The Brownlee and Oxbow projects are in the advanced construction stage; production of the electrical energy is scheduled to begin September 1958. One million acre-feet of flood-control storage should be available for the spring runoff in 1959. I am informed that more than $48 million has been committed for this construction and for turbines, generators, switch gear and other equipment for which orders have been placed. Many man-hours of engineering design have been employed. Factory employees are fabricating the equipment which will soon be ready for shipment to the dam site.

For these reasons and those set forth in our report to the committee, I do not favor enactment of S. 555.

Sincerely,

FRED A. SEATON,
Secretary of the Interior.

TABLE I.—*Appropriation requests necessary to complete facilities which would be authorized by S. 555*

Fiscal year	Dam and powerplant	Transmission
A. Hells Canyon Dam:		
1958	$5,800,000	$5,200,000
1959	35,600,000	25,900,000
1960	68,600,000	29,100,000
1961	89,100,000	29,100,000
1962	87,500,000	19,400,000
1963	39,500,000	13,000,000
1964	16,900,000	7,800,000
Total	343,000,000	129,500,000
B. Scriver Creek facilities:		
1958	700,000	0
1959	3,783,000	117,000
1960	9,466,000	234,000
1961	21,716,000	584,000
1962	10,590,000	2,510,000
1963	905,000	2,395,000
Total	47,160,000	5,840,000

TABLE II.—*U. S. Department of the Interior, Bureau of Reclamation*

Fiscal year:	Construction and rehabilitation
1937	$39,691,500
1938	76,570,000
1939	38,780,000
1940	74,521,783
1941	69,424,922
1942	95,852,059
1943	85,801,170
1944	34,131,339
1945	20,681,868
1946	109,430,740

TABLE II.—*U. S. Department of the Interior, Bureau of Reclamation*—Continued

Fiscal year:	Construction and rehabilitation
1947	$101,612,103
1948	128,950,229
1949	246,916,676
1950	335,659,738
1951	243,733,000
1952	207,602,725
1953	177,797,991
1954	115,669,660
1955	132,057,000
1956	146,041,000

TABLE III.—*Bureau of Reclamation—Amounts required after fiscal year 1958 to complete projects under construction in fiscal year 1958 (based on 1958 estimates to the Congress)*

State and project	Total estimated cost	Balance to complete after 1948
Construction and rehabilitation:		
Gila project, Arizona	$55,818,664	$1,294,400
Boulder Canyon project, Arizona-Nevada	166,597,000	4,905,600
Central Valley project, California	749,336,883	[1] 185,986,800
Santa Maria project, California	14,754,263	2,902,469
Solano project, California	39,109,000	2,925,700
Ventura River project, California	26,800,000	8,277,100
Collbran project, Colorado	13,883,649	10,913,649
Colorado-Big Thompson project, Colorado	158,929,626	136,000
Little Wood River project, Idaho	2,151,000	1,751,000
Michaud Flats project, Idaho	4,475,313	578,000
Minidoka project, North Side pumping division, Idaho	10,598,809	378,000
Palisades project	61,525,000	217,049
Fort Peck project, Montana-North Dakota	21,692,000	10,460,000
Middle Rio Grande project, New Mexico	28,449,236	4,900,000
Washita Basin project, Oklahoma	40,301,031	36,301,000
Crooked River project, Oregon	6,287,000	5,437,000
Rogue River project, Talent division, Oregon	20,526,000	12,265,000
Wapinitia project, Oregon	514,000	114,000
Provo River project, Utah	33,559,132	136,000
Weber Basin project, Utah	68,780,000	30,946,900
Chief Joseph Dam project, Foster Creek division, Washington	3,780,000	808,000
Columbia Basin project, Washington	762,055,000	237,283,200
Yakima project, Roza division, Washington	21,792,807	330,000
Eden project, Wyoming	7,722,533	257,000
Shoshone project, Wyoming	23,836,649	955,000
Drainage and minor construction program	163,606,939	18,270,244
Rehabilitation and betterment of existing projects	39,604,730	20,701,600
Subtotal (exclusive of Missouri River Basin)	2,546,486,264	599,430,711
Missouri River Basin project:		
Ainsworth unit, Nebraska	25,722,000	24,622,000
Bostwick division, Nebraska-Kansas	48,449,860	14,303,000
Cedar Bluff unit, Kansas	18,862,321	4,919,300
Farwell unit, Nebraska	31,974,000	31,224,000
Frenchman-Cambridge division, Nebraska	79,297,583	21,758,034
Glendo unit, Wyoming	39,093,932	7,372,000
Helena Valley unit, Montana	11,456,113	2,892,900
Kirwin unit, Kansas	19,705,842	748,100
Owl Creek unit, Wyoming	3,122,000	330,000
Sargent unit, Nebraska	14,492,273	8,770,000
Shoshone extensions unit, Wyoming	46,804,000	46,304,000
Transmission division, various States	297,620,170	188,179,067
Webster unit, Kansas	16,348,700	3,198,200
Yellowtail unit, Montana-Wyoming	86,062,000	82,062,000
Drainage and minor construction	200,802,767	54,665,865
Subtotal, Missouri River Basin	939,813,561	491,348,466
Total, construction and rehabilitation	3,486,299,825	1,090,779,177
Upper Colorado River Basin fund:		
Colorado River storage project:		
Flaming Gorge unit, Utah	57,506,000	51,406,000
Glen Canyon unit, Arizona-Utah	299,789,838	271,572,838
Navajo unit, New Mexico	36,887,000	34,287,000
Transmission division	145,540,000	145,392,000
Total, Upper Colorado River Basin fund	539,722,838	502,657,838
Total, Bureau of Reclamation	4,026,022,663	1,593,437,015

[1] Excludes estimate of $61,032,000 for Trinity River division power facilities.

TABLE IV.—*Bureau of Reclamation authorized projects not yet under construction*

	Total estimated cost
Construction and rehabilitation:	
Washoe, Nevada-California	$42,304,000
Canadian River, Texas	87,350,000
Santa Margarita, Calif	22,370,000
Missouri River Basin project:	
East Bench, Mont	16,698,000
Garrison diversion, North and South Dakota (principal supply works)	76,492,000
Hardin, Kans	13,076,000
Almena, Kans	12,378,000
Total, construction and rehabilitation	273,653,000

TABLE IV.—*Bureau of Reclamation authorized projects not yet under construction*—Continued

	Total estimated cost
Upper Colorado River Basin fund:	
Storage units: Curecanti, Colo	$90,557,000
Participating projects:	
Hammond, N. Mex	2,314,000
Paonia, Colo	6,541,000
Pine River extensions, Colo.-N. Mex	5,085,000
Seedskadee, Wyo	24,728,000
Smith Fork, Colo	3,442,000
Vernal unit (Central Utah), Utah	6,806,000
Emery County, Utah	9,896,000

TABLE IV.—*Bureau of Reclamation authorized projects not yet under construction*—Continued

Upper Colorado River Basin fund:	
Participating projects:	*Total estimated cost*
Florida, Colo	$6,971,000
La Barge, Wyo	1,747,000
Lyman, Wyo	10,646,000
Silt, Colo	3,377,000
Central Utah, initial phase, exclusive of Vernal unit	227,984,000
Total, upper Colorado River basin fund	400,094,000
Total, Bureau of Reclamation	673,752,000

Billboards Block Highway Sites

EXTENSION OF REMARKS
OF
HON. RICHARD L. NEUBERGER
OF OREGON
IN THE SENATE OF THE UNITED STATES
Friday, July 12, 1957

Mr. NEUBERGER. Mr. President. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, an article which I have written for the Oregon Democrat of July 4, 1957, entitled "Billboards Blight Highway Sights; Senate Bill Provides Regulation."

In this article I have attempted to highlight and emphasize the urgent need for the Congress to protect roadside and scenic beauty along the new 41,000 miles of interstate highways which we have recently authorized in the Gore bill. The article for the Oregon Democrat was requested of me by Mr. John R. Churchill, editor of the Oregon Democrat, who shares my view that, if the Federal Government is to pay 69 percent of the cost of these roads, then the Federal Government has a definite stake in safeguarding scenic grandeur along these roads.

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

BILLBOARDS BLIGHT HIGHWAY SIGHTS; SENATE BILL PROVIDES REGULATION

(By Senator RICHARD L. NEUBERGER)

Nobody's for billboard control but the people.

That is my conclusion after fighting for effective control of highway advertising both as a State senator in the Oregon Legislature and as a United States Senator in Washington, D. C.

Since I introduced my proposal for regulation of commercial signboards along the new interstate highway system which will be built during the next two decades, I have received hundreds of letters from individuals across the Nation enthusiastically endorsing my bill, S. 963. Scores of newspapers and periodicals have announced their support of such legislation. A national poll has indicated that over 65 percent of the American people favor adoption of effective control of signboards, while only 25.9 percent are opposed to restrictions. Even the President of the United States has declared his opposition to billboards that mar our scenery.

Yet, despite this broad support, S. 963 is now languishing in the Senate Committee on Public Works. Why?

Economic pressure groups complain that the legislation would adversely affect roadside businesses and the outdoor advertising industry. Yet, under the provisions of the bill, signboards in appropriate commercial and industrial locations would not be touched. Only an estimated 10 percent of highway billboards are located in other than urban areas. The New York Thruway Authority found that business increased in volume after the throughway opened—even though billboard displays are prohibited along the superhighway.

No unattractive signboards blemish roadside scenery in Switzerland. The Swiss have recognized that effective billboard regulation which protects the grandeur of nature's handiwork is a major factor in promoting the tourist trade upon which the health of the economy of this small country strongly depends. Such reasoning applies equally as well to Oregon, where the tourist business is the third largest industry in the State and provided an estimated income of $140 million in 1956.

As amended by the Subcommittee on Public Roads, my bill provides that the Secretary of Commerce may enter into an agreement with any State to regulate signs along a Federal highway project which is part of the National System of Interstate and Defense Highways. A participating State shall receive from the Federal Government a sum equal to three-fourths of 1 percent of the total cost of the project.

Surely this mild measure cannot be the job-eating economic monster that lobbyists paint it. Nor do the provisions of the bill justify charges of violation of States rights, because State participation is entirely voluntary.

The issue is clear cut. Will we protect the over 40,000-mile-long interstate highway system from despoilment by garish commercial signboards or will we allow the natural beauty of our countryside to be blotted out by advertising artwork? I believe there is only one correct decision.

Tax Relief for Low-Income Groups and Small Corporations

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, July 12, 1957

Mr. DINGELL. Mr. Speaker, in view of the revelation of the secret letter of the Bureau of the Budget detailing how the administration intends to keep departmental expenditures within the amount spent last year, it appears that there will be a budgetary surplus of on the order of $10 billion.

This is, of course, amazing in view of the fact that the Congress was constantly advised by the administration that no 1957 budget request could be reduced.

It is my feeling that a substantial portion of such surplus should be used to benefit the groups that are most in need of it by appropriate tax reductions. Accordingly, I urge the early passage of my bills, H. R. 7066 and H. R. 2541.

The first measure would offer tax relief to the low-income group by increasing the individual exemption from $600 to $800, and my bill, H. R. 2541, would provide tax relief to the small corporation.

The Need of Returning Responsibilities to the States

EXTENSION OF REMARKS
OF
HON. HAROLD R. COLLIER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 12, 1957

Mr. COLLIER. Mr. Speaker, on June 24 President Eisenhower made what I regard as one of the most significant speeches of his tenure in office as President. It was a speech to the National Governors' Conference and dealt with a problem which many of us in the Congress have wrestled with during the past few months and which most of us, I am sure, will tie into during the closing weeks of work here, and when we return to our home districts.

The President discussed a subject which was calculated to stir interest among his listeners, the governors of our 48 States. He discussed States rights. But, more important, he discussed States obligations and responsibilities.

There has been much talk here in this Chamber and in the State houses all over the Nation about the rights which are being taken away from the States. There has been much talk about restoring those rights to the States.

The President, I believe, made a clear and pertinent point when he told the governors, and I quote:

> Those who would be and would stay free must stand eternal watch against excessive concentration of power in government.

That principle is the sound basis of our American democracy; but it is a principle that in recent years has been shredded almost beyond recognition.

Why has this principle of the decentralized Government been so tattered in the past 25 years?

I submit that to a degree it is our own fault: the fault of individual citizens in individual States and the fault of State governments which have turned ever more often to "good old Uncle Sugar" to help them out of the hole.

When times of trouble arise, the local governments increasingly find themselves incapable of coping with the situation. They find their treasuries strained to meet the problems and their citizens so heavily taxed at the State and Federal level that they cannot be gouged further. Additionally, the writers of State constitutions have in many instances placed in them safeguards against property-tax levies going up and up; there is a certain point beyond which they cannot go. There is also in most States constitutions a bonding limit, beyond which the local governmental unit cannot go. There is none of this rigidity in the Federal taxing system. If we want a new program, we simply add another tax to finance it.

For that reason, many local governments are abdicating their powers and privileges to the State capitol; the governors are abdicating their powers to Washington, and our national-tax level and national-debt limit keep climbing until now they are beyond imagination.

During the thirties the situation was bad enough. Deficit spending had replaced sound finance and the theory of tax and tax; spend and spend; elect and elect had taken command here in Washington. Then came World War II and the skyrocketing budgets to meet our obligations on two fronts. Again it was deeper in debt, and deeper into the taxpayers' pocketbooks, only this time with a new wrinkle. The Government tapped the new sources of income before the worker ever got his paycheck. It was easier, less painful that way.

But the end of World War II saw no end to this spiral of spending and taxing and borrowing. It has climbed steadily higher and higher since. I have recently seen figures showing that prior to 1945—and that includes most of World War II—the Government had collected a total of $250 billion in taxes. In the 12 years since, we have collected a total of $494 billion.

The President in his Williamsburg speech makes the suggestion that a joint Federal-State commission be created to attempt to restore the historic balance between State and Federal rights. He suggests as a first step a study to designate functions which the States are ready and willing to assume and finance that are now performed by or financed wholly or in part by the Federal Government.

His second suggestion to the commission is to recommend the Federal and State revenue adjustments required to enable the States to assume such functions.

I submit, however, that the President's second recommendation should have come first. As long as the Federal Government has the unlimited taxing power it now wields, new programs will constantly be developed to eat up the money which seems so readily accessible.

An example in point: The last Congress enacted a multi-billion-dollar highway-building program and promptly slapped a new tax on gasoline to pay for it. Now, had there been a clear delineation of taxing authority in force at the time, the new Federal incursion into the taxpayers' wallets would not have been possible. Instead, the States themselves would have been forced to face the responsibility of moving heavy motor traffic from city to city, from State line to State line. The State of New Jersey faced up to that responsibility and before it, the States of Connecticut and Pennsylvania had built their toll highways which those who wish to travel speedily use and pay for.

I do not question the need for more and better highways. I do, however, wonder seriously if this is a function the Federal Government should undertake, when State administrations, if willing to face up to their responsibilities, would do a better, more economic, and faster job. There are hundreds of other instances in which the Federal Government has on its own or through neglect or abdication by State governments, undertaken services which should of right belong to the States. But the Federal Government has been able to make these excursions into new pastures only because financing was readily available. Limit the Federal Government's right to tax, and you take away from it the power to expand. Return some of this taxing power to the States, and they will be able to undertake those services which their people need and must have.

The responsibility, as the President noted, rests with the States. It rests, too, I believe, on us. It is up to us, as well as to the States, to determine in what areas we have allowed the Federal Government to incur obligations which should be met by the State or local governments, and in what areas we are taxing to pay the bills. When we have determined this, it is up to us in Congress to act to restore the principle of less government and more freedom.

Forthright Action on Hungary

EXTENSION OF REMARKS
OF
HON. JOHN F. SHELLEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 12, 1957

Mr. SHELLEY. Mr. Speaker, the unanimous action of both bodies of the United States Congress in passing House Concurrent Resolution 204 on June 26 with regard to the problem of Hungary and other nations under the yoke of Soviet communism was an accurate reflection of the feeling of all Americans that this country and the United Nations should take positive steps to further expose to the world the ruthless oppression which still grips Hungary today. The objective yet horror-filled report of the United Nations Committee on the Problem of Hungary made public on June 20 makes the need for such action crystal clear.

The world should not be allowed to forget the bloody events of October and November of 1956 which tore the mask of smiling deceit from the face of the Kremlin. The failure of the United States and the United Nations to move forcefully at that time, despite the ill-fated Suez blunder, was a tragedy of major proportions and one which may have changed the course of history. Strong and courageous action then, when the curse of communism was exposed in all its weakness, its cruelty, and its hypocrisy, might have saved this generation and those to come from endless grief. We might have snatched Hungary and its brave people from behind the Iron Curtain and have set the stage for the final collapse of the Communist conspiracy. It is sad indeed that those who control this administration and its foreign policy were caught completely unprepared for the great uprising of the spirit of freedom in Hungary, that they did not know how to cope with it, and that the world saw its greatest power reduced to a pathetic spectacle capable of doing no more than mouth words when deeds were needed.

It does no good, however, to talk of what might have been when the opportunity still exists to take positive action to retrieve a part of the ground lost by our early wavering, delay, and helpless inaction. The reconvening of the General Assembly of the United Nations for the purpose of considering the report on Hungary presents that opportunity. Happily our representatives to the United Nations have taken the lead in calling for such a special session and it now appears that a meeting will be held later this summer. Let us hope and pray that at that time we will be better prepared with a program for vigorous and forthright action by the community of democratic nations to condemn the Communist aggression against Hungary, to demand that the Soviets withdraw from that country, and to call for free and unfettered elections under the supervision of a United Nations force so set up as to guarantee democratic voting procedures.

It is only by throwing the gauntlet in the faces of the rulers of the Kremlin that they can be brought to brook. Now is the time to wield the force of world opinion and of the united strength of the free peoples of this earth in the cause of freedom for the satellites. Now, when the Russian Communist hierarchy is split from top to bottom and its weakness is again laid bare, is the time to force their hands and by exerting pressure upon pressure to widen the breach between the U. S. S. R. and her helpless hostages, and the breach within the Kremlin walls. I strongly urge that the planned meeting of the General Assembly of the United Nations be convened at the earliest possible moment in order that the greatest possible advantage be taken of the present weakened position of the Soviet Union. I trust that our Department of State is moving rapidly in that direction now and that they are leaving no stone unturned in planning action by the Assembly.

Although the terrible and trying situation of the Hungarian people is a matter of concern to all Americans and to free peoples everywhere, their plight is particularly heartrending to their friends and relatives exiled from their native land or voluntary emigrants who fled during the many years of oppression by Fascist and Communist dictatorships. One such group in San Francisco has telegraphed to me a plea in support of direct action to relieve Hungary such as I have advocated. I ask that it be printed in the RECORD at the conclusion of these remarks as evidence of the deep and abiding hope in their hearts that we will not abandon their countrymen to the merciless mercies of their present rulers.

Should the U. N. act as I hope they will in demanding elemental justice for Hungary, and should Russia reject those demands in the face of world opinion, it should certainly serve to convince those so-called neutral nations who have acted as her protagonists of the vanity of any hope that bolshevistic communism can ever take its place as an acceptable and accepted form of government for any people. Such a world move to the side of western democracy and against the farcically termed "people's democracies" would be a long step forward in the struggle for containment

of communism. Certainly also it should serve to weaken further the Communist domination over the satellite countries—a domination visibly shaken at the time of the rape of Hungary and waiting only a reawakening of the free spirit of the subject peoples and active urging from the outside world to crumble forever.

SAN FRANCISCO, CALIF.,
July 1, 1957.

Hon. JOHN F. SHELLEY,
House of Representatives,
Washington, D. C.:

We, the Hungarians of San Francisco Bay area, acting as one committee, representing every man, woman, and child of Hungarian origin living in this region, do respectfully beg and urge you in view of the tragic developments in Hungary that you use the power of your office to support a U. N. resolution effecting the end of terror in Hungary by the immediate withdrawal of Soviet troops and the holding of free elections under the supervision of a U. N. police force.

GEORGE J. RATTY.
LESLIE B. HADFY.

Disclosure of So-called Classified Information

EXTENSION OF REMARKS
OF

HON. AUGUSTINE B. KELLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. KELLEY of Pennsylvania. Mr. Speaker, do the internal explosions in the Soviet high command represent a further de-Stalinization there—a step toward less repression—or just another incident of a power fight for control, with the Khrushchev faction using Stalin's own tactics of destroying opposition by the direct approach of liquidating it? I am afraid we will have to wait a bit longer to see how these current developments turn out, before we can say for sure just what is happening.

But what strikes me is this: While we have seen some evidences—even though only perhaps surface evidences, it is true—that the Russian dictatorship might be desirous of easing slightly the repressive nature of their setup, we have the amazing situation of a governmental commission here in the United States proposing to put every newspaperman in the country under the threat of prosecution for espionage if he digs up and uses so-called classified or secret information.

Anyone who has been around Washington for any length of time, especially in a Congressional or governmental capacity, knows what a temptation it is for some bureaucrats and officeholders in the executive department to slap a secret classification on a document which may or may not involve defense information, but may perhaps be embarrassing to the agency, or to the President, or to the political party in power. It is foolish to protest that this happens only occasionally; it happens very frequently.

Thanks to the hard digging of the newspapermen in Washington, from whom it is very hard to keep anything secret for very long, much of this capriciously classified material has been dredged out and brought to light so that the American people could have the facts about how their Government is run.

RECOMMENDATIONS FOR LEGISLATION

But the Commission on Government Security, appointed by President Eisenhower late in 1955 to report on the whole question of Federal security, while recommending many changes in the Federal employee loyalty-security program to end some of the confusion and unfairness in this field and to tighten up other provisions, then goes on to make these 2 legislative recommendations to Congress:

First. To enact a new wiretapping law to enable the Government to use evidence collected by wiretapping in certain types of prosecution, overturning Supreme Court rulings on this.

Second. To amend the espionage laws to make it an offense subject to $10,000 fine and 5 years in jail for any person—in or out of the Government—to disclose information obtained in any manner which has been classified as top secret or secret.

At present, Government employees are forbidden—and properly so—from disclosing information of a security nature, even though this information has been arbitrarily and capriciously and unnecessarily classified. We cannot allow each Government employee to be sole judge as to what should or should not be classified and withheld. There must be reasonable standards.

NEWSPAPERMEN AWARE OF SECURITY NEEDS

But when a newspaperman gets hold of information he thinks has been improperly classified, and which he believes the public is entitled to know about, the average conscientious reporter will check and doublecheck with appropriate responsible officials to make sure that he is not going to hurt the country in publishing it. Newspapermen are generally very sensitive to actual security needs, as was demonstrated so conclusively by the voluntary censorship program during the war. Now the effort is made to make them subject to espionage prosecution for printing anything of a classified nature—and that is going overboard.

Similarly the wiretapping recommendation is a bad step. I will always be proud that I was among only 10 Members of the House to vote against such a bill in 1954—and was roundly attacked for it. Yet the bill died in the Senate as the hysteria of the moment subsided—and it should remain dead.

Hon. Robert Crosser

EXTENSION OF REMARKS
OF

HON. CHARLES A. WOLVERTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. WOLVERTON. Mr. Speaker, last month, upon my return from Geneva, Switzerland, where I attended the 10th assembly of the World Health Organization in the capacity of Congressional adviser, I heard, with profound regret of the death of our distinguished former colleague, Bob Crosser.

Bob and I served together on the great Committee on Interstate and Foreign Commerce for 26 years. We fought together on many, many issues and occasionally we were on opposite sides. I got to know him very well. Bob was a man of indomitable courage and incorruptible integrity. He was a firm believer in democracy in the true sense of the word. He was a champion of the rights of labor, particularly railroad labor. He had a deep concern for the welfare of his country and his fellow men. In short, he was a great man, highly esteemed by his colleagues.

As a final tribute to the memory of our distinguished former colleague, the Committee on Interstate and Foreign Commerce, on which he served very ably and faithfully for over 30 years, including 4 years as chairman, unanimously passed a resolution, which was signed by every member of the committee, expressing profound sorrow on his passing. The resolution reads as follows:

RESOLUTION IN MEMORIAM, HON. ROBERT CROSSER

Distinguished American statesman and beloved former chairman and member of the House Committee on Interstate and Foreign Commerce, who passed away on June 3, 1957, ending a long and distinguished career of devoted public service as legislator, philosopher, scholar, teacher, and a leader of great ability, vision, and indomitable courage.

Born in Holytown, Lanarkshire, Scotland, on June 7, 1874, he immigrated to the United States with his parents in September 1881. He attended the public schools at Saline-ville, Ohio, and by his own effort overcame serious obstacles to achieve a higher education. He was graduated from Kenyon College, Gambier, Ohio, in 1897, and from the Cincinnati Law School in 1901. He was professor of law at the Baldwin-Wallace Law School in 1904–05.

Manifesting a keen interest in politics at a very early age, he was first elected to public office in 1910, when he became a member of the Ohio House of Representatives in 1911–12. He was elected a member of the Fourth Constitutional Convention of Ohio in 1912, served as chairman of the initiative and referendum committee, and was the author of the initiative and referendum amendment to the Ohio constitution. He was elected as the United States Representative to the 63d Congress from the State at large in 1912, and was re-elected from the 21st Ohio District to the 64th, 65th, 68th, and succeeding Congresses and served with great distinction until his retirement in January 1955.

During his 38 years of service in the United States House of Representatives, he established a record of achievement that will be a source of inspiration to all generations to come. He served the people of his Congressional district and, indeed, the people of this Nation, faithfully and with great ability. He achieved a position of great leadership and influence, culminating in his election as chairman of the House Committee on Interstate and Foreign Commerce during the 81st and 82d Congresses. He pioneered in the field of railway-labor legislation and was the author of, and led the fight for, the enactment of the Railway Labor Act Amendments of 1934, the Railroad Retirement Act, and the Railroad Unemployment Insurance Act. He blazed the trail for much of the great social-welfare legislation during Franklin D. Roosevelt's administration. He was the champion

of the working people, especially the railroad workers.

In all of his actions, he sought to achieve right and truth and justice. He was a man of great sympathy, of broad understanding, of deeply religious convictions of the brotherhood of man and the unity of creation. He was a firm believer in democracy. He built bridges over which his fellow man could pass to a more abundant life: Therefore be it

Resolved, That the House Committee on Interstate and Foreign Commerce, as a final tribute to the memory of our faithful and beloved colleague, the Honorable Robert Crosser, express its sincere appreciation of his great accomplishments, express its profound sorrow on his passing, and extend its sincere sympathy to his family; and be it further

Resolved, That this resolution be spread upon the records of the committee as a memorial to our departed colleague, and that a copy thereof be sent to his family.

Mr. Speaker, during the many years I have had the privilege of serving my constituents of the First Congressional District of New Jersey as their Representative in the Congress, I have seen hundreds of men come and go in and out of this body. I can say in all sincerity that never have I been associated with anyone in the House for whom there has been a higher respect and admiration than Bob Crosser.

My sincere sympathy is extended to the members of his family.

Rear Adm. Webb Cook Hayes

EXTENSION OF REMARKS

OF

HON. A. D. BAUMHART, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. BAUMHART. Mr. Speaker, scarcely more than a year ago, my Congressional district mourned the death of an illustrious native son, Fleet Adm. Ernest J. King. Regrettably, we now pay final tribute to still another 13th District naval hero and benefactor, the late Rear Adm. Webb Cook Hayes, great-grandson of Rutherford B. Hayes, 19th President of the United States. He won renown in his own right during World War II both as a great administrator and as commanding officer of the Navy's famous transport ship, the *West Point*.

Webb Hays brought new distinction to one of the most illustrious family names in Ohio annals. He was born in Toledo on September 25, 1890, 3 years before the death of his famous great-grandfather, who had served as a major general in the Civil War and had served in Congress from the years 1864 to 1867 before reaching the White House in 1877.

Aspiring to a naval career, Webb entered the United States Naval Academy in 1907, graduating in June 1911, and receiving an ensign's commission the following April. Prior to our entry into World War I, he served for 6 years on the U. S. S. *Delaware*. During the conflict, he saw service on the U. S. S. *Melville* and U. S. S. *Trippe*, and in the closing weeks of the war, was executive officer of the newly commissioned U. S. S. *Mahan*. Early in 1919, he was transferred to duty as executive officer of the U. S. S. *Champlin*, assuming command of the destroyer a few months later.

From late 1919 on, he handled a succession of important command assignments on land and on sea. It was in the twenties that he also built up valuable experience in recruitment experience which later proved invaluable to the Navy when that service faced its greatest challenges in World War II.

Having completed nearly 21 years of naval service by 1928, Webb Hayes resigned in that year and returned to civilian life with a USNR commission as a lieutenant commander. In 1930, he became associated with Pemiscot Land and Cooperage Co.; at his death he was the firm's president and one of its directors. He became a director and chairman of the executive committee of Baker Bros. Machine Tool Co. in 1933, holding those posts until his passing this week.

Shortly before Pearl Harbor was attacked, he returned to active naval duty, assigned as Assistant to the Director of Recruiting in the Bureau of Navigation—predecessor agency of the Bureau of Naval Personnel. He served as Director of Recruiting and Induction between April 1942 and March 1944, winning a commendation for an outstanding personal contribution to the Navy's wartime effort. The citation he received referred to his "outstanding skill and ingenuity in reorganizing the recruiting service to meet the object demanded by a rapidly expanding Navy" and identified him as having been "instrumental in establishing the policy and entire induction system of the Navy, Marine Corps, and Coast Guard for maximum effectiveness." He received credit for the success of the WAVES enlistment program, as well as for having "procured skilled and technical men for various organizations connected with construction and repair."

On April 1, 1944, he assumed command of the Navy's renowned transport, the *West Point*—formerly the luxury liner, the steamship *America*—and proved that he was equally proficient at sea. In awarding him the Bronze Star Medal for meritorious achievement as commanding officer of the *West Point*, the Navy credited him with "the expeditious transport of more than 175,000 troops to forward combat areas thereby contributing immeasurably to the successful prosecution of the war." The citation made special note of the fact that he had operated his ship "skillfully, without escort throughout waters partrolled by enemy submarines and though constantly threatened by heavy gales and mountainous seas."

Relieved of active duty on May 26, 1946, Webb Hayes returned to civilian life, reassumed management of his business enterprises, and turned his talents to promoting a variety of civic and humanitarian projects. At his death, he was president and trustee of the Rutherford B. Hayes Foundation, as well as a trustee of the Ohio Historical Society and the Birchard Library of Fremont, Ohio.

He and his family lived in Fremont at Spiegel Grove, his family's ancestral home and the birthplace of President Hayes. Appropriately, the Navy Department has assigned the name U. S. S. *Spiegel Grove* to a dock landing ship christened in November 1955 by Admiral Hayes' wife.

Elevated to the rank of captain in September 1942, Webb was named commodore in November 1945, and was transferred to the honorary retired list of the Naval Reserve in that rank in August 1951. By act of Congress 2 years ago, he was promoted to rear admiral on the United States Naval Reserve retired list.

In recent years, Webb earned increasing local esteem for the support and guidance which he gave to the Memorial Hospital of Sandusky County in Fremont. A few short weeks ago he suffered a heart attack while yachting at sea. He was returned to Fremont for care and appeared to be rallying, but on Wednesday morning he died in Memorial Hospital, the institution which owed so much to him. Fittingly, his family has asked that his friends and admirers make donations to Memorial Hospital in his memory.

A great naval administrator and courageous seagoing captain, a successful businessman, a leader in civic, historical and humanitarian activities—Webb Hayes earned universal respect and admiration. To his devoted wife, Martha Baker Hayes, and to his sons, Webb C., III, Arthur and Scott, I extend my own personal deep-felt sympathy, which is shared by a grateful community, State, and Nation.

Amendment of Internal Revenue Code Relating to Deduction From Gross Income of Certain Teacher Expenses

EXTENSION OF REMARKS

OF

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. LIPSCOMB. Mr. Speaker, on February 28, 1957, I introduced H. R. 5390, which is to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain amounts paid by teachers for their further education. Numerous similar bills have been introduced, among them being H. R. 4662 by Mr. KING, and H. R. 6105 by Mr. TEAGUE, both fellow Californians.

If enacted, this legislation could make a significant contribution toward alleviating hardships existing under the income-tax laws concerning teachers continuing educational expenses. It should, therefore, receive the serious attention of all Members of Congress.

Under leave to extend my remarks in the RECORD, I include a statement I have prepared on H. R. 5390, which goes into the matter in more detail. The statement follows:

H. R. 5390, a bill which I introduced on February 27, 1957, 1st Session, 85th Congress, would amend the Internal Revenue

Code of 1954 to allow teachers income tax deductions for certain educational and travel expenses. There has long been a need for more equitable income tax treatment of teachers in this regard and consequently there is a pressing need for enactment of this legislation.

Today more and more educational institutions and systems are requiring teachers to continue their studies as a normal occupational requirement. In addition, the nature of teaching is such that additional expertness and proficiency through further education are highly desirable. However, as matters stand, teachers who spend their own money to acquire additional education in most instances are unable to gain meaningful recognition of such expenditures under the Federal income tax laws and regulations.

For a number of years, various groups and individuals have endeavored to have teachers' continuing educational expenses recognized in the income tax regulations as a deductible item of business expenditure for income tax purposes, first under the Internal Revenue Code of 1939 and then under the Internal Revenue Code of 1954. The results, however, have been very discouraging and largely unfruitful.

In 1950, a Virginia schoolteacher, Mrs. Norah P. Hill, did succeed in obtaining a favorable court ruling allowing her to deduct the expenses of a summer-school course on the ground that the expenses were necessarily incurred by her to maintain her teaching certificate in Virginia. However, though the Bureau of Internal Revenue then modified its regulations to permit such deductions, it restricted the scope of the regulations to the ruling in that particular case, ruling that only when summer-school expenses are incurred by a public school teacher to maintain the teaching position were they deductible as ordinary and necessary business expenses, or when the facts were similar to that case. As it turned out, little relief was afforded to teachers.

Many teachers residing in the 24th Congressional District have contacted me, expressing grave concern over what they considered gross inequities in the treatment of teachers as compared with deductions available to other individuals who are in the trades, businesses, or the professions. As a result of these protests, I have been in touch with the Bureau of Internal Revenue concerning this matter over the course of many months.

In July of 1956, the Internal Revenue Service, Department of the Treasury, proposed new regulations relating to expenses for education under the Internal Revenue Code of 1954 (published in the Federal Register, July 10, 1956, page 5093, Vol. 21, Numbered 132.) It was anticipated that the new regulations would contain more liberal provisions relative to teachers' educational expenses. However, the regulations as proposed appear to be even more restrictive than those presently in effect.

Briefly, under the regulations as proposed, a teacher's expenses for education would generally not be deductible if the expenditure is made, or would have the result of obtaining a position for the taxpayer, establishing or enhancing substantially his reputation in trade or business, substantially advancing him in salary, earning capacity, status, or position, or primarily fulfilling the general cultural aspirations or other personal purposes of the teacher.

Among the so-called exceptions to the general rule is that an expenditure made by a teacher for education which is a prerequisite to continued employment is deductible. This exception is so qualified, however, as to render it practically meaningless. Thus, it would be provided that a teacher would deduct education expenditures if the education is a prerequisite to his continued employment even though academic credit accrues (which under another part of the section would be a factor weighing against a taxpayer's deducting educational expenditures) but it is provided that, even so, the expenditures are not deductible if they have the result of obtaining a different position for the taxpayer, establishes or enhances substantially his reputation in his trade or business, or substantially advances him in earning capacity, salary, status, or position. Therefore it would appear that under the proposed regulations, even if a school teacher were required to take a summer-school course to retain his or her position, if at the same time it would qualify the teacher for a raise in salary, there could be no income-tax deduction.

In September 1956 I filed a statement with the Internal Revenue Service for consideration at the hearing on the proposed rule-making, stating that the rules as proposed would unduly discriminate against teachers, and stating that the obstacles interposed by the rules are so formidable that in practical effect, few if any teachers, could ever qualify for tax deductions for education and travel expenditures. The proposed regulations are still pending, and there is no indication that when they become effective they will provide for more equitable tax treatment for teachers' education expenses.

To correct this situation, I have introduced H. R. 5390 to amend the Internal Revenue Code of 1954 to provide that established teachers may be allowed an income-tax deduction of not to exceed $600 in any taxable year for expenses incurred for further education. Items that would be included as expenses are tuition, books, other equipment, travel, and living expenses while away from home, to the extent they exceed normal living expenses, and to the extent such expenses are paid during the taxable year in connection with a teacher's enrollment at an accredited institution of higher learning.

It is my hope that this measure will be enacted at an early date to provide necessary tax relief for members of the teaching profession.

Chemicals in Food Production

EXTENSION OF REMARKS
OF
HON. A. L. MILLER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. MILLER of Nebraska. Mr. Speaker, several articles have been entered into the CONGRESSIONAL RECORD recently, apparently on the assumption that very little is known about the effects of pesticide chemicals on humans and that the consumer is not now adequately protected against hazard from the use of these chemicals in food production. This is far from the truth. Some articles are distorted and tend to undermine public confidence in the food industry.

My amendment and other existing Federal legislation require thorough pretesting of pesticide chemicals and approval of both the United States Department of Agriculture and the Food and Drug Administration before they can be sold for use in food production. The Food and Drug Administration also has been given the authority to seize all crops which bear unapproved levels of pesticide residues before the crops reach the market place. The governing Federal legislation is embodied in the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 and the Miller amendment to the Food, Drug, and Cosmetic Act. The Miller amendment was signed into law on July 22, 1954. Those who use the pesticides should follow closely all instructions as to their use.

The effectiveness of this legislation in protecting the health of the public has been recognized by the American Medical Association, as well as by the United States Department of Agriculture, the Food and Drug Administration, and the United States Public Health Service. This approval was affirmed recently by Dr. Bernard E. Conley, Secretary of the Committee on Pesticides of the American Medical Association, when he said:

> Pesticides play an important role in providing the Nation's food supply and protecting the public health. Thanks to the Miller amendment to the Federal Food, Drug, and Cosmetic Act, the consumer is assured of an unparalleled degree of protection. The Miller amendment requires the pretesting of a pesticide chemical for the protection of the consumer.

What substance is there in insinuations that the controlled use of pesticide chemicals in food production is hazardous? Let us look at the record. Nearly all the insinuations no matter by whom they are made are based upon charges made at one time or another by Dr. Morton S. Biskind. None of Dr. Biskind's charges have been substantiated by serious scientific research by the United States Public Health Service. Dr. Biskind's specific charges against DDT—the main butt of his attack—have been disproved by extensive research on humans.

Apropos of this matter, under unanimous consent, I insert in the RECORD at this point a letter written by Dr. Leonard A. Scheele, in December 1953, when Dr. Scheele was Surgeon General, United States Public Health Service. The letter was addressed to the Honorable Glenn R. Davis, of Wisconsin, concerning Dr. Biskind's charges that DDT contributed to infantile paralysis, heart disease, cancer, x-disease of cattle, hoof-and-mouth disease, Newcastle disease of chickens, and other diseases. The letter follows:

> DEAR CONGRESSMAN DAVIS: Thank you for your letter of December 28, 1953, requesting information concerning action taken as a result of the publication of Dr. Morton S. Biskind's article in the November number of the American Journal of Digestive Diseases. None has been taken thus far pending the confirmation of his assertions.
>
> This article recapitulates charges against DDT made by the same author as long ago as 1949. These have been carefully considered by our toxicologic experts. In spite of continuous laboratory research on DDT in animals, and clinical study of cases of alleged poisoning with DDT, our toxicologists have been, thus far, unable to substantiate Dr. Biskind's allegations.
>
> Some of the diseases claimed by him to have increased in prevalence since the advent of DDT have, in fact, shown no increase. Others are now reported more frequently because of the changing distribution of age groups in our population—or because of procedural changes in morbidity reporting. Certain of the diseases of man and animals included in Dr. Biskind's list were well known long before DDT was introduced to

this country and occur in places where DDT has never been used.

DDT is regulated at the Federal level by the Insecticide, Fungicide, and Rodenticide Act of 1947, which requires reliable evidence, before registration for interstate sale, that substances (1) will accomplish the purposes for which they are recommended, and (2) are safe when used in accordance with directions, and by the Food, Drug, and Cosmetic Act which forbids the unnecessary contamination of food and other substances taken internally or applied externally to man.

A subsequent research project involving 51 human volunteers was carried out by the United States Public Health Service and was reported in the Journal of the American Medical Association, October 27, 1956. In this research the volunteers ate up to 200 times the average daily intake of DDT in the diet for a period of 1 year. The United States Public Health Service reported, "During the entire study no volunteer complained of any symptom or showed, by the tests used, any sign of illness that did not have an easily recognized cause clearly unrelated to exposure to DDT. * * * The results indicate that a large safety factor is associated with DDT as it now occurs in the general diet."

The use of pesticide chemicals in food production protects food crops from destruction by farm pests. The Pesticides Subcommittee of the Food Production Committee of the National Academy of Sciences reported in November 1956:

No one knows exactly what would happen if use of pesticidal chemicals on the farm should be abandoned, but it is safe to say that we could not commercially produce apples, peaches, potatoes, citrus, and tomatoes, to mention only a few crops; and yields of many others would be drastically reduced. * * * It seems evident that the American people cannot be fed adequately unless crops and livestock are protected from insects and other pests.

Equally important it protects foods from contamination by disease-carrying flies and rodents, by harmful worms, fungus, and bacteria which have been proven by centuries of human experience to cause many dreadful human diseases.

The question is whether we want an inadequate food supply, many bearing worms, and fly and rat droppings, or a minute residue of a chemical whose safety has been proved by years of research by industry, by the United States Department of Agriculture, by the Food and Drug Administration, and by the United States Public Health Service.

These agricultural chemicals are necessary to produce food. The Miller law makes it possible for growers to use these chemicals safely. This legislation provides safety for you and your family every time you eat.

In a few days the Interstate and Foreign Commerce Committee will take testimony on the question of chemical additives to food. The bill that I have introduced has for its purpose the protection of the public. It spells out the rights and powers of the Food and Drug Administration. It sets up definite instructions as to the procedure in the use of new additives which may be added to the food supply.

Mr. Larrick, of the Food and Drug Administration, in a recent article in a current magazine indicated that there are about 750 different kinds of additives and chemicals being used in food and out of that number, approximately 150 to 200 had not been adequately tested or passed upon by the Food and Drug Administration.

There is a tendency on the part of the public to confuse Public Law 518, passed in the 83d Congress and commonly known as the Miller pesticides residue amendment, and legislation which will soon be considered to regulate additives or chemicals to food. In my opinion, Congress intended to regulate the pesticide chemicals entirely separate and apart from the so-called food additives. The pesticide chemicals are now classified and regulated. The public is protected. As to the use of these agricultural pesticides, they must, of course, follow the directions on the label.

The term pesticide chemical was defined clearly in Public Law 518. It does regulate pesticide chemicals in or on raw agricultural commodities.

I believe there will be good legislation to follow the pattern of the provisions of the pesticide bill when new chemicals in food legislation is enacted. It will be good practice to require that industry using additives furnish sufficient and ample scientific evidence that the additive is not harmful before its use is continued. I believe these safeguards should go into effect before and not after the additive has been used. There is no reason why a first and full report on the pretesting of such additives should not be submitted to the Food and Drug Administration.

Industry has made tremendous gains in producing a better food supply by the proper use of certain additives to that food supply. I have pointed out above the great contribution made to the production of food by the proper use of pesticides. Industry has made possible the full protection of many of the fine vegetables and fruits that we enjoy every day through the proper use of pesticides in controlling the enemies to that food supply.

I trust full publicity to the pending hearings before the Interstate and Foreign Commerce Committee will be given. I feel properly conducted hearings will put to rest many wild rumors that the public consumes daily dangerous amounts of poison at every meal. There have been too many unfortunate statements indicating that cancer, blood disease, and other mysterious ailments come from ingesting certain chemicals in our food supply.

It may be that there is a tendency that cigarette smoking might be one small factor tending to lung disorders. However, these ideas should not spread to the consumption of food.

I would repeat that the food industry has been most careful to protect the public. The Food and Drug Administration does an excellent job of handling the problems of protecting the public. I believe the food industry and the administration realizes that in a rapidly growing industry and a tough economic world, there may be some who might attempt to cut corners. Most of the industry and the Food and Drug Administration realizes that new food additive legislation is needed. The pattern set by the Miller Pesticide Act could well stand out as an example of an approach and a procedure for the adoption of a food additive amendment bill.

I am sure when the committee meets in the near future they will have an interesting and informative hearing. I look forward to presenting my views to the committee.

Employment of American Musicians and Service Employees in the Hotel Industry Should Be Our Guide in Reducing the Unjust Cabaret Tax

EXTENSION OF REMARKS

OF

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. THOMPSON of New Jersey. Mr. Speaker, steps are being taken at last to reduce the unjust and discriminatory so-called cabaret tax which was first imposed as a temporary, emergency measure during the First World War. This is the only excise tax remaining at the high wartime rate of 20 percent.

The harmful effects of this tax on employment of American musicians and employees in the hotel service trades is well known. Former Congressman Andrew J. Biemiller, AFL–CIO, director of legislation, has estimated that about 50,000 jobs could be created for musicians and others by the repeal of this unfair tax. Also, he points out, this tax hurts the average man's recreation haunts more than the big, expensive night clubs where spending runs high.

Mr. Biemiller says:

These 50,000 jobs need protection and the country should help, not hurt, a leisure occupation that many Americans need and enjoy.

The current lack of employment of American musicians is so pronounced as to threaten the very existence of music in our society. When we permit a fallacious Federal tax policy to strike at the vitals of a basic culture we are indeed surrendering the main redoubts of our Free World to the enemies of our way of life.

On January 30, 80 Democratic Members of this House signed a statement which said, among other things:

We favor a revision of the tax law to close the loopholes in the 1954 act to eliminate unwarranted privileges and to provide tax adjustment for small-business men.

I would like to take this occasion to commend my colleagues on the House Ways and Means Subcommittee and the subcommittee chairman, the able and distinguished gentleman from Rhode Island [Mr. FORAND], for overriding administration opposition and approving a bill to cut the 20-percent Federal tax

on night club and cabaret checks to 10 percent.

The gentleman from Rhode Island [Mr. FORAND] has stated publicly that he expected opposition to the reduction in the cabaret tax from do-gooders who think cabarets mean honky-tonks. And he said this infamous and discriminatory tax should be reduced to give our great hotel industry some much-needed relief.

I agree, and I believe a majority of the Members of Congress agree, with the representatives of the Music Educators National Conference, the National Federation of Music Clubs, and other great national organizations that:

No impediments of a financial nature, taxwise, should be a deterrent to the future of the United States artist. Further, no deterrents of a financial nature, taxwise, should be continued which stand between the millions of people in the United States, all of whom have come through the United States school systems, and the right of these millions of people to enjoy and participate in music whenever and wherever they find it, whether as performers or audience.

It was a matter of widespread comment that Secretary of Labor James P. Mitchell, in a recent radio interview, said he favored repeal of the cabaret tax. This put him at loggerheads with the Treasury Department which has all along recommended against enactment of any remedial legislation to reduce or repeal this unjust and discriminatory tax.

This so-called cabaret tax has many ramifications and has led to unfortunate and unwise decisions by Federal officials which result in further hampering our small-business men in the restaurant and hotel industry.

I desire to call attention of my colleagues in the House to a recent ruling of the Internal Revenue Service concerning the application of the so-called cabaret tax to vending machines. Reference is made to Revenue Ruling 57–263, Internal Revenue Bulletin, June 17, 1957, page 48.

The ruling holds generally that amounts received for food, refreshments, or merchandise dispensed by means of vending machines in an establishment which qualifies as a cabaret under section 4231 of the Internal Revenue Code of 1954 are subject to the tax imposed by that section—cabaret tax. The person receiving such payments is liable for the return and payment of the tax, whether he is the owner of the cabaret or a concessionaire.

While the ruling specifically discusses amounts paid for food, refreshment, or merchandise, there is a distinct inference that amounts paid for service would be taxable also.

Your attention is invited to the following language in the ruling:

Under the provisions of section 4231 (6) of the Code, a tax is imposed upon all amounts paid for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance. That section also provides that the tax shall be returned and paid by the person receiving such payments.

The statute imposes the tax upon all amounts paid for admission, refreshment, service, or merchandise, at a cabaret, and there is no qualification with respect to how the serving or selling of food, refreshment, or merchandise must be accomplished. The law also provides that the person receiving such payments at a cabaret is liable for the tax thereon, and there is no provision that liability shall be limited to the owner or operator of the cabaret. Nor is there any statutory requirement that, where a concessionaire receives such payments, the concession must constitute a cabaret in and of itself for the payments to be subject to tax. The determination of who receives the payments must be based upon the facts of each particular case.

Likewise, it appears from a reading of the statute that there is no qualification with respect to how the selling of a service must be accomplished. It is, therefore, submitted that amounts paid for telephone service—a pay telephone is a vending machine for selling a service—in an establishment furnishing a public performance, would be subject to the cabaret tax. Furthermore, the poor hat-check girl would obviously come under this ruling. So I suppose when we are out for dinner at a place furnishing entertainment we will have to add a nickel to the quarter for the hat-check girl, so she can take care of the cabaret tax on her little fee.

This ruling accomplishes the ridiculous in arbitrary, literal interpretation of the law with no regard whatsoever for the reasonableness of its application. Most establishments subject to the cabaret tax are open for business from 16 to 20 hours per day. During that period, there is entertainment for not more than 3 or 4 hours. The only income taxable is that derived from patrons who are entitled to be present during any portion of the entertainment. There is no possible way in which the proprietor or the concessionaire can determine what proportion of the income from vending machines is attributable to patrons entitled to be present during the entertainment. Let us say a package of cigarettes is obtained from a vending machine in an establishment where there is public entertainment. When receipts of the machine are checked for tax purposes there is no possible way to determine whether that package of cigarettes was purchased by a patron entitled to be present for the entertainment, or by a person who dropped in the establishment simply to get a package of cigarettes. And since it is the practice of the Internal Revenue Service to send agents into an establishment to determine from on-the-spot observation the proportion of gross revenue attributable to patrons entitled to be present during the entertainment and then to apply retroactively that proportion to the gross income of the establishment for a 3-year period, we can assume that revenues from vending machines will be included in the tax base for future assessments of this tax.

Under the theory of this ruling, a telephone company which places a pay telephone booth in the establishment; retains control over it; receives the proceeds from it; pays the operating expenses; and provides the necessary maintenance and service, would be liable for the return and the payment of the tax on the receipts from the telephone. Further, telephone companies throughout the United States would be liable for the tax over the past 3 years together with the interest and penalties.

Obviously, such a result is ridiculous but it does illustrate the fact that this burdensome tax which was originally intended to be a wartime tax on luxury entertainment has now become a 20-percent income tax on the gross income derived in or about any restaurant, tavern, hotel or other establishment serving the public by selling food and beverage for consumption on the premises where, practically, any entertainment is provided.

Thus, it would appear that this tax on entertainment, which has already put thousands of musicians out of work and which has long since become a serious deterrent to the advancement of one of our basic cultural arts—namely music, is now spreading out under rulings of the Bureau of Internal Revenue like the tentacles of an octopus to grab income from other fields.

The complete text of the ruling to which I refer is as follows:

SECTION 4231.—IMPOSITION OF TAX (ADMISSIONS)—REVENUE RULING 57–263

(Reference: Internal Revenue Bulletin, June 17, 1957, p. 48)

Amounts received as payments for food, refreshment, or merchandise dispensed by means of vending machines in an establishment which qualifies as a cabaret under section 4231 of the Internal Revenue Code of 1954, are subject to the tax imposed by that section. Amounts received for photographic or checking services are also taxable. The person receiving such payments is liable for the return and payment of the tax, whether he is the owner of the cabaret or a concessionaire.

Advice has been requested whether amounts paid for food, refreshment, or merchandise dispensed by means of vending machines in an establishment which qualifies as a cabaret are subject to cabaret tax; if so, it has been requested that a determination be made as to the person liable for the return and payment of the tax in the situations described below.

1. A cabaret owner or operator rents certain vending machines which he places in his cabaret for the dispensing of food, refreshment, and cigarettes to patrons. The cabaret owner or operator has control over the machines, pays the operating expenses, maintains them, and receives all the proceeds therefrom. Under the rental agreement, the owner of the machines receives either a flat rate each month or an amount equal to a percentage of the gross receipts from the machines.

2. A cabaret owner or operator grants to another person rights to concessions in the cabaret. The concessions include the operation of food, refreshment, and cigarette-vending machines, the photographing of customers, and the maintenance of checking facilities. Under the terms of the agreement between the parties, the concessionaire receives the proceeds from the concessions, pays the operating expenses, provides necessary maintenance and service, and has control over the vending machines and the photographic and checking facilities. The concessionaire pays the cabaret owner a flat rate for the concessions rights or an amount equal to a percentage of the gross receipts derived from the concessions.

Under the provisions of section 4231 (6) of the code, a tax is imposed upon all amounts paid for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance. That section also provides that the tax shall be returned and paid by the person receiving such payments.

The statute imposes the tax upon all amounts paid for admission, refreshment, service, or merchandise, at a cabaret, and there is no qualification with respect to how the serving or selling of food, refreshment, or merchandise must be accomplished. The law also provides that the person receiving such payments at a cabaret is liable for the tax thereon, and there is no provision that liability shall be limited to the owner or operator of the cabaret. Nor is there any statutory requirement that, where a concessionaire receives such payments, the concession must constitute a cabaret in and of itself for the payments to be subject to tax. The determination of who receives the payments must be based upon the facts of each particular case.

It is held that amounts paid for food, refreshment, or merchandise at a cabaret are subject to tax even though such items are dispensed by means of vending machines. It is further held that, under the circumstances described in (1) above, the cabaret owner or operator who rents and operates the vending machines is the person receiving the payments for the food, refreshment, or merchandise within the meaning of section 4231 (6) of the code, and he is liable for the return and payment of the tax on the total receipts from the machines. Under such circumstances, the owner of the machines is not liable for rental of the machines, regardless of the basis upon which the rental payments are made.

On the other hand, it is held, that under the circumstances described in (2) above, the concessionaire is the person receiving the payments for the food, refreshment, or merchandise, and he is liable for the return and payment of the tax on the total receipts from the machines. A photographic or checking concession is considered to provide a service within the meaning of the statute and fixed amounts paid by patrons of the cabaret for such service are subject to the cabaret tax. Under these circumstances, the cabaret owner or operator is not liable for tax on amounts paid to him for the concessions rights regardless of the basis upon which payments are made.

The Dangers of Khrushchevism

EXTENSION OF REMARKS

OF

HON. GERALD R. FORD, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1957

Mr. FORD. Mr. Speaker, Senator CHARLES E. POTTER has contributed to the July 1957 issue of the magazine Western World an article entitled "The Dangers of Khrushchevism." This is the Senator's statement in a debate with Pietro Nenni, of Italy, on the question, "Is Khrushchev less dangerous than Stalin?"

In view of the timeliness of the article and under leave to extend my remarks in the RECORD, I include Senator POTTER's statement:

THE DANGERS OF KHRUSHCHEVISM

(By Hon. CHARLES EDWARD POTTER, of Michigan)

The Soviet Union is a great world power. As such, it is potentially dangerous to the Western World in the same manner as is another powerful bull in a single cornfield.

The questions which face the West today are how dangerous is the U. S. S. R., and what makes it more or less dangerous? Are Russians fed on false propaganda more to be feared than would be an informed Russian people; a successful Soviet Union or an economically depressed Soviet? A Russia with increased relaxations and consumer goods, or a Russian people harnessed tragically to an economy geared solely to the production of a war machine and heavy industry?

I propose to defend these propositions:

That post-Stalin Soviet policies, economic, and political, are making the Soviet Union stronger industrially and militarily.

That there is no basis for believing that communism's objective of world domination has changed.

That, from the standpoint of the West, a little Soviet relaxation is more dangerous than none at all.

That while the very long-range, unforeseeable ultimate effect of post-Stalin internal relaxation may sometime modify the Soviet dictatorship and its goals, the West faces a period during which it will be more difficult, not less, to counter Soviet pressures clothed with smiles.

That if we do not have the stamina and staying power we will lose the battle.

TWO VARIANTS OF SOVIET POLICY

Up to the present time, we have observed two apparent variations of Soviet policy and attitude. They are sufficiently at variance to invite a comparison, and may afford some guideline as to a future course for the Western World:

The first is the one-man principle of dictatorship of Stalin and his predecessors, with its Siberia, its terror, its network of police, its iron fist that brooked no questioning and no discussion, its predominant policy of shouting and threats against capitalism and western imperialism.

The second is what we shall for the purpose of definition call Khrushchevism, the policy which stems from the collective leadership of the group of men who, with some violent changes of personnel, have ruled Russia since the death of Stalin in 1953.

Now I believe this new facade of Khrushchevism is simply a new, more effective planned device to achieve Stalinist ends, and therefore is more dangerous than Stalinism.

THE SMILES OF THE SOVIETS

To the western observer, it has shown itself more responsive to experimentation, more accessible to its own intelligentsia and technical groups than did the Soviet with its former leadership. It has also shown itself apparently more flexible in its dealings with the rest of the world, and has given evidence that it can learn by its mistakes.

It is my opinion that in this added flexibility lies a much graver danger to the Western World than in the blunt iron fist of Stalin. And this is true principally because the Soviet Union itself has not changed in its objectives since Khrushchevism took over. The actions of the Soviet Union in the October revolution in Hungary indicated beyond a doubt that this smiling face of Khrushchevism is nothing more than a working facade.

Now, to put it in simple language, if the Soviet dictatorship wants to continue in power, it needs primarily several things. In peacetime it must be assured of continued economic health and greater production, and further perfection of its war potential. In time of emergency it must know that the bulk of its citizenry will say "my country right or wrong, free or slave," and take up arms in its defense. And it must so arrange its relations with the outside world that it can exist along with it, annex parts of it, and ultimately take it over completely.

Khrushchevism is furthering all three of these objectives.

First, let us look at how Khrushchevism has affected the Soviet economic picture.

The development of basic, heavy and arms industries is the principal objective of the Soviet economy, with consumer goods, manufactures, and living standards playing a secondary role. Every 5-year plan—and Russia is now in her sixth—has scored tremendously in this principal objective. I have been particularly interested in watching this phase of Soviet development because my own State of Michigan in the keystone of the Great Lakes industrial heartland. This vast midcontinent area, reaching north and south of the Canadian border, has been called the Arsenal of Democracy.

Now, from the best information we have available, let us take a quick look at Soviet achievements in this field during the 5-year plan embracing the 1951–55 period.

In 1950, Soviet production of steel was 27.3 million tons, and in 1955, 45.3 million tons. By 1955, the U. S. S. R. had nearly doubled its 1950 production of 91.2 billion kilowatt hours of electric power. In natural gas the Soviet went up from 6.2 billion cubic meters in 1950 to 10.4 billion in 1955. Crude petroleum output in the Soviet increased 75 percent from 1950 to 1955. In 1950, the country produced 261.1 million metric tons of coal, and in 1955, 391 million. Lumber production rose from 49.5 million cubic meters in 1950 to 70 million in 1955. Soviet cement production went from 10.2 million metric tons in 1950 to 22.5 in 1955. Iron ore production was 37.7 million metric tons in 1950 and no less than 71.9 in 1955.

British economist Peter Wiles sums up the picture pretty well in a consideration of the subject featured in The Soviet Economy, a Discussion. He says: "Perhaps the most important fact in all modern economics is that this rate of growth is higher in the manufacturing industry of the Soviet Union than in that of any free country at the period of its maximum development, let alone now.

"Rich countries—as the Communist countries will be, have more strategic and diplomatic strength than poor ones—as the North Atlantic Treaty Organization countries will one day be, relatively speaking. They can offer better terms of trade. They can bribe more politicians, finance more spies, entertain more delegations. The Communist threat is thus partly one of economic growth. In reply to it neither virtuous conduct nor cultural freedom are altogether enough. The western rate of economic growth must also be stepped up."

Let us now return to what has happened to this production since Khrushchevism took over in the Soviet. The one thing outside of an attack by an external power which would seriously impede this phenomenal production schedule in the fields of basic arms and heavy industries, would be the workers themselves. And what evidence do we have that the Russian people would undertake such an economic or political revolt more at this time than any other?

It is no secret that there has always been a hope in the Western World that political and social tensions within the Soviet Union would develop which would eventually become the explosive Waterloo of the communistic dictatorship, and bring about a government more representative of the Russian people. And it is also very evident that

under the Soviet planned economy, this phenomenal growth of basic, heavy and arms industries has not been paralleled by similar strides in agriculture, trade or service industries. Nor has it done very much to raise the level of living of the people.

So back in 1951 my colleagues of the Senate Committee on Foreign Relations tried to get some facts about the extent of the tensions which would normally develop under such a society. They had a study made by experts on the tensions then existing within the Soviet Union, and 4 years ago, right after the death of Stalin, brought it up to date.

In an early part of the analysis, the committee warns against the illusion that because dissatisfaction existed in Russia, an armed and organized revolt was imminent at that time. It even questioned if those who were dissatisfied would necessarily disaffect from the Soviet Union and its Communist regime in case of a military showdown with the West. It then identified and mapped the areas of tension within the Soviet society, pointing out and documenting the special grievances of the young people, intellectuals, religious believers, ethnic minorities, professional soldiers, workers, peasants, slave laborers and their families. It named these as the potential allies of the Western World who might eventually be appealed to and mobilized.

Now the question is, have these tensions decreased or increased under Khrushchevism? All available evidence points to the fact that they have decreased because Khrushchevism has given a few carrots to the Russian people in relaxations and consumer goods in order to keep them working. Reports indicate the relaxations have not been numerous, nor would they be particularly satisfying to us of the Western World. Any relaxations, nevertheless, tend to lessen tensions and make a people less disposed to revolt against their existing government, or desert in a war emergency.

So the people of Russia, long crushed in the vise of dictatorship which permitted them none of the normal freedoms and movement and acquisitions needed for the healthy life and comfort of human beings, are feeling a lot happier about things when some of their human contours are permitted to stretch a bit at long last. It is hard for somebody in the Western World to accept the fact that freedom to talk a little more freely in a cafe, to criticize Government policies even mildly, and the indulgence in an occasional orange, a lipstick, gadget or bowl of strawberries can make a people forget its grievances. But when you haven't had these things for as long as the Russian people haven't, they do. They are in fact a useful, perhaps an essential safety valve.

NOTHING NEW IN KHRUSHCHEVISM

Now, what has happened in the rest of the world since Khrushchevism went into effect?

To begin with, the world needs reminding that the blow-hot blow-cold foreign policy of the Soviet Union under Khrushchevism is not by any means a new policy.

Under Stalin and his predecessors communism also played the opportunist game and jumped on any bandwagon headed for the locale it wanted to penetrate, and put on any mask necessary to achieve its ends. Under Khrushchevism the collective leadership has been climbing on all the bandwagons at once, or climbing off all of them. And the Soviet has been changing mask after mask, until it is increasingly difficult for the rest of the world to find out when the thing is peeled down to the skin.

In the months before the Hungarian debacle, Khrushchevism had begun to persuade the Western World that Russia might be willing to play fair ball. It was only when the Hungarians took them at their word and tried to step out from under the pressure of the Soviet Union that it had to pull off all its masks and reveal the same brute dictatorship which existed before Stalin's death—or as an alternative lose satellite Hungary, and probably all of the satellites in a chain revolutionary reaction.

Confusion piled up on confusion as the Soviet monster began talking more than ever out of both sides of its political mouth. Segments of the Western World began to break off from other segments on important issues. Khrushchevism may very well have had an influence on what happened at Suez. And before the policy of the Soviet Union in Hungary pushed Tito back to his normal state of belligerence to the brand of communistic dictatorship across its borders, the Yugoslav leader was relaxing sufficiently to permit a visit from the Soviet chieftains. It prevented any lag of production in the Soviet Union, thus enabling the Kremlin massively to industrialize Red China, and through this, help to head off any possible revolt in this brother Communist dictatorship.

Under other than Khrushchevism, I do not believe that NATO would have dared reduce its forces. Ceylon would not have invited the British out. Iceland would not have asked the United States to remove its bases. And certainly the U. S. S. R. would not have responded to our open skies proposal, however deceitfully, under any but Krushchevism.

This respectability has permitted the President of the United States to shake hands with the Russian rulers, and Queen Elizabeth of England to entertain them. Smaller and less developed countries have increasingly thrown out a more or less nervous red carpet for the Soviet chieftains.

Under the increasingly blow-hot blow-cold foreign policy, more goods are actually going to the Soviet Union itself, and to its fellow dictatorship, Communist China.

EXCHANGES BENEFIT U. S. S. R.

Announcement was made soon after the debut of Krushchevism that books from the Western World would now be permitted in the Soviet Union. Outside the Iron Curtain there was rejoicing. Now books of political science and political and social philosophy would bring new hopes to the Russian people. Histories would be read—histories written with a minimum of bias; novels and critical literature depicting civilizations other than their own would bring them vistas of freedom.

But what actually happened?

Evidence clearly shows now that in 1955 the Leningrad Public Library in ordering its books aimed at supplying Soviet scientific workers and engineers with information on the latest achievements in science and technology and not history, philosophy or belles lettres. Industrial establishments and research institutions in Leningrad were given first consideration, and the Library of the Academy of Sciences. Primarily the library was satisfying the requests of the leading branches of industry—aircraft and transportation, machinery, metallurgy, machine building, electric machinery, turbines, ships, radio engineering, and so forth. Books were ordered on problems of automation, telemechanics, electronics, television, the production of artificial fibers, fabrics and footwear, the food industry and the mechanization of agriculture. An attempt was also made to incorporate in the library's collections continuations of multivolume works in chemistry and the physical and mathematical sciences, including atomic physics.

There has been a wider exchange of technologists and scientists between the Soviet and the West under Khrushchevism. But it looks as if the advantage has been pretty much on the side of the Soviet Union. They have learned how to breed better cattle, build better tractors and houses, collect some good technical information. I cannot speak for other countries in the Western World, but when the United States sent my colleagues, Senators RUSSELL LONG of the State of Louisiana and HENRY JACKSON of the State of Washington along with Gen. Nathan F. Twining, Chief of Staff of the United States Air Force, into the Soviet, they saw very little of what they wanted to see.

What about the new underdeveloped nations groping for a way of life which will put them in step with modern living and technological development?

For long, the new bureaucratic technicians and managerial classes of these countries have been looking over the western democracies and the communistic dictatorships and making a rather observing checklist as to the debits and credits of both in relation to their own countries.

One of the things which has kept have-not nations eager to expand economically, away from communism, has been the apparently necessary rigidities of Stalinism required to attain a technological success. These underdeveloped countries eye the Soviet technological progress with considerable envy, but nevertheless cringe at the picture of Stalin whipping the people of a nation into a higher technical development, like animals at a plow.

EFFECT ON FREE PEOPLES

At the same time these groups were well aware that their underdeveloped countries needed stable governments, and a degree of planning of the consumption of goods and the investment of money and power. They felt if they were to attain the same goals as the Soviet in the same period of time, they needed a strictly disciplined order.

But with the relaxation of controls in the Soviet, the individual's freedom did not seem to be so much threatened. These nations began to roll the thought around in their top level conferences that perhaps they could have a degree of planning and a disciplined social order, and still have the substance of individual freedoms.

Not the least sensitive target of Khrushchevism are the free peoples. These peoples dearly want peace—so dearly that they are prepared to grasp at the slightest indication of Soviet good will in the hope that it will turn out to be the real thing, or at least a forerunner of that domestication of the Soviet bear which they have constantly been told is inevitable. Not even the savage Hungarian repression has quite destroyed their faith that the Kremlin, if only in self-defense, will soon agree to call its offensive off and settled down to some sort of peace with the rest of the world. Therefore, these peoples instinctively support any move for negotiations with the U. S. S. R., leap at any disarmament hint, however phony, and even, to some extent, swallow any domestic suggestions that the free countries can now safely cut their oppressively heavy armament budgets since the Soviet under Khrushchev is no longer a military danger, or is not so much of a danger.

This is Khrushchevism at its most effective, for I cannot believe the free peoples and governments would be quite so eager if the situation in the U. S. S. R. had remained the same as under Stalin and his predecessors.

This attitude certainly raises vital questions: Will the Western World remember that Stalin's face and all it means lies behind the smiling mask which Khrushchevism intermittently shows to the world? And will the underdeveloped nations who are checking the debits and credits of democracy against those of communism remember what is under the future changing masks of Khrushchevism?

Probably not, unless the West remains continually alert and reminded.