that by this method the Attorney General is authorized in the name of the United States to proceed by injunction not only in the matter of voting rights, but in all the broad categories of civil rights protected under paragraphs first, second, and third.

2. The bill has been represented as not intended to deprive any citizen of a trial by jury for an offense that he would be entitled to jury trial for under present law. Representative KEATING, the ranking minority member of the Judiciary Committee, in discussing that phase of the bill on the floor of the House, said:

"I will say to the gentleman that I was the author of this provision as it came to me from the Justice Department. I say to the gentleman categorically that, while it may be an admission of ignorance, it never entered my mind that I was taking away anybody's right to a jury trial when I introduced this measure or when I voted for it in committee and in the last Congress. Such a motive was never in my mind. I do not know whether it was in the mind of anyone else or not."

Whereupon Representative CELLER, chairman of the Judiciary Committee, said:

"I want to say at the outset I agree with what the gentleman from New York [Mr. KEATING] said with reference to our motives. As I said before, I am a libertarian, and I would not want by any stretch of the imagination to take away any rights from anyone.

All of the civil remedies under section 1980 are covered and prohibited as crimes under the Criminal Statutes. Section 3691, title 18, United States Code, entitled the accused in a contempt proceeding to a trial by jury where the contempt complained of constitutes a criminal offense, except in those cases where the United States is a party.

Paragraph 4 of section 121 above referred to, by requiring all suits to be brought in the name of the Attorney General, effectively and positively deprives the accused of a right to trial by jury in all civil-rights cases.

Can there any longer be any doubt that in any case of alleged discrimination, including discrimination by school segregation, that any person accused of violating an injunction would be tried and sentenced by the judge without a jury?

3. The bill abolishes the present law that a person claiming violation of his civil rights must first exhaust his administrative remedies before resorting to Federal courts. The bill in two places specifically abolishes this law and permits the Attorney General to invade the age-old States rights requirement and proceed by injunction before the aggrieved party has even applied to the State authorities under State law for the relief desired.

On page 12, line 9, the bill provides: "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."

On page 10, line 8, amending section 1980 of the Revised Statutes above referred to, the bill provides:

"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."

In conclusion, permit us to call your attention to section 1993, title 42, United States Code which implements section 1985 referred to above as covering all the broad field of civil rights. Section 1993 provides that the President, or such person as he may designate, may employ land and naval forces of the United States or the militia to aid the Federal courts in the enforcement of their orders under section 1985. Since the enactment of this statute in 1866, the dictates of experience and common decency have caused this provision to fall into disuse. The present bill revives and emphasizes the potentiality under which the President may delegate to the Attorney General or other person the power to commit the use of the Armed Forces to enforce all civil rights statutes (including the right to vote) by hauling hordes of citizens before a district court and committing them to jail for indeterminate sentences without trial by jury.

The virtues or evils of laws should not be tested by what a well-intended administrator will do, but by what evil can legally be done under their provisions.

Although these views are respectfully submitted for your earnest consideration, we do not request a formal reply.

Sincerely and respectfully submitted,

Alabama: FRANK W. BOYKIN, GEORGE M. GRANT, GEORGE W. ANDREWS, KENNETH A. ROBERTS, ALBERT RAINS, ARMISTEAD I. SELDEN, JR., CARL ELLIOTT, ROBERT E. JONES, GEORGE HUDDLESTON, JR.

Arkansas: E. C. GATHINGS, WILBUR D. MILLS, JAMES W. TRIMBLE, OREN HARRIS, W. F. NORRELL.

Florida: WILLIAM C. CRAMER, CHARLES E. BENNETT, ROBERT L. F. SIKES, DANTE B. FASCELL, A. SYDNEY HERLONG, JR., PAUL G. ROGERS, JAMES A. HALEY, D. R. (BILLY) MATTHEWS.

Georgia: PRINCE H. PRESTON, JOHN L. PILCHER, E. L. FORRESTER, JOHN JAMES FLYNT, JR., JAMES C. DAVIS, CARL VINSON, HENDERSON LANHAM, IRIS F. BLITCH, PHIL M. LANDRUM, PAUL BROWN.

Louisiana: F. EDWARD HÉBERT, HALE BOGGS, EDWIN E. WILLIS, OVERTON BROOKS, OTTO E. PASSMAN, JAMES H. MORRISON, T. ASHTON THOMPSON, GEORGE S. LONG.

Mississippi: THOMAS G. ABERNETHY, JAMIE L. WHITTEN, FRANK E. SMITH, JOHN BELL WILLIAMS, ARTHUR WINSTEAD, WILLIAM M. COLMER.

North Carolina: GRAHAM A. BARDEN, HERBERT C. BONNER, L. H. FOUNTAIN, RALPH J. SCOTT, CARL T. DURHAM, ALTON LENNON, A. PAUL KITCHIN, HUGH Q. ALEXANDER, CHARLES RAPER JONAS, BASIL L. WHITENER, GEORGE A. SHUFORD, HAROLD D. COOLEY.

Oklahoma: CARL ALBERT, TOM STEED, TOBY MORRIS.

South Carolina: L. MENDEL RIVERS, JOHN J. RILEY, W. J. BRYAN DORN, ROBERT T. ASHMORE, ROBERT W. HEMPHILL, JOHN L. MCMILLAN.

Tennessee: JAMES B. FRAZIER, JR., JOE L. EVINS, J. CARLTON LOSER, ROSS BASS, TOM MURRAY, JERE COOPER, CLIFFORD DAVIS.

Texas: MARTIN DIES, WRIGHT PATMAN, LINDLEY BECKWORTH, BRUCE ALGER, OLIN E. TEAGUE, JOHN DOWDY, ALBERT THOMAS, CLARK W. THOMPSON, W. R. POAGE, FRANK IKARD, J. T. RUTHERFORD, OMAR BURLESON, WALTER ROGERS, GEORGE H. MAHON, O. C. FISHER.

Virginia: EDWARD J. ROBESON, JR., PORTER HARDY, JR., J. VAUGHAN GARY, WATKINS M. ABBITT, WILLIAM M. TUCK, RICHARD H. POFF, BURR P. HARRISON, HOWARD W. SMITH, JOEL T. BROYHILL.

Minnesota: JOS. P. O'HARA.

Illinois: RUSSELL W. KEENEY, N. M. MASON.

New York: WILLIAM E. MILLER.

Iowa: BEN F. JENSEN.

Ohio: CLIFF CLEVENGER.

Idaho: HAMER H. BUDGE.

Iowa: H. R. GROSS.

Wisconsin: LAWRENCE H. SMITH.

Kansas: WINT SMITH.

Missouri: PAUL JONES.

Michigan: AUGUST E. JOHANSEN.

Kentucky: FRANK CHELF, NOBLE J. GREGORY.

SENATE

THURSDAY, JULY 18, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

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

God, our Father, from the tumult of an angry, agitated world, we seek the sanctuary of Thy presence, not that we may escape from the world, but that we may turn to the perplexing maze of its tangled problems with strong spirits and quiet minds. From the shams and shadows of these days, we pray for strength for our burdens, wisdom for our problems, insight for our times, and vision which sets our eyes on far horizons. We ask it in the name of that One whose is the kingdom, and the power, and the glory. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Wednesday, July 17, 1957, was approved, and its reading was dispensed with.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The VICE PRESIDENT announced that on today, July 18, 1957, he signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 18. An act for the relief of Alessandron Renda;

S. 80. An act for the relief of Maria Adelaide Allessandroni;

S. 164. An act for the relief of John G. Michael;

S. 249. An act for the relief of Theodora Hegeman;

S. 250. An act for the relief of Kyu Yawp Lee and his wife, Hyung Sook Lee;

S. 251. An act for the relief of Edith Elisabeth Wagner;

S. 255. An act for the relief of Fumiko Shikanuki;

S. 256. An act for the relief of Aristea Vitogianes;

S. 284. An act for the relief of Miyako Ueda Osgood;

S. 303. An act for the relief of Gaetano Mattioli Cicchini;

S. 307. An act for the relief of Noemi Maria Vida Williams and Maria Loretta Vida;

S. 308. An act for the relief of Maria Caccomo;

S. 368. An act for the relief of Jose Medina-Chavez (Joe Medina);

S. 526. An act for the relief of Tikva Polsky;

S. 530. An act for the relief of Shun Wen Lung (also known as Van Long and Van S. Lung);

S. 560. An act for the relief of Alec Ernest Sales;

S. 583. An act for the relief of Stanislav Maglica;

S. 592. An act for the relief of Anton Revak;

S. 615. An act for the relief of Josephine Ray;

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S. 622. An act for the relief of Georgina Mercedes Llera;

S. 629. An act for the relief of John Eicherl;

S. 653. An act for the relief of Mrs. Elsbe Hermine van Dam Hurst;

S. 767. An act for the relief of Christo Pan Lycouras Manroyenis (Maurogenis);

S. 785. An act for the relief of Helga Binder;

S. 788. An act for the relief of Thelma Margaret Hwang;

S. 804. An act for the relief of Georgios D. Christopoulos;

S. 908. An act for the relief of Kuo York Chynn;

S. 973. An act for the relief of Yun Wha Yoon Holsman;

S. 987. An act for the relief of Leonardo Finelli;

S. 1083. An act for the relief of Maria Manfates;

S. 1192. An act for the relief of Irma B. Poellmann;

S. 1360. An act for the relief of Mrs. Geraldine Elaine Sim;

S. 1376. An act for the relief of Chong You How (also known as Edward Charles Yee), his wife, Eng Lai Fong, and his child, Chong Yim Keung;

S. 1566. An act for the relief of Arthur Sew Sang, Kee Yin Sew Wong, Sew Ing Lin, Sew Ing Quay, and Sew Ing You;

S. 1581. An act for the relief of Sheu Shei Lan and Chow Shong Yep;

S. 1833. An act for the relief of Janos Schreiner; and

H. J. Res. 324. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on July 17, 1957, the President had approved and signed the following acts:

S. 528. An act for the relief of Nicolaos Papathanasiou;

S. 609. An act to amend the act of June 24, 1936, as amended (relating to the collection and publication of peanut statistics), to delete the requirement for reports from persons owning or operating peanut picking or threshing machines, and for other purposes;

S. 749. An act for the relief of Loutfie Kalil Noma (also known as Loutfie Slemon Noma or Loutfie Noama);

S. 1054. An act to extend the times for commencing and completing the construction of a toll bridge across the Rainy River at or near Baudette, Minn.;

S. 1169. An act for the relief of Herbert C. Heller;

S. 1212. An act for the relief of Evangelos Demetre Kargiotis;

S. 1352. An act to provide for the conveyance of certain real property of the United States to the Fairview Cemetery Association, Inc., Wahpeton, N. Dak.; and

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.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Clarence E. Harden, to be postmaster at Tolono, Ill., which nominating messages were referred to the appropriate committees.

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

ORDER FOR RECESS UNTIL 12 O'CLOCK NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it stand in recess until tomorow at 12 o'clock noon.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, there be a period for the transaction of routine morning business, with statements limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, pursuant to the order entered on yesterday, I understand there will be a period for the transaction of routine business, with statements limited to 3 minutes.

The VICE PRESIDENT. That is correct.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters which were referred as indicated:

REPORT OF THE PRESIDENT'S ADVISORY COMMISSION ON PRESIDENTIAL OFFICE SPACE

A communication from the President of the United States, transmitting, pursuant to law, a report of the President's Advisory Commission on Presidential Office Space, dated May 31, 1957 (with an accompanying report); to the Committee on Public Works.

REPORT ON CHIEF JOSEPH DAM PROJECT, WASHINGTON

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of that Department on the Greater Wenatchee Division, Chief Joseph Dam project, Washington, dated June 1956 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON TEXAS CITY DISASTER CLAIMS

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on Texas City Disaster Claims, as of May 31, 1957 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY UNITED STATES INFORMATION AGENCY

A letter from the Director, United States Information Agency, Washington, D. C., reporting, pursuant to law, on tort claims paid by that Agency, for the fiscal year 1957; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 144. A bill for the relief of Lucrecia Zuckermann Podesta (Rept. No. 617);

S. 396. A bill for the relief of Lock Ting King (Rept. No. 618);

S. 397. A bill for the relief of Willem Woeras (Rept. No. 619);

S. 524. A bill for the relief of Robert F. Gross (Rept. No. 620);

S. 567. A bill for the relief of Vida Djenich (Rept. No. 621);

S. 796. A bill for the relief of Zacharoula Papoulia Matsa (Rept. No. 622);

S. 1049. A bill for the relief of Mrs. Ahsapet Gamityan (Rept. No. 623);

S. 1142. A bill for the relief of Mario Bellich (Rept. No. 624);

S. 1153. A bill for the relief of Zdenka Sneler (Rept. No. 625);

S. 1155. A bill for the relief of Eileen Teahan (Rept. No. 626);

S. 1175. A bill for the relief of Helene Cordery Hall (Rept. No. 627);

S. 1241. A bill for the relief of Edward Martin Hinsberger (Rept. No. 628);

S. 1290. A bill for the relief of Lee-Ana Roberts (Rept. No. 629);

S. 1306. A bill for the relief of Pao-Wei Yung (Rept. No. 630);

S. 1307. A bill for the relief of Toribia Basterrechea (Arrola) (Rept. No. 631);

S. 1421. A bill for the relief of Ansis Luiz Darzins (Rept. No. 632);

S. 1579. A bill for the relief of Jamil G. Nassar (Rept. No. 633);

S. 1914. A bill for the relief of Stephen Peter Demogiannis (Stavros Pantellis Demogiannis) (Rept. No. 634);

S. 2165. A bill for the relief of Gertrud Mezger (Rept. No. 635);

H. R. 1288. A bill for the relief of Ralph Landolfi (Rept. No. 652);

H. R. 1325. A bill for the relief of Mrs. Bertha K. Martensen (Rept. No. 653);

H. R. 1348. A bill for the relief of Frank E. Gallagher, Jr. (Rept. No. 654);

H. R. 1446. A bill for the relief of Philip J. Denton (Rept. No. 655);

H. R. 1472. A bill for the relief of Anna L. De Angelis (Rept. No. 656);

H. R. 1520. A bill for the relief of Mrs. Fusako Takai and Thomas Takai (Rept. No. 657);

H. R. 1536. A bill for the relief of Allison B. Clemens (Rept. No. 658);

H. R. 1537. A bill for the relief of Jacob Baronian (Rept. No. 659);

H. R. 1552. A bill for the relief of William H. Barney (Rept. No. 660);

H. R. 1667. A bill for the relief of Fred G. Nagle Co. (Rept. No. 661);

H. R. 2346. A bill for the relief of Irmgard S. King (Rept. No. 662);

H. R. 2347. A bill for the relief of Robert M. Deckard (Rept. No. 663);

H. R. 2678. A bill for the relief of Leona C. Nash (Rept. No. 664);

H. R. 3276. A bill for the relief of Edwin K. Fernandez (Rept. No. 665);

H. R. 3572. A bill for the relief of Mrs. Mary Jane Russell (Rept. No. 666);

H. R. 4851. A bill for the relief of Mrs. M. E. Shelton Pruitt (Rept. No. 667);

H. R. 5081. A bill for the relief of Capt. Thomas C. Curtis and Capt. George L. Lane (Rept. No. 668);

H. R. 5220. A bill for the relief of the estate of Higa Kensai (Rept. No. 669); and

H. R. 6621. A bill for the relief of Mrs. Jane Barnes (Rept. No. 670).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 212. A bill to provide for the reimbursement of Meadow School District No. 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within

such school district by the Department of the Interior (Rept. No. 636);

S. 280. A bill for the relief of Agapito Jorolan (Rept. No. 637);

S. 398. A bill for the relief of Benjamin Wachtfogel (Rept. No. 638);

S. 485. A bill for the relief of Luigi Lino Turel (Rept. No. 639);

S. 491. A bill for the relief of Joanne Lea (Buffington) Lybarger (Rept. No. 640);

S. 878. A bill for the relief of Cecyle D. Smack (Rept. No. 641);

S. 879. A bill for the relief of Anna Adora Jensen (Rept. No. 642);

S. 880. A bill for the relief of Necmettin Cengiz (Rept. No. 643);

S. 1050. A bill for the relief of Hrygory (Harry) Mydlak (Rept. No. 644);

S. 1101. A bill for the relief of Elia Zelich (Rept. No. 645);

S. 1329. A bill for the relief of Joyce Trueman Watson (Rept. No. 646);

S. 1804. A bill for the relief of Marjeta Winkle Brown (Rept. No. 647);

S. 1877. A bill for the relief of Louis G. Whitcomb (Rept. No. 648);

S. 2063. A bill for the relief of Guy H. Davant (Rept. No. 649);

S. 2398. A bill for the relief of Antonia Massorotto Telara; (Rept. No. 650);

H. R. 1501. A bill for the relief of Beulah I. Reich; (Rept. No. 684);

H. R. 1672. A bill for the relief of the legal guardian of Frederick Redmond; (Rept. No. 671);

H. R. 1682. A bill for the relief of Edward J. Moskot; (Rept. No. 672);

H. R. 2045. A bill for the relief of Robert D. Miller, of Juneau, Alaska; (Rept. No. 673);

H. R. 2950. A bill for the relief of Lt. Col. Emery A. Cook; (Rept. No. 674);

H. R. 2973. A bill for the relief of the estate of William V. Stepp, Jr.; (Rept. No. 675);

H. R. 3281. A bill for the relief of Howard S. Gay; (Rept. No. 676);

H. R. 4023. A bill for the relief of Oswald N. Smith; (Rept. No. 677);

H. R. 4154. A bill for the relief of the legal guardian of Thomas Brainard, a minor; (Rept. No. 678); and

H. R. 5627. A bill for the relief of Mrs. Emma Hankel; (Rept. No. 679).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 652. A bill for the relief of the Thomas Cruse Mining & Development Co. (Rept. No. 651);

H. R. 1460. A bill for the relief of Tom R. Hickman and Nannie Conley and husband, Jack Conley (Rept. No. 680);

H. R. 1562. A bill for the relief of Maj. John P. Ruppert (Rept. No. 681); and

H. R. 2049. A bill for the relief of Mrs. Blanche Houser (Rept. No. 682).

By Mr. WATKINS, from the Committee on the Judiciary, without amendment:

S. 883. A bill to extend for 1 year the time for filing of claims by former prisoners of war under section 6 (e) of the War Claims Act of 1948 (Rept. No. 683).

By Mr. O'MAHONEY, from the Committee on the Judiciary, with an amendment:

S. 1356. A bill to amend the antitrust laws by vesting in the Federal Trade Commission jurisdiction to prevent monopolistic acts or practices and other unlawful restraints in commerce by certain persons engaged in commerce in meat and meat products, and for other purposes.

By Mr. MURRAY, from the Committee on Interior and Insular Affairs, without amendment:

S. 2183. A bill to amend the act of August 2, 1956 (70 Stat. 940), providing for the establishment of the Virgin Islands National Park, and for other purposes (Rept. No. 685).

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. EASTLAND. Mr. President, from the Committee on the Judiciary, I report an original concurrent resolution favoring the suspension of deportation in the case of certain aliens, and I submit a report (No. 616) thereon.

The VICE PRESIDENT. The report will be received and the concurrent resolution will be placed on the calendar.

The concurrent resolution (S. Con. Res. 41) was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244 (a) (5) of the Immigration and Nationality Act (66 Stat. 214; 8 U. S. C. 1254 (c)):

A-4158392, Adeikis, Stanley Michael.
A-2885127, Aksomaitis, Vincas.
A-5396880, Asano, Katsu.
A-5026507, Beltran, Adolfo.
A-2830514, Beltran, David.
A-5342432, Berezovsky, Philip.
A-10249801, Berger, Hyman.
A-3996498, Cardozo, Manuel Soares.
A-5126546, Castaneda-Cardoza, Alfonso.
A-5453601, Collazo-Gomez, Ernesto.
A-4322851, Cuilla, Serafano.
A-2375195, Ding-Gomez, Loreto.
A-2368529, Fiori, Francesco.
A-3279005, Freiman, John.
A-4621249, Genco, Salvatore.
A-5740870, Gergieff, Mogomet.
A-3607094, Giardina, John.
A-10519582, Gonzalez-Rodriguez, Jose Guadalupe.
A-3234931, Hagig, Jurius Bahounes.
A-3092077, Hanna, Asef.
A-2753717, Hernandez, Raymond.
A-5457310, Holm, Henning.
A-5817785, Imbelli, Joseph.
A-8890652, Johnson, John Christian.
A-2369307, Kapian, Anna.
A-4493473, Kessler, Max.
A-5014088, Klymczak, Wojciech.
A-5405700, Kotchkowsky, Anthony.
A-3569890, Kozlowski, Edward.
A-2836648, Kubiejewski, John.
A-5974494, Mannert, Anna.
A-8979815, Martinez-Torres, Juan.
A-3299593, Mellin, Otto Hammes.
A-10116646, Milwood, Orville.
A-5140141, Mirarchi, Rosario Joseph.
A-3245080, Nevarrez-Garcia, Manuel Angelo.
A-8938342, Palacio, Manuel.
A-3584143, Aldana, Sara Barbosa De.
A-4195208, Cariozzi, James.
A-3692261, D'Elena, Celeste.
A-5156681, Dicroff, Robert Ernst.
A-1899752, Elashik, Sava.
A-5622659, Favorito, Thomas Vincent.
A-4619627, Kagan, Irving.
A-5949135, Kaminski, Leon.
A-5547409, Kognoski, Peter.
A-5158358, Latina, Salvatore.
A-3166512, Lewandowski, Felix.
A-3331252, Parrillo, Pasquale.
A-10421865, Pawlak, Stanley.
A-5231537, Pecoraro, Girolamo.
A-5768942, Peltz, Max.
A-4893229, Perez, Regina Escobar.
A-8862238, Pidalo, Barbara.
A-2772408, Pilaia, Sam.
A-8582019, Radke, Victor John.
A-3810815, Romanovich, John.
A-2397876, Sabolovich, Mike.
A-3524451, Salazar-Ruiz, Andres.
A-5643343, Saledonis, Joseph John.
A-4146663, Schwartz, Isadore.
A-4571662, Siuba, Antonette.
A-3212351, Spear, Max.
A-5655850, Storz, Siegfried Herman.
A-4492568, Takeda, Shiro.
A-3490481, Tepper, Joseph Bernard.
A-2777783, Vallone, Felice.
A-2231701, Varela, Guadalupe Alvarez De.
A-5733817, Vargo, John.
A-3838689, Vega, Ramon.
A-5437973, Videll, Carl Ragnar Frederick.
A-2582384, Villagomez-Anguiano, Jose.
A-2675965, Woo, Nye Yen.
A-4566433, Zalaski, Myron Stanley.
A-2720389, Bielick, Lukian.
A-3290571, Do Souto, Jose.
A-7089013, Limon-Acosta, Felix.
A-1582711, Lutsky, Isadore.
A-4446802, Ptasienski, Joseph.
A-2705430, De Hernandez, Manuela Triana.

AMENDMENT OF SENATE RESOLUTION 57, 85TH CONGRESS

Mr. KEFAUVER, from the Committee on the Judiciary, reported an original resolution (S. Res. 166) amending Senate Resolution 57, 85th Congress, authorizing an investigation of antitrust and antimonopoly laws and their administration, which was referred to the Committee on Rules and Administration, as follows:

Resolved, That Senate Resolution 57, 85th Congress, agreed to January 30, 1957 (authorizing an investigation of antitrust and antimonopoly laws and their administration), is hereby amended by striking out "$225,000" and inserting in lieu thereof "$275,000."

AMENDMENT OF SECTION 31 OF THE SECURITIES EXCHANGE ACT OF 1934—REPORT OF A COMMITTEE—AMENDMENTS

Mr. BUSH, from the Committee on Banking and Currency, reported amendments to the bill (S. 2520) to amend section 31 of the Securities Exchange Act of 1934, which were ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Madison M. Adams, Jr., and sundry other persons for appointment and promotion in the foreign and diplomatic service.

By Mr. EASTLAND, from the Committee on the Judiciary:

Joseph C. Zavatt, of New York, to be United States district judge for the eastern district of New York, vice Clarence G. Galston; and

Clifford O'Sullivan, of Michigan, to be United States district judge for the eastern district of Michigan, vice Arthur A. Koscinski.

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

One hundred and ninety-five postmaster nominations.

By Mr. BYRD, from the Committee on Finance:

George F. Jameson, of Portland, Oreg., to be collector of customs for customs collection district No. 29, with headquarters at Portland, Oreg.;

Frank Abelman, of Marquette, Mich., to be collector of customs in customs collection district No. 38, with headquarters at Detroit, Mich.;

Chester R. MacPhee, of California, to be collector of customs in customs collection district No. 28, with headquarters at San Francisco, Calif.;

Charles F. Brown, Jr., of Louisville, Ky., to be collector of customs in customs collection district No. 42, with headquarters at Louisville, Ky.;

Cleta M. Smith, of St. Louis, Mo., to be collector of customs in customs collection district No. 45, with headquarters at St. Louis, Mo.; and

Theodore H. Lyons, of New Orleans, La., to be collector of customs for customs collection district No. 20, with headquarters at New Orleans, La.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. RUSSELL. Mr. President, from the Committee on Armed Services, I report favorably the nominations of Major General Erickson for reappointment as Chief of the National Guard Bureau and of Admiral Radford for appointment to the grade of admiral on the retired list, as well as the appointments of 70 general officers in the Air Force. I ask that these nominations be placed on the Executive Calendar.

The VICE PRESIDENT. Without objection, the nominations will be placed on the Executive Calendar.

The nominations are as follows:

Maj. Gen. Edgar Carl Erickson, a Reserve commissioned officer of the Army, member of the National Guard of the United States, to be Chief of the National Guard Bureau;

Adm. Arthur W. Radford, United States Navy, for appointment to the grade of admiral on the retired list of the Navy; and

Brig. Gen. Edward Willis Suarez, and sundry other officers, for temporary appointment in the United States Air Force.

Mr. RUSSELL. Mr. President, in addition to the above, I report favorably a group of 3,678 nominations for appointment and promotion in the Army in the grade of colonel and below and 2,015 nominations for temporary and permanent appointment in the Navy in the grade of commander and below.

In order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Vice President's desk for the information of any Senator.

The VICE PRESIDENT. Without objection, the nominations will lie on the desk, as requested by the Senator from Georgia.

The nominations are as follows:

John S. Dwinell, and sundry other persons, for reappointment to the active list of the Regular Army of the United States;

Sterling H. Abernathy, and sundry other officers, for promotion in the Regular Army of the United States;

Rowland Chrisler Adams, and sundry other officers, for appointment in the Regular Army of the United States; and

David L. Armstrong, and sundry other persons, for appointment in the Navy.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. HILL (for himself, Mr. IVES, Mr. KENNEDY, Mr. MCNAMARA, and Mr. COOPER):

S. 2580. A bill to amend section 314 (c) of the Public Health Service Act, so as to authorize the Surgeon General to make certain grants-in-aid for the support of public or nonprofit educational institutions which provide training and services in the fields of public health and in the administration of State and local public health programs, to the Committee on Labor and Public Welfare.

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

By Mr. MURRAY:

S. 2581. A bill to stabilize the domestic market prices of lead and zinc; to the Committee on Finance.

By Mr. MURRAY (by request):

S. 2582. A bill to amend the law relating to mining leases on Indian lands and Federal lands within Indian reservations; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

S. 2583. A bill for the relief of Song Ba Lee (Mark Eric Shansky); to the Committee on the Judiciary.

By Mr. YOUNG:

S. 2584. A bill to amend section 5a of the Commodity Exchange Act so as to provide that contracts of sale for future delivery of certain commodities shall provide for the delivery of No. 1 and No. 2 United States standard grades only, if such standards have been officially promulgated; to the Committee on Agriculture and Forestry.

By Mr. KEFAUVER:

S. 2585. A bill for the relief of Henrik Mannerfrid; to the Committee on the Judiciary.

By Mr. MARTIN of Pennsylvania:

S. 2586. A bill to amend section 5701 (b) of the Internal Revenue Code of 1954 so as to adjust the rates of tax on cigars, and to add a new definition to section 5702; to the Committee on Finance.

By Mr. KEFAUVER:

S. 2587. A bill for the relief of Pauline D. Kimbrough; to the Committee on the Judiciary.

By Mr. BYRD (for himself and Mr. ROBERTSON):

S. J. Res. 125. Joint resolution designating the year 1958 as the James Monroe Bicentennial Year, and creating a commission to supervise and direct the observance of such year, with particular emphasis on the period between April 28, 1958, and December 2, 1958; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 41) favoring the suspension of deportation in the case of certain aliens, which was placed on the calendar.

(See concurrent resolution printed in full where it appears under the heading "Reports of Committees.")

RESOLUTIONS

PRINTING OF ADDITIONAL COPIES OF PART I OF HEARINGS ENTITLED "INVESTIGATION OF FINANCIAL CONDITION OF THE UNITED STATES"

Mr. BYRD submitted the following resolution (S. Res. 165), which was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Committee on Finance —— additional copies of part I of the hearings entitled "Investigation of the Financial Condition of the United States," held by that committee during the 85th Congress, 1st session.

Mr. KEFAUVER, from the Committee on the Judiciary, reported an original resolution (S. Res. 166) amending Senate Resolution 57, 85th Congress, authorizing an investigation of antitrust and antimonopoly laws and their administration, which was referred to the Committee on Rules and Administration.

(See the resolution printed in full where it appears under the heading Reports of Committees.)

AID TO SCHOOLS OF PUBLIC HEALTH

Mr. HILL. Mr. President, with the cosponsorship of Senator IVES, Senator KENNEDY, Senator MCNAMARA, and Senator COOPER, I introduce, for appropriate reference, a bill to amend section 314 (c) of the Public Health Service Act so as to enable the Surgeon General to make grants-in-aid to those institutions of higher learning which provide training for the men and women who staff our Federal, State, and local public-health services.

There are 11 such schools of public health serving the Nation today. They function as parts of the Universities of California, Michigan, Minnesota, Pittsburgh, North Carolina, and Puerto Rico, and of Johns Hopkins, Harvard, Columbia, Tulane, and Yale Universities. No matter where they are located or whether they are financed from State or private funds, each of these schools of public health serves not any one particular locality or area, but the entire Nation. They train physicians and other health personnel, not for private practice, but for the public service in all the States, Territories, and possessions of the United States. Of the men and women who graduated from these schools between 1950 and 1955, 70 percent are now serving humanity in Federal, State, or local health agencies, 22 percent involuntary health agencies, and 8 percent are working in industrial and other health fields.

Because of the unusual nature of the services they render, Mr. President, these schools of public health are confronted by unusual financial problems. Since a large percentage of their students come from and go into service in States other than the States in which the schools themselves are located, the legislatures of the States in which they are located are reluctant to appropriate adequate operating funds for these vitally important schools. Inasmuch as almost all their graduates enter a not too financially remunerative public service rather than private practice after graduation, these schools cannot look to the alumni for the financial support which other institutions of higher learning frequently receive. Because their students by and large are professional people who are

making financial sacrifices in order to train for public service, the tuition charges they can pay fall far short of meeting the schools' costs of basic operations. Moreover, Mr. President, inasmuch as there is a decided shortage of public-health personnel in the United States and an urgent need to increase the number of students of public-health techniques, the costs of such training to the students themselves should, if possible, be lessened, certainly not increased.

With these considerations in mind, and conscious of the fact that these schools of public health serve the Nation's need rather than that of any particular locality, my colleagues and I believe that, at least to the extent they serve the Nation, the Nation is under obligation to aid them financially. The bill we have joined in cosponsoring offers, we believe, a very simple and uncomplicated method of discharging that obligation. It merely authorizes the Surgeon General to take from the funds appropriated in accordance with section 314 (c) of the Public Health Service Act for grants-in-aid to the States for public-health activities not more than $1 million a year to be used to financially assist the schools of public health upon which each of the States and the Federal Government itself are completely dependent for personnel to protect the public's health.

As I have said, ours is a very simple approach to the solution of an urgent and a complicated problem. We believe that our proposal will unquestionably help solve the problem if it is adopted by the Congress. It is approved by President Griswold, of Yale; President Pusey, of Harvard; President Kirk, of Columbia; and President Morrill, of the University of Minnesota, as well as by many of our State health officers.

We believe that the financial problems confronting the schools of public health are such as to necessitate action on the part of our Government, and we have proposed this legislation in order to stimulate thought, and to focus the attention of the Congress on a most pressing problem which affects both the health of our people and the strength of our Armed Forces. We believe that our undertaking will command the interest of all of our colleagues, and we hope that the recommendations which will be made to the Senate by the Committee on Labor and Public Welfare, after its consideration of this bill, will win their support.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2580) to amend section 314 (c) of the Public Health Service Act, so as to authorize the Surgeon General to make certain grants-in-aid for the support of public or nonprofit educational institutions which provide training and services in the fields of public health and in the administration of State and local public health programs, introduced by Mr. HILL (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

FACILITATION OF ENTRANCE INTO THE UNITED STATES OF CERTAIN ALIENS—ADDITIONAL COSPONSOR OF BILL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the name of the junior Senator from Pennsylvania [Mr. CLARK] be added as a cosponsor of the bill (S. 2410) to facilitate the entry into the United States of certain immigrants; to authorize the adjustment of status of certain aliens in the United States; to provide for the issuance of special nonquota immigrant visas to certain refugees; and for other purposes, introduced by me, for myself and other Senators, on June 27, 1957. The junior Senator from Pennsylvania has long been interested in immigration problems, and his cosponsorship of the bill will aid effectively in its consideration by the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., 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. KENNEDY:

Letter addressed by him to the Secretary of Agriculture, dealing with the effects of the drought on Massachusetts farmers.

NOTICE OF HEARINGS ON NOMINATIONS OF ALFRED A. ARRAJ TO BE UNITED STATES DISTRICT JUDGE, DISTRICT OF COLORADO, AND EDWIN R. HICKLIN TO BE UNITED STATES DISTRICT JUDGE, SOUTHERN DISTRICT OF IOWA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Thursday, July 25, 1957, beginning at 10 a. m., in room 424, Senate Office Building, upon the nominations of:

Alfred A. Arraj, of Colorado, to be United States district judge for the district of Colorado, vice Jean Sala Breitenstein—elevated.

Edwin R. Hicklin, of Iowa, to be United States district judge for the southern district of Iowa, vice William F. Riley—deceased.

At the indicated time and place all persons interested in the above nominations may make such representations as may be pertinent. The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Indiana [Mr. JENNER], and myself, as chairman.

THE DEBATE ON CIVIL RIGHTS

Mr. MANSFIELD. Mr. President, in this morning's issue of the New York Herald Tribune appears an editorial on the measure which is now before the Senate. I should like to read the editorial because of its constructive nature and the calm attitude this great newspaper assumes in this matter. The editorial is entitled "A Debate at Last," and reads as follows:

A DEBATE AT LAST

The Senate's decision to bring the civil-rights bill to the Senate floor is an historic one. Not since reconstruction days has it taken the opportunity to debate the basic position of the Negro minority in this country. Now, in a mood of reason and moderation, it has agreed to do so, firmly avoiding all the pitfalls of parliamentary procedure where civil-rights measures of previous years found their graves. By resolving to debate and to decide one of the great national issues of today the Senators are properly assuming their responsibilities.

Tuesday's vote left only 18 southern Senators opposed to making the bill the Senate's pending business. It is significant that both Senators from Tennessee and both Senators from Texas, including Senator JOHNSON, the Democratic majority leader, joined the Republicans and northern Democrats. Senator JOHNSON was careful to say that his vote for the motion in no way meant he would vote for the bill itself in its present form. But he correctly realized that if the Senate were to fulfill its function it could no longer afford to ignore the issue.

The bill is before the Senate. What are the chances of its passage? Some modification appears inevitable if a filibuster is to be avoided. But at the same time the essence of the bill—the protection of voting rights through the injunctive power of Federal courts—must be most carefully preserved. Senator KNOWLAND, who has skillfully guided it this far, will have some delicate negotiating to do in the next few days.

As of this moment it appears that modification is most likely to be made on part III of the bill, which would empower the Attorney General to bring school integration suits into the Federal courts at his discretion. This provision has aroused the greatest hostility among southerners, some of whom have gone so far as to accuse the administration of seeking to integrate schools at the point of a bayonet. In a statement issued shortly after the bill went to the Senate floor President Eisenhower implied that the administration might not insist on part III as it now stands. For, although he was adamant about the right to vote and the manner in which the bill would protect it, he said that the legislation seeks only "to provide a reasonable program of assistance in efforts to protect other constitutional rights of our citizens."

The debate proceeds. There has been, so far, commendably little passion. If this atmosphere continues to prevail the chances for the passage of an effective bill will be much improved. "I trust," Senator JOHNSON said, "the result of the reasoned debate of reasonable men." But whatever that result may be, nothing can alter the fact that the Senate has at last come to grips with the issue of civil rights.

I wish to express the hope that the tenor of the debate which has been so evident during the past week and a half will continue into the future. I think the Senate is to be commended on the reasonableness, the clarity, the caution, and the understanding shown in the debate on yesterday, the first day of full debate since the civil rights bill was placed under consideration by the Senate.

Mr. SMITH of New Jersey. Mr. President, the very interesting and enlightening debate the Senate is having on the pending civil rights bill has served to highlight the real issues which are before the Senate.

I desire to thank the Senator from Montana [Mr. MANSFIELD], the majority whip, for having read into the RECORD today the editorial which appeared in this morning's issue of the New York Herald Tribune.

It is my conviction that the fundamental issue is second-class citizenship in the United States of America. If we are not to have second-class citizens, it seems to me that the most precious right of any citizen in a representative democracy must be completely preserved, namely, the right to vote for those who shall govern him. My own hope is that the attention of the Senate can be focused on this basic principle.

In this connection, I call attention to a very able article, written by Mr. Walter Lippmann, which appeared in this morning's New York Herald Tribune.

I also call attention to an article entitled "Civil Rights Debate," written by Mr. James Reston, and published in this morning's New York Times.

Both these able writers highlight the vital importance of settling once and for all this great issue of unfettered voting rights for all our citizens.

I ask unanimous consent that both these articles be printed in full in the body of the RECORD, at the conclusion of my remarks.

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

[From the New York Herald Tribune of July 18, 1957]

A GOLDEN OPPORTUNITY

(By Walter Lippmann)

Now that civil rights legislation is before the Senate, the crucial question is whether the leaders from the Southern States are willing to let a bill pass which is directed solely to securing and protecting the right of Negroes to vote. There have been some indications that Senator RUSSELL may be willing, after the southern minority have argued their case, to let the majority of the Senate pass such a bill. There is, also, some reason to think that Senator LYNDON JOHNSON is feeling his way toward a compromise based on limiting the substance of the bill to the single issue of suffrage in the Southern States.

By such a compromise the southerners would be making a very big concession. But they would avoid, or at least postpone for some considerable time to come, what would amount to a decisive defeat on the whole range of civil rights issues. If they resorted to a filibuster to destroy a bill amended to deal only with Federal voting, there is a very good chance, as Mr. Rowland Evans, Jr., reported in the New York Herald Tribune the other day, that they will provoke a movement to amend the rules of the Senate in order to abolish the right to filibuster.

If ever the rules are amended, the southerners will be faced with a majority in the Senate which is prepared to use the Federal power to enforce all the civil rights laws, including that against segregation in the public schools.

The South, therefore, has much to lose by being intransigeant, and it has much to gain by a concession on the right to vote.

The word "compromise" needs to be defined. A genuine compromise would be an understanding that the bill should be amended by cutting out part III, which deals with integration in the schools and other civil rights. Such an amendment would mean that the special feature of this bill—the use of injunction—would be limited to the cases where there is a denial by local election officials of the right to vote. The injunction procedure would not apply to the school problem, or to the other civil-rights problems.

It would not be a true compromise, on the other hand, to cut out part III, and then also to amend part IV to require trials by jury in all election cases. That would amount to the emasculation of the bill, and would mean that Congress was passing a bill that was not meant to be enforced. Either the Federal Government is to have power to secure and protect the right to vote or it is not to have that power. That power can be, and should be, strictly defined. But there is no halfway station between granting and not granting the power.

There may be in the making something bigger than a compromise on the bill which is now before the Senate. We may venture to hope that for the first time there exists an opportunity for something like a national settlement and understanding based on the inherent principle and implied policy of an amended bill.

The principle of the amended bill would be that the paramount civil right of an American citizen is the right to vote. If he can qualify under rules that are the same for all, the right to vote is his guaranty that he will be heard and listened to and counted.

The corollary of this principle that the right to vote is the paramount civil rights is that the other civil rights are not to be enforced by the executive power of the Federal Government. They are to be brought into being by persuasion, experiment, negotiation, and by judicial process.

It would be a bright day for the country if there could be a general national understanding based on such a view of the scope and nature of Federal intervention in the problem of civil rights. There are great reputations to be made by those, be they in Congress or in the administration, who seize the opportunity which is open, and make themselves the architects of such an understanding.

[From the New York Times of July 18, 1957]

CIVIL-RIGHTS DEBATE: ANALYSIS OF THE COUNTERATTACK ADMINISTRATION IS EXPECTED TO MAKE

(By James Reston)

WASHINGTON, July 17. The administration is temporarily on the defensive in the Senate civil-rights debate, but the counterattack is just beginning.

This will be directed at some of the methods that have been used to deny Negroes the right to vote in some parts of the South. The Department of Justice does not contend that these cases are typical of the whole South, but it points to the following as evidences of why the Attorney General must have more power to redeem the constitutional promise of equal voting rights:

OUACHITA PARISH, LA.

On January 17, 1956, according to an injury by the Federal Bureau of Investigation, there were approximately 4,000 persons of the Negro race on the list of registered voters, residing in wards 3 and 10 of Ouachita Parish. As of October 4, 1956, the list had been reduced to 694 Negro voters in these two wards. According to the testimony of Attorney General Herbert Brownell, Jr., who incidentally leaves here on a European trip this week, "this mass disenfranchisement was accomplished by a scheme and device to which a number of white citizens and certain local officials were parties."

Mr. Brownell, in a memorandum prepared by Assistant Attorney General Warren Olney 3d, and now in the hands of the administration leaders in the Senate, describes how this was done as follows:

On March 2, 1956, a nonprofit organization, was organized under the Citizens Council of Ouachita Parish, La., to protect and preserve by all legal means our historical southern social institutions in all their respects.

During that same month, members of this council began filing purported affidavits with the registrar of voters, Mrs. Mae Lucky, challenging the qualifications of all voters of the Negro race in wards 3 and 10.

OFFICE WAS USED

In April and May of 1956, the registrar permitted the members of the citizens council to use her office, when it was not open to the general public, to examine her voting records, and to compile therefrom lists of registered voters of the Negro race.

By May 22, 1956, the council had filed with the registrar approximately 3,420 documents challenging that many Negro voters. These documents purported to the affidavits, though they were not sworn to before the registrar or her deputy as required by law.

Thereupon, the registrar mailed copies of the documents to the Negroes concerned, requiring them to appear within 10 days to prove their qualifications. When they arrived, some of them lining up as early as 5 a. m., the registrar, according to the Department of Justice memorandum, "refused to hear proofs of qualifications on behalf of any more than 50 challenged Negro registrants per day."

"Consequently," the memorandum adds, "most of the Negro registrants were turned away from the registrar's office and were denied any opportunity to establish their proper registration. Thereafter the registrar and her deputy struck the names of such registrants from the rolls."

"Furthermore," the FBI reported to the Department of Justice, "Mrs. Lucky, the registrar, asked an applicant for registration what our form of Government is. The applicant replied: 'A democratic form of government.' The registrar said: 'That's wrong—try again.' The applicant said, 'We have a republican form of government.' The registrar then said that that answer, too, was wrong and that the applicant would have to return after the next election to register."

Attorney General Brownell has also told a subcommittee of the Senate Judiciary Committee that similar situations have been found in several other Louisiana parishes, and that other official FBI investigations had disclosed related problems in other States.

For example, in North Carolina, which is generally regarded as one of the fairest of the Southern States, the State constitution (article VI, section 4) and the statutes, provide that a person, to become a registered voter, must be able to read and write any section of the Constitution to the satisfaction of the registrar. The Constitution and statutes also contain a "grandfather clause," exempting from this requirement any male person, or his lineal descendant entitled to vote on January 1, 1867, provided such person registered prior to December 1908.

The Attorney General has placed before the Judiciary Committee these illustrations of what happened under these provisions in some—admittedly untypical—counties:

CAMDEN COUNTY

In the Courthouse Township precinct, the registrar gave the reading and writing tests to Negro applicants but not to white applicants.

In giving the reading and writing tests to Negroes, the registar demanded that they write the preamble to the Constitution from her dictation. She required in this connection that all spelling, punctuation and capitalization be correct.

Four Negroes complained of this. They were high school graduates; all failed the test, but two later memorized the whole preamble and passed a second test.

The registrar recently resigned. During the 2 years she was in office (1954–56) she registered a total of 4 Negroes. During the

same period she registered 55 white persons. The population of the precinct is roughly 2 to 1—about 1,200 whites and 600 Negroes.

GREENE COUNTY

In the Snow Hill precinct, the registrar omitted as to both races the requirement pertaining to reading and writing a part of the Constitution. However, as to Negro registrants, he demanded that they answer a list of 20 questions.

The questions required them to name all candidates running for office in the county, to define primary and general elections, to state whether they were members of the National Association for the Advancement of the Colored People, and whether they would support the NAACP should that organization attack the United States Government. White applicants were required to answer no such questions.

Mr. Brownell, in his presentation to the Judiciary Committee, said that he had given these examples in order to point out that in most of these situations civil remedies would enable the Government to seek an injunction against State officials or members of the Ouachita Citizens Council prior to an election.

Once a Federal court, at the request of the Attorney General, had issued an order to refrain from such practices, the State officials and council members would either have to obey or face trial before the judge, without a jury, for contempt of court.

This is the heart of the administration's bill. It has become blurred in the last 10 days because a loosely drawn administration bill, which President Eisenhower himself seemed to differ with today, has enabled southern Senators to divert attention from the voting question.

Now that the civil rights bill is the first order of official business on the Senate Calendar, however, the voting issue will be stressed by the coalition of northern Republicans and Democrats. Then the central question of the debate will be before the country.

Mr. SALTONSTALL. Mr. President, will the Senator from New Jersey yield to me?

Mr. SMITH of New Jersey. I yield.

Mr. SALTONSTALL. I simply wish to say to the Senator from New Jersey that I was just about to request unanimous consent to have printed in the body of the RECORD, the article written by Mr. Lippmann. I agree with what he has said. I think the views he has expressed in the article are clear and well thought out, and I believe the printing of the article in the body of the RECORD will be helpful in connection with this debate.

Mr. SMITH of New Jersey. I thank the Senator from Massachusetts. I am pleased that again he and I agree so fully on that particular phase of the debate.

Mr. ERVIN. Mr. President, in view of the fact that Mr. Reston's article makes certain references to three North Carolina counties, I ask unanimous consent to have printed at this point in the body of the RECORD, a letter from R. C. Maxwell, executive secretary of the North Carolina State Board of Elections, addressed to me, and bearing date of February 18, 1957. The letter shows that all the complaints mentioned in Mr. Reston's article were corrected by administrative processes by the North Carolina State Board of Elections within a few days after the complaints were made to it.

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

STATE BOARD OF ELECTIONS,
Raleigh, N. C., February 18, 1957.

Senator SAM J. ERVIN, Jr.,
United States Senate,
Washington, D. C.

DEAR SENATOR ERVIN: I received your letter today dated February 14 relative to the statements made by Attorney General Brownell before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, and you sent me a copy of the quoted statements of Mr. Brownell relating to certain acts on the part of the registrars in Brunswick County, Camden County, and Greene County, N. C. You asked me to obtain such information as I could in reference to these incidents mentioned from the election officials in these counties in the form of affidavits and to forward these affidavits to you for use in the current hearing on the so-called civil-rights bills.

After reading the enclosed written statements of Mr. Brownell on these counties, I recalled that charges concerning these incidents occurred in the registration period just preceding the primary election held on the last Saturday in May of 1956. I further recalled that these exact complaints were made to me as executive secretary of the State board of elections at that time by Mr. Charles A. McLean, field secretary for the NAACP, Winston-Salem, N. C., and that I sent copies of the statements of Mr. McLean concerning these incidents to the chairman of the county board of elections in each of the three counties involved, with a request that the chairman investigate the charges with the registrar or registrars involved and make a written report to me as soon as possible on said charges. I have in my file a copy of the report of the investigation and reports made to me by the chairmen of these three counties and since all of the information you require is already available in my office, I thought perhaps it would better serve your purpose to have affidavits from me setting forth the facts concerning these charges in these three counties, which you may feel at liberty to use in connection with this hearing before your subcommittee.

The charges contained in the testimony of Attorney General Brownell in the 3 mentioned counties in this State were properly investigated and corrected where correction was needed so that no further complaint arose in those 3 counties during the remainder of 1956, in which a special general election and a regular general election were held and the registration books were open for both elections. I found that it was true that some of the registrars in Greene County had a questionnaire with a list of questions which they asked Negro applicants in order to qualify them for registration, and that some of these registrars did use the questionnaire on several Negro registrants. Upon investigation by the chairman of the county board of elections of Greene County the registrars stated that they did not know that they were violating the law in using such questionnaire, but upon being told that it was a violation of the law the chairman of the county board of elections reported that the use of the questionnaire was discontinued immediately and thereafter all applicants were given the same kind of qualifying test for registration.

If I can be of any further help to you please let me know.

With highest regards and best wishes, I am,

Yours very truly,

R. C. MAXWELL,
Executive Secretary.

Mr. ERVIN. Mr. President, I also ask unanimous consent that the following articles be printed at this point in the body of the RECORD, as a part of my remarks:

First, an editorial entitled "Civil Rights, Part III," which was published in the Baltimore (Md.) Evening Sun on July 11, 1957.

Second, an editorial entitled "Food for a Filibuster," which was published in the Cincinnati Times-Star on July 16, 1957.

Third, an article entitled "Who Drafted Hidden Gobbledygook in Rights Bill." The article was written by Lyle C. Wilson, and was published in the Washington Daily News on July 17, 1957.

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

[From the Baltimore (Md.) Evening Sun of July 11, 1957]

CIVIL RIGHTS, PART III

Much current wrangling in connection with the civil rights bill has to do with part III of the measure as it passed the House. There is not much objection to part 1, which would establish a commission on civil rights; nor to part II, which provides for the naming of an assistant Attorney General to handle civil-rights cases. Part IV, which authorizes injunctions to forbid interference with the right to vote, might be palatable if amended to enable persons accused of violating injunctions to claim a jury trial. Part III, however, is a sort of catchall section and it is around it that the contention has largely centered.

Senator RUSSELL contended last week that part III had been cunningly drawn in order to permit the use of Federal troops to enforce the mingling of the races at the point of a bayonet. Such a contention is obviously fantastic. Yet the Attorney General himself has been far from clear as to just what purposes the framers of the bill had in mind in proposing part III. The House committee's report on this part gives little inkling and neither does the Senate committee's report.

As defined in the report of the House committee, part III of the bill adds 2 new paragraphs to a section of the Federal Code which was originally passed during reconstruction days to permit citizens to sue for damages if other citizens conspired to interfere or did interfere with their rights. The two new paragraphs are described by the committee report in the following language:

"The first of the new paragraphs provides that the Attorney General may institute for the United States or in the name of the United States a civil action for preventive relief whenever a person has committed any acts or practices which would give rise to a cause of action under the existing law as contained in section 1985 [the section to which the new paragraphs would be added]. * * * The second new paragraph confers jurisdiction upon the United States district courts * * * to entertain proceedings instituted pursuant to this section and further provides that such jurisdiction shall be entertained without regard to whether the party aggrieved shall have exhausted any administrative or other judicial remedies."

Part of the objection to these new paragraphs arises from the generality of the language. It can cover any civil right, from peonage to school segregation to voting. Senator ERVIN, of North Carolina, spent days arguing with Attorney General Brownell about the purpose of these paragraphs. Much of the argument was just argument and nothing more. It may not have sprung from mere obstructionism, but it could easily be so interpreted. Yet Mr. Brownell's stand on this section was far from impressive. He failed to disclose any particular abuses at which part III of the bill was directed.

In view of this vagueness, the southerners are naturally alarmed as to what it is all

about. Leave aside all question of troop use, as obviously just a bogey, and the basis for alarm still is present, and especially about the possibility that these new paragraphs could open up new ways to enforce the school desegregation laws. The courts already have jurisdiction over the school cases and they possess power to punish for contempt in case their orders are ignored or obstructed, so there is not too much likelihood that this provision would be used except perhaps to shorten the process bypassing administrative remedies as noted in the italicized words in the report. Even this, however, may seem important enough in view of the vagueness of the paragraphs to heighten southern alarm.

[From the Cincinnati Star-Times of July 15, 1957]

FOOD FOR A FILIBUSTER

That White House conversation with Senator RUSSELL, of Georgia, seems to have been an eye opener for the President, and for a lot of other people.

The President had supposed that the administration right-to-vote bill was just that and nothing more. But Senator RUSSELL recently charged that, hidden in part III of the bill, was a force law designed to compel the intermingling of the races in the public schools, if necessary by the use of troops. And the Senator seems to be right.

The amazing fact is that in all the debates on the bill until now, little or nothing has been said about that section. True, it was mentioned in the House minority report and briefly referred to as a possibility by the Attorney General. But most of the bill's supporters admit, privately, that they never thought about it.

So, what was intended as a bill to assure the right of equal suffrage under the Constitution, now raises the possibility of calling out the troops under section 1985, title 42, of the United States Code.

Some Senators, like JAVITS, of New York, regard this fear as a hobgoblin in the closet. And the majority may eventually agree with him if the measure ever emerges from filibuster and reaches a vote. Still, the President and the northern Members of the Senate have been startled and disturbed by a provision in the bill previously overlooked. And the southern opponents have another weapon with which to fight the bill by their current method of trying to talk it to death.

How will the country as a whole react to this intense but confused debate? In our opinion, most Americans outside the Deep South think that invocation of section 1985, title 42 is a pretty remote danger, even though most people also disapprove of passing laws or parts of laws which they hope will never be invoked. But the present Supreme Court, with its sociological notions about freedom and its many abrupt reversals, has made many people jittery on the subject of potential but remote legal dangers.

Congress cannot spell out the laws too plainly these days.

[From the Washington Daily News of July 17, 1957]

WHO DRAFTED HIDDEN GOBBLEDYGOOK IN RIGHTS BILL?

(By Lyle C. Wilson)

It would be a fair question to ask Attorney General Herbert Brownell, Jr., who in his Department drafted the administration's civil rights bill and, also, the names of any outsiders who helped on the job.

With the authors identified, it would be reasonable to ask them about the legislative gobbledygook in part III of the bill. Part III authorizes the use of the land and naval forces of the United States and the militia to enforce civil rights for Negroes in southern communities.

About all that is known of the authorship of the bill is that it was drafted in the Department of Justice or, at least, was made available to the House and the Senate by that Department. Intentionally or not, the bill's authors chose a tricky and devious method of empowering the President to use troops in the South to enforce such rights as integrated schools.

It would be fair to ask the bill's authors whether they sought to bury out of sight the provision for the use of troops. Their method was roundabout but effective. Back there in reconstruction days, roughly 1866 to 1871, Congress imposed some heavy-handed legislation on the South and backed it up with the Armed Forces of the United States.

One of those reconstruction bills with a legislative history spanning from July 31, 1861, to April 20, 1871, is identified now in the United States Code as Act No. 1985. Part III of the civil rights bill pending now before the Senate actually is an amendment of that reconstruction time Act No. 1985.

This act, in turn, depends for its enforcement on still another reconstruction force bill now identified as Act No. 1993, enacted first in 1866 and amended in 1871. The authority for the use of troops to enforce a miscellany of civil rights is well disguised.

From line 12, page 9 of the administration bill it is necessary to pursue the hidden meaning all the way back to 1866–71 before the reader encounters this language:

"It shall be lawful for the President of the United States, or such persons as he may empower for that purpose, to employ such part of the land and naval forces of the United States, or of the militia, as may be necessary to aid in the execution of the judicial process."

It would be fair to question the authors about another interesting point. Why was this great enforcement power by land and sea forces provided for the miscellany of civil rights and not provided to enforce the greatest right of all—the right to vote?

The Senate bypassed its Judiciary Committee in bringing the bill to the floor. If the bill had been referred to that committee, Senator RICHARD B. RUSSELL, Democrat, of Georgia, could have sought the presence of the bill's authors as witnesses and such questions as are suggested here undoubtedly would have been asked. Senator RUSSELL doesn't like any part of the bill. He especially objects to what he regards as deceit and doubletalk in its presentation.

"The purpose of this bill," he told the Senate, "was to tie the whole proposition into a law authorizing the use of troops to integrate southern schools and not for the purpose of assuring the right of any citizen of this country to vote."

Another fair question to the authors and assistant authors would be: Was that the purpose?

Mr. ANDERSON. Mr. President, the able columnist Arthur Krock has written an article entitled "A Mystery With a Simple Explanation," which was published today in the New York Times. I ask unanimous consent that this very fine article be printed in the RECORD.

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

A MYSTERY WITH A SIMPLE EXPLANATION

(By Arthur Krock)

WASHINGTON, July 17.—In the Senate debate on the administration's bill for equal rights there has been much speculation about the motive for incorporating in the draft a reconstruction statute that would enable the Executive to use the Armed Forces to enforce the racial desegregation decisions of the Supreme Court since 1954. To this speculation no official response has been made. And now another aspect of the origin of part III, for the enforcement of which this reconstruction statute is invoked, has entered the area of speculation.

This concerns a change of front by the Attorney General in early 1957. Though on April 9, 1956, he recommended to the Speaker that the substance of part III of the pending measure be submitted for a full-scale study by the bipartisan Commission on Equal Rights that is established by the bill, on April 10, 1957, the Attorney General urged the House Judiciary Committee to make simultaneous new law of this substance and the Commission.

SENATOR AIKEN'S REMARK

"What has happened to that [1956] recommendation?" asked Senator RUSSELL, of Georgia, on July 12, and he has had no answer. And, speaking on the same point yesterday, Senator AIKEN, of Vermont, remarked:

"It is important to remember that the administration did not request the provisions contained in part III, although it did suggest that they should be the subject of consideration by the new Civil Rights Commission which this bill would establish."

The history of this fundamental change of plan is as follows:

In his April 9, 1956, letter to Speaker RAYBURN, which was divided into 4 parts, the Attorney General—

1. Recommended the creation of the commission to make a study of all charges that Negroes are being discriminated against and submitted a draft of legislation to define the powers and duties of the Commission.

2. Recommended the establishment in the Department of Justice of a Civil Rights Division and submitted a draft of legislation to that purpose.

SUBJECTS FOR CONSIDERATION

3. Stressed the importance of protecting the right to vote, observed that criminal proceedings were an imperfect method of dealing with the problem and added:

"I urge consideration by the Congress and the proposed bipartisan Commission of three changes. First * * * 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 charged. Third, elimination of the requirements that all State and administrative remedies must be exhausted before access can be had to the Federal court."

NO DRAFTS SUBMITTED

In contrast to his action in submitting a draft of legislation to create the Commission, the Attorney General offered none with respect to the above-quoted paragraph. And, as further evidence that he was proposing a commission study before Congressional consideration of an equal-rights bill, Brownell also wrote the Speaker:

"Under another civil-rights statute (42 U. S. C. 1985) conspiracies to interfere with certain rights can be redressed only by a civil suit by the individuals 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 (in which the reconstruction statute is automatically incorporated)." But for this change again he submitted no legislative draft.

THE LIKELIEST EXPLANATION

Since study necessarily precedes legislation, and because of the Attorney General's

bracketing of the commission with Congress, it was generally accepted that the creation of this body was the next move in the administration's program. But on February 14, 1957, Brownell informed a Senate Judiciary Subcommittee that the administration wanted immediate legislation of what are parts III and IV of the pending text. And on April 10, 1957, he repeated this to the House Judiciary Committee.

The most likely explanation of this change of administration policy is that between April 1956 and February 1957, there was a Congressional election. This resulted in continued Democratic control of Congress despite the President's pleas for Republican majorities. Analyses of the causes persuaded the Republican high command that the party needed an aggressive position on an issue popular in this country at large to defeat the Democrats in 1958 and 1960. A drive for immediate equal-rights legislation was an obvious choice, the Democrats being split on the issue.

Mr. YARBOROUGH. Mr. President, in today's issue of the Washington Evening Star there appears an editorial entitled "Jury Trial—The Chief Issue," which reads as follows:

JURY TRIAL—THE CHIEF ISSUE

It is nothing less than shocking that the expedient avoidance of jury trials in the civil-rights bill is described by the President of the United States as intended merely to uphold the traditional authority of the Federal courts to enforce their orders.

That is the line taken by his Attorney General. But it is a highly misleading if not a deceptive line. The procedure to bypass jury trials is being pictured to the people of this country by men in high places as an innocuous application of a frequently used legal device. In reality it is a radical and highly dangerous departure from one of our most prized traditions and fundamental rights.

On the opposite page today we are using a a generous condensation of Senator O'MAHONEY's speech of Tuesday on this jury-trial issue. Please read it. The Senator is as free as any man from taint of racial bias. He wants a civil-rights bill. He wants to secure the right to vote. But he knows, as anyone should conclude who has studied this issue, that elimination of jury trial in this measure would, as he says, "institute something which has never existed in law in this land" since the Stamp Act. And once we follow that path, we shall have done serious injury to one of the great principles of free government, and prepared the way for others.

Those who defend avoidance of jury trials in the civil-rights bill rest their case generally on two points. One is that juries, southern juries, will delay or circumvent court orders by refusal to convict. The other is that Congress has already authorized Government by injunction, without jury trials, in some 28 laws.

If one accepts as valid the cynical argument that trial by jury is inexpedient, because of a suspected reluctance of juries to convict, we have gone a long way to undermine the basic concept of all trial by jury. And Senator O'MAHONEY reveals in his excellent speech the subtle misrepresentation of precedent, in regard to the 28 laws now on the books, by describing the controlling circumstances in which they apply—circumstances far removed from those encompassed by the civil-rights bill. To pretend that they are the same, to say that this bill merely upholds traditional authority of the Federal courts, is to misrepresent the facts by creating a hitherto nonexistent tradition.

Senator O'MAHONEY's amendment, and others proposed to protect the right of jury trial in contempt cases originating under this bill, is the most important single change that should be made. It is hard to believe that the United States Senate will vote down such an amendment.

Mr. President, the Senate knows of the great integrity of character, the great ability, and the long experience of the Senator from Wyoming [Mr. O'MAHONEY]. I believe he has done a fine service to the country in pointing out the value of this great tradition and the danger inherent in the attempted whittling away of one of the bulwarks of liberty that the Anglo-American people have worked out. I wish to pay tribute to his great leadership in this body, and to express my thanks to him for the enlightenment he has brought to the subject of jury trial.

Mr. KEFAUVER. Mr. President, will the Senator from Texas yield to me?

Mr. YARBOROUGH. I yield.

Mr. KEFAUVER. I wish to say to the Senator from Texas that I am glad he has read into the RECORD the splendid editorial which was published today in the Washington Evening Star.

Let me say I have also read the editorial published in the Texas Observer, which appears on the first page of the CONGRESSIONAL RECORD of yesterday, and was inserted in the RECORD by the distinguished majority leader, the senior Senator from Texas [Mr. JOHNSON], who, in connection with his request to have the editorial printed in the RECORD, said:

The Texas Observer is, without any question, the most "liberal" publication in my State, and perhaps has been the most critical of the senior Senator from Texas. It is militantly and aggressively devoted to the cause of civil rights.

That editorial, which I commend to the attention of all Senators, makes a strong plea for the same kind of approach that is advocated in the editorial published in the Washington Evening Star. The editorial in the Texas Observer contains the following very significant paragraph:

We are both for the Negroes' right to vote, and for the jury trial as the best method yet devised for the judging of a man by his fellow men with a view to curbing this freedom. We think the Eisenhower administration has erred against fundamental principles, on behalf of fundamental principles, and that, therefore, another means must be found.

I am sure the junior Senator from Texas [Mr. YARBOROUGH] also agrees with the thoughts expressed in the editorial published in that liberal and progressive newspaper of his own State.

Mr. YARBOROUGH. Yes, I agree with those views. I may say that in my home State of Texas, the percentage of Negroes who qualify to vote is approximately the same as the percentage of the other elements in our population who qualify to vote. In Texas, Negroes take a very active part in the campaigns and in the voting.

JAMES M. COX

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the late James M. Cox, written by James Reston, and published in the New York Times of July 17. The article reflects the lasting influence Mr. Cox has had upon the temper of American political thinking and American journalism.

I knew Governor Cox during a period when I was stationed in Florida, at the end of World War II; and I had an opportunity to learn something of his forward-looking and courageous philosophy of government. He was an extraordinary American who has left a lasting imprint on our times. So I believe it appropriate that all Americans—as they have—pay tribute to his memory.

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

FAREWELL TO A WARRIOR—A REVIEW OF EULOGY OF COX IN CONGRESS AND OF HIS BATTLE AGAINST ISOLATIONISM

(By James Reston)

WASHINGTON, July 16.—The politicians in Congress said so long today to an old warrior, James Middleton Cox, of Ohio.

Almost as if they were apologizing for history, they rose in the House of Representatives and Senate, both Republican and Democrat, to mourn the death of the prophet who lost the Presidency in 1920.

Wistful eulogies come easy to politicians. They can and do spout eloquent nonsense about almost anyone who ever got elected to public office. But there was something special about today's performance.

For nothing moves the Congress like the passing of a politician who was defeated for being right. To fight and lose for a cause redeemed by history, and to work on to see that cause prevail—this is a triumph dear to the heart of every politician, and this is what the Senators and Representatives saw in the departure of Mr. Cox today.

It was different 37 years ago when he was scalding the Republican Senators who were opposing America's entrance into the League of Nations. On the Republican side of they aisle, they condemned his efforts to use America's power in defense of peace, but he made the League of Nations the issue even when his advisers told him it would cost him the election.

THE SUPREME TEST

"I am in favor of going in," he proclaimed in Dayton when he was notified of his nomination for the Presidency in 1920. "This is the supreme test. Shall we act in concert with the free nations of the world in setting up a tribunal which will avert wars in the future?

"This question must be met and answered honestly and not by equivocation. We must say in language which the world can understand whether we shall participate in the advancement of a cause which has in it the hope of peace and world reconstruction or whether we propose to follow the old paths which always led to fields of blood. I am in favor of going in."

When he lost he avoided Washington, even when his running mate of 1920, Franklin D. Roosevelt, urged him to come here after 1932 and carry on the fight. He would fight, he said, where the battle was hardest, among his friends and neighbors in the Middle West, and this he did for two long generations.

This is the part of the struggle that was overlooked in Congress today. For all the farewells were for the politician who lost the Presidency, whereas the real story of Governor Cox was of the editor and printer's devil who stayed the course.

Through the years, he and his faithful editor, Walter Locke, fought the battle for internationalist policies under difficult circumstances. He was surrounded in southeastern

Ohio by the three most isolationist newspaper cities in that part of the country—Cincinnati and Columbus, Ohio, and Indianapolis.

AT ODDS WITH PARTY

He was often at odds with his own party during the Roosevelt era on domestic economic policies, yet on foreign policy he stood firmly for the collective security principle that he pioneered after the death of Woodrow Wilson.

It is symbolic that he lost consciousness for the last time in his own newsroom. Last week, he came to the office as usual, despite his 87 years, walked into the newsroom, and collapsed. This was the end of his long journey, and it is significant that only the Ohio legislators emphasized today, not that he was a politician, but that he was a newspaperman.

With the passing of Governor Cox, the era of the great political press giants of the first half of the century has closed. William Randolph Hearst, of San Francisco and New York; Col. Robert R. McCormick and Col. Frank Knox, of Chicago, William Allen White, of Emporia, Kans.; Josephus Daniels; of Raleigh—all are gone.

So are many others who fought alongside or against Mr. Cox in the great debate over the destiny of the Republic in its relations with other nations after World War I—Adolph S. Ochs, of the New York Times; Joseph Pulitzer, of the World and the St. Louis Post-Dispatch; Col. Robert Bingham, of the Louisville Courier-Journal; Joseph Patterson, of the New York Daily News; Louis Nieman, of the Milwaukee Journal; Edward W. Scripps, of the Scripps-Howard papers; and many others.

The difference with Mr. Cox was that he lived to see the culmination of his fight, and also build a great organization to carry it on after he was gone.

CIVIL RIGHTS

Mr. NEUBERGER. Mr. President, if the presently extremely modest civil rights bill is frittered away in compromises and weakening amendments, one person above all must accept major responsibility for this. That man is Dwight D. Eisenhower, President of the United States.

At two successive press conferences, the President has revealed that, first, he is not thoroughly familiar with the contents of his administration's civil rights bill and, two, that he is not enthusiastically in favor of what he does believe the bill to contain.

Mimeographed press releases from the White House may speak approvingly of the bill in its present form. But these, even, are issued while the President is at the golf course. What the President states at a press conference—when he stands alone before the leading press and radio and magazine correspondents of the Nation—reflects far more what is in the President's mind than does the content of some White House press release.

And, at his press conference, the President has demonstrated both a lack of knowledge and a lack of enthusiasm for the civil rights bill in the form that it passed the House of Representatives.

This, Mr. President, has made infinitely more difficult the task of those of us who have hoped, earnestly and sincerely, that at last we were to see meaningful and effective civil rights legislation enacted in the Senate of the United States.

Mr. President——

The VICE PRESIDENT. The Senator from Oregon.

ADVERTISING SIGNBOARDS ALONG THE NEW INTERSTATE HIGHWAY SYSTEM

Mr. NEUBERGER. Mr. President, last Wednesday, July 10, I reviewed in the Senate the provisions of the bill to control advertising signboards along the new Interstate Highway System, as it was reported out by the Subcommittee on Public Roads in May. I included in the RECORD, several articles and editorials indicating the disappointment of supporters of this legislation that no further progress has been made on S. 963, which provides a very mild measure of protection for the roadsides along the new limited-access superhighways which will be built with 90-percent Federal funds. Since then, on July 14, 1957, the New York Times published a strong editorial calling for action on S. 963. The Times not only called for action by the Senate and the House of Representatives; it also called on the White House to exercise a little leadership on behalf of the millions of Americans who are being taxed to build these new highways along which they will travel for decades to come. I shall read only the last paragraph of this editorial:

Is it possible that the sensibilities of Americans are so dulled that we see nothing wrong in the blight that has grown up along our roadsides and has already destroyed so much of the scenic beauty of our country? Is the power of the signboard industry so entrenched that we cannot even legislate this mild control along new highways, paid for almost entirely from Federal funds? At a press conference 3 months ago, President Eisenhower said: "While I am against these billboards that mar our scenery, I don't know what I can do about it." We'll tell him what he can do: Make it clear to his friends in House and Senate that he is neither fooled by the smokescreen of States rights, nor daunted by the power of the billboard lobby. He can do much to move this bill.

Mr. President, I ask unanimous consent that the entire editorial may be printed in the RECORD following my remarks.

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

EVER SEE A TREE?

That mortal bard, Ogden Nash, is author of these immortal lines:

"I think that I shall never see
A billboard lovely as a tree.
Perhaps, unless the billboards fall
I'll never see a tree at all."

If the billboard lobby and its powerful allies in labor and politics have their way we motorists who in the next few years go cruising along the 41,000 miles of new Federal superhighways aren't likely to see many trees either. Why? Because they'll be hidden behind the wall of billboards and similar excrescences that our representatives in Congress evidently haven't the stamina to resist.

Over 6 weeks ago a Senate subcommittee reported a billboard-control bill for the Interstate Highway System so watered down that its control features are hardly recognizable. Instead of penalizing the States for failure to adopt decent roadside standards, instead of helping them buy up advertising rights along the routes—two control methods, either of which might have been effective—this milk toast measure offers a tiny bonus (¾ of 1 percent) above the already authorized Federal contribution of 90 percent of the highway costs to those States that enter into signboard-control agreements. Weak as this proposal is, the exceptions in the bill weaken it even further. But it is still better than nothing. Yet Senator CHAVEZ, of New Mexico, chairman of the Public Works Committee, has to date not bothered to schedule a meeting to consider it. And the House has done nothing on this matter at all.

Is it possible that the sensibilities of Americans are so dulled that we see nothing wrong in the blight that has grown up along our roadsides and has already destroyed so much of the scenic beauty of our country? Is the power of the signboard industry so entrenched that we cannot even legislate this mild control along new highways, paid for almost entirely from Federal funds? At a press conference 3 months ago President Eisenhower said: "While I am against these billboards that mar our scenery, I don't know what I can do about it." We'll tell him what he can do: make it clear to his friends in House and Senate that he is neither fooled by the smokescreen of States rights nor daunted by the power of the billboard lobby. He can do much to move this bill.

CIVIL RIGHTS—THE PRESIDENT'S PRESS RELEASE

Mr. KNOWLAND. Mr. President, I ask unanimous consent that there may be printed in the body of the RECORD at this point the statement which was issued at the White House on July 16, following the Senate vote of 71 to 18, making H. R. 6127 the pending business before the Senate. I think it fully sets forth the President's views in regard to the legislation which is pending before the Senate.

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

STATEMENT BY THE PRESIDENT

I am gratified that the Senate, by a vote of 71 to 18, has now made H. R. 6127 the pending business before that body.

This legislation seeks to accomplish these four simple objectives:

1. To protect the constitutional right of all citizens to vote regardless of race or color. In this connection we seek to uphold the traditional authority of the Federal courts to enforce their orders. This means that a jury trial should not be interposed in contempt of court cases growing out of violations of such orders.

2. To provide a reasonable program of assistance in efforts to protect other constitutional rights of our citizens.

3. To establish a bipartisan Presidential commission to study and recommend any further appropriate steps to protect these constitutional rights.

4. To authorize an additional Assistant Attorney General to administer the legal responsibilities of the Federal Government involving civil rights.

The details of language changes is a legislative matter. I would hope, however, that the Senate, in whatever clarification it may determine to make, will keep the measure an effective piece of legislation to carry out these four objectives—each one of which is consistent with simple justice and equality afforded to every citizen under the Constitution of the United States.

I hope that Senate action on this measure will be accomplished at this session without undue delay.

Mr. KNOWLAND. Mr. President, I merely want to say at this time, in keeping with prior remarks by the majority leader [Mr. JOHNSON of Texas], in which I have joined, and the very fine statement of the acting majority leader, the assistant leader on the other side of the aisle, the Senator from Montana [Mr. MANSFIELD], that I hope the debate will be kept on the same high plane which for the most part has characterized it so far during the discussion, not only on the motion to make the bill the pending business, but in the 1 day we have had the bill before the Senate.

We have a difficult problem facing us in finally enacting effective civil-rights legislation. I make a special plea, under the circumstances, that attacks upon the President may not intervene in the discussion. After all, this is a legislative responsibility. The Congress of the United States, as a coordinate and coequal branch of the Government of the United States, will have to make the final decisions. It is in this forum that the bill will have to be debated and ironed out and the will of the Senate expressed on such amendments as the Senate may deem advisable.

I do not believe any useful purpose is served by attempting at this time either to gain a partisan political advantage or to obtain a negative partisan political advantage by attacks upon the Office of the President of the United States. It is not his legislative responsibility. The details of the bill belong to this body and to the other body of Congress, and then, finally, the bringing together of the points of view of the two Houses of Congress.

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

Mr. KNOWLAND. Yes.

Mr. NEUBERGER. I should like to ask the distinguished Senator from California about the fact that, after the Senate had taken the action to which he refers the other evening, the White House issued a press release commenting on the action of the Senate. Then, at two successive weekly press conferences, the President has gone into considerable detail in commenting on the civil-rights bill in answer to questions put to him by reporters. Surely it is not the position of the distinguished Senator from California that it is perfectly valid for the White House to issue statements about civil-rights actions taken by the Senate, and it is all right for the President to issue press conferences on the civil-rights bill, but that it then becomes improper for a Senator to disagree with what the President has said at that time or in his press releases.

Mr. KNOWLAND. I am not complaining about any statement a Senator desires to make on any bill. I am saying we have a difficult problem. I think a large measure of good will will be required among those who are working in support of the bill. This is the furthest advance, so far as civil rights legislation is concerned, that has perhaps been made in more than 70 or 80 years of our country's history. I think now we have an opportunity to enact an effective piece of legislation. The inferences which are made at times that the President is attempting to write a civil-rights bill are not based on fact. That is not his prerogative; that is not his duty; that is the responsibility of the legislative branch of the Government; for, under the Constitution of the United States, all legislative power, not three-quarters of the legislative power, not one-half of the legislative power, not one-fourth of the legislative power, but all legislative power, is vested in the Congress of the United States, which, as the Senator so well knows, is a coordinate, and not a subordinate, branch of the Government.

It is here that power will remain. It is here that there will remain any responsibility on any details of amendments which, in the judgment or will of the Senate, will have to be worked out.

I am only saying this because there are Senators on both sides of the aisle who have interest in this matter. I have had the opportunity, having had some responsibility for this bill, of constant consultation on the other side of the aisle. I do not think the administration is helped by what I consider to be thinly veiled political attacks upon the President of the United States.

Mr. NEUBERGER. I should like to say, in conclusion, I have not made what I regard as thinly veiled political attacks on the President of the United States. I think if my voting record is examined it will be found I have voted for the President's recommendations on foreign policy, for example, as much as has any other Member of the Senate on either side of the aisle; but I believe, as a Member of the Senate, I have a valid right to express my viewpoint and comments on what the President himself has said and what the President has said with respect to the bill which is the pending business of the Senate.

Mr. MORSE. Mr. President——

The VICE PRESIDENT. The Senator from Oregon.

Mr. MORSE. I want to say good naturedly to my colleague that I support his right to criticize the President, and the criticism was deserved. I also say, good naturedly, that as I listened to the President's press interview, I felt that a report from the Senate Committee on the Judiciary would have helped him if he had it, so he could study it. He demonstrated clearly a lack of knowledge of his own bill, because it has been highlighted as his administration's civil-rights bill. He reminded me of a student who had not done his homework the night before. When the professor asked him a question, the student fumbled and mumbled and swallowed his tongue. That was the impression the President left with me from his press conference. It was difficult to find any meaning in the comments he made. To me he demonstrated he could not have passed an examination on his own civil-rights bill. That is why I say very kindly to my colleagues I wish I could have placed in the President's hands a Senate report, which would have given him a thorough knowledge of the bill.

OFFICIAL TRANSCRIPT OF PRESIDENT EISENHOWER'S PRESS CONFERENCE OF JULY 17, 1957

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD the official transcript of President Eisenhower's press conference of yesterday. It is published on page 12 of the New York Times of today.

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

TRANSCRIPT OF THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC AFFAIRS

President EISENHOWER. Please sit down. I have no announcements.

MERRIMAN SMITH (of the United Press). Mr. President, since you have had an opportunity to discuss your civil-rights program with Attorney General Brownell, are you aware that under laws dating back to the Reconstruction era, that you now have the authority to use military force to put through the school integration in the South, and are you aware, too, sir, that part III of your current bill carries this forward from the Reconstruction era?

Answer. Well, first of all, lawyers have differed about some of these authorities of which you speak, but I have been informed by various lawyers that that power does exist. But I want to say this:

I can't imagine any set of circumstances that would ever induce me to send Federal troops into a Federal court and into any area to enforce the orders of a Federal court, because I believe that commonsense of America will never require it.

Now, there may be that kind of authority resting somewhere, but certainly I am not seeking any additional authority of that kind, and I would never believe that it would be a wise thing to do in this country.

ON FEDERAL ENFORCEMENT

LOUIS R. LAUTIER (of the National Negro Press). Mr. President, I wonder if you would give us the benefit of your thinking on enforcement of the 14th, as well as the 15th amendment, with respect to civil rights?

Answer. Well, you are asking me to become something of a lawyer in a very short order here, but I will. As for the moment, I have announced time and again the objectives I am seeking in civil rights, and the means that I want from the legislature in order that everybody will know where they stand, and it can proceed in an orderly manner.

I issued a little statement last evening, republishing what the objectives are. Now, the matter is now, as you know, under debate in the Senate, and I think that for the moment the best thing to do is for most of us to let them do the debating, and we will see what comes out. I am very hopeful that a reasonable, acceptable bill will come out.

WILLIAM S. WHITE (of the New York Times). A little bit further on civil rights, please, sir. Specifically there is a bipartisan amendment in the Senate put in last night by Senators GEORGE D. AIKEN, Republican, of Vermont, and CLINTON P. ANDERSON, Democrat, of New Mexico, which would take out of the bill all injunctive power except to deal directly with the right to vote, and I would like to ask you, sir, if you would comment on how you would look at a bill if it ultimately came out with only the voting right protected by injunction.

Answer. Well, I think the voting right is something that should be emphasized, certainly I have emphasized it from the beginning. If in every locality every person otherwise qualified, or qualified under the laws of the State to vote, is permitted to vote, he has got a means of taking care of himself and his group, his class. He has got

a means of getting what he wants in democratic government, and that is the one on which I place the greatest emphasis.

Now I am not going to discuss these amendments in detail as they come up because it would be endless. I do say that I follow the debates in the Senate with the greatest of interest, and we will see what comes out. And then I hope it will be—and, as I say, I believe it will be—a satisfactory bill.

SCRAMBLE IN THE KREMLIN

EDWARD P. MORGAN (of the American Broadcasting Co.). Mr. President, yesterday in commenting on the latest scramble in the Kremlin, Secretary of State Dulles used the terms "flexible modernists seem to have"—I think I am being literal—"seem to have won out over iron-rod fundamentalists." You add to that the fact that another man in ascendancy is one with whom you had close contacts and respect during the war, Marshal Georgi K. Zhukov, and you get what could be apparently an encouraging situation.

My question is, sir, whether you think this Kremlin leadership is indeed somewhat more flexible, and if so, would you consider sometime in the future inviting 1 or 2 of them to the United States?

Answer. Well, it is a rather long and involved question, but I think I can get at it fairly simply in this way:

Certainly, the changes in the Kremlin are the result of some fundamental pressures within the country. Now, apparently the group that went out were those that were, could be called, the traditionalists. They were the hard core of the old Bolshevik doctrine, whereas those that stayed and seem now to be in the ascendancy are apparently those who have been responsible for decentralization of industrial control, all that sort of thing.

Therefore, the idea that they are trying to be flexible to meet the demands, the aspirations, requirements of their people, I think seems to be sound. Now, you referred to General Zhukov, and I must say that during the years that I knew him I had a most satisfactory acquaintanceship and friendship with him. I think he was a confirmed Communist.

We had many long discussions about our respective doctrines. I think one evening we had a 3-hour conversation. We tried each to explain to the other just what our systems meant, our two systems meant, to the individual, and I was very hard put to it when he insisted that their system appealed to the idealistic, and we completely to the materialistic, and I had a very tough time trying to defend our position, because he said:

"You tell a person he can do as he pleases, he can act as he pleases, he can do anything. Everything that is selfish in man you appeal to him, and we tell him that he must sacrifice for the state."

He said, "We have a very hard program to sell." So what I am getting at is, I believe he was very honestly convinced of the soundness of their doctrine and was an honest man. Now, since that time I have had very little contact with him, meeting him only in Geneva, as you know, so merely because he is there would not, in itself, create a reason for a meeting between us of any kind, although, as I say, there is a history of past good cooperative effort between us in Berlin.

STATUS OF FORCES MOVE

W. H. LAWRENCE (of the New York Times). The Girard case decision has stirred a move in the House to add a resolution to the mutual-security bill, outlawing or nullifying the status-of-forces agreements. If this were adopted what would be its effect on our system of alliances and our whole defense posture, in view?

Answer. Well, Mr. Lawrence, for some 6 or 7 years now I have been actively engaged in first in trying to get the status-of-forces treaty recognized and accepted by all the nations involved, and since then in supporting them. They are absolutely essential to the system of alliances we have now, and without them those alliances will fall to pieces, because we would be compelled to bring our soldiers home.

Now, I have made my position clear about the importance of these treaties. I have made them clear to the leaders of both sides in the Senate and the House of Representatives, and I must say in both places I have run only into good understanding, and so far as I can see, the certainty of support of that idea for the welfare of America. I believe that in this system of alliances we have, which gives rise to our program of mutual security assistance, that in that thing rests today the security of the United States of America. I believe it with my whole heart. I have given a great deal of my life to the theory.

When I left Columbia University, and went back merely because I believed in this and not because it was any attractive post at the moment—it was on the contrary, it was a very severe and exacting post in SHAPE (Supreme Headquarters, Allied Powers in Europe). I think that if the United States could only understand that we are dealing with sovereign nations whose prides, whose traditions, whose whole attitude toward their own sovereign rights is just as strong as in our own country, and that these are people that we are trying to win as friends and keep as friends, we are not trying to dominate, we are not trying to establish a new system of international imperialism of some kind.

We are hanging together because we are equals and friends and believe in the same things, and out of that comes this mutual security program, the status-of-forces treaties, and I think that a single incident like the Girard case has been whipped up into a size completely out of proportion to its importance, because I think there has been a total, since these have been in effect, of 30,000 cases that involved a decision as between our Government and some other as to the disposition of the man, and that is the first time that anything of this kind has been—attracted such public attention.

NUCLEAR STOCKPILES

PETER LISAGOR (of the Chicago Daily News). Mr. President, Secretary Dulles yesterday disclosed that consideration is being given to a plan for establishing nuclear stockpiles of weapons and fissionable materials for NATO (North Atlantic Treaty Organization) powers. Now if one of our purposes in the disarmament talks is to prevent the spread of nuclear weapons to a fourth power, or to other powers, can you tell us what the logic is of establishing a stockpile in which 15 other nations will have nuclear weapons?

Answer. Well, I think that it is exactly logical, because if you are going to defend yourselves against nuclear attack, then all of those people attacked ought to have the right, the opportunity, and the capability of responding in kind.

Now when you talk about the fourth country manufacturing, this kind of a system would make it unnecessary for others to manufacture, and you wouldn't have every country spending its resources and its attention to building of these weapons and creating a situation which everybody acting independently could be very dangerous.

Now I don't know what he told you about a plan. What we have just been doing is studying means and methods of making NATO effective as a defensive organization. This means they must be armed properly. Now that is all there is to that. There is no specific program laid down at this minute by which is taking place all these things that you mentioned.

SCIENTIST FOR STAFF JOB?

JOHN HERLING (of Editors Syndicate). In view of the overwhelming importance of science to modern life, it has been suggested that a scientist be given a policy position, either in the Cabinet or on the White House staff, something like the role that Gabriel Hauge plays in economics. Have you given any thought to such a proposal?

Answer. Well, no. We have got the National Science Foundation, you know, and Dr. Alan available to me for instant consultation. Then, of course, we have our scientists in the AEC and Defense Department and other places. It hadn't occurred to me to have one right in my office, but now that you have mentioned it I will think about it.

SARAH MCCLENDON (of the El Paso Times). Sir, is it not inconsistent on the part of the administration to oppose letting FBI statements be used by the defense attorneys in a trial, and yet in the Girard case, taking a statement derogatory to Girard that was given for use in the trial, and making it public, and giving it to the courts before a trial is really in progress?

Answer. Well, you get a little bit involved here for me. But, now, first place, there has been always, it is reported to me, a willingness on the part of the Justice Department to give specific papers out of the FBI files to the defense, if the defense can show or say that they have reason to believe that their statements made before a trial are different to what a man made in the past, and the statements he made in the past are on file there in the FBI, then I believe they have always made it a practice of making that particular paper available.

What they have opposed is the widespread opening of the FBI files. In any one file in the FBI records, 15 people may be mentioned, some of them only once and in most derogatory fashion, because somebody that didn't like a man in a little village can say, "Well, he is a skunk," or worse, and it will be down—there in the report submitted by the individual. You could do incalculable damage, to my mind, just by opening up the FBI files. It would be terrible.

Now, as far as cutting out information that might have been derogatory or might have been derogatory to Girard's chances in his trial, we did our very best to avoid putting out anything, and you will recall that one of the times here I said I would not discuss this in detail because I am not going to say anything that would be harmful to this boy when he has a trial but, finally, we our Government officials, had to appear before a lower court and then before the Supreme Court to get the authority to follow the provisions of the treaty, so I imagine that through that process certain information came out that otherwise would never have come out.

QUERY ON ZHUKOV

RICHARD L. WILSON (of the Cowles Publications). Mr. President, I would like to ask you another question, sir, on Marshal Zhukov. He is the Defense Minister of the Soviet Union. Do you think an exchange of visits between him and the Defense Secretary Wilson would serve a useful purpose?

Answer. It might. You know, I should like to make this clear again. There is nothing that I wouldn't try experimentally in order to bring about better relationships as long as we observe this one very necessary caution, which is, you must not have meetings that, by their very holding, or by their very occurrence, give rise to great hopes which, if unrealized, create a great wave of pessimism.

I know of nothing that has occurred in our time where greater optimism must be, or enthusiasm almost, must be maintained in the work itself to carry it forward, than in this whole business of beginning disarmament, of relieving tensions in the world. The

alternative is so terrible that you can merely say this: All the risks you take in advancing or in trying to advance are as nothing compared to doing nothing, to sitting on your hands.

FRANK VAN DER LINDEN (of the Nashville Banner). Mr. President, sir, the southern Congressmen who voted against your civil-rights bill sent you a letter Monday in effect asking you to accept some amendments toning it down, and you issued a statement yesterday which stood by all four points of it. I wondered if that statement was in effect a rejection of that request or——

Answer. Not at all. As a matter of fact, I haven't had a chance yet to read the letter thoroughly. It has just come to my desk, and it is apparently a personal letter couched in very reasonable and proper language, and I expect this afternoon sometime to get to read it in detail.

Now I hadn't gotten far enough to see that they recommended changes. The part of it I read supported the theory that there were possibilities under the language, particularly of section 3, I believe it is, as now written, that could open up great dangers, and they hoped that that would be closed.

DISARMAMENT TALKS

JOHN SCALI (of the Associated Press). Mr. President, there have been reports from London, sir, to the effect that there might be a recess in the negotiations there because some representatives seem to be discouraged at Russia's unwillingness to make any substantial concessions to back up their earlier offers. Could you tell us your view on this?

Answer. I would be against any recess that was merely occasioned by someone getting tired. Now, once in a while, as new ideas come forward it is necessary to have a recess so that each of these delegations can go and, with their own governments, study them in detail, their implications, their meanings, and so on. But a recess merely because people are tired and a bit discouraged is the very kind of thing that I oppose with all my might. We simply must not get discouraged in the work and in the process.

JAMES RESTON (of the New York Times). Mr. President, for many years, indeed for some generations, there has been a controversy about the disposition of Presidential papers. In some cases, Presidents or their families have bottled up the papers for sometimes 50 or 100 years. In other cases, members of the Cabinet have taken many papers away and exploited them for their own purposes. My question, sir, is whether this is a subject that you have given some thought to, and whether there are any ground rules which you have laid down for the orderly use of these papers in the future.

Answer. Only this, Mr. Reston: I have told the entire staff that, in my opinion, anything that dealt with the official operations, attitudes of this Government, that that belonged to the public, and that that should go to some proper repository. Actually the State of Kansas has appropriated some money for buying ground, and I believe for making designs, and a group of friends, I think, are engaged in the preliminaries of getting a library established in the town where I was raised.

Now everything that is other than personal goes there. Now the personal, I would like to keep during my lifetime. And then as far as I am concerned the same repository can have them, because they will be just a burden. After all, they fill a room this size, file cases accumulated over the years. So far as I am concerned, the whole thing is open.

Now if by any chance—I would ask the executor of such a library that, if by any chance I have in letters spoken disparagingly of someone still alive, I would hope that they would keep that particular letter secret until that other person was gone from the scene, too. In other words, I don't think that even after a man is gone that his thoughts and ideas could create nothing but dissension and quarrels should be opened until they can't do any damage.

ON CONVINCING A COMMUNIST

Mr. RESTON. Could I clarify one point about Mr. Morgan's question on General Zhukov?

Answer. Yes.

Question. Do you want to leave the inference that it is difficult to defend the proposition that democracy is a more idealistic system than communism?

Answer. Well, I said this: I said when you are talking with the Communists you find it is a little difficult, for the simple reason that you say a man can earn what he pleases, save what he pleases, buy what he pleases with that. Now, I believe this, because I believe in the power for good of the, you might say, integrated forces developed by 170 million free people. But he says that "We say to the man 'You can't have those things. You have to give them to the state,'" and this is idealistic because they ask these people to believe that their greatest satisfaction in life is in sacrificing for the state, giving to the state. In other words, he takes the attitude that they don't force this contribution, they are teaching a people to support that contribution. So, when you run up against that kind of thing, look, Mr. Reston, I think you could run into people you would have a hard time convincing that the sun is hot and the earth is round. I don't say that I don't believe it. I am merely saying that against that kind of a belief you run against arguments that almost leave you breathless, you don't know how to meet them.

JOHN M. HIGHTOWER (of the Associated Press). Mr. President, could you tell us what is the status of the consideration of this atomic stockpile for the NATO allies? Is it something which is still simply an idea, or is it something which is in the process of negotiation?

Answer. No, I don't think I care to say anything further about it, except this: For a long time we have tried to be completely open with our NATO allies to make them partners. Now, we have, on the other hand, we have laws, and those laws have to be obeyed, and sometimes those laws will not permit arrangements in time of peace that would be quite as full as you would otherwise make.

ATTITUDE ON INTEGRATION

ROWLAND EVANS, Jr. (of the New York Herald Tribune). Following Mr. White's question earlier, sir, are you convinced that it would be a wise extension of Federal power at this stage to permit the Attorney General to bring suits on his own motion to enforce school integration in the South?

Answer. Well, no; I have—as a matter of fact, as you state it that way, on his own motion, without any request from local authorities, I suppose is what you are talking about.

Question. Yes, sir. I think that that is what the bill would do, part 3.

Answer. Well, in that we will see what they agree on. As a matter of fact, my own purposes are reflected again in the little memorandum I published last evening, and I am not trying to go further than that. I personally believe if you try to go too far too fast in laws in this delicate field, that has involved the emotions of so many millions of Americans, you are making a mistake. I believe we have got to have laws that go along with education and understanding, and I believe if you go beyond that at any one time, you cause trouble rather than benefit.

Question. May I ask one more question on that? Then, if you amended that to allow the Attorney General to move only in case a local or State official requested the Attorney General's assistance, you would accept a thing like that?

Answer. I am not going to say what I would accept and what I would reject. I'm just saying I told you what my objectives are, why I'm trying to do it. Now we will see what the Senate brings out.

RED ARMS TO SYRIA

LILLIAN LEVY (of the National Jewish Post). How much do you think, sir, Soviet influence in Syria and Egypt and the shipment of Soviet arms to these countries have contributed to the recently renewed tensions in the Middle East?

Answer. Well, you say "recently renewed tensions." There has been some outbreak of border incidents, but I think that it is not necessarily true that they are generally increased tensions. As a matter of fact, I think there is some indication that both sides were quite ready to stop these. Now, I do say, at the same time, answering the other part of your question, that the shipping of Soviet arms and support into these areas cannot possibly contribute to peace and the lessening of tensions. It must have the opposite effect.

ROD MACLEISH (of Westinghouse Broadcasting). Sir, yesterday it was announced there would be 100,000-man cut in our Armed Forces for the next 6 months. I wondered if this decision had any external significance, that is, in relation to the disarmament conference in London, where things seem to be going in a rather discouraging vein at the moment.

Answer. No. In getting as perfectly balanced military program as you can in this day and time, and with all of the conflicting considerations that enter into it, both the Secretary and I believe that we have been a little stronger in manpower than is necessary. Now, just exactly what that manpower is, the level, is a matter of experimentation step by step. We believe that combat units should be streamlined, that headquarters should be greatly reduced in strength, that certain of our logistical arrangements can be revamped to save men, and we simply believe we have been a little bit too strong in men.

COMMENT ON VACATION

CHARLES S. VON FREMD (of the Columbia Broadcasting System). Referring to your tentative vacation plans, is it your intention to remain in Washington until the Senate has finished its debate, or might you go to Newport after the House finishes its work?

Answer. Well, I think if the House once takes a recess, so that the only legislative activity here is the debate in the Senate, that there would be no official reason why I shouldn't go as far as Newport, where I am only an hour and a half or an hour and forty minutes away anyway, and, of course, with perfect communication which you find on a military base. In addition to that, I find, apparently, that my view on that must be rather strenuously supported by a number of newspapermen, in view of the questions that have been going to Mr. Hagerty. [Laughter.]

ROBERT G. SPIVACK (of the New York Post). Mr. President, I understand that tomorrow Secretary Dulles is meeting with some newspaper representatives about the matter of coverage of the news in Red China. Can you tell us if you now favor letting American reporters in there? I am thinking particularly of full coverage rather than limited.

Answer. I don't think I will say anything about it until after that conference they have tomorrow.

KENNETH M. SCHEIBEL (of the Gannett Newspapers). Mr. President, have you made any assessment yet of the effects of the steel price increase relative to the question of controls?

Answer. No. As I told you last week, the economic people believe that if there can be

some absorption of the increase of prices by the processors, and possibly even some resistance by the buying public, it may not have as much effect as we fear.

BASIS OF A ZHUKOV VISIT

CHALMERS M. ROBERTS (of the Washington Post and Times Herald). Mr. President, is your statement, sir, that a visit by Marshal Zhukov might be useful, based on your personal acquaintance with him, or the fact that he is Defense Minister, or a belief that the Red Army now has a new role in the Soviet Union as a political force?

Answer. No. The question was whether meetings between the two defense ministers might bring about something. I said, and, of course, it well might, because what you are constantly testing is statements, and then the extent to which those statements are trustworthy, carried out, and supported by deeds and actions that are provable. Now, as I say, at one time, I repeat, Marshal Zhukov and I operated together very closely. I couldn't see any harm coming from a meeting between the two defense ministers, if that could be arranged.

MERRIMAN SMITH (of the United Press). Thank you, Mr. President.

FOREIGN DECORATIONS AWARDED TO MEMBERS OF CONGRESS

Mr. MORSE. Mr. President, I wish to refer to another matter, a delicate one, but one on which I nonetheless wish to make a very brief comment.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The Senator from Oregon has the floor.

Mr. MORSE. Mr. President, I should like to speak on a matter dealing with foreign policy.

There are now pending before the Committee on Foreign Relations six House resolutions which, if adopted by the Senate, would authorize 11 Members of the House to receive and wear foreign decorations bestowed on them.

The relevant constitutional provision—article I, section 9, paragraph 8—is as follows:

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Mr. President, title 5, sections 114 and 115 of the United States Code, which is applicable to the executive department, reads as follows:

SEC. 114. Foreign decorations: No decoration, or other thing, the acceptance of which may be authorized by consent of Congress, by any officer of the United States, from any foreign government, shall be publicly shown or exposed upon the person of the officer so receiving the same.

SEC. 115. Same; delivery through State Department: Any present, decoration, or other thing, which shall be conferred or presented by any foreign government to any officer of the United States, civil, naval, or military, shall be tendered through the Department of State, and not to the individual in person, but such present, decoration, or other thing shall not be delivered by the Department of State unless so authorized by act of Congress.

I should like to invite the attention of the Senate to the policy of the executive branch of the Government, which I highly commend, Mr. President, with regard to the sections of the code I have read.

An Executive order of April 13, 1954, applicable to employees of the executive, provides that except for decorations awarded for combat or wartime service no Department is to request Congressional approval for acceptance of such gifts by any employee until that employee has retired.

The list of such retired personnel, numbering some 1,000 names, was submitted in June 1954. The Committee on Foreign Relations considered the matter briefly, and then postponed further action.

Mr. President, I invite the attention of Senators to the Congressional practice.

There have been a number of instances in recent years when Congress has authorized various Members to receive and wear decorations. With one exception, however, when bills authorizing Members of Congress to receive and wear medals have been referred to the Committee on Foreign Relations, the committee has not reported the bills to the Senate. Favorable Senate action has been taken only in cases in which decoration bills have not been referred to the Committee on Foreign Relations.

Mr. President, this matter is at the present time pending before the Committee on Foreign Relations. I believe I am privileged to say that we shall ask the State Department for a great deal of information, which I think is needed, before we establish a policy of the committee, which I hope will subsequently be the policy of the Senate.

I wish to make this statement this morning with regard to the matter, because, Mr. President, I am one Senator who is going to take the position that, under the Constitution of the United States, acceptance of decorations by Members of Congress violates the spirit and the intent of the Founding Fathers.

I should like to make three brief points about this matter.

We hear much, Mr. President, in the Congress of the United States, about the issue of the conflict of interest in the executive branch. It is of the utmost importance that Members of Congress keep themselves high above any level of suspicion of a conflict of interest.

I want respectfully to say that, in my opinion, the acceptance of decorations and the wearing of decorations granted by foreign governments places Members of Congress under suspicion in the minds of many people when foreign policy questions involving such governments come before the Congress, unless the particular Member of Congress disqualifies himself from taking action on such foreign policy question.

Second, Mr. President, I think we have a chance to teach a great lesson of democracy to foreign governments by establishing a policy of not permitting the acceptance of decorations at least during the term of public service of the individual involved.

The PRESIDING OFFICER. The Chair is advised that the time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, may I ask the acting majority leader and the minority leader that I be granted an additional 3 minutes?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon may be permitted to continue for 3 minutes.

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

Mr. MORSE. Mr. President, we have an opportunity here to teach a great lesson of democracy to foreign countries, by making it perfectly clear that in our country the elected officials of a free people do not commit any act which could possibly subject them to suspicion of any conflict of interest or obligation to a foreign government.

The third point I desire to make, Mr. President, is a political one, although I make it nonpolitically.

I merely wish to invite the attention of the Senate, without mentioning any particular minority group, to a political practice of the minority groups in our country, which sometimes occurs. Minority groups in a State or in a Congressional district may think they are doing a great favor to a Senator or to a Representative in Congress by using their good offices to have the ambassador from some country obtain a decoration for the Senator or the Representative. The result is, Mr. President, that the decoration itself becomes the object of politics in our respective States.

Mr. President, I think we ought to keep this practice high above the level of politics itself. I do not think minority group interests ever should be dragged into American politics by attempts by minority groups to obtain decorations for some Senator or Representative who think that by so doing they please the Senator or the Representative and, let us be entirely frank about it, Mr. President, perhaps help the minority group with the particular Senator or Member of the House.

Lastly I wish to say, and then I shall be through with this subject, that I think it ought to be our policy, at least, that no decorations may be accepted by any Member of the Congress during his term in the Congress. If a foreign government thinks some Senator or Representative is deserving of special honor, let it wait until the Senator or Representative is out of office and then grant the honor to him, or at least place it on file with the Department of State while he is in office, although I question whether I would go that far. The foreign government might give it to him posthumously, for the benefit of his record, for his family and future generations to read about.

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

Mr. MORSE. I will yield in a moment.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The additional time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I think it is of the utmost importance that we lean over backward with respect to the constitutional provision involved. Although there is a provision requiring consent of

the Congress, I think it should be Congressional policy not to give consent.

I now yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Oregon will require additional time in order to do so.

Mr. MORSE. Mr. President, the Senator from Rhode Island will have to obtain his own time.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. WILEY] has been on his feet for some time.

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senator from Oregon be granted an additional 2 minutes.

Mr. WILEY. Mr. President, without losing my right to be recognized, since I have an engagement also, I will agree.

The PRESIDING OFFICER. The Senator from Wisconsin will be recognized next.

Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and without objection the Senator from Oregon is granted an additional 2 minutes.

Mr. MORSE. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Does not the Senator from Oregon feel that much of the doubt and much of the suspicion depend entirely upon the integrity and character of the recipient of the decoration?

Mr. MORSE. Not at all. I think the suspicion comes from the policy. If we permit the policy, we bring good men under suspicion by the policy itself. I think it is a breeder of suspicion in the minds of many. I do not like to see any colleague of mine put in a position where doubters can suspect. I think the policy is bad, and that it ought to be stopped.

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

Mr. MORSE. I yield.

Mr. PASTORE. After all, a very serious question has been raised by the distinguished Senator from Oregon, which may affect several Members of the Senate.

I quite agree with the Senator from Oregon that if the law stated one could not accept such a decoration, the Senator would be perfectly right in everything he has said. If the Senator from Oregon should introduce a bill to eliminate the practice, or prohibit the acceptance or the wearing of such decorations, he would be correct. I think, in fairness, it should be stated there are some Members of the Senate at the present time, including the junior Senator from Rhode Island, who have been granted such decorations. A short time ago the junior Senator from Rhode Island was given a decoration by a foreign government, which he sent to the Secretary of State as a decoration he would not accept or wear until such time as he was no longer a Member of the Congress of the United States.

I should like to have it made clear to the Senator from Oregon that such action does not compromise the junior Senator from Rhode Island in the least, because of the simple fact that the decoration was given to him by the government of the country where his parents were both born, and thus for a sentimental reason, and possibly only for that reason. That is what led to giving the medal and decoration to the junior Senator from Rhode Island.

I should like to have it clearly understood that such action does not compromise the junior Senator from Rhode Island in the least in acting as an American and as a duly elected Senator from the State of Rhode Island.

Mr. MORSE. Let the Senator from Oregon say to the Senator from Rhode Island that I do not think anything could compromise the Senator from Rhode Island. Apparently the Senator from Rhode Island did not hear my opening remarks.

Mr. PASTORE. I certainly did. I followed every comment of the Senator from Oregon.

Mr. MORSE. Then the Senator did not understand the intent of my remarks. I said that this matter is before the Committee on Foreign Relations for a determination of policy, and I served clear notice that my policy is going to be against the policy which permits the acceptance of decorations from a foreign government by any Member of Congress. Once we get the information from the Department of State, I assure the Senator from Rhode Island that with my name as an author, legislation will be proposed to prohibit the practice in the future.

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

Mr. MORSE. I yield.

The PRESIDING OFFICER. The Chair informs the Senator from Oregon that he will need additional time.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the Senator from Oregon be granted 5 minutes additional time.

Mr. MANSFIELD. Mr. President, I must object. Other Members have been on their feet for some time. I suggest to the Chair that the original agreement be adhered to and that the Senator from Wisconsin [Mr. WILEY] now be recognized.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. MORSE subsequently said:

Mr. President, I took very little time in making my insertions in the RECORD, and consumed considerably less than 3 minutes in doing so. I did so in order to give the Senator from Rhode Island [Mr. PASTORE] an opportunity to complete my examination, which he had started in connection with the foreign policy issue I have raised. I have some time left over under the 3-minute rule, and I should like to extend that courtesy to the Senator from Rhode Island.

Mr. PASTORE. I was not shut off in the least in my remarks, if that is what the Senator has in mind. I merely wished the Senator from Oregon to understand that in many of the instances to which he has referred, the recipients are in a quandary as to exactly what they should do.

There is also involved, of course, the question of perhaps offending a foreign government with which we should maintain good relations. The reason why I asked my questions of the distinguished Senator from Oregon was that his remarks had a personal inference so far as the junior Senator from Rhode Island was concerned.

Mr. MORSE. That was not intended.

Mr. PASTORE. I wish to have it clearly understood that at the time the award was suggested, the junior Senator from Rhode Island took it up with the Secretary of State and asked for guidance in what would be the proper procedure to follow. He was informed at that time that the award or decoration should go to the State Department, and remain there until such time as Congress authorized its acceptance, which latter action the Senator from Rhode Island has never suggested be instituted. I clearly wish it to be understood that the junior Senator from Rhode Island does not consider himself beholden in any way or compromised in any way, so far as he is concerned. Whether such a decoration is ever offered or given does not in any way affect his voting on the many issues which come before this august body.

Mr. MORSE. I was not aware the distinguished junior Senator from Rhode Island had been awarded a decoration; but if I had known that he had received a decoration, I still would have made my policy statement. My policy statement was not intended as any reflection upon the Senator from Rhode Island or any other Member of Congress who has received a foreign decoration. What I am raising today is a question of policy. I believe that, for the good of all concerned, it would be best if we established a policy of prohibition. For one thing, it would remove Members of Congress from the quandary mentioned by the Senator from Rhode Island. That is why I serve notice now that I shall urge the adoption of such a policy of prohibition.

Mr. PASTORE. I agree with the Senator from Oregon. I hope that this colloquy will not be construed as a reflection upon any recipients of foreign awards in this body or in the House of Representatives. It might very well be that it would be wise to adopt such a policy of prohibition, so that this question may never again arise with respect to Members of Congress.

Mr. MORSE. What I said is not to be taken as the slightest reflection on anyone.

THE NATIONAL INTEREST REQUIRES CONTINUED OPPOSITION TO ARBITRARY RESTRICTIONS ON OIL IMPORTS

Mr. WILEY. Mr. President, on Tuesday, the distinguished majority leader, the senior Senator from Texas [Mr. JOHNSON] spoke on behalf of curbing foreign oil imports. Yesterday, July 17, the junior Senator from Wyoming [Mr. O'MAHONEY] spoke for the same objective. And our able colleague from Texas added a like-minded editorial from the San Antonio (Tex.) News.

Today, I should like once more to express my respectful but firm opposition to the viewpoints expressed by my two associates.

I should like to cite two additional evidences of the firm reasons for my own and others' opposition.

BARRON'S EDITORIAL CONDEMNS RESTRICTIONS ON IMPORTS

The first is a lead editorial from the July 15 issue of Barron's the national business and financial weekly.

The editorial is entitled "Crude Threat—Curbing Oil Imports Would Harm the National Interest."

The editorial points out that in terms of petroleum, the United States is becoming a have-not Nation.

In other words, whether we like it or not, we must more and more rely upon overseas oil imports—Canadian, Venezuelan, and other.

OIL JOBBERS ALSO SUPPORT SENATOR WILEY'S POSITION

My second evidence is a letter which I have received from Mr. Otis H. Ellis, general counsel of the National Jobbers Council.

Mr. Ellis vigorously supports my position. He recalls a telegram which was sent to the President on behalf of 500 independent oil jobbers in the State of Wisconsin, opposing restriction on oil imports.

RISING NEEDS REQUIRE MORE FOREIGN SOURCES

The fact of the matter is that the tide of history is running in the direction of more and more exploration for foreign oil sources. Earlier this week, Mr. J. Ed Warren, senior vice president of the First National City Bank in New York told the American Bar Convention that more and more oil companies which formerly relied on explorations in the United States are finding it necessary to search for oil abroad in order to keep pace with future oil needs, and in order to secure oil that will be competitive with foreign oil brought in by others.

Now, Mr. President, the next word on the administration's policy will have to come from the President's Cabinet Committee.

I earnestly trust that this Committee will see through the flimsy arguments which have been advanced in their own self-interest by the independent oil producers of the Southwest. I trust the Cabinet Committee will see that there is a compelling and overriding national interest which requires that there be continued oil imports from the Western Hemisphere. The rising needs of sound national defense, sound foreign policy and sound servicing of American consumers, all require continued imports.

I ask unanimous consent that the text of the Barron's editorial and Mr. Ellis' letter be printed at this point in the body of the RECORD.

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

CRUDE THREAT—CURBING OIL IMPORTS WOULD HARM THE NATIONAL INTEREST

To judge by recent speeches of its representatives in Congress, the great American Southwest today is confronted by imminent economic disaster. Looming over the region, apparently as menacing in its own way as wind, wave or any other natural calamity, is one that is wholly manmade—the threat of mounting imports of crude oil. At a Senate hearing the other day, Senator RALPH YARBOROUGH, Democrat of Texas, pressing for speedy action by the Eisenhower administration, warned that even a slight delay would mean ruin for independent producers. On the floor of the House, Representative TOM STEED, Democrat of Oklahoma, was no less strident. The domestic petroleum industry, he cried, faces a dangerous situation. Unless Washington comes to the rescue, he added heatedly, many small oil companies will fall victim to what he described as big corporate greed.

The concern of the region's lawmakers is understandable. As practical politicians, they surely have the right, if not the duty, to take up the cudgels for their constituents. To nobody's surprise, then, they are urging the Federal Government to curtail the shipment of foreign oil to these shores. The issue, however, happens to involve not merely local interests, but also, in several important respects, the national interest. Choking off overseas oil might benefit some United States producers. Such a step, however, could be taken only at the expense of others in the industry who are pressing the hunt for crude everywhere, as well as of those oil-rich lands which are logical sources of supply. Inevitably, the cost—higher prices for petroleum products at home, and ill will abroad—would be exacted from the entire country. In short, only by letting the world's oil flow to market unhindered, can Washington serve the general welfare.

Imports of petroleum have been a burning issue for the past few years, most notably since 1955, when Congress gave the Office of Defense Mobilization a formidable voice in the conduct of United States foreign trade. Specifically, the agency was authorized to decide whether any commodity is reaching the United States in quantities which jeopardize the nationality security. Since the Suez Canal was reopened, of course, the global scarcity of oil once more has given way to plenty. The Middle East again is supplying the needs of Europe; Texas is feeling the pinch in reduced allowables. Hence in recent months, the so-called independents (i. e., those with little or no stake in oil abroad) have made clamorous appeals for relief.

Not long ago, ODM found in their favor. As a result, the President has ordered a Cabinet Committee, headed by Secretary of Commerce Sinclair Weeks, to inquire into what ought to be done. In preparing its recommendations, which are due by the end of the month, the Committee solemnly was adjured, among other things, "to seek to balance such general factors as our long-term requirements for crude oil; the military, economic and diplomatic considerations involved in obtaining crude from various areas; and the maintenance of a dynamic domestic industry that will meet national needs in peace or war * * *." One scarcely can imagine a more difficult feat of tight-rope-walking. The fact is that in the name of defense, the domestic producers are merely seeking shelter from the rigors of competition. To confer such privileges upon a few, as somebody once observed, is bound to harm the many.

Among the first victims would be the concerns which have gone abroad in the never-ending search for crude. These are more numerous—and by no means invariably as big—as the independents choose to pretend. For they include not only the five major integrated companies (Standard of Jersey, Standard of California, Socony Mobil, the Texas Co., and Gulf), but also some threescore other venturesome concerns, large and small.

Their number, moreover, as the case of Venezuela suggests, is growing fast. Until recently, this prolific country was largely the preserve of the majors. In 1956, however, and again this year, Caracas opened vast additional acreage to private exploration and development. Those who bid successfully for concessions—an investment, by the way, of over $600 million—included such newcomers to the area (and, in a few cases, to overseas drilling) as Phillips Petroleum, Sunray Mid-Continent, Sun Oil, and various combines of smaller operators.

Hence, while they still bulk large, the majors gradually are losing part of their predominance in the import market. A few figures underscore the point. In the third quarter of 1957, imports are slated to rise to nearly 1.3 million barrels per day, compared to less than 1.1 million in the like months of 1956. Most of the increase, however, will be supplied not by the big five, but by other importers. As a consequence, for the first time in history, the majors will account for less than half of all the oil shipped into the United States.

To curb imports, then, would hurt not just a few corporate giants, but a pretty fair cross section of the petroleum industry. Nor would the damage stop at the water's edge. On the contrary, it also would spread to those countries, neutral and ally alike, which in effect have become the partners of American enterprise. Besides Venezuela and Canada, these include such strategic places as Saudi Arabia, Indonesia, and Iran, all of which, for better or for worse, Washington has been at great pains (and no small expense) to woo. Cutting them off from United States refineries would seem a poor way to win their friendship.

In the end, protectionism in oil, as in anything else, would come out of the consumer's pocketbook. And the bill, heavy enough at the outset, would be bound to increase. For in terms of petroleum, the United States is becoming a have-not Nation. Nobody would argue that domestic producers have brought in their last spindletop. But the fact remains that year by year, oil in this country grows harder and more costly to find. That is precisely the reason why so many companies, majors and independents alike, are getting their rigs wet in Lake Maracaibo, the Canadian Muskeg and other parts of the world. Surely the course of wisdom—and the furtherance of national security—cannot lie in capping such efforts. The American oil industry will grow stronger not by trying to escape competition, whether by tariffs or quotas, but by venturing forth boldly to meet it.

NATIONAL OIL JOBBERS COUNCIL,
Washington, D. C., July 16, 1957.

The Honorable Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: The writer has noted your recent remarks on the House floor in opposition to imposing import restrictions on crude oil.

I thought you would be interested to know that the thousands of independent oil jobbers throughout the United States support your position—as a matter of fact this group of small-business men have waged a vigorous battle in opposition to such import restrictions for the past 17 years. There is no doubt in our minds that restrictions on crude oil imports are not in the interest of national security and would serve only the purpose of further fattening the purses of the millionaire oil producers who have been seeking restrictions for the past 28 years. The implications from an international standpoint are enough to scare the average enlightened citizen to death.

You may be further interested to know that the following telegram was sent to the President on behalf of 500 independent jobbers in the State of Wisconsin:

"JULY 11, 1957.

"Due to many conflicting reports concerning oil imports issue we urgently request you delay action on this matter until the inde-

pendent petroleum jobbers have been heard by your Cabinet Committee. This association represents 500 jobbers in Wisconsin and member of National Oil Jobbers Council representing 15,000 independent jobbers."

We hope that many other responsible representatives like yourself will see fit to immediately voice their opposition to President Eisenhower since it is our information that the decision for some form of restrictions—possibly a coerced form of voluntary restrictions—has already been decided upon and awaits only official announcement and implementation.

Sincerely yours,

OTIS H. ELLIS,
General Counsel.

REPORT OF THE COMMITTEE ON INTERNATIONAL INTERCHANGE OF JURISTS

Mr. WILEY. Mr. President, I was pleased to receive today from Mr. William Roy Vallance, assistant to the legal adviser of the United States Department of State, copies of a report of the Committee on International Interchange of Jurists, as prepared for consideration by the section of international and comparative law of the American Bar Association, which will be meeting in London for the 80th annual session of that great organization.

This report, signed by Mr. Vallance as chairman, and by a distinguished group of other attorneys, points out the importance of present and expanded interchange of jurists. Likewise, it points out the need for early Senate ratification of Executive C of the 84th Congress, 2d session, a convention for the promotion of inter-American cultural relations, as signed at Caracas on March 28, 1954.

On July 12, Executive C was reported from the Senate Foreign Relations Committee with Executive Report No. 7. I am sure that it will receive early and unanimous action by our colleagues.

The present report on interchange of jurists kindly cites comments which I, myself, have made on the Senate floor on the importance of exchange programs.

I send to the desk the text of this report and ask unanimous consent that it be printed at this point in the body of the RECORD.

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

REPORT OF THE COMMITTEE ON INTERNATIONAL INTERCHANGE OF JURISTS

A review of the committee's reports published in the proceedings for 1953,[1] 1954,[2] 1955,[3] 1956,[4] reveals several resolutions which have been adopted by the American Bar Association in carrying forward this program of International Interchange of Jurists. It is with regret that the Senate has not thus far taken favorable action on the convention for the promotion of Inter-American Cultural Relations, at Caracas, Venezuela, on March 28, 1954, by representatives of the United States and other nations that are members of the Organization of American States.[5] It is hoped that the Senate may still act favorably on this important convention before the present Congress adjourns. Senator THEODORE FRANCIS GREEN, of Rhode Island, is one of the signers of the convention for the United States and is now chairman of the Foreign Relations Committee of the Senate.

The following summary of developments in respect to international agreements concerning exchange of jurists is of interest:[6]

Country	Number	Date
Argentina	1	Nov. 5, 1956
Australia	2	Nov. 26, 1949
Austria	3	June 6, 1950
Belgium-Luxembourg	4	Oct. 8, 1948
Brazil		
Burma	5	Dec. 2, 1947
Ceylon	6	Nov. 17, 1952
Chile	7	Mar. 31, 1955
Colombia	8	Jan. 9, 1957
Denmark	9	Aug. 23, 1951
Ecuador	10	Oct. 31, 1956
Egypt [1]	11	Nov. 3, 1949
Finland	12	July 2, 1952
France	13	Oct. 22, 1948
Germany	14	July 18, 1952
Greece	15	Apr. 23, 1948
Iceland	16	Feb. 23, 1957
India	17	Feb. 2, 1950
Indonesia		
Iran	18	Sept. 1, 1949
Iraq	19	Aug. 16, 1951
Ireland	20	Mar. 16, 1957
Israel	21	July 26, 1956
Italy	22	Dec. 18, 1948
Japan	23	Aug. 28, 1951
Korea	24	Apr. 28, 1950
Netherlands	25	May 17, 1949
New Zealand	26	Sept. 14, 1948
Norway	27	May 29, 1949
Pakistan	28	Sept. 23, 1950
Paraguay	29	Apr. 4, 1957
Peru	30	May 3, 1956
Philippines	31	Mar. 23, 1948
Portugal		
Spain		
Sweden	32	Nov. 19, 1952
Taiwan (China)	33	Nov. 10, 1947
Thailand	34	July 1, 1950
Turkey	35	Dec. 27, 1949
Union of South Africa	36	Mar. 26, 1952
United Kingdom	37	Sept. 22, 1948

[1] Presently inactive.

According to official sources, 1,899 persons were given grants from United States Government funds and 879 were grantees in part from United States funds and in part from private funds, making a total of 2,778 persons in the fiscal year ending June 30, 1957. Of these, 446 persons were awarded grants for carrying on legal studies and 302 persons obtained grants for work in public administration.

Although the Office of the Budget approved an appropriation of $30 million for use in carrying out this program during the fiscal year beginning July 1, 1957, Congress appropriated $20,800,000.

The provision on this subject in the Department of State Appropriation Act, approved June 11, 1957, reads as follows:

"International education exchange activities: For necessary expenses, not otherwise provided for, to enable the Department of State to carry out international educational exchange activities, as authorized by the United States Information and Educational Exchange Act of 1948 (22 U. S. C. 1431–1479),[7] and the act of August 9, 1939 (22 U. S. C. 501),[8] and to administer the programs authorized by section 32 (b) (2)[9] of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1641 (b)), the act of August 24, 1949 (20 U. S. C. 222–224),[10] and the act of September 29, 1950 (20 U. S. C. 225),[11] including salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801–1158)[12]; expenses of attendance at meetings concerned with activities provided for under this appropriation; hire of passenger motor vehicles; entertainment within the United States (not to exceed $1,000)[13]; services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a)[14]; and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; $20,800,000, of which not less than $6,750,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided,* That not to exceed $1,387,500 may be used for administrative expenses during the current fiscal year."

Senator WILEY, of Wisconsin, made the following interesting statements regarding the present status of the exchange program in an extension of his remarks on July 3, 1957:

"One of the most significant factors in international relations today and tomorrow is the welcome presence in this country of 40,666 foreign students and the presence abroad of 9,887 American students.

"No one can now foresee the tremendous role which these youngsters will be playing in the years ahead, in communicating to others what they have studied, seen, heard, and lived in the course of their studies in a different land.

"That is why it is always a particular pleasure for me to visit with foreign student groups here in our land.

"It is why I welcome the important work of the Institute of International Education, the work of International Student Houses here and in other cities, and the work of the vast variety of other American groups and centers which contribute in many ways to the hospitality of foreign students in our land.

"CONSTRUCTIVE WORK OF EMBASSIES

"Foreign governments in turn are keenly aware of the opportunity and challenges of this subject. Here in Washington, one of the principal tasks of many of the embassies is to contribute to and facilitate the studies of the large foreign student contingents in our country. The embassies rightly regard this as one of their most important tasks.

"I know that this is the case with our friends in the Indian, the Korean, the Iranian, and other embassies.

"Moreover, many of the ambassadors, the minister counselors, and cultural counselors make numerous speeches before American college audiences in order to help familiarize folks on the campuses with the background of the countries which they represent.

"UNIVERSITY OF WISCONSIN HAS MANY FOREIGN STUDENTS

"In Madison, the University of Wisconsin has been host to a vast assembly of students from abroad. We are proud of this heavy foreign contingent, and I know that Madison is playing an extremely effective role in foreign policy in this respect.

"But what it does for these foreign students, it does spontaneously, because it regards the student, whatever his nationality, as a seeker of truth. It welcomes the student, whatever his origin, into all activities of academic and campus life.

"ANSWERING MISINTERPRETATIONS

"Madison recognizes, as does every college town, that when foreign students come here, they can see with their own eyes, and hear with their own ears, the real America.

"In turn, when our youngsters study abroad, they can get a better idea of the truth in foreign countries.

"Each student, in turn, can help to answer misinterpretations and misunderstandings.

[1] Proceedings 1953, p. 152.
[2] Proceedings 1954, p. 148.
[3] Proceedings 1955, p. 142.
[4] Proceedings 1956, p. 152.
[5] Senate Executive C, 84th Cong., 2d sess.

[6] Budget report Apr. 10, 1957.
[7] 62 Stat. 6.
[8] 53 Stat. 1290.
[9] 60 Stat. 754.
[10] 63 Stat. 630.
[11] 64 Stat. 1081.

[12] 60 Stat. 999.
[13] 60 Stat. 810.
[14] 31 U. S. C. 529.

"Each can, in friendly, frank exchanges, discuss the viewpoints of the respective countries.

"We are all aware that there are, unfortunately, a tremendous amount of misunderstandings. We do not know enough about foreign lands, and foreigners do not know enough about us.

"WE MUST LEARN MORE ABOUT THE EAST

"We have an especially great deal to learn about the East, about the countries of Asia and the Middle East, and Africa, as well.

"These Asian-African lands are coming into their own. If we are to have the fullest friendship with them, then we must understand the facts about them, and they about us. That was one of the points brought out in various meetings of the Washington Educational and Cultural Attachés. This is a fine group, to which I have previously referred in the RECORD." [15]

On June 11, 1957, Mr. HAYS of Ohio introduced in the House of Representatives, H. R. 8081 entitled "A bill to improve the foreign policy of the United States by amending the United States Information and Educational Exchange Act of 1948 (Public Law 402, 80th Cong.)." Among other things, this bill would add several new sections to the United States Information and Educational Act of 1948, to provide for a new "category of officers of the United States Information Agency to be known as United States Information officers who shall, except as provided in this section, be subject to the provisions of the Foreign Service Act of 1946, as heretofore or hereafter amended (hereinafter referred to as the Foreign Service Act), and any other provisions of law which are or may become applicable to Foreign Service officers." It has not been possible for the committee to give consideration to this bill. It should be studied by the new committee.

With regard to the resumption of cultural and other exchanges of persons between Soviet Russia and the United States, the following extract from Secretary Dulles' press conference of June 11, 1957, is of interest: [16]

"Question. Mr. Secretary, the Soviet Union has proposed a rather large-scale resumption of cultural and other forms of exchange between itself and the United States. Could you tell us whether you favor such a resumption, and along what lines?

"A. Well, I favor the resumption, but not necessarily along the precise lines that the Soviet proposes. You may recall that at the meeting of the Foreign Ministers which came after the summit conference, that is, the meeting held in October and November 1955, some 18 months ago, the United States with the British and the French put forward a very comprehensive pacakage of proposed exchanges—a 17 point proposal. That included, for example, a proposal for reciprocal presentations on current affairs by radio, with someone from the United States who would have an opportunity to speak to the people of the Soviet Union. I think we proposed that there should be an allotted time of a period of half an hour every month, and that they, in turn, would have a half hour to make a presentation to the United States of their views and policies. I was very glad, indeed to see the strong endorsement of that concept by Senator JOHNSON the other day. He made almost exactly the same proposal, or at least adopted, you might say, the same proposal that the United States had made at that time. But his reinforcement of that at this juncture is a very useful thing and is again a demonstration of the bipartisan character of our foreign policy. We are constantly pressing the Soviets, for example, for these reciprocal facilities to speak to the Soviet people. So far, they have been adamant in their refusal. I remember Molotov said that he would not be willing to have exchanges of that sort because it would present the Soviet people with what he called social scum.

It is understood that the Government of the United States regards favorably the exchange of students, academicians, and jurists at the present time with Soviet Russia, Poland, Czechoslovakia, and Rumania. The Rockefeller Foundation and the Ford Foundation have announced programs which will effect exchanges of students between the United States and Poland.

In conclusion, attention is invited to the resolution approved at the section meeting in Washington as proposed by this committee. The resolution, printed in the section bulletin, page 11, reads as follows:

Recommendation of section for London session: That the following resolutions be adopted:

"1. *Resolved*, That the American Bar Association continue the Special Advisory Committee on Foreign Legal Specialists for another year and that the president of the association be authorized to appoint the members therefor for the year 1957–58."

Respectfully submitted.

William Roy Vallance, Chairman; William W. Bishop, Jr.; Carlile Bolton-Smith; Miguel de Capriles; Jan P. Charmatz; Max Chopnick; Paul M. Craig; Adrian S. Fisher; Barratt O'Hara, II; Philip C. Jessup; Albert Ehrenzweig; Willis Reese; H. Hugo Perez; David Stern; Edwin S. Stimson; Philip W. Thayer.

[15] CONGRESSIONAL RECORD, vol. 103, No. 116, pp. 5339–5340.

[16] State Department Press Release No. 355, June 11, 1957. State Department Bulletin No. 940, July 1, 1957.

CHRISTIAN SCIENCE MONITOR ARTICLES ON CONGRESSIONAL QUARTERLY

Mr. WILEY. Mr. President, I was interested to read in the July 2, 3, and 5 issues of the renowned newspaper, the Christian Science Monitor, a series of articles on another noted publication, the Congressional Quarterly.

I know that a great many of my colleagues, including myself, subscribe to this fine reference service—"CQ" as it is universally known around the Hill and in the newspaper and related professions.

Since CQ each week has the burden of analyzing the varied news of Congress and its committees and 531 Members, occasionally one may not agree 100 percent with the analysis.

Nevertheless, I know that there is a well-deserved respect for the good faith of its experienced editors and staff. They are industriously seeking to present reliable, accurate information and judgment to the public, so that it can make up its own mind about the vital work of the Congress.

I ask unanimous consent that the text of these articles be printed in the body of the RECORD.

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

[From the Christian Science Monitor of July 2, 1957]

TWO NEWS SERVICES TALLY WASHINGTON'S RECORD FOR SUBSCRIBERS—RESEARCH AND BACKGROUND KEYED

(By Thomas N. Schroth, executive editor, Congressional Quarterly, Editorial Research Reports)

WASHINGTON.—Congressional Quarterly and Editorial Research Reports are two Washington news services that cover the dense forest of today's news tree by tree.

Their basic product is nonpartisan news research and news background material.

They do not attempt to cover news events as they happen or to quote public figures on what is happening or to give their views on what is happening. Rather, their approach is to background and explain important events so that a subscriber will understand what is going on and will have basic information available on current events to use as he sees fit.

The concept seems well founded. Congressional Quarterly and Editorial Research Reports together serve nearly 400 United States newspapers with a total circulation of more than 30 million. The two services merged last July.

The penetrating reports CQ and ERR originally tailored for newspapers also fit the needs of private business, government, politicians, national associations, libraries, political scientists, and students.

SUBSCRIPTION LIST CITED

The subscription list includes the White House, Congressmen from both parties and all segments of the parties, the Republican and Democratic National Committees, and the congressional campaign committees of both parties.

Organizations subscribing to all or part of the services range from the National Association of Manufacturers to the AFL–CIO and include the National Association for Independent Business, the Cooperative League of the United States, Americans for Democratic Action, For America, free trade as well as high tariff advocates, and scores of other groups whose selective interests are dependent on the actions of Congress.

Newspapers include the Christian Science Monitor, the Boston Herald and Traveler, the Boston Globe, all New York City newspapers, the two major Washington newspapers, and other papers in large and small cities all over the country.

Magazine subscribers included all three major newsweeklies and journals of opinion from both the left and right. Columnists who use the service include Roscoe Drummond, Walter Lippmann, David Lawrence, Arthur Krock, and Sylvia Porter.

Such a variety of clients attests not only to the success of the concept behind CQ and ERR, but also to the nonpartisanship and usefulness of the service.

TWO PURPOSES NOTED

Each of the services is unique, although complementary. Congressional Quarterly concentrates on Congress—what it does, the people and parties in it, and the pressures upon it—and national politics. Editorial Research Reports, on the other hand, digs deeply into an unlimited range of subjects in the mainstream of news events, except for Congress and politics.

Both CQ and ERR serve two primary purposes: Their highly trained staffs analyze and record past and current events for immediate use, sending the copy daily and weekly to their clients. Secondly each affords, through special binding and meticulous indexing, a quick, authortative reference service for the future. Clients thus keep themselves informed about important current happenings and have at their fingertips information they may need a week or 10 years from now.

Congressional Quarterly, for example, is accepted as the authority on Congress. It is the standard current reference on what Congress and Congressmen have done from week to week and from year to year. And because Congress is made up of people from 435 congressional districts, and two Senators from each State, Congressional Quarterly's coverage extends to their political lives throughout the Nation.

Not only newspapermen but businessmen, politicians, lawyers, and scholars want this information in such easily digestible form.

ROLLCALLS PUBLISHED

A graphic and significant example of Congressional Quarterly's service is the weekly publishing of every rollcall vote taken in the House and Senate for that week. Before 1945, when Congressional Quarterly was formed, it was virtually impossible for a reporter, an editor, or any interested person to put his hands readily on such a simple but important thing as a complete voting record of a Member of Congress, the vote of all Members on a particular item of legislation, or an individual's vote on a specific item.

Congressional Quarterly also spotlights Congress in many other ways, from weekly reports on committee and floor activities to periodic reports on such things as what Congress is accomplishing, absenteeism, and junketeering.

Congressional Quarterly also is the only service that regularly keeps track of lobbyists—the so-called third House of Congress. Because of such coverage, much more is known about the thousands of large and small organizations and individuals who apply pressure on Congress.

And this is another reason why these very organizations and individuals, most of whom maintain Washington offices, find they need Congressional Quarterly to follow Congress and their fellow pressure groups.

PRESIDENT RECORDED

Among the unique features developed by CQ's staff to provide clearer understanding of congressional activities and to bring out in the open the activities of a Congress and its individual members are Presidential support, party unity, and Presidential boxscore. These are accepted tools in the campaigns of many a Senator, Representative, and political party, for they provide the only accurate, uncolored look at the record.

Presidential support works like this: The CQ staff keeps track of every word the President says—in press conferences, messages to Congress, and so on—indicating what he specifically wants and what he doesn't want Congress to do. CQ then watches for any action by Congress—from the introduction of a bill to its final passage—on issues on which the President has made his position known.

When these issues are up for a vote it is simple to determine whether a Congressman voted for or against the President's position. This study is reported in terms of overall support and also broken down into domestic and foreign issues, for each Member of Congress.

To many coattail candidates this measure is the key factor to their election or rejection by the voters. In last year's election, for example, many campaign speeches contained a phrase something like this: "A Congressional Quarterly analysis shows that I supported the President 80 percent, while my opponent."

BOXSCORE KEPT

Party unity measures the support a Congressman gives his party in Congress by his recorded votes. A score of 80 percent, for instance, shows that the Congressman voted with his party 80 percent of the times that the majority of that party voted together.

Presidential boxscore measures the success a President has in getting the program he wants through Congress and the support a Congress gives the President. Here again all speeches, statements, and messages of the President are analyzed, then broken into the number of requests he has made of Congress. The percentages of these requests granted amounts to the degree of support given to him by Congress. For his first 4 years in office, for instance, President Eisenhower had batting averages of .727, .647, .453, and .457, respectively.

Besides this day-to-day meticulous logging of congressional activity, Congressional Quarterly creates a variety of major studies on leading legisaltive subjects and issues. These, too, are calculated to provide the basic factual background necessary to understand the complex business of Congress.

[From the Christian Science Monitor of July 3, 1957]

CONGRESSIONAL QUARTERLY PLAYS UNIQUE ROLE IN WASHINGTON—VITAL POLITICAL SERVICE PERFORMED FOR PRESS

(By Thomas N. Schroth)

WASHINGTON.—Congressional Quarterly was founded in the days following World War II when it was apparent that the complex Federal Government was not to be simplified and there was substantial need for a service to aid professionals dealing with Congress to keep tabs on legislative activities quickly and conveniently.

Congressional Quarterly began as a service for newspaper editors and Washington correspondents, providing them with factual reports they needed on congressional activities. The service still is aimed at this need.

WHAT REPORT COVERS

But it wasn't long before Congressmen, Government officials, lobbyists, businessmen, lawyers, political scientists, libraries, and students discovered the value in the service. Now, in terms of the number of clients, subscribers outside the newspaper and magazine field outnumber journalism subscribers.

All Congressional Quarterly clients receive the same fundamental material—the magazine-size Weekly Report printed and mailed each Friday evening, and a year-end almanac. Newspaper clients also receive three news stories a week from Congressional Quarterly.

The Weekly Report covers the previous week's activities in Congress, such as major floor action, debate, and committee action. Other sections of the Weekly Report include lobbying activity, such as registrations, conventions, stands, and personnel changes; a political roundup of major events in politics throughout the Nation; general news and comments on legislation by persons in Washington; major executive branch activity, and special fact sheets covering major topics in the legislative and governmental field.

The Weekly Report, it should be emphasized, is not a digest of the week in Congress; it does not dilute information, but rather evaluates and develops its background.

CQ's experienced staff of Congressional specialists collects and collates the important, meaningful statements and actions of Congressmen and those dealing with Congress. The nonessential, the repetitious, and the generalities are tossed out. The weekly descriptions of legislative action are more specific and more detailed than one will find in any other publication of general circulation.

Because of this, CQ has been able to fill the needs of the people who earn their living by knowing what Congress is doing and which way the political winds are blowing.

In CQ, they can find quickly and concisely such things as bills introduced, status of legislation, major committee and floor action, and debates.

But in addition to recording Congressional actions, CQ has been able to make unique contributions to Washington reporting. The first detailed accounting of candidates' Federal election campaign spending and receipts was published by CQ in 1949, covering the 1948 elections.

CHANGES IN LAW DEMANDED

Until the 1956 elections, only CQ tackled this job with any attempt at complete coverage. Studies, based on CQ's reports of the 1950, 1952, and 1954 elections, led to demands for changes in the laws governing campaign spending. Thus a Senate subcommittee recently drew up a report on the spending and receipts of the 1956 election campaign. It did not, however, include the information for campaigns for the House, so CQ has just completed its study of campaign receipts and expenditures in that field.

Only CQ publishes—as often as once a week—the names, addresses, and interests of all lobbyists registering under the Federal lobby law. Among our unique lobby stories and studies are cumulative quarterly accounts of spending reported by lobbyists, salaries they receive, their major activities, and profiles of the bigger lobby groups.

In the corner of the Congressional Quarterly office in Washington is the only fully cross-indexed file of every organization and individual that has registered under the lobby law since it was enacted in 1946. On a special file of IBM punchcards is complete information about 400 key national organizations whose activities attempt to influence Congress.

Congressional Quarterly has received considerable recognition for its exhaustive coverage of politics, district by district. Scheduled for publication early in May is the complete, official vote for President, Senator, and Representative in each of the Nation's 435 Congressional districts. This information, painstakingly gathered by Congressional Quarterly's staff, will be of incalculable value to politicians, political scientists, and reporters in assessing the 1956 election and speculating on the 1958 congressional races. It never has been available before in this form or, until 2 years after a national election, in any form.

ACCURACY PINPOINTED

When we correlate these raw voting statistics with previously Congressional Quarterly-published information on the population makeup of each district, it can be determined accurately whether or not there was a farm revolt and, if so, when; how Negroes voted; how factory workers or white-collar workers voted, as well as how various ethnic and specialized groups voted.

Congressional Quarterly provides newspapers with the raw material by which to assess a political campaign or the performance of a Member of Congress. With such studies as its presidential support and party unity, Congressmen are in "fuller view" in an era beclouded with political complexities.

Democrats and Republicans alike will use—or try to hide—CQ figures, depending on how the particular Congressman shows up. For instance, if a President is popular and the statistics show a Congressman has a high record of support for the President's position, the Congressman will want to be sure everyone is aware of this. If his score is low, however, he will try to ignore the statistics. CQ has the only practical and reliable score on this.

In election years, CQ's compilation of rollcall votes receives its greatest attention. Often this is the only reliable indication of how a Congressman really feels about an issue. The August 4, 1956, TV convention guide of the Christian Science Monitor, for instance, reproduced from CQ material the key votes of major candidates for the Democratic and Republican presidential tickets who had served in Congress.

PRESIDENTIAL BOX SCORE

CQ also charts the success or failure of the President's program with Congress. This analysis, known as presidential box score, together with presidential support, enables a newspaper to report the degree of cooperation between a President and Congress and between individual Congressmen and the President.

The CQ weekly report also contains 3 or 4 fact sheets or special reports, each running

anywhere from 1 to 20 pages. These are major pieces on national issues that are or will be in the news. Recent fact sheets have covered filibusters, the stature of the Vice Presidency, flood insurance, Alaska-Hawaii statehood, Federal aid to education, and an analysis of 14 House rollcall votes on an appropriation bill.

The weekly report is indexed cumulatively every 3 months. Clients receive binders for their reports, thus enabling each report to serve as a handy reference volume after its immediate purpose of reporting on the week in Congress. Users have a hard time agreeing whether CQ is more valuable to them as a timely weekly report on Congress and politics or as a reference tool.

The reference value is strengthened by anothe major element of the CQ service—the CQ Almanac. Going back to 1945, the 800-page volume is published the first week of each January. It provides an organized and comprehensive description of the year's events in Congressional, political, and lobbying activity. The 1956 Almanac, for instance, reviews completely the general election campaign, emphasizing the type of material which will be uesd in reference work as the years go on.

The Almanac also includes such basic information as a description of the legislative process, such as how a bill is passed, a glossary of Congressional terms, a membership chart giving seniority, age, and profession of all Congressmen, complete committee and subcommittee assignments, the year's lobby registrations, and all bills introduced during the year and the action taken on them. The CQ Almanac is the only annual reference on Congress.

Clients also can use the CQ query service by mail, wire, or phone for any questions they may have in this field.

In the next article I will discuss CQ's partner in news research—the Editorial Research Report—and how both organizations came to fill the modern-day need for reliable research information on current events.

[From the Christian Science Monitor of July 5, 1957]

TWO WASHINGTON, D. C., REPORTING SERVICES JOIN TO WIDEN FIELD—ALL THE FACTS REPORTED, BUT OPINIONS PROHIBITED

(By Thomas N. Schroth)

WASHINGTON.—Editorial Research Reports is entering its 36th year of informing newspaper editors and columnists on topics of current interest. In that time, many others have found the reports a source of ready and reliable information on the issues of the day.

Four times a month some 280 newspapers receive 20-page printed pamphlets exploring and explaining such wide-ranging topics as Woman's Place in the Economy, Tight Credit, Billboards and Roadside Control, the Future of Overseas Bases, the European Economic Union, American Music, and the Political Awakening of Black Africa, to name a few recent reports.

ERR, like the Congressional Quarterly service it merged with in July of last year, grinds no ax, gives no viewpoint. Both sides of a question are examined; the reader can reach his own decision on the best course of action if one is called for.

This does not mean ERR's reports are uninteresting recitations of one side's case and then another's or a series of pros and cons. Experienced, competent writers and editors, spending as much as 4 weeks preparing a report, discuss the subject clearly and succinctly. They write for busy people, and their reports eliminate the nonessential. But they are not pallid digests.

WIDE CLIENTELE

The ERR reports are designed so any intelligent person reading and using them, without prior knowledge of the subject covered, can authoritatively discuss it in print and be confident of his facts.

For this reason, in addition to its newspaper subscribers, ERR's client list reads like a Who's Who of Government agencies, major business and trade organizations, unions, libraries, and colleges. ERR also sells bulk reprints of its reports to groups that may be discussing a particular subject.

While Congressional Quarterly rarely ventures outside the field of Congressional and political reporting and related issues, Editorial Research Reports has no subject limitation. Its only guiding rule is that the topic must be sufficiently important to give it more than transitory value while at the same time having immediate or future interest. Since its merger with CQ, Editorial Research Reports has tended to avoid legislative and political subjects. In addition, the foreign field, with its increasing complexity, has provided ERR with abundant material to feed to fact-hungry editors.

Although ERR's printed reports through the years have been its foundation, a second element was added to the service in 1930. This is a daily report of about 350 mimeographed words factually explaining a topic in the news. These have ranged anywhere from the Grace Kelly wedding to the tense Jordan situation.

The daily reports go to newspapers for use as background for their own editorials or as bylined explanatory columns. They do not compete with other syndicated columns or editorials because they factually explain their subject; they do not opinionate.

Another weekly feature received by ERR newspaper clients is the weekly reminder, a two-page idea sheet altering editors to some of the events due that week and worthy of comment. In addition to a few paragraphs refreshing the editor on a subject, there are references to sources of additional information. The remainder items—about seven each week—are written so that they, too, can be used verbatim in a feature column.

CUMULATIVELY INDEXED

Both the daily and the printed reports are cumulatively indexed. Bound volumes of the printed reports are sent to clients every 6 months, of the daily reports every year. So, like CQ, the current intelligence carefully gathered by ERR also is available in lasting reference form.

As can be seen from these articles, the merger of Editorial Research Reports and Congressional Quarterly was beneficial not only to them but also to their clients. Now the two organizations that provide the only regular, reliable, and detailed news research information to newspapers are able to pool their resources and their knowledge of what newspapers want.

Although in numbers newspapers make up only a fraction of the clients of the organizations, CQ-ERR material is designed primarily for them. Experience has shown that the topics and methods which find favor with newspaper editors are what other clients want—basically a rounded, easily read, and complete recording and explanation of today's history.

This theory, now proved by time, was in the minds of the founders of both services when they began. Nelson and Henrietta Poynter started Congressional Quarterly in 1945, conscious not only of the enormous task of organizing coverage in depth of the complex field they were attacking, but also of the growing need for more citizen understanding of the basic democratic institution, Congress. Richard M. Boeckel's idea to start Editorial Research Reports in 1923 grew out of the great need of newspaper editors to have a clearer and more accurate grasp of the post-World War I world issues which all knew were of primary concern to the United States. Bertram Benedict joined Mr. Boeckel in 1930 when ERR began its daily service.

STAFF GROWS TO 45

Now CQ and ERR have a staff of 45 to carry out their tasks.

The Poynters, experienced Washington newspaper people, concluded after World War II that the size and complexity of the Government was not going to diminish. They felt that Congress was perhaps the greatest single news source in the United States and that it was inadequately covered. How to provide the basic intelligence on Congress in an organized way—complete, concise and convenient—was a problem which they spent many years solving. They still feel that the successful result of this task is not only a useful tool for working newspapermen but a real contribution to citizenship.

Mr. and Mrs. Poynter also are publishers of the St. Petersburg, Fla., Times, and they saw the true local character of Congress. CQ, by covering the actions of all Members of Congress, fulfills not only a national but a local function.

Mr. Boeckel was a Washington correspondent when he saw the need 2 decades earlier for more reliable coverage of world issues. Newspaper size and circulation began to rise rapidly, and the variety and complexity of news grew with the growth of a rapid communications network. He felt that the harried editor and reporter just could not keep up with the situation unless they received help from a newspaper-oriented organization that would provide unbiased explanations of major events.

Both CQ and ERR, still under the leadership of their founders, confidently face a challenging future. The need for their services increases daily as the complexity of the news world grows. Reader demand for intelligent explanation and analysis never has been greater.

DEATH OF GEORGE A. FINCH

Mr. BRICKER. Mr. President, with deep regret I call the attention of the Senate to the death of Mr. George A. Finch who passed away yesterday at the age of 72 years.

Mr. Finch was one of our ablest and most respected international lawyers. He was an able advocate of a constitutional amendment to prevent abuse of the power to make treaties and other international agreements. It was in that connection that I first came to know George Finch and to learn of his devotion to maintaining and strengthening principles of international law as a substitute for force.

I wish to offer at this time my condolences and sympathies to the members of his family and his host of friends throughout the world.

I ask unanimous consent that there be printed at the conclusion of my remarks the statement made by Mr. Finch on January 9, 1957, before the Senate Subcommittee on Disarmament.

This statement contains a brief summary of Mr. Finch's distinguished legal career. It also shows very clearly that strict adherence to the rule of law among nations, to the development of which George Finch devoted his life, is the only alternative to global chaos.

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

STATEMENT OF GEORGE A. FINCH

Mr. FINCH. Mr. Chairman, before I start upon this paper, I would like to express my

very deep appreciation for the privilege of appearing before this subcommittee.

I would like to make a preliminary statement, which has been suggested to me by some of the testimony I have just heard. It is of a very general character, but I think the committee may wish to hear it.

Senator HUMPHREY. Yes, indeed.

SUBCOMMITTEE WORK COMMENDED

Mr. FINCH. I feel great satisfaction that a subcommittee of the Senate is now in the process of conducting inquiries which may result in giving its advice to the President concerning the conclusion of international agreements. The Constitution says the Senate shall advise and assent to the President's treaties and I think, therefore, you are performing what is a fundamental constitutional duty.

I think that if previous Senates since the end of World War I had had the same conceptions of the constitutional position of the Senate with reference to foreign policy, this country would not be in the terrible situation it now is of trying to make a choice between the survival of our race and living in coexistence with a tyranny which knows nothing of the principles for which we stand.

QUALIFICATIONS AND EXPERIENCES OF THE WITNESS

Now, as I say in the statement, Mr. Chairman, I make no pretense of being an expert in the physical sciences, nor have I studied or had any experience in the arts of war. The greater part of my life has been spent in activities having for their purpose the substitution of reason and morality for force in the settlement of international disputes. There have been a number of references to these phases of international relations, and I would like to emphasize those phases in what I have to say.

My interest in international law and its application to the conduct of international relations began with a law clerkship in the Department of State in 1906–11. My experience there led me to accept service with the Carnegie Endowment for International Peace upon its organization in 1911 until I retired on December 31, 1947. At that time I held the positions of secretary of the endowment and director of its division of international law. Since my retirement I have engaged in the private practice of law in Washington, D. C.

I graduated from the Georgetown University Law School in 1907 and was admitted to the bar a few weeks later. I have been active in the American Bar Association and am now vice chairman of its committee on peace and law through United Nations.

While in the service of the Department of State and the Carnegie Endowment I was sent to foreign countries in Europe, Asia, Africa, and Latin America on official or semi-official missions. In 1909 I was secretary of the American Commission which investigated the Republic of Liberia. In 1919 I was an assistant legal adviser to the American Commission To Negotiate Peace at Paris. In 1929 I visited the Orient in the interest of the work of the Carnegie Endowment, and I have been a delegate of the endowment to several Pan American conferences. It sent me as a consultant to the American delegation to the San Francisco conference which produced the United Nations Charter.

As a side issue, I was actively engaged in the work of the American Society and Journal of International Law from 1909 until a few years ago. I served as secretary of the society and managing editor of the American Journal of International Law from 1924 to 1943, as vice president and editor in chief from then until 1953, and I am now an honorary vice president and honorary editor in chief.

I have also had some experience in the teaching of international law. For 10 years I was professor of international law at the Georgetown University School of Foreign Service, and I lectured on the same subject at summer sessions of the University of Michigan, McGill University in Montreal, the University of Washington at Seattle, and at the Academy of International Law at The Hague, Holland. For the last 10 years I have been president of the Inter-American Academy of Comparative and International Law at Habana, Cuba.

I am not appearing here in any representative capacity. What I have to say is the result of my own experience and observations over the half century I have been engaged in the activities indicated.

The studies of this subcommittee and the hearings it has held in pursuance of Senate Resolution 93 (84th Cong., 1st sess.) cover comprehensively and in detail the material aspects of the questions involved in current proposals to control and reduce armaments. Decided differences of opinion have developed in the course of the hearings as to the answers that should be given to some of the questions. I expect that differences of opinion will also appear with reference to the answers I shall give to the questions upon which I have been asked in the invitation to testify.

Before replying specifically I should like to make some observations of a general character bearing upon the problems under consideration by the subcommittee.

THE "RULE OF RIGHT" UPHELD BY THE SCIENCE OF INTERNATIONAL LAW

Many years ago the French philosopher Joubert left us a maxim which in English translation was, "Might and right rule the world, might until right is ready." The truth of the maxim has been demonstrated all too obviously by the advent of the atomic age, with its coincidental decline of governments deriving their powers from the consent of the governed, and the rise to power of an atheistic tyranny devoid of any respect for the moral law or public opinion, and relying solely for its power upon force in its most brutal and inhuman form.

To prepare the world for the rule of right, the science of international law was created and has been advocated and advanced by men of good will in every generation of modern times; and for the purpose of drawing a parallel between the world of today which has abandoned these principles, and the world which the science of international law has been seeking to create, I would like to read a few paragraphs from a great English authority on international law, written many years ago, before we knew anything of the Hague conferences, before any statesman dreamed of a League of Nations or of a United Nations.

Sir Robert Phillimore said:

"In the great community of the world, in the society of societies, states are placed in relations with each other, as individuals are with each other in the particular society to which they belong. * * * As it is ordained by God that the individual man should attain to the full development of his faculties through his intercourse with other men, and that so a people should be formed, so it is divinely appointed that each individual society should reach that degree of perfection of which it is capable, through its intercourse with other societies. To move, and live, and have its being in the great community of nations, is as much the normal condition of a single nation, as to live in a social state is the normal condition of a single man."

And I continue to quote Mr. Phillimore:

"From the nature then of States, as from the nature of individuals, certain rights and obligations toward each other necessarily spring; these are defined and governed by certain laws. These are the laws which form the bond of justice between the nations, and which are the subject of international jurisprudence, and the science of the international lawyer."

And he concludes:

"To clothe with reality the abstract idea of justice, to secure by law within its own territories the maintenance of right against aggression by the individual wrongdoer, is the primary object of the State, the great duty of each separate society. To secure by law, throughout the world, the maintenance of right against the aggression of the national wrongdoer, is the primary object of the Commonwealth of States, and the great duty of the society of societies. Obedience to the law is as necessary for the liberty of States as it is for the liberty of individuals."

Senator HUMPHREY. That could have been written just yesterday.

Mr. FINCH. Mr. Chairman, I was privileged to be a consultant at the San Francisco conference which drafted the United Nations Charter, and in one of my public appearances out there I suggested that these paragraphs from Sir Robert Phillimore should have been written at the head of every piece of paper that the delegates to that conference had before them.

THE INTERNATIONAL COURT OF JUSTICE BYPASSED

In 1917 the United States went to war in defense of its rights under international law; but following that war and since, in my humble judgment, the responsible leaders of this and other governments have been men of little faith in the rule of law among nations. The novel institutions they have established in illusive phrases to prevent war and maintain peace have paid but lip service to international law, and although an International Court of Justice has been established which is declared on paper to be the principal judicial organ of the United Nations, vital questions which disturb international peace are reserved for debate and possible compromise in the political organs of the United Nations. The existing Suez Canal dispute is a glaring example of the blunderings of the political method in dealing with what is essentially a legal question.

PROBLEMS WHICH SHOULD BE SUBMITTED TO INTERNATIONAL COURT

A definition of aggression and a compulsory jurisdiction for the submission of legal questions to the International Court of Justice should have been agreed upon long ago. The Governments of the United States and other great powers have been the chief opponents of international agreements of this character.

A fundamental norm of international law has always been that treaties are made to be observed (pacta sunt servanda). A corollary was that—

"No power can liberate itself from the engagements of a treaty, or modify the stipulations thereof, unless with the consent of the contracting powers by means of an amicable arrangement (Declaration of London of 1871)."

Under international law, all states, great and small, are entitled to equal rights of sovereignty and independence in their external relations and to freedom from intervention in their internal affairs. The Government of the United States in the past has been a courageous and outspoken advocate and defender of international law. For example, when Daniel Webster was Secretary of State he instructed our Minister to Mexico that, to quote Mr. Webster:

"Every nation, on being received, at her own request, into the circle of civilized governments, must understand that she not only attains rights of sovereignty and the dignity of national character, but that she binds herself also to the strict and faithful observance of all those principles, laws, and usages which have obtained currency among civilized states."

Mr. Webster then went on:

"No community can be allowed to enjoy the benefit of national character in modern

times without submitting to all the duties which that character imposes (instruction dated April 15, 1842. Moore, International Law Digest, vol. 1, p. 5)."

Ever since World War II international communism has brazenly and flagrantly violated its duties as a member of the civilized community, as well as its particular responsibilities and obligations under the Charter of the United Nations. In my opinion the time has long since passed when the nations having a sense of honorable obligation should consider withdrawal of recognition of any nation which persistently refuses to comply with fundamental international obligations.

CONTROL OF ARMAMENTS AND SETTLEMENT OF POLITICAL PROBLEMS

Coming now to the subcommittee's first inquiry of me, namely, the relationship between the control of armaments and the settlement of the major outstanding political differences among nations, which are set forth in the second interim report of the subcommittee, in my view those differences are not of the same order of importance.

IDEOLOGICAL STRUGGLE WITH COMMUNISM PARAMOUNT ISSUE

To quote the committee's report, "The ideological struggle between Communist totalitarianism and freedom" seems to me to outrank all the other outstanding differences in its relationship to the control of armaments. Its solution greatly exceeds in urgency the settlement of the other differences. It is not a difference which can be compromised by debate or negotiation or settled by reference to an international tribunal for determination by any rules of law. It is an issue which involves the maintenance or surrender of principles of government inherited from our Christian and constitutional backgrounds.

International law at one period of its history was called the public law of Christendom. International communism denies the doctrines of Christianity, and seeks to obliterate all belief in God and religious faiths and practices. It denies that man has the natural rights which we proclaim are divinely endowed and for the preservation of which we have adopted constitutional safeguards to protect them against invasion by government.

If the ideological struggle between Communist totalitarianism and freedom should result in domination by the former, then government of the people, by the people, and for the people will surely perish from the earth. As the Great Emancipator said of his own Nation, so it may be now said of the world of nations, they cannot remain half free and half slave.

UNDER PRESENT CONDITIONS REDUCTION OF ARMAMENTS WOULD BE RASH

Witnesses before this subcommittee have repeatedly said that the international Communist program of world domination remains unchanged. There are two alternatives by which a change may be accomplished, that is, either by superior physical force or by the conversion of the Communists to the point where they may be induced to abide by the rules of right and law. While right is being made ready to rule, the maintenance and, if need be, the application of superior physical force is the major political issue of today.

The armaments at the command of international communism do contribute exceedingly by fear and terror to existing tensions, but it would be rash for the free nations to expect to relieve those tensions by reducing their armaments independently of the removal or substantial diminution of the threats and menaces inherent in the Communist program of world domination.

Senator HUMPHREY. In other words, Mr. Finch, you are saying here again the political problems and, particularly, the threat of the Communist conspiracy to the freedom of other peoples and obviously to the institutions of government of other peoples is really the first problem. That is the first one you have to deal with before you get to the disarmament one.

Mr. FINCH. All the other problems are of what I should call insignificant importance compared to this preservation of the world and our way of life that we have been living under since Christianity came upon this earth.

Senator HUMPHREY. Would it be fair, then, at this point to say you place considerable emphasis or superior emphasis upon the importance of trying to get some solution to the political problems prior to the armament problem?

Mr. FINCH. That particular political problem.

Senator HUMPHREY. Yes.

Mr. FINCH. That particular one; that is right.

The danger emanates not only from the Kremlin, but is propagated by its Red spawn elsewhere in Europe and in Asia and Africa. Even the nations of the western continents are not secure against its infiltrations.

The testimony given before the subcommittee shows that certain nuclear weapons of mass destruction have a range, either from launching platforms or in combination with long-range carriers, sufficient to terrorize or attack any nation on earth.

RACE FOR ARMAMENTS A RACE FOR SURVIVAL

The race for armaments of that character is, in essence, a race for survival of nations which refuse to be intimidated by them. It further appears from the same testimony that it is not possible by any known system of inspection, to detect certain leakages in nuclear materials or to discover hidden stockpiles of weapons made from them after they are manufactured. Consequently, until more perfect methods of scientific detection may be devised, a certain amount of good faith would still be required among the signatories of a convention for the control or reduction of armaments.

Under the circumstances, and in view of the view of the known record of Communist governments for the nonobservance of treaties and other agreements, it would, in my opinion, be inviting national suicide for the United States, and spell probable destruction of the other free nations for which the United States has assumed the responsibilities of arsenal, treasury, or almoner, to stop the production of any weapons it might need to deter a long-range suprise attack or to retaliate in kind should such an attack occur.

Moreover, to men of the character as those now in the Kremlin conspiring against the Free World such an offer might not be taken in good faith. It might just as likely be regarded as a sign of capitalist weakness and exploited to the advantage of international communism. Its effect might well be, not to lessen international tensions but to encourage their exaggeration in the expectation of our ultimate collapse.

On the other hand, there are several important factors which hold promise of success for us in any continuing armaments race at the level of weapons of mass destruction. Our superior natural resources and industrial potential, scattered geographically over half the continent, diminish the chances that a surprise attack would be so fatal as to prevent us from promptly retaliating in kind. The continued possession by us of an adequate supply of such weapons, and the warnings the President has already given of the intention of this Government to use them, if need be, against an aggressor, are in themselves the greatest possible deterrent to such an attack against us.

At the present time I do not see much logic in the objections to the continuance of tests of such weapons. The public explosions which accompany the tests are admitted to be good means of detecting the possession of nuclear weapons. Until better methods of detection are devised, it seems to me we should not outlaw any means which now serve that purpose.

FACTORS IN FAVOR OF OUR RACE FOR SURVIVAL

Signs of stress are already appearing in the efforts of the Communist masters of Russia and its satellites to keep their war machine in gear and at the same time provide the peoples with the standard of living to which they aspire. It could not serve to discourage international communism to relieve it of burdens inherent in its evil and economically unsound system.

Another factor in our favor in our race for survival with communism is the rising force of world opinion against the horrors, and implications for other nations, of what has just occurred in Hungary. That revolution, and the one which preceded it in Poland, seem to be the boilings over of seething human cauldrons smoldering within the Communist dominions. The reactions everywhere to those events seem to offer hope that a decent respect for the opinion of mankind may sooner or later again become a force to be reckoned with even by international Communists.

MERITS OF AERIAL RECONNAISSANCE AND ATOMS-FOR-PEACE PLAN

I do not wish to leave the impression that I am advocating a policy of stolid indifference to the dangers of the armaments race. President Eisenhower's offer of aerial reconnaissance to guard against surprise attacks, with the modifications concerning ground inspections of Premier Bulganin which the President has accepted, should be regarded as the first in a series of stages of a more comprehensive coverage of the control and reduction of all armaments.

Together with the President's atoms-for-peace plan now being formulated, both proposals might well serve as pilot projects to test the good faith of the nations participating, as well as experiments in the effectiveness of the inspections provided in them for detecting evasions or violations.

The subcommittee has requested me for an appraisal of what basic powers an enforcement agency, to be effective, must have, and to what extent such powers might affect the powers and functions of individual national governments.

Senator HUMPHREY. Of individual governments.

Mr. FINCH. Of individual national governments; that is right. That is in the committee's letter.

Senator HUMPHREY. Yes, sir.

BASIC POWERS OF AN ENFORCEMENT AGENCY

Mr. FINCH. As I have indicated, it would not, in my opinion, be feasible to vest nonforcible basic powers in any enforcement agency as long as member nations are bent upon the use of force to impose their wills upon the other members.

Under those circumstances an enforcement agency would need a physical power superior to that of any violator or combination of violators of the agreement. The use of such a force, as indicated in your staff studies, would bring about the very situation the agreement was designed to prevent—war. Until there is a return to an era of confidence and good faith, so necessary to sincere collaboration of nations in peace, I do not see that it is worth while to elaborate the basic powers of an international enforcement agency.

Senator HUMPHREY. What you are saying here, Mr. Finch, as I understand it, is if you are going to have to rely upon an enforcement instrumentality, the enforcement agency will have to be so big and so powerful as to meet the strength of the adversary or the violator, and, therefore, you have got yourself a first-class war, anyhow.

Mr. FINCH. That is right; you are inviting war. You are promoting war instead of promoting peace as long as you have to negotiate with the people who only believe in force.

EFFECT OF ENFORCEMENT AGENCY ON THE POWERS AND FUNCTIONS OF INDIVIDUAL GOVERNMENTS

Concerning the extent that such powers might affect the powers and functions of individual national governments, again the answer would be influenced by the attitude of the contracting parties toward the observance of accepted standards of international law. Under no circumstances, however, do I think it would be desirable or practicable to endow an international enforcement agency with powers of inspection to the degree and extent described in staff study No. 4 of this subcommittee.

INSPECTION AMOUNTING TO ESPIONAGE DISAPPROVED

The powers there described would involve permission for hordes of aliens to swarm over the country and engage in what would otherwise be regarded as espionage. I am not in favor of legalized spying. I doubt that such a system would promote peace. As indicated in the staff study, it might be the cause of many irritations. Moreover, the tremendous opportunities it would open up to activities analogous to what are now prohibited under our espionage laws would probably offset any benefits of the security system of which such an inspection system might be a part.

INTERNATIONAL LEGAL MACHINERY COULD DEAL WITH VIOLATIONS

Finally, there would be no great difficulty in devising international legal machinery to deal with violations of an arms-control agreement among nations which abide by rules of law as a guide to their international conduct. The convention could provide for conferring jurisdiction upon the International Court of Justice in cases of actual or suspected violations, or a special tribunal could be set up for that purpose. Under the conditions of respect for law, already referred to, the force of public opinion could be relied upon to cause the acceptance of international court decisions. In the absence of those conditions, recourse to an international court would be impossible.

PROPOSAL TO REMOVE TOBACCO FROM PRICE-SUPPORT PROGRAM

Mr. COOPER. Mr. President, yesterday, the junior Senator from Oregon [Mr. NEUBERGER] introduced a bill to terminate the price-support program for tobacco. This bill would provide that "beginning with the 1959 crop, no price support, marketing quota, acreage allotment, or acreage-reserve program shall be effective with respect to tobacco."

The Senator's remarks to the press, and his statement on the floor of the Senate yesterday, indicate that he was prompted to introduce this bill by the July 12 statement of Surgeon General Leroy E. Burney, of the Public Health Service, regarding the statistical association between lung cancer and heavy and prolonged cigarette smoking.

As I stated on the floor of the Senate Monday, the Surgeon General himself has pointed out that further studies of this matter are necessary. I commented on the fact that there is no unanimous agreement among scientists and doctors as to the significance and meaning of the studies upon which the Surgeon General's statement depends. Furthermore, several other studies by eminent scientists and well-qualified research groups do not agree with the conclusions so widely publicized in recent weeks. In saying this, I emphasized my view that there should be full scientific inquiry and full information about cigarette smoking and its possible effects, but I added that the Senate is not competent to judge this matter. It should be left in the hands of people who know what they are doing and at least those, who have the scientific and professional qualifications to make a competent judgment.

It seems to me that this medical and scientific question—and it is such a question—is becoming a subject of irrational proposals in the Senate. Monday, the Senator from Utah [Mr. BENNETT] introduced a bill which very nearly went so far as to label every package of cigarettes "Poison," in effect asking that we legislate against the consumption of cigarettes on the basis of statistical reports not yet confirmed by medical research into possible cause-and-effect relationships. Yesterday, the Senator from Oregon, through a bill designed to destroy outright the farmers' tobacco program, in effect asks us to legislate out of existence the farmers' basis for the production of tobacco.

The Senator from Oregon has based his argument on his view that it is ridiculous for the Government to subsidize the growing of tobacco in view of the recent statement by Dr. Burney. I would like to point out to my colleague that tobacco is not subsidized by the Government. Alone among our different price-support operations for nonperishable farm commodities, the tobacco program has not resulted in burdensome Government-owned stocks. The Commodity Credit Corporation does not now own a pound of tobacco—and has not had a pound of cigarette tobacco in its inventory since World War II, when it helped supply our allies. CCC neither has to buy tobacco in the open market, nor under purchase agreements—nor has it been necessary for CCC to take title to any loan tobacco in recent years. This record is in striking contrast to that for all other "basic" commodities.

The Senator has further stated that the Department of Agriculture "spends millions of dollars to underwrite the growing" of tobacco, and that the Government is in the position of "spending taxpayers' dollars to support tobacco as a 'basic' farm product." The Senator is not informed in this matter. Our tobacco program has not cost the Government, or the taxpayers, money. On the contrary, the stable farm prices and balanced supplies which this program insures has resulted in operation of the total tobacco price-support program at a profit of some $10 million to the Treasury in the last 25 years.

In addition to the economical and effective operation of this program—made possible by the full cooperation of tobacco growers themselves—tobacco has brought immense revenues to local, State, and Federal Governments. The Federal excise tax alone on tobacco returned $1,639 million last year. States received $513 million from their own excise taxes, and municipalities received substantial sums. These annual receipts of over $2 billion in Federal and State revenues from the growers' efforts are about double the return to the growers themselves from the sale of their leaf. I do not cite these statistics as an argument for either the production of tobacco or the use of tobacco products, but simply to refute the statement that the Government spends taxpayers' dollars on tobacco.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. COOPER. Mr. President, I ask unanimous consent to continue for an additional minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. COOPER. I suggest to my colleagues that operation of a sound, effective, and outstandingly successful farm program—upon which three-quarters of a million farm families depend for their livelihood—should remain a separate and distinct matter from a statistical or a scientific investigation into some of the possible effects of the use of that product, and the effects of other possible agents which may have a bearing on these same health questions.

I have cited these facts merely to refute the statement of the junior Senator from Oregon that the Government is spending taxpayers' dollars in subsidizing the production of tobacco. What he is logically saying—and he ought to see it—is that he wants to prejudge, or have the Senate, prejudge the inquiry now being made into the effects of cigarette smoking on cancer. If he wishes to prejudge that inquiry, he ought to argue, that the Government should prohibit the production of tobacco, or prohibit its use.

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

Mr. COOPER. I have no belief that the Senator's bill would ever pass, but if it should, the result would be to destroy the tobacco farmers, while at the same time it would not have any effect whatever upon the use of tobacco, or on the question of its relation to cancer.

Mr. NEUBERGER. Mr. President, I ask unanimous consent that I may proceed for 3 minutes in reply to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. NEUBERGER. In the first place, I think it should be said that the Senator from Kentucky, with his characteristic courtesy and fairness, told me that he intended to make a brief discussion on the floor of the Senate today on this subject.

Let me say to him that I do not desire to prohibit the production of tobacco in his State or any other State. What I seek to do by the proposed legislation which I have introduced is to remove tobacco from the list of six so-called basic crops which qualify for preferential treatment and for Federal funds out of the Treasury.

It is true, as the Senator from Kentucky has said, that in recent years tobacco has not taken money from the Federal Treasury. Likewise, it is true that from fiscal year 1932 through fiscal year 1956, according to the information I have received from the Department of Agriculture, tobacco has qualified for price supports to the extent of $105,300,000. That is far less than the money which has been expended on many basic crops, but it is more, for example, than has been expended on such items as beef, apples, prunes, pears, cabbage, carrots, filberts, and other kinds of fruits and vegetables I could mention miscellaneously. Those items certainly contribute to nutrition.

My point, briefly and essentially, is this. The United States Public Health Service has stated, "Excessive smoking is one of the causative factors of lung cancer." In view of that statement by the governmental agency which is charged with protecting and safeguarding the health of the American people, I doubt if it is a wise governmental policy for tobacco to be singled out as 1 of the 6 crops in the whole United States which qualify for special governmental treatment, when that kind of treatment is not given to such commodities as eggs and meat and apples and oranges, which certainly contribute to nutrition, particularly to the nutrition of children. I submit it is not wise to have tobacco retained on the list of basic crops.

However, I wish to point out to my distinguished friend from Kentucky that I do not ask that the growing of tobacco be prohibited. I wish to have it placed on the same basis as many other crops—on the same basis, for example as many crops grown in my own State, such as strawberries, peas, cranberries, eggs, and other commodities, which contribute to the nutrition of our people—and that tobacco should be removed from among the basic crops.

PAPERWORK IN THE FOREST SERVICE AND BUREAU OF LAND MANAGEMENT IN CONNECTION WITH TIMBER SALES

Mr. MORSE. Mr. President, I desire to comment briefly upon a report the Comptroller General made for me at my request. The report covers the paperwork carried on by the Forest Service and Bureau of Land Management in connection with their timber sale business. I ask unanimous consent that the report be printed in the RECORD at this point in my remarks.

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

WASHINGTON, *July 11, 1957.*

Hon. WAYNE MORSE,
United States Senate.

DEAR SENATOR MORSE: Reference is made to your letter of December 12, 1956, and our letters of January 2 and May 17, 1957, relative to possible nonproductive timber sale paperwork in the Bureau of Land Management, Department of the Interior, and the Forest Service, Department of Agriculture.

We have reviewed the timber sale and appraisal procedures of BLM and Forest Service, with reference to the criticisms stated in your letter of December 12. In general, our review indicated that (1) appraisal reports and procedures used in the valuation of timber are necessary; (2) contracts for small sales are neither too long nor too complicated; (3) forms incident to timber sales serve to protect the Government's and the purchaser's interests; (4) timber sale plans generally are adequately publicized, with the exception that the Forest Service does not require preparation and distribution of such plans for all forests; and (5) cost and price data are available for use by interested parties. Our findings are presented in greater detail in the BLM and Forest Service timber sale paperwork study reports attached.

We appreciate the opportunity to assist you and trust that we have furnished the information desired.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

BUREAU OF LAND MANAGEMENT TIMBER SALE PAPERWORK STUDY

We audited the forest management activities of Bureau of Land Management in area 1, Portland, Oreg., for the fiscal year ended June 30, 1956, and a copy of our report was submitted to Senator MORSE's office with our letter of April 10, 1957. We did not make a complete audit of the Bureau of Land Management for the fiscal year 1957. To supplement our 1956 and prior years forest management reviews, we examined the timber sale and appraisal procedures of the Medford district forestry office, BLM, to ascertain the extent and purpose of the paperwork involved in such procedures. Our findings are summarized below.

APPRAISAL REPORTS

We performed a detailed review of the appraisal procedures. While these procedures are quite detailed, we believe the various economic and statistical analyses that are a part of the appraisal system are necessary. Appraisal procedures in connection with small sales are much less elaborate than those employed in large sales. The practices in use are, in our opinion, necessary for determining the price at which Government-owned timber should be sold. In view of the high value of stumpage it is necessary that the Bureau take all reasonable means to provide appraised values that are the best possible estimates of the market value of the stumpage. Competition may not be available or cannot be relied upon to compensate for a too-low appraisal. A significant amount of Bureau timber is sold at the appraised value. For example, during the period July 1, 1956, through March 31, 1957, there were 121 advertised timber sales in the revested Oregon & California Railroad Co. grant lands (O. & C.) and the reconveyed Coos Bay Wagon Road grant lands, and 45 of these sales with an appraised value of $2,134,287.65 were sold at the appraised price.

SMALL SALE CONTRACTS

Three types of short-form contracts are currently in use for small timber sales. Two of these (forms A1-95(A) and A1-95(B)) are used in connection with sales of timber on O. & C. lands and are restricted to sales involving 100 M b. m. (thousand board-feet) or less. Form A1-95(A) is used for bulk sales where the total amount payable is established based on cruise estimates of timber volume, and form A1-95(B) is used where the amount payable depends on volume scaled. The third contract (form 4-058) is used for sales involving public domain lands. All three contract forms have substantially similar provisions and often consist of two pages of provisions which appear standard to the industry. In addition, certain special clauses may be added when necessary to cover conditions of a particular sale. None of the contracts appear long or complicated.

Our experience in auditing BLM timber sales since fiscal year 1952 disclosed that timber-sale-contract forms have evolved through the years with modifications and additions being made as it became evident that certain clauses were not satisfactory. As problems have been encountered in administering certain phases of the contracts, pertinent portions have been changed to provide a more effective contract to protect the Government's interests.

FORMS EXECUTED BY TIMBER PURCHASERS

Our review disclosed that five forms was the maximum number which a timber purchaser might be required to fill out and sign. However, in most cases the purchaser is required to fill out and sign only three forms: (1) operation plan for timber sale contract, (2) fire prevention control plan, and (3) log scale report of timber removed. The operation plan and the log scale report of timber removed are 1-page forms on which the operator inserts the necessary information and his signature. The operation plan advises the Bureau when logging will begin, who will log the area, and who is authorized to represent the purchaser in slash disposal and other logging operations. The log scale report of timber removed is a statement of the actual volume harvested, by species and by log grades. Both of these forms are useful to the Bureau. The fire prevention control plan is a 2-page form on which the purchaser is asked to advise the Bureau of the details of his fire-control plan for the sale area.

Of the other two forms, the logging plan is called for only when the purchaser has a choice of logging methods and the method selected will affect reproduction. It provides for an indication by the purchaser of his loading sites and the location of spur roads on a sale area map. The remaining form, consisting of one page, is a report of road use fees paid. It is used when access to the sale area is covered by an arbitration-type right-of-way agreement and the purchaser is compelled to negotiate road-use fees with the road owner. The information received is necessary for recording road amortization.

In addition to the above forms certain basic forms such as the confirmation of oral bid, timber sale contract, and contract relinquishment form are prepared by the Bureau for the purchasers' signatures. Our review did not disclose any form which did not serve a useful and necessary purpose.

PUBLICIZING TIMBER SALE PLANS

For the past 7 years (1950-56 inclusive), the Bureau has published an advance sale plan for each calendar year. The 1957 sale plan of the Medford district office was circulated among the prospective timber purchasers shown on the district's timber sale mailing list of 113 individuals, 100 lumber companies, 3 Federal agencies, 17 newspapers and radio stations, 5 State and county offices, and 6 lumber associations. Prior to distribution, the 1957 plan was reviewed and approved by the Medford District Advisory Board and the State supervisor's office. The plan shows for each tract of timber to be sold the legal description of the sale area, approximate volume, green or salvage timber, and the quarter of the year in which it is to be sold. Interested parties are invited to obtain additional information regarding the sale plan, sales procedures, or individual tracts offered for sale from the Medford district office.

No instances were noted in our previous audits of a district failing to prepare and adequately publicize the annual sales plan.

AVAILABILITY AND SUITABILITY OF TIMBER APPRAISAL OPERATING COSTS AND PRICES

The initial timber sale notice contains summary data relative to the various tracts of timber to be offered for sale. It is sent to all parties on the timber sale mailing list and is publicized in appropriate newspapers. For persons wanting additional information, a supplement to timber sale notice is prepared and is available upon request. The supplement to timber sale notice contains the following statement:

"Additional information, including cost estimates and log values and copies of timber sale contract forms may be obtained by calling at the district forest office."

We have reviewed the data used in developing the costs entering into the appraised price of timber established by the economic timber appraisal report for selected contracts, and have found them suitable for the purposes intended. Related logging, transportation, and road construction costs used by the Medford district forestry office are set forth in a pamphlet issued by the BLM Oregon State office in December 1955, entitled "Logging, Transportation, and Road Coonstruction Costs Developed for Bureau of Land Management."

We were advised by Bureau officials that timber appraisals and basic data involved therein are available for public inspection except that the details of road construction estimates are regarded as confidential. With this exception, we believe that the operating cost and selling price data used by BLM are available to the public upon request.

FOREST SERVICE TIMBER SALE PAPERWORK STUDY

We have reviewed timber sale and appraisal procedures at the Service's regional office in Portland, Oreg., and at the Olympic and Fremont National Forests, in Oregon, to determine whether any nonproductive paperwork is required by the Service's procedures for sale administration and the extent of timber appraisal data available to prospective purchasers of national forest timber.

APPRAISAL REPORTS

Our review of timber appraisal procedures disclosed that the procedures are quite detailed, but we believe the various economic and statistical analyses that are a part of the appraisal system are necessary. In our fiscal year 1955–56 audit report on Forest Service operations in region 6, we commented on the need for more emphasis in accumulating and analyzing appraisal data to assure more accurate timber appraisals. Because of the present high value of timber, it is necessary that the Forest Service use all reasonable means to appraise national forest timber at fair market value. Competition cannot always be relied upon to compensate for a too low appraisal. A significant amount of national forest timber is sold at appraised value.

CONTRACTS USED FOR SMALL TIMBER SALES

Our review did not show that contracts used in small timber sales were too long and complicated. For sales of $300 or less a simple 1-page permit (form 202c) is used. A 2-page contract (form FS–202a) customarily is used for sales appraised at $2,000 or less. The first page of the contract contains the specific terms of the sale and the second page includes standard requirements and conditions.

Contract form 202 is used for timber sales appraised at more than $2,000 and is variable in length and complexity. As a general rule form 202 is used for all advertised sales which require a performance bond and/or road construction or reconstruction by the purchaser. Standard clauses in the contract were designed to protect the Government's interest, and we believe that none are extraneous. Insert sheets covering various sale conditions are incorporated into the contract as required. Space is also provided to include coverage of factors, peculiar to a particular sale, which are not considered in the standard insert sheets.

FORMS EXECUTED BY TIMBER PURCHASERS

In connection with all sales except the smallest sales, purchasers are required to execute or furnish data for eight forms. The forms are (1) Bid for Advertised Timber, (2) Timber Sale Contract, (3) Memorandum of Agreement (Scaling), (4) Logging Plan, (5) Timber Sale Fire Plan, (6) Nature of Log Brand Information, (7) Performance Bond, and (8) Truck Load Receipt Tickets. Forms listed as 1 through 5 are prepared by the Forest Service and, with the exception of the Bid for Advertised Timber, only the purchaser's signatures are required to complete them. To complete the bid form the purchaser is required to enter his bid price and sign. The sixth form, Nature of Log Brand Information, is prepared by the Service from information obtained from the purchaser, and the purchaser is not required to sign it. The remaining two forms are prepared and signed by the purchaser. The forms appear to be necessary for the proper administration of the sale.

PUBLICIZING TIMBER-SALE PLANS

There is no overall Forest Service procedure which requires timber-sale plans to be prepared and publicized in advance. Instructions provide that when there are a number of sale offerings to be made, it may be desirable early in the year to issue a general prospectus which will inform prospective bidders of the size and location of timber offerings planned for sale during the year. Such timber-sale plans may be prepared and publicized by each rational forest supervisor. In our review we noted that a combined 1957–58 timber-sale plan for the Olympic National Forest was prepared and widely circulated. The Fremont National Forest did not prepare a timber-sale plan to provide advance notice to potential purchasers. For administrative planning purposes 3- to 5-year sales plans are developed by the Service. Although a 5-year plan for the Fremont National Forest was not distributed to prospective purchasers or otherwise publicized, it was available for review upon request.

AVAILABILITY OF APPRAISAL OPERATING COSTS AND PRICES

On July 19, 1956, the regional office sent copies of regional average logging cost data used in timber appraisals to all operators who had furnished cost data for the compilation. This was the first year that such information was forwarded to operators, but in prior years it was available upon request. Selling price data for use in timber appraisals are obtained from the Pacific Northwest Loggers Association and the Western Pine Association. This data is also available to operators. The Forest Service annually compiles a schedule of advertised timber sales, available upon request, showing appraised price, bid price, and other data pertinent to the particular sale. In addition, the Service's report on advertised sales is available for public inspection. This report is prepared for each timber sale and shows by species the estimated volume, logging, and overhead costs, transportation costs, road construction and betterment costs, and milling costs allowed in the appraisal. The report also includes the advertised prices and the bid prices.

We believe that data relative to costs, appraised, and bid prices are available to interested persons. The Forest Service does not, however, reveal cost data submitted by individual operators for use in compiling regional average costs because this data is obtained with the understanding that it is confidential.

Mr. MORSE. Mr. President, the Forest Service sells $100 million worth of timber a year from the national forests, and the Bureau of Land Management sells about $25 million worth annually from the O. & C. and public-domain lands. A tremendous amount of this business originates in my State. Last fall as I traveled through Oregon, I devoted much of my time to personal discussions of their problems with Oregon people. When I talked to lumbermen, a number of them said that there was some nonproductive paperwork being carried on by the Forest Service and the Bureau of Land Management in making timber sales. I promised these people that I would look into the situation.

The Comptroller General finds that the paperwork now carried on is necessary to protect the Government interest. I hope that if people have specific examples that have been overlooked, they will let me know; but I must say that the present indications are that both these agencies have kept their paperwork to the bare minimum needed to conduct operations. I believe they deserve to be commended.

It is also my hope that the Forest Service will be prompt in taking the necessary steps to give wider publicity to their timber-sale program on all national forests. The Bureau of Land Management keeps its timber sale road construction estimates confidential. I hope that this practice will be revised so that the engineering detail, as distinct from the cost estimate, will be made available for each sale. I think each bidder needs to know all he can about the road construction requirements so he can bid intelligently.

I am asking the Forest Service and the Bureau of Land Management to advise me of the action they are taking on these two matters, and I shall insert their replies in the RECORD at a later date.

Mr. President, I now turn to another subject.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). The Senator from Oregon has the floor.

SHIELD FOR MISCHIEF

Mr. MORSE. Mr. President, I ask unanimous consent that there be inserted at this point in my remarks an editorial from the Wall Street Journal of Wednesday, July 17, 1957, entitled "Shield for Mischief."

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

SHIELD FOR MISCHIEF

Ten years ago Congress adopted the Armed Services Procurement Act which set up procedures for military spending designed to prevent waste and abuse of taxpayers' money. The act contained a provision for suspension of the required procedures whenever a President proclaimed a national emergency.

Among the provisions that could be suspended was the requirement that the armed services must publicly advertise for bids by all comers to fill its needs. In times of declared public danger negotiation with one or more firms was to be substituted for bids on the open market. The provision was a wise one, for in times of war or threat of

war, the Nation's great need for weapons should override considerations of cost where there is conflict between the two.

In 1950, President Truman declared a national emergency because of Korea and the Secretary of Defense substituted negotiation in armed services contracts for competitive bids, just as the law provided.

But, Chairman HÉBERT, of the Special Investigative Subcommittee of the House Armed Services Committee, points out in a recent report, "hostilities in Korea were terminated on July 27, 1953"—almost 4 years ago. And the military establishments are still negotiating instead of asking for bids because the Presidential proclamation of a national emergency on account of Korea has neither been modified nor revoked.

The result? Mr. HÉBERT's study shows that of nearly 3 million contracts concluded by the Army, Navy, and Air Force during the first 9 months of 1956 more than 92 percent were negotiated instead of awarded after competitive bidding. These contracts called for spending of $13.8 billion.

This negotiation took place, the subcommittee report shows, despite testimony on January 10, 1956, by the Deputy Assistant Secretary of Defense for Supply and Logistics that "we have no intention either of perpetuating the use of the authority beyond the time when it is no longer justified or of utilizing negotiation on a broader basis than the circumstances require." In the face of this promise, during 1956 more than $5 billion in contracts were awarded through negotiation on the "theory that the Korean hostilities still continued." Mr. HÉBERT called this "a clear, flagrant, and arrogant abuse of authority granted by Congress."

Negotiations also took rather unusual turns, Mr. HÉBERT disclosed. Part of the negotiation for 8 guided missile destroyers was conducted by telephone by the Navy; in 1 Army contract, "a potential saving of $1 million was thrown away" because somebody didn't ask the right questions during negotiations; the Air Force's Deputy Director of Procurement told the subcommittee he liked negotiation because it was an art where meaning may be conveyed by the blinking of an eye or the shading of a statement."

None of this, however, is the proper way to conduct the Nation's public business. And none of these cases, the Congressman made plain, had anything to do with secret weapons.

Further, the Comptroller General has no authority to scrutinize contracts—or the manner in which they are conducted or determined—under the national emergency suspension provision still in effect. "We have bureaucracy let loose without any agency of the Government exercising any control," Mr. HÉBERT said.

That, naturally, is the way the military would prefer to operate and has, in fact, operated under Democratic as well as Republican administrations. It is less burdensome to negotiate with 2 or 3 companies than to do business in the open market.

The subcommittee is well aware that there are circumstances when secrecy, because of national security, is necessary in contracting. And negotiation is sometimes the only method, for in certain types of military hardware it would be fruitless to advertise for competitive bids; only 1 or 2 firms are equipped to supply the needs.

But certainly it is neither necessary nor wise to negotiate more than 90 percent of the military buying. For, as Mr. HÉBERT's committee points out, a system where the general public is not privy to what is going on can easily become a shield for mischief.

Mr. MORSE. Mr. President, my colleagues on the other side of the aisle ought to read this editorial carefully.

It points out that although the hostilities that gave rise to authorization of negotiated contracts ended 4 years ago, the administration continues to abuse the Annual Services Procurement Act. It does so by its continued failure to revoke or modify the proclamation of a national emergency under which contracts are negotiated instead of bid for, even though that national emergency has passed.

Words are a poor substitute for deeds and this is another sample of the pledges broken by the Republican Party. It favored big business at the expense of other segments of our business economy. Through the negotiation of billions of dollars of military contracts, it has been able to reward firms it favors. It has violated one of the basic principles of our form of government. It likes to negotiate contracts, because, as an administration witness testified, it is an art whereby meaning may be conveyed by blinking an eye or the shading of a statement.

This practice should cease. It is long past time that the administration returned to the policy Congress laid down for peacetime military procurement when it passed the Armed Services Procurement Act.

THE DOMESTIC LEAD-ZINC INDUSTRY

Mr. WATKINS. Mr. President, some people have been under the misapprehension that efforts to succor the domestic lead-zinc industry—which is slowly being strangled by foreign dumping of those metals on the American market—is of purely western concern.

An article which appeared in the Wall Street Journal of July 16 plainly shows that such is not the case. This article deals with the curtailment of 2,500 tons of production a month at zinc refineries of the New Jersey Zinc Co. in Palmerton, Pa., and Depue, Ill.

Furthermore, the article provides the following diagnosis of the cause of the economic malady at the Midwest and eastern zinc plants:

The company stated the cuts have been forced by a heavy oversupply of zinc in the United States due to an uncontrolled flood of foreign imports. "The excessive imports have driven the price down from 13½ cents to 10 cents a pound within the past 60 days," company officials said.

"There can be no improvement in the situation, and further production curtailments in the zinc mining and smelting industry are bound to occur unless the United States Government adopts some means of controlling the exploitation of the domestic market by the foreign producers," New Jersey Zinc declared.

These New Jersey sentiments reflect those uttered by me on this floor in recent weeks and dating back several years. It is the only conclusion one can reach if he seriously contemplates what can be done to save this vital domestic mining industry.

Fortunately, a proposal to take remedial action is now before Congress. It is the administration's long-range minerals program, which includes a specific remedy for lead-zinc in the form of a proposed import tax to be applied when foreign importations depress domestic minerals prices below a minimum survival level. This overall program has received widespread support from the mining industry and labor organizations and from Members of the Congress in both parties.

Hearings have been scheduled by the House Ways and Means Committee on August 1 and 2, and preliminary hearings will be held by the Senate Finance Committee on July 22, through the considerate cooperation of Chairman BYRD and members of the Finance Committee.

I hereby request unanimous consent to have printed in the RECORD at this point the Wall Street Journal article of July 16 on the New Jersey Zinc curtailment.

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

NEW JERSEY ZINC CUTS OUTPUT AT 2 PLANTS
2,500 TONS A MONTH—COMPANY ATTRIBUTES REDUCTION TO OVERSUPPLY IN UNITED STATES DUE TO EXCESSIVE IMPORTS

NEW YORK.—New Jersey Zinc Co. joined the growing list of big domestic miners and processors of zinc that have been forced to reduce output. The company announced it is curtailing refined zinc production by a total of 2,500 tons a month at its Palmerton, Pa., and Depue, Ill., zinc plants.

The company stated the cuts have been forced by a heavy oversupply of zinc in the United States due to an uncontrolled flood of foreign imports. "The excessive imports have driven the price down from 13½ cents to 10 cents a pound within the past 60 days," company officials said.

"There can be no improvement in the situation, and further production curtailments in the zinc mining and smelting industry are bound to occur unless the United States Government adopts some means of controlling the exploitation of the domestic market by foreign producers," New Jersey Zinc declared.

Other recent cutbacks in refined zinc production include a 2,700-ton-a-month slash by American Smelting & Refining Co. at its Corpus Christi, Tex., plant, and cuts totaling 1,500 tons a month made by American Zinc, Lead & Smelting Co., at its Dumas, Tex., and Fort Smith, Ark., smelting plants.

American Smelting & Refining Co. also has closed 3 zinc mines in the United States having production of 3,000 tons a month.

A strike has closed Eagle-Picher Co.'s Henryetta, Okla., zinc smelter, which industry sources say is capable of turning out 3,000 tons of slab zinc monthly. A strike also has closed the Austinville, Va., zinc mine of New Jersey Zinc Co., which had been producing at the rate of 3,650 tons of zinc and lead concentrates a month, mostly zinc concentrates. Such concentrates usually run 55 to 60 percent of zinc content.

Figures compiled by the American Bureau of Metal Statistics show that 1957 zinc imports have been running ahead of a year ago. For the first 4 months this year imports of zinc, including zinc in ore and concentrates, and refined zinc, have averaged 89,001 tons a month. Of this, refined zinc imports averaged 26,144 tons. This compared with 1956 full-year total average monthly imports of 64,230 tons, of which refined zinc imports averaged 20,414 tons a month.

Mr. WATKINS. Mr. President, to show that this problem is not exclusively eastern or midwestern in nature, I also request unanimous consent to have printed in the RECORD a short article from the Salt Lake Tribune of July 11. This article shows that mineowners in Idaho are in the throes of pessimism because of depressed minerals prices.

Mining firms and minerals processors throughout the country will benefit by an improved outlook and morale if the Congress acts speedily on the first long-range minerals policy legislation ever presented to the Congress with approval by the executive branch and bipartisan support in the Congress.

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

IDAHO MINEOWNERS IN THROES OF PESSIMISM

BOISE, IDAHO.—State Mines Inspector George McDowell Wednesday expressed great concern about the future of Idaho mining after noting pessimism of operators on his recent 3-week tour of the Gem State's mines.

"Many of them told me flatly that if prices don't improve they'll cease their operations," he declared.

Adding emphasis to his report was an announcement from the Triumph Mine at Hailey that it would close down and lay off 50 to 60 workers Friday.

TRUCKERS' STUDY TO IMPROVE DRIVING STANDARDS

Mr. WATKINS. Mr. President, virtually every holiday "morning-after" the newspapers and other mediums tell us of the scores and even hundreds killed, crippled, or injured in highway traffic tragedies.

Provision of superhighways, as intended in the national program that the Congress adopted last year, is of course a vital step toward traffic safety. However, it seems to me and to many in my State that we must constantly work to improve another factor—the human factor, if we are to reduce death on our highways.

In Utah the Deseret News, one of our leading newspapers which is published in Salt Lake City and widely distributed throughout the intermountain country, has editorially noted that the trucking industry has done much good work to instill and promote conditions favoring highway safety.

Recently it suggested to the American Trucking Association that the trucking industry might perform a worthy public service through a concerted effort to develop practical tests of a driver's mental and psychological fitness to drive.

This editorial, as the editors observed, "has stimulated considerable response" and resulted in at least two thoughtful reports by men deeply concerned with trucking and highway safety. These indicate just what can be done—and I might say—what is being done by certain truckers to improve safety.

These findings I believe all Members of Congress should have easily available. I hereby request unanimous consent to include as a part of my remarks the Deseret News editorial plus two complementary reports which appear with it.

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

[From the Salt Lake City Deseret News of July 11, 1957]

HOW TRUCKERS CAN SAVE LIVES

A month ago, the Deseret News published an editorial commending the American Trucking Association for its traffic safety drive but challenging it to go much further. The trucking industry's vested interest in safety, its training and equipment, and its opportunity to watch the records of its drivers, it seemed to us, equip it to do the public a great service.

We suggested that the industry make a concerted effort to develop practical tests of a man's mental and psychological fitness to drive. We suggested these tests be themselves tested by years of trucking experience on the highways, and that then they be made available in simplified form, to State licensing agencies.

There are two vital areas of protection. One is strict discipline on the highway. This demands tough enforcement. It demands heavier fines, more jail sentences, more revocation of drivers' licenses, and maybe even, someday, the impounding of cars of those who use them criminally. The other area of protection that may someday become as important involves protecting the public ahead of time, before the accident, from those whose attitudes make them unfit to drive. And bad attitude, it must be reemphasized, kills more highway victims than all other causes combined.

Well, that editorial has stimulated considerable response. Two thoughtful reports are printed on this page, by men deeply involved in trucking and highway safety.

Essentially, these reports make two main points. One is that the kind of tests we suggested are being carried out by at least one major company, and that they work. Consolidated Freightway's remarkable improvement in safety since it started its driver selection program—despite the increased risk of more cars on the highway—is excellent evidence of that fact.

The other point, made by Darrell Welling, manager of the Utah Motor Transport Association, is not so encouraging. It is that the resources of the trucking industry have been offered to the public before and have not been accepted.

In 1948 a complete driver-testing laboratory (not, however, including psychological testing, as far as we can determine) was developed by trucking, tire, and gasoline industries and offered to the State. No response. The public is not willing to accept such rigid standards, Mr. Welling concludes.

Obviously, that conclusion was correct in 1948. It may still be correct today. But it seems to us that the public is vastly more aware of highway danger than it used to be, and far more determined to protect itself. Per-mile accident rates continue to go down, but the increasing number of cars on the highway means that every time a man gets into his car he has less chance of leaving it alive than he did the last time.

Caught in this frightening box, the public is simply going to have to take protective measures. Steadily tougher law enforcement, both on the highways and in the courts, is one way that must be followed. Tougher policies of revoking licenses of dangerous drivers is another. And still another may be the approach emphasized by these two trucking officials.

We believe the public is ready to accept the challenge in the last paragraph of Mr. Welling's letter.

[From the Salt Lake City Deseret News of July 11, 1957]

CAN TRUCKERS SAVE LIVES?—SHOULD WE HAVE PSYCHOPHYSICAL TESTS?

Periodically people enjoy a pat on the back for the effort they expend in doing their jobs.

It has been quite some time since we took the opportunity to express our appreciation for the editorial policy of the News and the outstanding job being done in practically all phases. The editorial on June 10 which prompts this letter, entitled "The Truckers Could Save Lives," is no exception and apparently we have been dilatory in keeping you informed of all our activities. For this we must apologize.

The American Trucking Association, Inc. is made up of 48 associations and 13 conferences representing the material devices in the industry such as:

1. Common carriers of general commodities.
2. Household goods carriers.
3. Petroleum carriers, etc.

In 1948 the Utah Motor Transportation Association, through the cooperation of the Ford dealers in the State of Utah, the Firestone Tire dealers, Fruehauf Trailer Co., and Utah Oil, equipped a semitrailer with a complete driver-testing laboratory which included the following tests:

Visual acuity, field of vision, depth perception, glare resistance and recovery, color recognition, reaction time, night vision.

During the months of March, April, and May in 1948, this laboratory was scheduled in every city in the State where a high school was located. All of the citizens and students were invited to take the battery of tests without charge, simply to determine their driving limitations.

After the tour was completed, the equipment was offered to the State of Utah, and we encouraged its inclusion in the driver license tests.

Like virtue, it was commended by everyone, but there were a number of reasons given why the State could not incorporate the psychophysical test in their driver license program.

The tests were continued a number of years by the association until practically all major companies secured sets of testing equipment and incorporated it to their own driver selection program.

We are sure you recall that the Interstate Commerce Commission requires a physical examination for commercial vehicle drivers operating in interstate commerce, which is comparable to the physical required by the Civil Aeronautics Board. This examination is required every 3 years.

A number of high schools in the city have availed themselves of the offer made by the General Petroleum Corp., and have complete sets of psychophysical sets of testing equipment which have been included in their driver selection program.

The California Motor Trucking Association is one of the leaders in this field, having included the ICC physical examination requirements with their own psychophysical and mental tests, which are all given by a staff of physicians employed for this service.

Because of years of experience, the motor transport industry could provide a scientific set of physical and psychophysical tests which would undoubtedly save tens of thousands of lives each year if adopted by the States. This information and this service have been available for a number of years, but the public is not willing to accept the rigid requirements imposed on the commercial vehicle drivers.

As a glaring example, we are told that 600 persons receiving compensation for the blind in one of our good States had valid driver licenses and were operating their vehicle every day.

If the Deseret News can carry on a crusade to tie the bell on the cat, we will be happy to provide it with all of the scientific developments of the industry and its allied members.

L. D. WELLING,
Manager, Utah Motor Transport Association.

[From the Salt Lake City Deseret News of July 11, 1957]

HOW TRUCKERS WORK FOR SAFE DRIVING

Consolidated Freightways, Inc., has, for the last 8 years, made an earnest attempt to select safe drivers, using psychological tests

as a part of the selection process. Using accident records and job performance as criteria, a battery of three tests were standardized to discriminate safe from unsafe drivers.

Characteristics which are sought by the tests include mental alertness, aggressiveness, interest in social service activities, general sympathetic attitudes, lack of neuroses, etc.

For scores on the tests which are characteristic of those who have accidents, a penalty score is assessed. At the point at which the total penalty scores indicate that the applicant would be a poor risk as a driver, his profile recommends against hiring.

Of course, the testing is only one phase of a more thorough selection process which includes several interviews, checking of references and accident records, vision, physical fitness, and student road driving under the watchful eye of a senior driver.

Does it work? Many factors contribute to safety; driver safety meetings, improved equipment, better roads, and so forth. However, selection of safe drivers is probably one of the most important factors.

In 1949 when the tests were installed the accident frequency was 1.39 accidents per 100,000 miles. The following table shows frequencies since that time.

	Frequency per 100,000 miles
1949	1.39
1950	1.02
1951	1.12
1952	.93
1953	.68
1954	.56
1955	.52
1956	.51

We feel that we can eliminate all accidents which are preventable. By constantly improving selection procedures, we hope to reduce our accident frequency further. During the coming year we hope to study the effectiveness of the tests which we are currently using and make improvements which will increase our chances of hiring safe drivers.

The three tests which we are now using are: The Otis employment test, the Kuder vocational preference record, and the Johnson temperament analysis.

Total of 20 scores are derived from these three instruments, and actual experience has shown that many of these are related to highway safety.

During the years 1948 to 1955, the United States Army, through the Adjutant General's Office studied a number of skill tests to assist the Army in the selection of safer drivers. A part of the work in developing these tests was done at Iowa State College. We are currently reviewing these combined efforts to see what contribution this research could make to our search for the safer, professional over-the-road drivers.

C. R. CHRISTENSEN,
Executive President,
Consolidated Freightways.

CHIEF JUSTICE WARREN

Mr. DOUGLAS. Mr. President, yesterday I took the floor to defend the great Chief Justice of the United States, Earl Warren, who really does not need any defense. Today I should like to ask unanimous consent that a radio news broadcast by Eric Sevareid, of July 16, 1957, be printed in the RECORD at this point in my remarks.

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

Good evening. The course of the Washington news reinforces the frequently expressed observation here that not since the early Roosevelt days has the Supreme Court of the United States been the center of controversy that it is today; in those days attacks on the Court came chiefly from the executive branch, culminating in Roosevelt's misfiring attempt to enlarge the court. Today the principal attacks are coming from the legislative branch.

Yesterday, speakers in New York told the American Bar Association that while the High Court should by no means be regarded as immune from criticism, intemperate criticisms should be viewed with the greatest caution. Today, the United States Senate heard an attack on the Court by Democratic Senator BYRD, of Virginia, normally a soft-spoken man, who personalized his criticisms and called Chief Justice Warren, I quote, "the modern Thaddeus Stevens." Stevens was the Pennsylvania Congressman who did more than any other man to fasten the punitive reconstruction laws upon the Southern States following the Civil War.

For several reasons it is natural that Warren is the personal lightning rod of recent storms over the Court; southerners are mindful that it was he who wrote the Court's opinion in the school segregation case 3 years ago; conservatives generally are mindful that it was he who wrote the opinion in the recent Watkins case intervening on the side of witnesses in Congressional investigations. Warren is Chief Justice, but in the old phrase he is only primus inter pares, first among equals; 1 of 9 Justices with the same voting powers; and in the school case he spoke for a unanimous Court; in the Watkins case for a Court with only one dissenter.

In the climate of this period it may be natural that the High Court should be popularly labeled the "Warren Court." But all close observers of the Supreme Court would agree that any popular impression of one Justice dominating the Court is a false impression. The Court does not work that way; rarely, if ever, has.

But the course of recent events has produced a public spotlight on this one man, of an intensity not suffered or enjoyed by any single Justice for a good many years; it is, in a sense, political controversy that laps around him but it is not partisan controversy. That is, approval and disapproval of his actions are not cast along party lines; rather, along geographical and philosophical lines. Warren, himself, even in his political life, occupied an unusually unpartisan niche, in spite of his Republican affiliation and his vice presidential nomination by that party. No elected official can ever be above politics, but as California's Governor, Warren did manage to draw immense popular support from the opposition party as well as from his own.

To enter the High Court means a complete break, even intellectually, with partisanship or at least the most rigorous, self-examining attempt to so break; Warren's resolve to do so is regarded by many here as a most conspicuous example; illustrated, perhaps, no more clearly than by his journey to Missouri 10 days ago to speak the highest public praise of Harry Truman, whom he had fought hard against in the 1948 presidential campaign. The Truman admirers gathered in Independence were not only pleased; they were rather awed.

Warren had more than the normal share of trouble in divorcing himself from politics; politicians, and the press, wouldn't quite let him go; when Mr. Eisenhower first fell ill, public pressures immediately started up, with a view to returning the Chief Justice to the political field. Even his public disavowal failed to stem the speculation; by this he was deeply disturbed, feeling that his word was doubted, fearing for his relations with the other Justices. Very shortly any fears they may have had that he would use the Court as a political steppingstone were resolved. Not by the President's recovery; but by their belief in Warren's integrity. One of them said to this reporter at the time, "You may safely wager your life that this man would refuse even a convention draft." Such is the nature of the man now silently bearing the brunt of Congressional attack.

This is Eric Sevareid in Washington.

FEDERAL TIMBER RULEMAKING SHOULD BE PROPERLY PUBLICIZED

Mr. NEUBERGER. Mr. President, last year the Senate Interior and Insular Affairs Committee called upon the Departments of Agriculture and Interior to review their policy of setting aside Federal timber so that only companies in a certain geographic area could bid upon it.

The Department of Interior, in pursuance of our request, made a further study, held a public hearing, published a proposal to change its rules in the Federal Register, and, receiving few or no objections, abolished marketing areas in Oregon.

When the Bureau of Land Management had completed its study, it did not release it to the public; but a series of fortuitous events forced the release of this report. The interested parties were then able to get all the information they were entitled to on this vital policy issue.

The Department of Agriculture also conducted a study of its own on its situation, and on May 29 submitted a report to the Senator from Montana [Mr. MURRAY]. He wisely placed this report in the CONGRESSIONAL RECORD on July 3 when he introduced S. 2466, a bill to repeal the authority contained in the act of May 29, 1944. This act contains the authority for the Secretary to restrict the sale of timber to parties he may designate.

On May 29, the Department of Agriculture, in effect, advised the chairman of the Senate Interior and Insular Affairs Committee that it did not plan to create any more of these units which would grant timber to mills in selected areas or to selected companies. If the chairman had not put the report in the CONGRESSIONAL RECORD, very few persons would have been aware of this policy change.

The Department of Agriculture published in the Federal Register for July 16, 1957, new regulations regarding its policy. When I saw these, I called upon a committee staff member to find out what these regulations will do. I was surprised to discover that the Department was putting its new policy into effect without first publishing a notice of intent to change the regulations. I was further amazed to discover that these regulations announce a new policy by the technique of omission.

Nowhere in the new regulations or in the notice can one gather that there is a significant change in policy. Just a short statement at the outset would advise interested persons that the regulations are being amended to reflect a policy that no longer will there be established either Federal units, which grant national forest timber to selected communities, or cooperative agreements,

which grant national forest timber to a single company.

The people are entitled to a short summary statement of the policy impact of proposed regulations. It should not be necessary to go down through them line by line, to see whether a few word changes have been made or whether whole sections have been eliminated.

I do not want to infer that I do not approve of the policy decision to create these units no longer, but I do not approve of the procedure used to adopt this new policy.

Just following this new regulation in the Federal Register, the Department of Agriculture has a huge section on milk marketing, entitled "Proposed Rulemaking." I think that could have been done in this case. Just preceding this, the Civil Aeronautics Board published rules and gave a short summary of the important substantive changes. I think this, too, should be done.

It is my firm belief that in our democratic Government we must be always alert to keeping the people advised and informed. I am not a lawyer, and I do not discuss this situation from the standpoint of a lawyer. I do firmly believe that the people are entitled to know that a Federal policy is to be changed. They have a right to express their views, and they have a right to know just how a regulation has been changed.

The Forest Service has a wonderful record in resource administration, and I do not make these statements to criticize them in any way. They have done a good job of informing the people on forestry matters, and I commend them for it. However, I think there is room for improvement in the way Forest Service policy is announced.

To emphasize this point, I wish to restate the recommendation made by the House Government Operations Committee and the Senate Interior and Insular Affairs Committee in their joint report on Federal timber sales policies:

> Consideration should be given to providing for wider publication of rules, regulations and decisions affecting the users of public lands. In particular, full use should be made of the Federal Register and the Code of Federal Regulations instead of reliance solely upon manuals and memorandums designed primarily for internal use.

In making this recommendation, the committees called for full use of the Federal Register. My definition of full use is that notice of proposed rulemaking will be given, the announcement of a proposed change will include a brief statement of the policy change, and the final regulation adopted will not only state this again, but any variation from the proposed change.

I again commend the agencies for the speed with which they are acting on the 64 separate recommendations these committees made. I want to urge the early adoption of our recommendations on adequately informing the public.

EFFORTS OF THE PRESIDENT TO EASE INTERNATIONAL TENSION

Mr. CASE of South Dakota. Mr. President, yesterday, at a press conference, the President is reported to have said that he thought a meeting between the Defense Minister of Russia, Marshal Zhukov, and the Secretary of Defense of the United States, Mr. Charles Wilson, would be helpful. I think that statement is characteristic of the constant concern of the President in the effort to seek to find ways to alleviate international tension.

I can state, as a matter of personal knowledge, that the President's belief that one can talk to Marshal Zhukov on a man-to-man basis is not an idea that has been arrived at lately by him. In the month of September 1945, I was a member of the House of Representatives Appropriations Subcommittee dealing with the War Department. We were visiting with General Eisenhower in Frankfurt, Germany. In fact, that was the first time I had ever met General Eisenhower personally.

I have recalled on many occasions some of the experiences General Eisenhower at that time related to us of his dealing with the Russian commanders, and particularly Marshal Zhukov. I know at that time he regarded Marshal Zhukov as a person who found it difficult to understand some of our political philosophies and beliefs in this country, but the general regarded him as a man of truthfulness. So I can understand why the President should have made the observations he made yesterday. I applaud the observations of the President, and express the hope they may be another step leading in the direction of the easing of international tensions and improvement in the world situation.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there further morning business?

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CIVIL RIGHTS BILL

Mr. RUSSELL. Mr. President, on July 2, in the Senate, I undertook to analyze H. R. 6127, the so-called civil-rights bill, and my remarks were the result of many hours of personal study. I would certainly never seek to deceive the Senate on any point, and that is particularly true of a legal proposition, because Senators are too intelligent to be deceived, and I have some little pride in my reputation as a lawyer.

In the course of my discussion, Mr. President, I pointed out that this was labeled a right-to-vote bill, whereas part IV, which dealt with voting rights, was the most moderate of the four parts of the bill.

I stated part III of the bill was an unlimited grant of power to the Attorney General of the United States to govern by injunction and Federal bayonet.

I further stated that this bill was cunningly tied in to one of the old reconstruction statutes by number, and that it could enable the use of the Army, Navy, and militia to destroy the system of separation of the races in Southern States at the point of a bayonet, if it should be deemed necessary to take such a step.

Mr. President, I was somewhat discomfited by the initial reaction to my speech. On the day following, it was greeted with considerable ridicule and denunciation. I was lampooned and cartooned, and charged with making extreme and unfounded statements, as one editorial said "because of a sense of frustration."

I must say, Mr. President, that since that time a study has been made of this bill by the more responsible members of the fourth estate, and by lawyers in the Senate and throughout the country, and the study has completely confirmed every statement I made as to the scope and purport of part III of the bill.

I pay tribute to the fairness of the more responsible press, including some parts of it which are most militant in championship of so-called civil-rights legislation, for their fairness in informing the American people of the truth as to the powers contained in this nefarious part of the bill.

Yesterday the distinguished minority leader, the Senator from California [Mr. KNOWLAND], and the Senator from Minnesota [Mr. HUMPHREY], offered an amendment to repeal the reconstruction statutes tied into part III, under which the use of the military might of the United States would have been authorized to enforce the commingling of the races. I am grateful to those two Senators, Mr. President, for their willingness to repeal the law which would authorize the use of tanks, cannon, machine-guns, and bayonets to destroy the only way of life the southern people have ever known, and do it at a time and in the manner determined by one American official, the Attorney General of the United States.

Let me say, Mr. President, that the amendment of the Senator from California and the Senator from Minnesota does assure that there shall not be immediately a military occupation of areas in the Southern States or a re-reconstruction of the South by military rule. But this amendment does not go to the great vices which are contained in part III of the bill. It does not in any way eliminate the sweeping and un-American grant of power to an appointed official to govern by injunction. It does not eliminate the provisions of part III which would strike down our system of Government by law and institute Government by men. It does not in anywise limit the power which would be conferred on the Attorney General to place his own construction on what is a civil right, in one of the broadest fields of jurisprudence, or to determine to his own satisfaction where the rights of one citizen may end without eliminating the rights of other citizens.

Nor, Mr. President, does the amendment in anywise preclude the harsh use of Federal power to intrude the Government into the rights of the States and into the lives of our citizens. Even with the amendment, part III would authorize the Attorney General, according to his

whim or fancy, to use every might of the Federal Government, except the bayonet, to destroy the system of separation of the races in the Southern States, in schools, and in all public places of entertainment operating under State license.

The amendment does not remove the objection that this is a force bill—a force bill of the rawest kind. It does not in anywise mitigate the political aspects of the measure. It does not take note, Mr. President, of the very significant fact that when the Attorney General originally proposed civil-rights legislation to the Congress he asked only that the Commission and the Congress study an application of the vast powers that would be granted in part III of the bill before the study can begin.

We have completely refuted the statement that this bill was only a right-to-vote bill as it had first been represented to the American people.

I conclude by saying, Mr. President, that if the civil-rights bill should be enacted into law with this single amendment to part III, and without eliminating the vicious proposal in its entirety, such a law would work irreparable injury to both the white and Negro citizens of the Southern States, and its enactment would be a national calamity.

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

Mr. RUSSELL. I yield to the Senator from Vermont.

Mr. AIKEN. I wonder if the Senator a few years ago heard that song, I Am a Lonely Little Petunia in an Onion Patch?

Mr. RUSSELL. Mr. President, the ability to sing is not one of whatever modest accomplishments I may have. I do not believe I recall that particular song.

Mr. AIKEN. It is a very catchy little song, I Am a Lonely Little Petunia in an Onion Patch.

The amendment proposed by the Senator from California [Mr. KNOWLAND] and the Senator from Minnesota [Mr. HUMPHREY] simply undertakes to transplant a petunia in an onion patch, or, if we interpret part III correctly, a patch of poison ivy.

The amendment offered by the Senator from California and the Senator from Minnesota states, in effect, "We are for democracy, the flag, and the country." Who can vote against democracy, the flag, and the country? So they propose to plant their amendment in part III of the bill, which goes a long way toward taking away from the American people the protection offered by democracy, the flag, and the country.

Mr. RUSSELL. I appreciate the apt illustration of the Senator from Vermont.

Mr. AIKEN. I wonder how far political maneuvering can go.

Mr. RUSSELL. I may say that I have not yet abandoned hope that both authors of the "petunia amendment" will undertake to assist in extirpating the poison ivy from the bill.

Mr. AIKEN. The Senator from Georgia should familiarize himself with that song, I Am a Lonely Little Petunia in an Onion Patch, and he will understand to what I am referring.

Mr. RUSSELL. I understand the Senator's illustration.

Mr. HUMPHREY and Mr. CASE of South Dakota addressed the Chair.

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

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, an article written by Lyle C. Wilson, published yesterday in the Washington Daily News, entitled "Who Drafted Hidden Gobbledygook in Rights Bill?"

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

WHO DRAFTED HIDDEN GOBBLEDYGOOK IN RIGHTS BILL?

(By Lyle C. Wilson)

It would be a fair question to ask Attorney General Herbert Brownell, Jr., who in his Department drafted the administration's civil-rights bill and, also, the names of any outsiders who helped on the job.

With the authors identified, it would be reasonable to ask them about the legislative gobbledygook in part III of the bill. Part III authorizes the use of the land and naval forces of the United States and the militia to enforce civil rights for Negroes in Southern communities.

About all that is known by the authorship of the bill is that it was drafted in the Department of Justice or, at least, was made available to the House and the Senate by that Department. Intentionally or not, the bill's authors chose a tricky and devious method of empowering the President to use troops in the South to enforce such rights as integrated schools.

It would be fair to ask the bill's authors whether they sought to bury out of sight the provision for the use of troops. Their method was roundabout but effective. Back there in reconstruction days, roughly 1866 to 1871, Congress imposed some heavy-handed legislation on the South and backed it up with the Armed Forces of the United States.

One of those reconstruction bills with a legislative history spanning from July 31, 1861, to April 20, 1871, is identified now in the United States Code as Act No. 1985. Part III of the civil-rights bill pending now before the Senate actually is an amendment of that reconstruction time Act No. 1985.

This act, in turn, depends for its enforcement on still another reconstruction force bill now identified as Act No. 1993, enacted first in 1866 and amended in 1871. The authority for the use of troops to enforce a miscellany of civil rights is well disguised.

From line 12, page 9 of the administration bill it is necessary to pursue the hidden meaning all the way back to 1866–71 before the reader encounters this language:

"It shall be lawful for the President of the United States, or such persons as he may empower for that purpose, to employ such part of the land and naval forces of the United States, or of the militia, as may be necessary to aid in the execution of the judicial process."

It would be fair to question the authors about another interesting point. Why was this great enforcement power by land and sea forces provided for the miscellany of civil rights and not provided to enforce the greatest right of all—the right to vote?

The Senate bypassed its Judiciary Committee in bringing the bill to the floor. If the bill had been referred to that committee, Senator RICHARD B. RUSSELL, Democrat, of Georgia, could have sought the presence of the bill's authors as witnesses, and such questions as are suggested here undoubtedly would have been asked. Senator RUSSELL doesn't like any part of the bill. He especially objects to what he regards as deceit and doubletalk in its presentation.

"The purpose of this bill," he told the Senate, "was to tie the whole proposition into a law authorizing the use of troops to integrate southern schools and not for the purpose of assuring the right of any citizen of this country to vote."

Another fair question to the authors and assistant authors would be: Was that the purpose?

Mr. HUMPHREY. Mr. President, I appreciate these oratorical and horticultural explanations of the amendment offered as of yesterday. I only wish to say that the amendment was offered in good faith. The amendment was offered for a very sincere and worthy purpose.

It is the belief of those of us who offered the amendment—and I speak in this instance for myself and the Senator from California [Mr. KNOWLAND], the main authors—that provisions relating to the use of military force had no place in the bill, and therefore ought to be eliminated.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. HUMPHREY. Not at the moment.

Mr. President, part III of this bill will be discussed in considerable detail today and tomorrow and until we vote upon it. I only wish to make this observation: Part III of the bill relates to the citizenship of the people of the United States. There is a dual citizenship in this country. Each and every citizen of the United States is also a citizen of his State; and each and every citizen of a State is a citizen of the United States. The 14th amendment clearly recognizes what we refer to as the duality of citizenship. Just as there are public defenders of citizenship rights in the States, so there are public defenders of citizenship rights with respect to national citizenship. The 14th amendment makes that quite clear. It provides as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

That is fundamental law. This is a constitutional amendment. The right to equal protection of the laws is a right worthy of the protection of the sovereign power of the Government of the United States.

I also suggest that part III of the bill refers to some of the decisions made by the highest Court of the land, including the Supreme Court decision relating to schools and school integration, the Supreme Court decision relating to elimination of segregation in interstate transportation, and other decisions. They are laws, just as much as though they were enacted by Congress, because they are the law of the Constitution, which is the supreme law of the land, applied by the instrumentality of government which

is provided for in the Constitution to interpret and apply constitutional provisions.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HUMPHREY. Later we shall discuss this question in considerable detail. I make no apologies for the amendment which was submitted yesterday. There was no politicking in connection with it. It was offered from the heart, and not from the hip pocket. It was offered in sincerity, and it was offered for a worthy purpose.

I conclude by making this observation——

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

Mr. HUMPHREY. Of course I yield to the minority leader.

Mr. KNOWLAND. Mr. President, I send to the desk the amendment which was submitted yesterday on behalf of the distinguished Senator from Minnesota and myself, and ask that it be read for the information of the Senate, and be called up as the pending amendment. I understand that it would take precedence over the amendment of the Senator from New Mexico.

The PRESIDING OFFICER. The unfinished business has not yet been laid before the Senate.

Mr. KNOWLAND. As soon as the unfinished business is laid before the Senate, I shall offer the amendment.

Mr. CASE of South Dakota. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. I merely wish to observe that, so far as I can see, both the opponents of part III and those who defend it should be in favor of this amendment. I see no reason why the amendment submitted by the distinguished minority leader and the Senator from Minnesota should not be agreed to.

Mr. HUMPHREY. I hope that will be the case. I suppose it will be.

I conclude on this note: I have noticed upon a number of occasions that Senators have spoken about the way of life in the South or in other parts of America. Certain Senators say that part III is directed at the way of life of the people in the South. I ask, What people? There are white people; there are colored people; there are Mexican-Americans, and all kinds of people. I think it is wrong to presume that only one group is involved in the right to equal protection of the laws. Equal protection of the laws refers to a person in America who is a naturalized citizen or a person born in this country. It has no regard for race, creed, color, or religion. All we are talking about is utilizing the sovereign power and authority of the Government of the United States to protect the citizenship rights which are guaranteed to every citizen by the Constitution of the United States. That applies not only to one group of citizens, but to all.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a syndicated article entitled "Civil Rights Clash and Greek Tragedy," written by Holmes Alexander and published in the Los Angeles Times of recent date.

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

CIVIL RIGHTS CLASH AND GREEK TRAGEDY
(By Holmes Alexander)

In the United States Senate today there is proof that the Greeks didn't invent the art form which is called Greek tragedy. Greek drama, which has no villain except irony and which has no plot except the ruthless collision of our poor, pitiful human endeavors to do the best we can, is something that flows from life.

No invented story could match this natural clash of north and south, of left and right. No made-up characters could top the eloquence of RUSSELL, the nobility of BYRD, the wit of ERVIN, the seriousness of STENNIS and EASTLAND, the rugged integrity of DOUGLAS, the comic spirit of CHAVEZ, the puzzlement of KNOWLAND and JOHNSON, or the remote isolation of Mr. Eisenhower, who is caught in the swirl of passions which are beyond his protected understanding.

The irony is that so many of the Nation's finest men, some of whose names appear above, seem to be in the role of suppressionists and race haters. Nothing could be more untrue of the southern Senators than that. The further irony is that this miscalled civil rights bill will rob Peter of even more rights than it pays to Paul. It is almost certain to halt, rather than expedite, the steady improvement in southern race relations.

The ruthlessness is in the retribution which this country is now paying for its bygone sins. It was brutal and inhuman of the white Europeans to capture Africans and for years thereafter to conduct a slave trade. We in America are now in the atonement period.

Our Founding Fathers were wise enough to stop the slave trade, but not wise enough to abolish slavery in 1776. The unwise omission bothered nearly all of our great men in the early and middle years of the Republic.

But our men were not great enough to end the curse that came near ending our Union. Today the same curse is part of the apparatus which threatens the life that remains in our republican form of government.

Will the wheels of this retribution grind on until this Nation is pulverized and unable to offer a solid wall against enemies from without? It could happen that way.

The antagonists in this civil rights battle are wrapped in concrete. They say they will not budge 1 inch toward compromise. The two-party system is caught between the upper and nether stones and both parties are suffering from it. The Republicans, with a chance to organize the South and take on national status, are stopped in their tracks. The Democrats, with their southern conservatives and northern radicals, are crucified upon this cross of paradox.

There is a larger paradox and in it, perhaps, lies the only hope of a resolution. The right to vote is a good cause, but the right-to-vote bill is no good whatever. It has all the architectural grace of a gallows.

The bill would appoint another commission. It would create another bureau in the Justice Department. It would give arbitrary power to persons, notably judges and Attorneys General. It would take power away from self-rule systems, notably the jury system and local sovereignty. This bill deserves about as much sympathy, support, and admiration as an infernal machine.

But it is so abominable that it may crack the concrete in which the contenders are imprisoned. Senator KNOWLAND is floor leader for this administration measure but I'm not sure he's going to vote for it in the end. KNOWLAND wants to break the procedural filibuster and bring the bill to debate with a vote in sight. But I think he will vote as he chooses, on the merits of the case. The other floor leader, Democratic Senator JOHNSON, will never—it's my belief—stand for abolishing trial by jury, this being the key provision of the bill.

If the two leaders bolt, the stampede is on. Already some of the legal-minded Members are pawing the ground. WAYNE MORSE, whose allegiance to civil rights is beyond any question, proposed sending the bill back to the Judiciary Committee for 2 weeks. MORSE's X-ray mind goes to the heart of the bill's viciousness. He says, "There will not be equal protection of the law under the bill because * * * rights are determined entirely by the pleasure, the whim, and the caprice of the administrative officer who is given the unchecked power."

FRANK LAUSCHE, another northern Democrat, is openly dubious of the injunction process in the bill. JOE O'MAHONEY, who was a New Dealer in his day, spoke so feelingly against the ethics of the bill that he drew a heartfelt tribute of thanks from the southerner SPESSARD HOLLAND.

It is out of its own evil that this bill may at last fail and drop the curtain upon this superhuman tragedy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. JAMES B. BOWLER, late a Representative from the State of Illinois, and transmitted the resolutions of the House thereon.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there further morning business? If not, morning business is concluded.

CIVIL RIGHTS ACT OF 1957

The Senate resumed 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. Under a previous order of the Senate, the Senator from New York [Mr. JAVITS] has the floor.

Mr. KNOWLAND. Mr. President, will the Senator from New York yield to me in order that I may offer an amendment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from California for the purpose of offering an amendment?

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the Senator from California for the purpose of offering his amendment without losing the floor.

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

Mr. KNOWLAND. Mr. President, I offer the amendment which I send to the desk and ask to have stated. It was submitted yesterday on behalf of the Senator from Minnesota [Mr. HUMPHREY] and myself.

The PRESIDING OFFICER. The amendment offered by the Senator from

California for himself and the Senator from Minnesota will be stated.

The LEGISLATIVE CLERK. On page 10, after line 18, it is proposed to insert the following:

SEC. 123. Section 1989 of the Revised Statutes (42 U. S. C. 1993) is hereby repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. KNOWLAND] for himself and the Senator from Minnesota [Mr. HUMPHREY].

Mr. KNOWLAND. Mr. President, I do not intend to press for a vote immediately, but I ask that the yeas and nays be ordered on this amendment.

The yeas and nays were ordered.

Mr. KNOWLAND. I thank the Senator from New York.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield to me for the purpose of suggesting the absence of a quorum, with the understanding that the Senator from New York will not lose the floor?

Mr. JAVITS. I am glad to yield for that purpose, under those conditions.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from California [Mr. KNOWLAND], for himself and the Senator from Minnesota [Mr. HUMPHREY], as a perfecting amendment, to insert certain language in part III, all of which is proposed to be stricken by the amendment offered by the Senator from New Mexico [Mr. ANDERSON], on behalf of himself and the Senator from Vermont [Mr. AIKEN].

Under the previous order, the Senator from New York is recognized.

Mr. JAVITS. Mr. President, I am opposed to the amendment striking out part III specifically. Part III carries out the responsibilities of the Nation under the 14th amendment. To strike it would gut 1 vital element of the bill, which has only 2 vital operative elements, this 1 and an effort to better secure equal protection of the laws relating to voting. To strike part III now is a progressive step toward a watered-down bill, which may end up as a meaningless bill. The filibuster weapon still remains pointed at the head of the Senate, and I will not be a party to a step-to-step process of cutting down on an already moderate bill by compromises when I know that the next fight, just as determined and dug-in, will be on the jury-trial amendment. The specific rights which part III seeks to protect are not, as its opponents would seek to make out, just to enforce non-segregation or desegregation respect of situations in which the Supreme Court has said there shall be no segregation, but, equally important, to protect rights as indispensable to the enjoyment of one's status as an American as the right to vote.

There has been much complaint during the debate with respect to part III that those of us who are its proponents have not been specific enough. Therefore I specify the rights. They include the right to be a litigant; to serve on a jury; to have a fair trial when charged with a crime; to be free from brutality at the hands of law-enforcement officials; to be represented by counsel; to be free to testify in a Federal court; to be free from mob violence while in Federal custody; to be free to inform a Federal officer of violation of a Federal law; and generally the right to equal protection under the law.

To show how very well this situation is understood by those who oppose the bill, I should like to call attention to what I consider to be a most revealing and interesting colloquy which took place between the Senator from North Carolina [Mr. ERVIN] who is in the Chamber, and the Attorney General of the United States, when the Attorney General submitted himself to what I thought was a very brilliant cross-examination over a number of days.

Mr. BUSH. May I inquire at what page the Senator is reading?

Mr. JAVITS. I am reading from page 24 of the record of the hearings.

The Senator from North Carolina had made a short statement, which appears in the middle of the page. Then at the bottom of the page this question appears:

Senator ERVIN. This statute is not confined to the right to vote?

Mr. BROWNELL. To the what, Senator?

Senator ERVIN. It is not confined to the right to vote?

Mr. BROWNELL. That is right.

Mr. President, let me repeat that statement:

Senator ERVIN. This statute is not confined to the right to vote?

Mr. BROWNELL. To the what, Senator?

Senator ERVIN. It is not confined to the right to vote?

Mr. BROWNELL. That is right.

Senator ERVIN. It undertakes to amend the statute which is divided into three sections, the statute embodied in title 42, United States Code, section 1985.

The first section deals with preventing a Federal officer from performing his duties.

The second one deals with obstructing justice by intefering with witnesses and so forth, with which no one can have complaint.

Let me repeat that statement of the Senator from North Carolina, because it raises a very interesting question:

The first section deals with preventing a Federal officer from performing his duties.

The second one deals with obstructing justice by interfering with witnesses, and so forth, with which no one can have any complaint.

That is an exact quotation from the testimony.

It seems to me that emphasizes what I have said, that in part III we are dealing with two different sets of rights, although they are both civil rights. The civil rights which I have described are just as vital as the right to vote.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. I should like to finish my thought first. Then I shall be happy to yield.

These are civil rights, too, but of a different character from the right to attend a desegregated public school, to enjoy a public beach, a public golf course, a public swimming pool, or a public park, which are the other class of rights sought to be better secured by part III. The first group of rights I mentioned previously have nothing to do with the social order in the South, even as interpreted by the opponents of the bill. It seems to me that this reason alone is sufficient to demand the defeat of the pending amendment to strike part III.

I should like to make one other point. When the senior Senator from Georgia [Mr. RUSSELL], who is the leader of the forces opposed to the bill, was speaking a few moments ago, he used this phrase and I believe I have written it down exactly as he said it; if not, I expect to be corrected:

To destroy this system of the separation of the races in the Southern States.

Let me repeat that:

To destroy this system of the separation of the races in the Southern States.

In the pending bill we are faced with this fundamental issue. We must decide, on the one hand, whether we are going to better secure the rights which do not go to that system—that is not my word, but, rather, the word of the Senator from Georgia [Mr. RUSSELL]—the system of the separation of the races in the South, and we must decide if we are to go that far now and do it effectively, with no nonsense.

Secondly, we must decide whether we want to go one step further and better secure rights, the denial of which, especially in recent years, as the Supreme Court has said, is contrary to the Constitution, because they do relate to this system.

I say to Senators that if they will analyze the issue they will realize that the Senate cannot strike part III, unless they do not want to do either of these things I have mentioned. If they want to do either, part III must remain in the bill. Then we will have an opportunity again, I am sure, to decide whether we wish to do one or the other. However, if we strike part III, we will be finished in that regard. If we strike part III, the only thing—aside from the Commission and the additional Assistant Attorney General—that we will then have left is part IV. I doubt, Mr. President, if we once start this process, we will get any kind of bill. In any event, we will have only rights secured in part IV, and we will have done something about the right to vote. We shall have thrown all the other rights out the window. All the other rights, which have nothing to do with the system described by the Senator from Georgia will have been thrown out the window.

Mr. CASE of South Dakota. Mr. President will the Senator yield?

Mr. JAVITS. I am glad to yield to my colleague from South Dakota.

Mr. CASE of South Dakota. The Senator has differentiated between voting

rights and what he calls the other rights. Would the Senator distinguish in the recital of rights he has made between those which are established in the laws of the States generally and those which would be established for some States perhaps only if they are set forth in a Federal statute?

Mr. JAVITS. I should like to be able to do that—and I think I see what the Senator has in mind—but I will tell the Senator why I cannot do it. It is because the situation differs in the respective States. Many States purport to give some of these rights which go to the system of the separation of the races, but actually deny it. The situation differs in the various States. However, we must make a broad classification, and therefore I say this: The laws which I discussed as covering the first group of rights are, generally speaking, either in or clearly taken by the courts from the laws in the individual States.

On the other hand, the second group largely arises from decisions interpreting the meaning of the 14th amendment within the last 2 or 3 decades. Therefore, I believe I am willing to go along with the Senator, although I submit that there are many crossovers with that broad distinction between the two. What I am talking about is rights.

Mr. CASE of South Dakota. Would it inconvenience the Senator particularly if he were to reread the recital he made of the 4 or 5 rights which he said were to be established?

Mr. JAVITS. I shall reread what I said, and I should like to explain where I got it, because it is very much a part of my presentation of the factual situation which I think has unfortunately been so much confused.

I got my selection from a specific itemization which is contained in the testimony upon the bill, and again I invite the Members of the Senate to turn to page 245, and the headline "Specific Civil Rights Protected by the Constitution and Laws of the United States." That information was submitted by the Attorney General in response to the specific question of counsel for the Senate subcommittee which dealt with this matter, Mr. Slayman, in which he said, "Just exactly what does part III cover?"

So the Attorney General submitted information indicating exactly what it covered. I will in the course of my speech today read this in detail, because I shall wish to read the annotated cases. But that shows where I got my selection.

My selection, in response to the Senator's question, is as follows: The right to be a litigant; to serve on a jury; to have a fair trial when charged with a crime; to be free from brutality at the hands of law-enforcement officials; to be represented by counsel; to be free to testify in a Federal court; to be free from mob violence while in Federal custody; to be free to inform a Federal officer of violation of a Federal law; and generally the right to equal protection under the law. That is the selection I made.

Mr. CASE of South Dakota. My reason for asking the Senator to reread the statement was so as to direct our attention to the rights he has enumerated. As I heard him read the list for the first time it seemed to me that every one of those rights is established under the laws of my own State, and I was wondering if it could be true that those would not be rights established by the laws of any other States. The right to serve on a jury, the right to be free from mob violence, and the other rights the Senator recited, are all things in which a citizen would be protected under the laws of South Dakota.

Mr. JAVITS. Exactly. I point out to the Senator what I said yesterday. It was stated on the Senate floor that the Attorney General could move into the States, that he could take over the administration of law, that he could tell State officials what to do. If that were the case, I should vote against the bill. But obviously the gravamen of any proceeding under which the Attorney General is going to participate within any State will be the fact that the State has not done what it is supposed to have done under the State's own laws. Otherwise there is no measure of protection. That is all that is constitutional. That is the only power the Attorney General has.

Mr. CASE of South Dakota. Would it be fair to say there is any analogy between what is proposed under part III and the situation which developed under the 18th amendment? When the 18th amendment was adopted many States had laws which related to the curtailment of traffic in liquor in one way or another, but prohibition enforcement officers came even into the so-called dry States, after the adoption of the 18th amendment.

Would it be fair to say that under the provisions of part III, as proposed, we would have something comparable to enforcement officers moving into the States to enforce the prohibition laws, which the States themselves were a little negligent or indifferent in enforcing?

Mr. JAVITS. I do not wish to go along with the Senator on that for two reasons; first, because I consider the analogy of the 18th amendment invidious, in view of my position on that amendment; second, because I think the 18th amendment was a specific provision which gave rise to certain independent Federal rights, which forbade traffic in liquor as an affirmative measure, and established certain Federal duties of enforcement in a direct way. The authority sought here is a secondary authority, an authority which, if State authority fails, will be available. Therefore I cannot go along with the Senator in his analogy.

Mr. CASE of South Dakota. I thank the Senator for yielding, and I suggest that I believe that in his direct responses to questions, he typifies what I like to think of as a good debater.

Mr. JAVITS. I thank the Senator very much.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. I was very much interested in the Senator's enumeration of the rights in which he has a particular interest, and as I interpreted his statement, the rights which he enumerated are the ones which he considers necessary to carry out the decision of the Supreme Court relative to integration.

Would the Senator from New York be willing to agree to a revision of part III so as to make it plain that the provisions of part III would apply only to speeding up integration, and also insert language making it absolutely plain that part III could never be used to invade other fields, such as social security, benevolent rights, and other things of that nature? Would the Senator agree to a revision of part III so that people who are not affected by integration could be assured that their State, local, and personal liberties would not be interfered with?

Mr. JAVITS. The Senator from New York does not believe that it is the purpose, intent, or, indeed, the construction, of part III to lead the Federal Government into all the fields enumerated, because it is expressly attached to a statute which has been in effect for 85 years already, and has not led into all these fields.

In addition, even though coupled with the power to send troops, which has been invoked here as some dreadful apparition, the Federal Government has done no such thing during the time the statute has been in effect. It seems to me, therefore, that if we want to discuss this subject in realistic terms, we have to confine the discussion to the purpose for which the law to which this additional power was attached was used. It was never invoked in the connections to which the Senator refers, except by individuals seeking in other cases to get the benefit of the 14th amendment; but its invocation was not concerned with the Attorney General's power. So if I ventured into the negative side of that subject, I would myself be expanding this statute far beyond the compass which I think it has.

I point out to the Senator that the United States has many other powers in respect to the wages and hours law and in respect to other Federal statutes, and it does not need this law for that purpose; the United States has not invoked it for that purpose, and will not invoke it for that purpose. So I do not wish to be drawn into a discussion of what I do not think the statute covers.

Mr. AIKEN. The Senator knows we are always in danger from the acts of irresponsible officials. We always have been, and we shall be in the future, and I interpret the Senator's reply to mean that he would not be willing to write into the provisions of part III outright assurance that the proposed law could not be used in the future by less considerate individuals, let us say. Would not the Senator be willing to put it into plain language that part III could not be used for forcing changes in our private school systems and other local and State institutions? I believe he should be willing to insert such a provision in the bill, so that even laymen could understand it. We do not all have the astute legal mind of the Senator from New York; he has one of the best. But I wish he would

agree to put this assurance directly into the bill so that if some Attorney General came into power who perhaps did not have the high mind of the present Attorney General, and said, "I interpret the law to mean this, and I am going to use it this way," there would be some protection against that type of attitude.

Mr. JAVITS. The Senator has asked a question which I think is troubling the country.

Mr. AIKEN. Very much so.

Mr. JAVITS. If I could answer it, perhaps not to the Senator's satisfaction——

Mr. AIKEN. The Senator might be able to.

Mr. JAVITS. The Senator is very kind. I know the Senator from Vermont is a very objective man. He is a very distinguished and leading Member of this body, and I have always had a deep respect for him, and always shall, regardless of the outcome of the issue now being debated.

The Senator has really asked three questions. I shall try to answer them all, and I might say to the learned Senator that the best gage of an astute legal mind is not that nobody can understand it, but that anybody can understand it who can read, write, and who has a reasonable education. So if I cannot meet that test, I do not have an astute legal mind.

The Senator from Vermont asked three questions. I should like to try to answer all of them.

His first question was whether I would be willing to have the Senate rule out of the proposed statute its applicability to social-security legislation or legislation generally, an application which is not in mind of any Member of the Senate in connection with the discussion of the civil-rights issue.

Mr. AIKEN. No Member at present has it in mind.

Mr. JAVITS. I gave my reasons why I believe that is inapplicable to this situation. If the Senate were to attempt to write into the bill such a provision, it would be expanding a proposed statute which I do not believe covers such a particular situation.

The Senator from Vermont then asked whether I would be willing to have the Senate write into the bill a provision excluding from its application such things as desegregation in public schools—in other words, to eliminate what the Senator from Georgia [Mr. RUSSELL] called the system of separation of the races. I say I would be distinctly unwilling to have the Senate do that.

Mr. AIKEN. I did not ask that. I asked whether the Senator from New York would be willing to have the bill confined to that, because of the rights the Senator enumerated, which I assumed to be related to the enforcement of the integration processes laid down by the Supreme Court.

Mr. JAVITS. I could not agree to have the Senate confine that part of the bill to the question of desegregation in schools and to the so-called commingling situation, because if I were to try to have the bill confined to that, I would be leaving out—and that is the whole burden of my debate in regard to part III—a whole list of civil rights which, in my opinion, are in the same class or character as the right to vote—and I think the desegregation of the public schools is a matter of equal force and priority.

So I believe that by striking out part III, the Senate would cut off at least half of the right arm, even though the Senate might think it was only trying to remedy the situation a little bit. That is my fundamental point.

Therefore, I would not be willing to have part III confined to desegregation of public schools, and like questions, because I would also wish to have part III apply to the right to sit on a jury and to all the other fundamental civil rights.

The last question the Senator from Vermont asked—and I am trying to answer his questions as best I can—was what precautions we must take against individual tyranny, or in other words, against the irresponsibility of an individual Attorney General.

I think we must take such precautions to the best of our ability. But I think if we seek to write statutes which would deprive our executive officials of all discretion, then we would be writing legislation involving tyranny at least as bad—no worse, but at least as bad—as the tyranny of the executive or the tyranny of the judiciary. So we must leave the executive officials an area for the exercise of discretion.

No matter what the Congress writes into the bill, the Attorney General will have an enormous area of discretion. For instance, he could concentrate on antitrust prosecutions in the South, if he wished to do so, and could forget all about other prosecutions at all in the rest of the country. As Senators on the other side know, the Attorney General will not wish to stop antitrust suits or suits under the Fair Labor Standards Act, which has in it plenty of provisions—in fact, quite enough to keep the Department of Justice busy all the time. Yet on the other hand, those on the other side of this issue take the position that the Attorney General might decide that he wished to bedevil the Southern States in regard to suits under this bill on the civil-rights issue, and wish to concentrate on the civil-rights issue. I refuse to believe that.

Mr. AIKEN. I brought up the last point because, when the debate began, it was asserted that part III would establish a right-to-work law. I understand—although he has not told me so directly—that Attorney General Brownell says part III would not establish a right-to-work law; that the right to work is not an inherent right under the Constitution and the laws. But in the future, an Attorney General might say that the right to work is one of the most precious rights an individual could have.

Personally, I think the right to work—perhaps under regulation—is a very precious right.

Mr. JAVITS. In that connection we could go back to something we discussed yesterday, namely, the question of how much power the bill will give to any Attorney General.

Mr. AIKEN. I am interested in knowing how much power an Attorney General could assume, under the provisions of the bill—not how much power the bill gives the Attorney General.

Mr. ALLOTT. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I understand the point in which the Senator from Vermont is interested.

Let me say that in a few moments I shall yield to the Senator from Colorado.

In response to the point the Senator from Vermont has raised, let me say that on yesterday I pointed out that the Attorney General is a lawyer; and all of us who are lawyers have won cases against the Attorneys General time and time again. The Attorney General has to go into court, and has to go through all the processes of the law. The Attorney General is no sitting autocrat, with the power to issue decrees. However, from reading some of the speeches which have been made, one would assume that all the Attorney General does is to issue decrees. We are not talking about justice as administered in the Kremlin. Instead, we are talking about justice as administered in the courts of the United States.

Now I yield briefly to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I should like to comment on this matter because it seems to me some persons are afraid that entirely new and great powers would be placed by the bill in the hands of the Attorney General. If I can, I should like to compare these powers with the ones which are now in the hands of prosecuting attorneys. Of course, in some States they are called prosecuting attorneys; in others, district attorneys; in others, county attorneys. But all of them fulfill the same functions.

Is it not a fact that in the formulation of any law eventually it is necessary to repose a large amount of discretion in the person who sets the course of law in motion?

Mr. JAVITS. There can be no question about that.

Mr. ALLOTT. For example, I am sure the Senator from New York, with his wide knowledge, has known of many cases which he believed in his own mind should have been prosecuted, or many other cases which he believed should not have been prosecuted, as the case might be; and the discretion as to that was left to the prosecuting attorney.

Mr. JAVITS. There can be no question about that. As attorney general of New York, I had that experience.

I had another experience which is very germane to the present issue: When I was attorney general of New York, there were some cases which I did not undertake; and often within 48 hours after I did not undertake them, I found that some private litigant had undertaken the case, and sometimes he was successful. Again, that reflects on the idea that the Attorney General is standing here as a sublime autocrat, and that what he would order to be done would be done, and that what he would not order to be done would not be done. I do not think that is true under our system of law.

Mr. ALLOTT. I think the point is whether any Attorney General will, under the proposed law, enjoy more power than the Attorney General now enjoys, or more power than is now enjoyed by district attorneys, who have the power to commence suits by the filing of injunctions or the filing of complaints, as the case may be.

So the bill does not expand the power which is now in the hands of anyone. Instead, the power is already, today, in the hands of thousands of attorneys in every county and State of the Union.

Mr. JAVITS. I agree with the Senator from Colorado, and I am glad to have his comment made a part of my remarks.

Mr. ERVIN. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. ERVIN. I desire to ask only a few simple legal questions of the Senator from New York, because I do not wish to interrupt his speech. I think it has already been interrupted considerably.

Mr. JAVITS. I thank the Senator from North Carolina.

Mr. ERVIN. I wish to ask whether the Senator from New York agrees with me, first, that under subsection 3 of section 1985 of title 42, the Attorney General would have the power to bring one of these new actions in the case of any conspiracy—either consummated or unconsummated—to deprive any person of the equal protection of the laws.

Mr. JAVITS. In my opinion the Attorney General does not now have the power to bring an injunction suit in such a conspiracy. He has only the power to seek an indictment under section 241 of title 18 of the Code.

Mr. ERVIN. If the civil-rights bill were enacted into law, would not the Attorney General have the right to seek injunctive relief against any conspiracy, either consummated or unconsummated, designed to deprive any person of the equal protection of the laws?

Mr. JAVITS. The Attorney General would not, and for this reason: His power has been sharply restricted because of court construction of similiar language in section 241. That is true because of the cases which hold that the Attorney General can interpose his criminal jurisdiction, for that is the jurisdiction provided in that section, only in cases of State action. That is the case the Senator from North Carolina himself cited to the Attorney General; it is a very recent case in which I think Mr. Justice Jackson wrote the opinion.

Second, the Senator from North Carolina spoke of unconsummated conspiracies as if they constitute a new category which never existed before. All of us know there are very definite standards of proof which must be met in respect to an effort to conspire or in respect to the preliminary stages of a conspiracy to commit a crime, before there can be any punishment for crime or any suit for injunction. So I cannot accept the term unconsummated conspiracies, because I do not think it has any legal definition within the context of this bill.

I now yield to the Senator from Kentucky. I think the Senator from North Carolina is busy looking up something.

Mr. ERVIN. If the Senator will yield further, does not the bill say, in express words, that if any persons have done or are about to do—that is the substance of the language—any of the acts or practices provided in title 42, section 1985, this is what subsection 3 says, among other things, are the practices against which he can bring suits:

> If two or more persons in any State or Territory conspire—

And I leave out some words that are not applicable—

> for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws.

Does the Senator from New York say that under the provision of that statute, under this bill, and under those words of subsection 3 of section 1985 of title 42, the Attorney General of the United States cannot bring suits in case of conspiracy to deprive any person of the equal protection of the laws?

Mr. JAVITS. I have stated very clearly the limitations and boundaries within which the Attorney General must operate, and the best authority upon that subject is the Attorney General in response to questions asked by the Senator from North Carolina himself, and I now read from page 25 of the record of that cross-examination. I should like to read that language, because his comments are very clear on this subject:

> These sections 4 and 5—

To which the Senator has referred—

> are added here as machinery to enforce whatever the constitutional authority of the Federal Government may be in this area, and does not add to the substantive provisions of the statute.

The Senator from North Carolina himself read at length to the Attorney General from the case of Collins against Hardyman, which specifically sets forth the limitations which I have tried to describe. If the Senator can improve upon my description, I shall be very glad to have him do so.

Mr. ERVIN. Let me see if I can get the Senator to agree to this: Does the Senator from New York agree with me that the benefits of the equal-protection-of-the-laws clause extends 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?

Mr. JAVITS. I believe the Senator is reading from a case—I am drawing upon my recollection of a case which contains that language—but again that is only restricted to those persons, aliens, corporations, and so forth, which will fall within the purview of that statute. In other words, if a person, alien, or corporation, is otherwise reachable under the statute, it will not exclude him; but it will not include him because he is an alien, a corporation, and so forth.

Mr. ERVIN. Let me ask the Senator to give me a very simple answer to a very simple question. I ask whether the Senator from New York would agree with me that the benefits of the equal-protection-of-the-laws clause extends to all aliens, as well as citizens of all races, and all private corporations, within the territorial jurisdiction of the 48 States.

Mr. JAVITS. I think the Senator from New York answered that question very accurately before, and he would be repeating to answer it again. I repeat my answer once more. Again I say I cannot attempt to persuade; I can only attempt to explain, which I shall do once more. What I said was if a person, whether he is an alien or not, or a corporation or not, or a corporate personality or not, comes within the confines of the jurisdiction of this statute, under the decided cases, then, because such person is an alien or corporation, he will not be excluded, but the inclusion of jurisdiction is not determined because he is an alien or because he is a corporation. That is my answer.

Mr. ERVIN. I do not think that answers the question, because the Senator talks about the statute, and I am talking about the equal-protection-of-the-laws clause.

I ask the Senator to yield for one more question.

Mr. JAVITS. I yield.

Mr. ERVIN. I will ask the distinguished Senator if he agrees with me and the writer of the legal textbook from which I quote, namely, volume 16A of Corpus Juris Secundum on Constitutional Law, section 502, that this is a true and correct definition of the meaning of the equal-protection-of-the-laws clause, namely:

> 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.

Mr. JAVITS. The Senator from New York has argued too many causes on appeal to fall for that one. The Senator from New York will turn the page, or go a few paragraphs before, and read the annotations and then make his argument to the court of public opinion for that particular answer. For the purpose of this record, I do not agree with the Senator, but I cannot disagree with him on the particular merits of that statement, except to say, from my experience, it is a self-serving declaration. I hope the Senator will forgive me.

Mr. ERVIN. I have had previous experiences like this. I remember a case in my State of North Carolina when I was practicing law. In those days in my State, the prosecuting attorneys, whom we called solicitors, were paid fees. The more cases they could get, the greater was their remuneration. In one particular case, my client was caught redhanded operating a still. His name was Benton. I had to enter a plea of guilty for him. The solicitor called him to the witness stand and asked him where he got the still. Mr. Benton said, "I ain't gwine to tell you."

The solicitor asked him the question several times. Every time Mr. Benton said, "I ain't gwine to tell you."

Finally, the prosecuting attorney appealed to the judge to make Mr. Benton tell where he obtained the still. The judge was a more diplomatic man than myself and perhaps more tactical. He said, "Mr. Benton, when you tell the solicitor that you are not going to tell him

where you got the still, you mean you don't want to tell him?"

Mr. Benton said, "That's right, Judge. But I ain't gwine to tell him anyhow." [Laughter.]

Mr. JAVITS. Mr. President, I want to say this is an illustration of why our problem is made more difficult. Those who oppose the bill, with very deep conviction, are very charming human beings and know such good stories.

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

Mr. JAVITS. I yield.

Mr. COOPER. This is the first time I have intervened during this debate. During the past week I have listened carefully to many of the speeches which have been made. It is evident from those speeches and from the inquiries which have just been made that the Senate is attempting to determine what powers the Attorney General would have—I should say the United States would have—if part III becomes law. I believe it is possible to suggest a limitation that is inherent in the Constitution, and I should like to address myself on that subject to the Senator.

I ask the Senator if it is not true that any right an individual has today to go into a court and ask for the enforcement of a claimed civil right grows out of the statutes which have been enacted under the 14th or the 15th amendments. Am I correct in that?

Mr. JAVITS. That is correct—that is, legislation implementing the 14th and 15th amendments.

Mr. COOPER. Is it not true that the 14th amendment was written to protect a citizen against the deprivation of his rights by a State, rather than against the action of an individual?

Mr. JAVITS. That is exactly right. That is stated in the case of Collins against Hardyman, to which I referred, which the distinguished Senator from North Carolina raised with Attorney General Brownell.

Mr. COOPER. I think it is important, no matter how any Senator may vote, that we be perfectly honest about what the powers of the United States will be if part III of the bill becomes law.

My own judgment is, that if this bill becomes law—and I do think it ought to be said plainly—the Attorney General will have the right to go into a court, on behalf of the United States, and seek the enforcement of any right to which any citizen can claim he is entitled under the Constitution, and of which he is being deprived by the State. If the State has enacted a statute which deprives an individual of an equal right with all other citizens, and if this bill should become law, the Attorney General could go into the State to seek enforcement of any of those rights, whatever they may be. Does the Senator agree with me?

Mr. JAVITS. Yes. I should like to quote, if the Senator will allow me to do so while he is on his feet, since he may have some reaction to it, a number of places in the record where the Attorney General of the United States said almost exactly the same thing. The first appears at page 25 of the Senate subcommittee hearings on civil rights. I referred to that in my colloquy with the Senator from North Carolina with respect to the breadth of sections 4 and 5 of the bill, as being no greater than the constitutional authority of the Federal Government in the area which is described.

Another occurs at page 29 of the hearing, where Mr. Brownell answers a question from the Senator from North Carolina [Mr. ERVIN], which I think is worth quoting:

> Senator ERVIN. Now, as a matter of fact don't the provisions in these bills, the third and fourth parts of S. 83, contribute very much to the theory that the States ought to be destroyed instead of preserved?
>
> Mr. BROWNELL. On the other hand, I believe that there is no question, Senator, that this would do more to bring together people of good will in the State and Federal Governments than any other thing the Congress could do at this session, because at the present time, in order to carry out our oath of office, all we can do in this area is to use the criminal sanctions against State and local officials.
>
> That does not contribute to the proper functioning of our Federal system. If we had these civil remedies, we could ameliorate that condition considerably, and I believe it would be a real contribution toward the maintenance of the proper balance between the Federal Government that was contemplated by the Founding Fathers.

What the Attorney General was trying to make plain was the fact that he honestly, specifically, and in the best language he could think of, was trying to confine the injunctive power strictly within the limits of, or less than, what was inherent in his present authority to punish for crime, and the decisions of the Supreme Court which interpreted the limitation even of that authority.

Mr. COOPER. Mr. President——

Mr. JAVITS. I yield further to the Senator.

Mr. COOPER. I say to my friend, the Senator from New York, that I think those who support part III could say in all honesty to those who oppose it—and I think they should say, in all honesty—if it becomes a law the United States or the Attorney General, can go into court and can take action to secure every right which today a private individual can go into the court to secure. I think that should be said.

On the other hand, it should also be stated clearly—and I am sure the Senator has done so—that many of the suggestions which have been made by those who oppose part III are not correct. Any suggestion that what is contemplated is that an act of an individual which is purely an individual act, which has nothing to do with the laws of the State and nothing to do with the action of the State to deprive a person of his equal rights, could be the subject of action by the United States—is not correct. Such would not come within the purview of part III, in my belief.

Mr. JAVITS. I am very glad the Senator made the second qualification, because that is exactly the law. When the Senator started he said that the Attorney General could get an injunction for anything an individual could get an injunction for.

Mr. COOPER. Yes.

Mr. JAVITS. That is not correct, because the individual can sue to enjoin if his individual rights are damaged by another individual. The Attorney General cannot do that. He can only do something which has a direct connection with State law. That is what Collins against Hardyman held, and that is a very material restriction on the powers of the Attorney General under the statute and under this proposed legislation.

Mr. COOPER. The Senator misunderstood me. I said if this bill becomes a law I believe the Attorney General can go into court and seek enforcement of any right which an individual can seek today under the 14th amendment.

Mr. JAVITS. Exactly.

Mr. COOPER. It is operative in cases where the State has deprived an individual of his rights.

Mr. JAVITS. Exactly. We agree entirely on that. I am sorry I appeared to misunderstand.

Mr. COOPER. As I have said, it has been suggested the provisions of title III would apply to individuals, acting on their own initiative and without any official connection with a State law or action under State law to deprive people of their right. That would not be such a case that the Attorney General could go into court and secure injunctive relief.

Mr. JAVITS. Again I agree with the Senator. Of course, such an argument goes to the question of the Attorney General being a little czar. The Attorney General has to go to court.

Mr. COOPER. Yes.

Mr. JAVITS. A court decree is issued. It is not only the Attorney General who is involved. The Attorney General will not get a decree, if the cases on the point are against him.

Mr. COOPER. I thank the Senator. I agree with what the Senator has stated. Once the powers under part III have been established I must say that I think they would be broad. But the power to act and discretion to act are different things.

The officer of the United States, the Attorney General, has now and will always have certain discretion as to the cases and situations in which he should act. I think we must assume that he would act when a challenge had been made which affected a broad class of persons and was important to the public and the people generally.

Mr. JAVITS. Of course, I could not agree with the Senator more, because we are not legislating in a vacuum. We are talking about history. One of the great reasons why we are spending so much time here talking in terms of court decisions rather than statutes is because the Congress has done nothing whatever about these archaic statutes, which are now 85 years old. The only entity which has sought to interpret and to deal with them at all has been the court.

That fact bears out what the Senator says, that these statutes, which are on the books, are very slim and very meager in their application and their language. The courts have had to interpret them constantly, and there have been relatively few cases.

When we consider the length of time these statutes have been on the books, and the load of human injustice and misery which has been prevalent in many parts of the country—indeed, most parts of the country—all during that time, there have been very few cases.

Mr. CLARK, Mr. LAUSCHE, and Mr. CASE of New Jersey addressed the Chair.

Mr. JAVITS. Mr. President, I yield first to the Senator from Pennsylvania [Mr. CLARK], and then I shall yield to the Senator from Ohio [Mr. LAUSCHE], and then to the Senator from New Jersey [Mr. CASE].

Mr. CLARK. Mr. President, I will defer, because I believe the Senator from Ohio desires to ask a question of the Senator from Kentucky, who does not have the floor. I ask unanimous consent that that may be done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania that the Senator from Ohio may be permitted to propound a question to the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. LAUSCHE. The Senator from Kentucky used the term "State law" as being the predicate upon which the Attorney General would bring an action. My question is: Does the Senator confine the predicate to State laws alone, or does he also include municipal ordinances and such other laws as might be passed by a local governmental subdivision acting in pursuance to authority granted it by State law?

Mr. COOPER. I include the additions which the Senator has made. If my understanding of the 14th amendment is correct—and it is under the 14th amendment that an individual claims deprivation of many rights—the 14th amendment was directed against action by a State and, therefore, local government in a State, which would deprive an individual of his equal rights under the law.

As I understand the holdings of the courts, when it can be shown that a State or its officials, acting under color of law, deprive an individual of his equal rights, the individual may go into a court and obtain redress. I am trying to point out there would be limits on the power of the Attorney General if title III becomes law. In my opinion, action of the United States would be limited to the actions of a State or subdivision of a State and its officials, acting under color of law, which attempt to deprive an individual of his equal rights. That is one limitation on part III.

I think the idea has grown in this Chamber—and I am sure throughout the country and in the press—that if an individual—by Mr. Smith or Mr. Jones, in my State of Kentucky, or in Louisiana should step in the way of a person who is on his way to vote and prevents him from voting or who stands in the way of a Negro child as he attempts to enter school, the Attorney General of the United States could institute action against Mr. Smith and Mr. Jones.

The Senator from Ohio will agree with me that such an idea is not correct. The United States could act if there were a State law which prevented a class of citizens from voting, or from entering the schools, or if there were officials who, acting under color of law, prevent citizens from exercising their equal rights. The Attorney General could go to the courts and seek injunctive relief.

As I suggested at the beginning, I believe that those who sponsor the bill and who support part III should say clearly what it does. On the other hand, it would give the United States broad powers, but not all that have been claimed on the floor of the Senate.

Mr. CLARK and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. JAVITS. I yield first to the Senator from Pennsylvania; and then I shall be glad to yield to the Senator from Louisiana.

Mr. CLARK. The discussion during the past few minutes has, I am afraid, inadvertently raised some confusion about the real meaning of part III of the bill. I should like to ask the Senator from New York a few questions, if he will bear with me, to see whether he and I are in agreement as to just what part III would do, and what it would not do.

Does the Senator from New York agree with me that part III of the bill would merely create a new procedure for enforcing existing law, and would not of itself create any new law in the field of civil rights?

Mr. JAVITS. The Senator is correct.

Mr. CLARK. Does the Senator from New York agree with me that this is a moderate procedure, for which there is ample precedent in other statutes of the United States?

Mr. JAVITS. I agree.

Mr. CLARK. Does the Senator agree that this procedure is largely for the purpose of enabling the United States more effectively to enforce that provision of the 14th amendment to the Constitution of the United States which guarantees the equal protection of the laws?

Mr. JAVITS. Definitely.

Mr. CLARK. Does the Senator therefore agree with me—perhaps—that those who oppose the proposed legislation are opposing it not because of any real objection to this procedure, but because, in fact and in truth, they are opposed to the interpretation given by the Supreme Court to the well-established constitutional phrase "the equal protection of the laws," and that, accordingly, their effort should be directed not toward opposing this procedural device for enforcing an existing constitutional right, but toward the repeal of the 14th amendment?

Mr. JAVITS. I agree with the Senator, with one modification. I shall discuss it in detail, and I know the Senator will do likewise.

I believe that the jury trial question enters as an additional ground for the objection. In my view, it is fair to characterize their objection as including also the jury trial provision.

Mr. CLARK. I am in complete agreement with the Senator. I think we should have a substantial and careful debate as to the extent to which it may be desirable to give some jury trial rights under part III. I would not be adamant on that question, although I should like to make it clear that I believe the O'Mahoney amendment is entirely inadequate and unsatisfactory. But with the single limitation of the possibility of awarding jury trial in cases of criminal contempt, the Senator agrees with me, I take it, that I have properly stated the issue before the Senate at this time with respect to part III.

Mr. JAVITS. Exactly.

I now yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I invite the attention of the Senator from Kentucky [Mr. COOPER] to the information which the Senator from New York placed in the RECORD yesterday, which shows that, as explained by the Senator from New York and the Attorney General, the Senator from Kentucky could not be more wrong in what he interprets part III as doing.

The Senator from Kentucky suggested that this provision would authorize the Attorney General to proceed only against a State or against State authority or State board. The illustration given by the Attorney General and placed in the RECORD at page 11998 of yesterday's RECORD by the Senator from New York, illustrated the case in which the Attorney General said he would like to have the authority to sue on behalf of a school board against private citizens who might be urging the school board not to undertake a course of desegregating the schools. That is not the case of a suit against a State. That is a case in which someone says that the law provides for a certain type of action, and in which a person says he wishes to sue private individuals. It does not involve the question of a State denying a personal right, but the question of private individuals seeking to intimidate some individual or a school board. The Attorney General would be suing private individuals.

Mr. JAVITS. The Senator from New York himself will answer that question, if he may.

That question goes directly to the controversy which we discussed with the Senator from North Carolina.

The extent of the court's jurisdiction is not affected by the persons who may be sued. The court's jurisdiction is to deal with things which are done, or ought to be done, by a State agency. In the normal functioning of the law, when an individual interferes with the operation of the law, seeks to stop it, obstruct it, delay it, or intimidate against its application, he becomes a proper party, not because he is an individual, not because a right exists as against him as an individual, but only because he is seeking to block a right which is owed from the State. That is clear and precise. As I understand the situation, that is the law, and that is the limit of the jurisdiction of the Attorney General.

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

Mr. JAVITS. I yield.

Mr. COOPER. I ask the Senator from New York to yield to me because the Senator from Louisiana said I was misinformed.

Mr. LONG. No. I said that if I understood what the Senator was arguing, he was wrong. Perhaps I misunderstood him.

Mr. COOPER. I think we must be logical. We must go back to the source of the right to take action to enforce a civil right.

Where does a private party today obtain authority to seek enforcement of his claimed right? How does a private party obtain the right to go into a Federal court. It is on the same basis on which the Attorney General goes into a court. A private party can go into a court today and claim the enforcement of an equal right, or privilege, or immunity because the State is attempting in some way to deny that right. That is entirely different from the situation which exists when John Jones or Bill Smith tries to hold me back when I am on my way to vote, or when I wish to enter a school. The State must in some way be denying that right. That is the basis for a private individual going into a court today.

The Attorney General would be limited in the same way if title III is enacted. If title III should become law, he could not file an action upon behalf of an individual or class of citizens unless the State—my State of Kentucky, the State of Louisiana, the State of New York, the State of Colorado, or any other State, or its officials acting under cover of law—were attempting to prevent a person from voting.

As the Senator from New York has said, once an action to enforce a right has begun properly, and then an individual interferes with the orders of the court, that individual comes properly into the action. In such a case the individual is acting against the orders of a court of the United States after it has properly assumed jurisdiction.

As I understand the situation, the Clinton, Tenn. case arose because individuals tried to interfere with an order of the court. However, the court first obtained jurisdiction because of the failure of the State of Tennessee or its officers to obey the directions of the Supreme Court.

I am only bringing up this point, as it has been brought up by my friend from New York, to show that there are limits to part III by virtue of the 14th and 15th amendments to the Constitution, and by all the rulings on those amendments since their adoption. If part III becomes law, and a State deprives a citizen of equal rights, the Government of the United States could go into court.

On the other hand, it ought to be said to all of those who have talked about the wide scope of part III, that individual acts not connected with State deprivation of rights would not in my opinion be the subject of action by the Government, any more than they are today.

Mr. LONG. Mr. President, I submit that what the Senator from Kentucky is saying is just the opposite of what the Attorney General has said before the committee. Both statements cannot be correct. Let us take the Hoxie case, to which the Attorney General has referred. In that case the State was not denying any right to anyone. The school board was integrating the school, and the school board said it was being intimidated by certain private individuals. The Attorney General said he wanted part III as a part of the bill, not because the State was denying any right to anyone, but because he wanted the right to sue the private individuals who were trying to intimidate the school board which was integrating the school.

Again, if we wish to consider the Clinton case, that is a case in which the State was not denying anything. The school board was integrating the school. Certain private individuals undertook to resist the school board. The suit is against the private individuals, not against the State, and not against the school board. The point is that the Attorney General himself proposes to use part III, not to proceed against a State or a State board or a county board, but against private individuals.

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

Mr. JAVITS. There is a very adequate answer that can be made to the Senator's statement, but I should like to yield first to the Senator from New Jersey, who has been waiting for some time.

Mr. COOPER. Will the Senator yield to me first, so that I may make an answer?

Mr. JAVITS. Very well. I yield to the Senator from Kentucky.

Mr. COOPER. Again I say that my friend from Louisiana does not see the distinction. In the case he has just mentioned, let us assume that in the case of the individuals in Hoxie, Ark., or individual citizens in Clinton, Tenn., no court action of any kind had been started to enforce the rights of Negroes to enter school. Let us assume that some students had started for the school, and these individuals had prevented them from entering the school. I am referring now to private individuals. Of course, the Senator is correct in saying that the Attorney General of the United States would not have any right to interfere with their acts. But in these cases the district courts had already taken jurisdiction, and people were interfering with the orders of the United States court. That is the distinction.

Mr. LONG. The Attorney General has stated that that is why he wants this right, so that he can go into court and sue where he says he does not have the right to sue now, on behalf of the school board, not after an injunction has been obtained, but rather, to sue for the injunction in behalf of the school board against private individuals.

Mr. JAVITS. I now yield to the Senator from New Jersey.

Mr. CASE of New Jersey. I do not wish to attempt to take away the floor from 2 or 3 other Senators who are equally able to answer the question of the Senator from Louisiana. I believe, too, that the Senator from Louisiana has been adequately answered already. But I should like to emphasize that we, who are in favor of the bill, understand what we are talking about.

It is quite true, as the Senator from Kentucky [Mr. COOPER] in his valuable contribution has pointed out, that the 14th and 15th amendments apply to activities of States or their subdivisions and not to activities of individuals. However, that is subject to a qualification which the interposition of the Senator from Louisiana makes possible for us to make clear. Conduct of individuals may in certain circumstances, for example, because of State inaction or State connivance or State inability or refusal to enforce law and order, amount to State action. In such a situation individuals may be sued for damage or prosecuted criminally under existing law. And the pending bill would permit the Attorney General to proceed against such individuals in those circumstances for injunctive relief. However, the bill would do nothing to enlarge the class of individuals against whom a remedy might be sought.

Mr. JAVITS. I thank my colleague from New Jersey and am grateful to all my colleagues who have made contributions to the debate, in an endeavor to make very clear this distinction which we must have very much before us.

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

Mr. JAVITS. I yield.

Mr. LAUSCHE. I should like to pursue further the question asked by the Senator from Pennsylvania. Did I understand correctly that the bill makes no change in the substantive law?

Mr. JAVITS. Part III makes no change in the substantive law. By that I mean it gives no additional rights and imposes no additional duties. We are now talking about remedies. It adds an additional remedy to enforce existing rights and existing duties.

Mr. LAUSCHE. I believe the Senator from New York will concede that in the proper approach to this problem it is necessary to distinguish the law on substance from the law on procedure.

Mr. JAVITS. Yes.

Mr. LAUSCHE. Part III does not at all change the substantive law contained in what are labeled paragraphs first and second?

Mr. JAVITS. And third.

Mr. LAUSCHE. And third.

Mr. JAVITS. Of section 1985; that is correct.

Mr. LAUSCHE. By substantive law we mean that law which declares to people: "These are your rights; these are your obligations."

Mr. JAVITS. The Senator is exactly right.

Mr. LAUSCHE. And by procedural law we mean that whenever a citizen's right has been violated the State statutes and the Federal statutes prescribe the procedure which people are to follow to obtain relief because of the wrong which has been committed against them.

Mr. JAVITS. That is correct.

Mr. LAUSCHE. In studying this matter, what bothers me most is that the substantive law says, "These are your rights, and if they are violated"—as it now reads—"you shall have an action in damages. You shall have the right to procure criminal prosecution." Am I correct?

Mr. JAVITS. The Senator is correct. We understand, of course, what is meant by procuring criminal prosecution. It is a complaint to the United States attorney.

Mr. LAUSCHE. For the person wronged, the State law and the Federal law have declared: "When I am wronged by the deprivation of a civil right, I may sue in damages, or I may file an affidavit for criminal prosecution."

My inquiry is, under the present procedure what would be the right of trial of the wronged person if he sued for damages, first, and if he filed criminal affidavits, second? How would his cause be tried?

Mr. JAVITS. I shall have to draw on my recollection as to the rules of Federal procedure. In a civil case I believe he could demand a jury trial, that is, the defendant could demand a jury trial in a suit for damages. In an injunction case——

Mr. LAUSCHE. Then may I continue——

Mr. JAVITS. If the Senator will allow me, it is not enough to confine the argument to the questions the Senator wishes to ask, because the whole case has to be covered. If the individual were to start an injunction suit, which he has the right to do, he would have a trial by a judge without a jury, and if the injunction were violated, there could then be punishment for contempt for failure to comply with the injunction, in a civil contempt case, without a jury. The third case is where the party sought a criminal indictment, in which event the defendant could demand a trial by jury on a criminal indictment if indicated by the grand jury.

Mr. LAUSCHE. Then, as I understand the Senator from New York, there are presently three remedies available to the wronged person: One, to sue for damages and to have his case tried by a jury; two, to initiate criminal proceedings, probably by the filing of an affidavit in a State court; and three, to seek an injunction. Am I correct?

Mr. JAVITS. That is correct. I could not tell the Senator about the law in every State. I can tell him only about the Federal courts; we have the Federal procedure available to all of us. However, I do not pretend to know the laws of every State. If an information were filed under one section or another section in a statute, that is a detail.

Mr. LAUSCHE. The Constitution of the United States provides that whenever an action for money only has been filed, and it involves a sum in excess of $20, the cause shall be tried by a jury.

Mr. JAVITS. The Senator from New York was not contradicting that proposition. The Senator from Ohio asked me about a criminal case. For example, in many States, there are misdemeanors which are tried by a judge alone. I do not care to go into that. I agree with the Senator, in substance, that in a civil case where damages are involved, and in a criminal prosecution, which would have to be initiated by the United States attorney under the applicable sections of the code (which he could or might initiate on the complaint of an individual), the defendant would be entitled to a jury trial. I pointed out he would not be entitled to a jury trial in an equity case for an injunction or in a proceeding in contempt as a result of the issuance of the injunction.

Mr. LAUSCHE. I contemplate now coming to the third remedy, and this I did not understand to exist, but I am glad the Senator from New York has given me the information, namely, that it is the understanding of the Senator from New York that even under the present law the individual has a third remedy, and that is by way of injunction in a court of equity.

Mr. JAVITS. That is my understanding.

Mr. LAUSCHE. This is the question I should like to propound: The argument is being made that the Attorney General, recognizing the difficulty of convicting in a criminal procedure before a jury, is asking that he be given the right to sue so that the right of trial by jury will be denied; in other words, that what is an action in law is sought to be converted into an action in equity in order to deprive the person charged of the right of trial by jury. I should like to hear the view of the Senator from New York on that subject.

Mr. JAVITS. The Senator from New York completely disagrees with the conclusion of the Senator from Ohio and for this reason——

Mr. LAUSCHE. No, that is not the conclusion of the Senator from Ohio.

Mr. JAVITS. I meant the conclusion upon the statement of fact, simply for the sake of the discussion.

Mr. LAUSCHE. May I interrupt at this time?

Mr. JAVITS. May I say I have admired my friend from Ohio for the objectivity I have seen demonstrated by him. Though he asks provocative questions, that does not necessarily mean he has made up his mind, and I understand him perfectly.

Mr. LAUSCHE. I am glad the Senator made that statement, and it is regrettable that there are some who believe that because of the importance of the subject we are discussing, and their ardor in advocating it, no one should dare to make inquiry for the purpose of ascertaining what is happening, and I am very thankful to the Senator for the statement which he made that study should not be prohibited merely because of the lofty purposes behind what is sought to be done.

Mr. JAVITS. I could not agree with the Senator from Ohio more.

Let me now answer the Senator's question. The link in the chain which is missing from the Senator's statement of fact is that the individual could go into court and get an injunction, but when he then sought the intermediation of a court of equity, there would be no right of trial by jury, and there would be no right of trial by jury in a civil contempt case. I emphasize that. All the Attorney General is given under this bill, therefore, is the same right which the individual—rather the United States is given—not the Attorney General, because he is nothing but a ministerial officer—but the United States is given the same right as the individual to seek an injunction, and therefore has the benefit of the same provisions of law.

Let me add one thought, because I think it is interesting to us as human beings. Why do we want to pass this bill? Justice Frankfurter put his finger on the reason in a very interesting decision to which I should like to call the Senator's attention. I refer to a part of the brief submitted by the Attorney General to the Senate committee which heard this matter. I should like to read what Justice Frankfurter said, and then read the comment of the Attorney General himself when he submitted his brief to the subcommittee of the Senate. This is what Justice Frankfurter said:

> It is a fair summary of history to say that the safeguards of liberty have most frequently been forged in controversies involving not very nice people.

That quotation may be found in *United States* v. *Rabonowitz* (339 U. S. 56, p. 69), in which Justice Frankfurter dissented, and in commenting on this the Attorney General's Office said this—page 273, Senate subcommittee hearings:

> The typical civil-rights victim is oppressed by poverty, ignorance, or both, and may even have a criminal record or be a convict.

That is really what we are talking about. We have come to a situation where the pot has been boiling for years. Why? Because everything is fine in the South? Because the processes of education are proceeding in the most agreeable way? Because the fine intentions of every Member of the Senate from the South are being carried out and practiced? Are their ideas of morality, their ideology, and their feeling for their fellow human beings, being carried out? Or are we dealing in many cases with different kinds of evil?

As was said here the other day, the Governor of Tennessee had to appeal for troops. Does that indicate that everything is fine and lovely, and going along charmingly? What about the bombing in Montgomery, the shooting of the minister, the bombings in Florida? What are we here for? Why do we listen to all these arguments all these days? One would sometimes think that we were wasting our time, that the issue is inconsequential. However, the newspapers say that this is the most historic moment in 85 years, a turning point in our history. It seems to me this underlines and emphasizes what the Senator from Ohio says. This is the purpose of the proposed legislation. Somebody has to press the button. Somebody has to defend rights which are not being defended. We are asking the United States to do it. That is what it comes to. I thank the Senator.

Mr. KUCHEL. Mr. President——

Mr. JAVITS. I yield to my colleague from California.

Mr. KUCHEL. With particular respect to the question which my able colleague from New York has just answered, addressed to him by the Senator from Ohio [Mr. LAUSCHE] if the Senator will permit me I should like again to refer to the letter of the Attorney General which was addressed to the junior Senator from

New Jersey [Mr. CASE], in which he discusses quite lucidly, and I think quite persuasively, the reasons why he hopes the Congress will permit this additional manner of enforcement, to wit, the application for injunctive relief. Under date of May 31, Mr. Brownell wrote:

There are valid reasons for the ever-increasing use of civil suits for preventive relief as a means of enforcing Federal law. Judicial determination of the validity of a course of conduct in advance aids the Government in its primary purpose of preventing violation of law. It also aids the defendant since he can litigate the legality of the proposed conduct without the necessity of taking action at the risk of a criminal conviction if he guesses incorrectly.

All of these reasons exist in the civil rights field, particularly in connection with the protection of the right to vote. The primary interest of the Government is in making it possible for all citizens to vote without discrimination based upon race, creed, or color, not in punishing local officials for denying such rights. Often it is not clear whether the particular conduct of a registrar of voters, for example, does constitute a violation of Federal law. Under present law the Government can only wait until the harm has been done—the rights to vote denied—and then proceed with a criminal prosecution as a means of testing the validity of the registrar's action. The registrar himself is often caught between community pressures to discriminate and the fear of Federal criminal prosecution with no way to resolve the issue in advance. With civil remedies authorized, the Government will often be able to obtain a judicial ruling in advance of the election which will determine the legality of the proposed conduct of the registrar, removing from him the necessity of risking criminal prosecution and effectively protecting the constitutionally guaranteed right of citizens to vote without discrimination based on race, creed, or color.

By way of emphasizing the excellent presentation being made by the junior Senator from New York, I wish to say to the Senator from Ohio [Mr. LAUSCHE] that there, in my judgment, are practical reasons why in this case the Congress should give to the Attorney General the authority for preventive relief, both under part III and under part IV.

Mr. LAUSCHE. Mr. President, I should like to reply to the statement the Senator from California has made.

Mr. JAVITS. Mr. President, I yield to the Senator from Ohio, so that he may have a colloquy with the Senator from California; and in that connection I ask unanimous consent that I shall not thereby lose the floor.

The PRESIDING OFFICER (Mr. GORE in the chair). Without objection, it is so ordered.

Mr. LAUSCHE. I do not wish to indulge in a legalistic argument. I have respect for the Attorney General of the United States. But this matter should be divided into two parts: First, the theme of declaratory judgments announcing rights and obligations; second, the theme of whether relief ought to be expanded by way of injunction, when it is not existent by way of an action in damages and criminal prosecution and an action by an individual for injunctive relief.

In answer to the statement of the Attorney General. I would say that if the purpose is to obtain a declaration of rights and obligations, it ought not be done through the extraordinary remedy by way of injunction. Historically, and throughout all the States, the means provided for obtaining, in advance, a declaration of rights and obligations is, and has been, through declaratory judgments. In a court of equity, that remedy was existent historically.

Mr. KUCHEL. If I may comment, I should like to say I disagree. There are today in the Federal statutes a multiplicity of examples where the Federal Government is empowered to obtain preventive relief by way of injunction, which, if subsequently violated, would result in proceedings to cure the contempt of the order of the court.

Last of all, I wish to say that I think this question is important, and I ask the Senator from New York if I am not correct in saying that the present law—which part III would amend by adding additional procedural matter—is also restricted, in that the present law, in each one of the three sections, is based upon conspiracies?

Mr. JAVITS. The present law is based upon two things: Conspiracies to proceed under color of State authority; and in a moment I shall develop that thesis——

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

Mr. JAVITS. I shall be glad to yield as soon as I make one more comment.

I should like to answer the point of the Senator from Ohio [Mr. LAUSCHE] about declaratory judgments, with this word of fact: As soon as I can, I shall proceed to read into the RECORD a legion of cases which already have done exactly that. In other words, the limits of the law and the rights to be protected have been rather thoroughly screened by the courts, and now we are up against the hard nut of how to enforce them.

Mr. LAUSCHE. Let me say that I have read the 28 statutes in which the Congress has now given the right to obtain relief by way of injunction.

Mr. JAVITS. Mr. President, at this time I yield to my colleague, the Senator from Rhode Island [Mr. PASTORE].

Mr. PASTORE. Mr. President, particularly on the point which was raised by the distinguished Senator from Ohio [Mr. LAUSCHE]—and I hope the Senator from New York will correct me if I am in error in making this assumption—I think this is where the Senator from Ohio may be laboring under a wrong impression. I believe he indicated that it is his understanding that the only relief an individual has under the three sections about which we are talking—and I refer particularly to section 1980 of title 42 of the code—is to proceed at law. As a matter of fact, under existing law an individual can now proceed in equity; can he not?

Mr. JAVITS. Yes; and I previously said so.

Mr. PASTORE. So we see that the bill does not propose a change from law to equity, for equity relief now exists. All that part III does is to empower the Attorney General to do in the name of the Nation what the individual is now empowered, under existing law, to do in his own name.

Mr. LAUSCHE. I was laboring under the impression that there are only two modes of relief under existing law: One, damages; two, criminal prosecution.

The Senator from New York has pointed out that under existing law the individual can go into a court of equity and can obtain the extraordinary relief by way of injunction.

Mr. PASTORE. That is correct.

Mr. JAVITS. We shall cite some cases for the RECORD. I do not have them at my fingertips, but later I shall cite them for the RECORD.

Mr. CARROLL. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield to the Senator from Colorado.

Mr. CARROLL. Mr. President, I think we should be very careful in our exchanges of opinion as to what is the intent of the Attorney General. I commend the Senator from California [Mr. KUCHEL] for reading his letter into the RECORD.

It is my opinion that if the Supreme Court were later to pass upon the bill, and if the Supreme Court thought for one moment that the purpose of part III of the bill was to supplant criminal prosecution, the Court would declare it to be unconstitutional.

Mr. JAVITS. I thank the Senator from Colorado. I think he has noted that I, too, have not sought to paraphrase or conjure up what the Attorney General had to say; but I have been very careful to read into the RECORD—and I hope other Senators will correct me if I err—only the Attorney General's own words.

Mr. CARROLL. His own words, in substance, or paraphrased, were that he did not seek the power to institute certain types of criminal prosecutions, but he sought this additional equitable remedy, not to punish, not to use the criminal remedy, but to use the equitable remedy of persuasion. I believe that is what the Attorney General seeks to do.

In June 1957, in construing a New York statute which had to do with pornographic literature, the Supreme Court of the United States rendered a 5 to 4 decision. The case also involved the question of injunctive proceedings. Three of the judges spoke of the right of trial by jury. It so happened that they were dissenters. The Chief Justice dissented on other grounds.

The junior Senator from New York [Mr. JAVITS] spoke of Justice Frankfurter. In the obscene literature decision Justice Frankfurter used, I thought, a very interesting and colorful phrase, namely, that the State of New York was entitled to all the weapons within its armory—whether they were injunctive or whether they were criminal—to accomplish the desired end.

I should like to add a word to the colloquy with my friend the Senator from Ohio [Mr. LAUSCHE]. As the Senator from Kentucky [Mr. COOPER] has pointed out, statutory grounds are not the only ones upon which the Attorney General can proceed. In addition, there are constitutional grounds, under both the 14th amendment and the 15th amendment.

If the distinguished Senator from Louisiana is now on the floor, let me say to him that that is exactly what happened in two parishes in Louisiana. An individual went into a Federal district court and petitioned in his own name, as an individual, asking the court to protect his rights under the 14th and 15th amendments. Now, my distinguished friend from Rhode Island again, as he always does, has put his finger on the central issue. It is very simple. The private individual, under statutory and constitutional rights, has a right to go into a court of equity, not only under the 14th and 15th amendments, but he also has statutory rights which have to be protected.

What is the Attorney General seeking? He wants power to move in. Only the Congress can give him that power. He has no inherent power to do so. The Federal courts have inherent power, but the Attorney General has none, unless we give it to him.

Hence we come to the real issue. Under the Clayton Act—I say this to my friend from Ohio; I am sure he is familiar with it—if a private individual is prosecuted today, as certain individuals are being prosecuted in Tennessee, he has a right to a trial by jury. The contention is that if we give this power to the Attorney General, because the Clayton Act does not apply in suits filed on behalf of the United States Government, jury trial does not apply.

I would like to comment for a moment on that point. Throughout 150 years of our country's history we had not encountered this in constitutional law until the Clayton Act was enacted. I have read the decisions and criminal proceedings in all States. In Ohio there is no right to a trial by jury in either civil or criminal contempt cases, nor is there such a right in Louisiana, nor is there such a right in North Carolina——

Mr. ERVIN. Mr. President——

Mr. CARROLL. There are some exceptions in North Carolina, but there is no such right in Mississippi or in Colorado. There are some exceptions, as in Pennsylvania, and I think Kentucky and Oklahoma, and there are some exceptions in the States of North Carolina and New York. So what we are really talking about, and this is the nub of the whole discussion and debate, is whether or not we shall give the Attorney General that power.

Mr. ERVIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. JAVITS. I yield to the Senator from North Carolina.

Mr. ERVIN. I would say that North Carolina has no great need for jury trial in a contempt case for two reasons. In the first place, North Carolina has never perverted and prostituted equity to the criminal field. In the second place, the Constitution and the Code of North Carolina give every litigant in every civil case the right to have all issues of fact tried by a jury, regardless of whether that case originated in law or in equity. Therefore, it would be impossible in North Carolina to get to the point where there would be a contempt proceeding against a litigant in a North Carolina court to enforce a civil contempt charge against him until all of the issues of fact had been tried before a jury. Furthermore, there are a number of States in this country, like Virginia, and, to some extent, Kentucky, where they have laws authorizing trial by jury in contempt cases. A person in Kentucky cannot be fined more than a few dollars or sentenced to imprisonment for more than a few days for contempt unless he is tried by a jury.

In North Carolina a man cannot be punished for contempt by imprisonment for more than 30 days, or fined more than $250.

Under this bill a person could be sent to jail for years and years and fined many thousands of dollars.

Mr. JAVITS. While the Senator is present in the Chamber, let us see about the law of North Carolina concerning contempts. In *State* v. *Little* (175 North Carolina 743), the court had this to say at page 747:

> And it is in no sense a denial of a constitutional right that a jury trial is refused in such cases.

The court, in *Safie Manufacturing Company* v. *Arnold* (228 North Carolina 375), said the following at page 389:

> In this State a contempt proceeding is authorized by statute. * * * This court has described it as sui generis, criminal in its nature, which may be resorted to in civil or criminal actions. * * * And it is held that persons charged are not entitled to a jury trial in such proceedings.

I respectfully submit that is pretty poor comfort to a person in jail—that he is to remain in jail only for 30 or 35 days.

I respectfully submit to the Senator from North Carolina that it is not necessary in his argument to go to the extent of saying something which as a lawyer I respectfully submit he knows is not so—that there is no rule, no ceiling, no jurisdiction to review the propriety of punishment in a contempt case in a United States court. I read to my colleagues here yesterday that in the United Mine Workers case the court very materially reduced the sentence for contempt. With all due respect, I cannot believe that any lawyer would be willing to say there is no limit whatever, and that a person could stay in jail for years, and be fined hundreds of thousands of dollars, without any right to an appellate court review.

Mr. ERVIN. I never said anything about an appellate court's review. If the Senator will join with me in writing into this bill the North Carolina constitutional and legal provisions, which give every person in a suit for injunction, as well as any other civil action, the right to a trial by jury on issues of fact, I will vote with him against a jury trial in contempt proceedings.

Mr. JAVITS. I think the Senator from New York and the Senator from North Carolina can get together on many things, but none that are related to this bill. [Laughter.]

Now, if the Senator will allow me, I have had an opportunity to read the references from which the Senator previously read to me in Corpus Juris Secundum. I think, in all fairness to what we are discussing, the reference should be completely in the RECORD, and I should like to read it into the RECORD, while the Senator is in the Chamber, so he can argue with me about it if he wishes to, section 502 of Corpus Juris Secundum, volume 16A, headed "Constitutional Guarantees," which reads:

> Equal protection to all is the basic principle on which rests justice under the law. By virtue of a clause in the 14th amendment of the Constitution of the United States expressly forbidding it to do so, a State may not deny to any person within its jurisdiction the equal protection of the laws. This clause is a pledge of equal protection of laws or protection of equal laws; and it 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; but it guarantees only the protection enjoyed by other persons or classes in the same place and under like circumstances, in pursuit of their lawful occupations, and it is not a guaranty of equality of operation or application of State legislation on all citizens of a State.
>
> It is intended to secure and safeguard equality of right and of treatment against intentional and arbitrary discrimination, but it operates only on legal rights otherwise created or existing and does not itself create any new legal rights, except the general right to equal protection of the laws. The equality guaranteed and required by it is equality of right and not of enjoyment, and discrimination in the grant of mere favors is not a denial of equal protection. The right is not an abstract right, but is a command which the State must respect. Rights protected include the right to acquire, enjoy, own, and dispose of property.
>
> A similar guaranty in the Philippine bill of rights was accorded the same construction as the guaranty in the 14th amendment; and clauses in the bills of rights of certain States, of the same general tenor, but couched in somewhat more general terms, have been construed as having the same force and effect as the equal-protection clause of the 14th amendment.

There follows section 503, from which the Senator read, which reads as follows——

Mr. ERVIN. And there also follow about 238 different pages which tell how many different kinds of cases can be brought by the Attorney General if this bill becomes law.

Mr. JAVITS. I do not mind that, because there are about 23,380 cases of questions involving many rights which are less valuable than these rights, including the antitrust and patent cases, which do not encompass the lives and futures of a very ordinary human being. So I do not mind that at all, and I am not dismayed by it.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JAVITS. I hope the Senator will permit me to finish reading this section, and then I shall yield to all my colleagues who wish to have me yield.

The PRESIDING OFFICER. The Senator from New York declines to yield at this time.

Mr. JAVITS. Section 503 states:

> Persons protected: As long as they are physically present in the State, all persons regardless of station or condition, are entitled to the equal protection of the laws of that State. Alienage or nonresidence neither

disentitles a person to protection nor renders him immune from proper classification.

Provided they are physically within the territorial jurisdiction of the State in question, all persons, regardless of station or condition or of the nature of the right to be protected, including women and aliens, and including citizens of other States, and nonresidents, are, under the constitutional guaranty, entitled to the equal protection of the laws of that State.

The protection accorded a resident alien by the 14th amendment of the Federal Constitution extends to his right to earn a living by following the ordinary occupations of the community; and a statute forbidding his employment in work of a private nature and not affected with a public interest is void. Also, a statute punishing certain acts as crimes when committed against citizens or residents of the State is void as denying the equal protection of the laws to aliens and nonresidents. However, a higher degree of protection for aliens than for American citizens of similar classes is not required; and a classification which is otherwise justified is not forbidden because aliens are within the limitations of a class.

There is an added paragraph which I will not take the time of the Senate to read. I ask unanimous consent, Mr. President, that it may be printed at this point in the RECORD.

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

Relying on the principle, stated infra sec-505b, that a classification or discrimination based on a reasonable distinction is valid, and considering also, in some cases, the powers of a State or municipality, or the rights of citizens, in regard to common property, public works, public safety, the marriage relation, and the ownership and devolution of property, the courts have upheld, as not denying equal protection of the laws, statutes, municipal charters, or ordinances limiting public contracts or employment on public works or in public service, or providing for preference therein, to citizens of the United States or citizens or residents of the State; ordinances prohibiting the issuance to aliens of licenses to operate motorbuses or poolrooms, or to sell intoxicating liquor; and statutes prohibiting aliens from possessing deadly weapons, giving to a resident widow dower in all lands of which her husband was seized during coverture and to a nonresident widow dower only in lands of which her husband died seized, denying to nonresident heirs the right to administer on the estates of decedents, imposing a different method of proof of citizenship on a naturalized citizen from that required of a native-born citizen, prohibiting or limiting the acquisition, ownership, or leasing of real property or any interest therein, or shares of stock in a corporation owning agricultural land, by aliens or aliens who are ineligible, or have not declared in good faith their intention, to become citizens, prescribing different rates for the poundage of stock of residents of a municipality, that of nonresidents generally, and that of nonresidents distant more than a mile from the municipality, discriminating in favor of the citizens of the State in regulating the taking for private use of the common property in fish and oysters found in the public waters of the State, or making it unlawful for resident aliens to kill wild game except in defense of person or property, and to that end making unlawful the possession by them of shotguns and rifles. There is authority both for and against the proposition that equal protection of the laws is denied by a statute prohibiting the appointment of an alien as guardian of an estate consisting of land.

Mr. PASTORE and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. JAVITS. I yield first to the Senator from Rhode Island [Mr. PASTORE].

Mr. PASTORE. I thank the Senator from New York.

First, I may say it is quite apparent to me, as it must be manifest to all Senators present, that the Senator from New York has given very thorough study to this subject, for which I compliment him. I also compliment him for his very brilliant performance this afternoon. Whether or not I agree with his point of view completely is apart from the question; I still congratulate and compliment him for the fine job he is doing on the floor this afternoon.

I should like to propound a question, which I think is bothering many of our colleagues. If part III of the bill should become law and an individual by action initiated by the Attorney General should be enjoined by a court order from the commission of an act the commission of which would be a crime, and that individual should be held in contempt of court for having disobeyed the order of the court, he could be incarcerated in prison, by order of the court for having committed a breach of an order of a court—for the commission of a criminal act—without a trial by jury.

What does the Senator from New York have to say about that situation?

Mr. JAVITS. The Senator from New York answers that as follows: In the event the United States was a party complainant to the suit, that the injunction was issued in the name of the United States, that there was a violation, and that then the contempt occurred—this is the point I did not make too clear, from what the Senator said, but I think I can answer specifically. If the contempt was a criminal contempt, that is the court desired to punish the defendant for a refusal or failure to comply, rather than to force the defendant to comply, then in the case of such criminal contempt the defendant, under the provisions of this bill, who otherwise would have been triable by jury under the present law, to wit, the Clayton Act, would not be triable by jury. That is a specific answer to a specific question on a specific set of facts.

But the Senator from New York adds the following statement: That situation, however, is not attributable in any way to this bill. First, this bill does not so provide. The Clayton Act says that where the United States Government is a party plaintiff the defendant shall not be entitled to trial by jury. Second, this eventuality represents the established law for generations or, as we lawyers say, since time immemorial, and the Clayton Act was a special application for jury trial purposes. The established and constant common law, as shown in practically every Southern State—and I am going to put into the RECORD the evidence as to the Southern State cases, for they have been leaders in this field, denying that right and not giving, whether for constitutional reasons or otherwise, the right of jury trial in contempt cases.

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

Mr. JAVITS. Certainly.

Mr. PASTORE. It is an admitted fact that unless part III of the bill is enacted, the Attorney General, and therefore the United States Government, cannot be a party to an action which falls within the purview of section 1980 of title 42 of the United States Code. Therefore, the enactment of part III, which gives status to the Federal Government in such cases automatically, would invoke the criminal procedure under the Clayton Act, and therefore we would have a situation differing from the previous situation. Heretofore, a man could not be held for the commission of a criminal act under section 1980, but by making the United States Government a party to the action we would be initiating a situation where a person could be held in contempt of court without a trial by jury for having committed a criminal offense under section 1980.

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

Mr. PASTORE. Is that not the crux of the whole problem? The fact that the Federal Government is brought in gives the proceeding status under the Clayton Act.

Mr. JAVITS. The only thing which the Senator is wrong about in his statement——

Mr. PASTORE. I am not arguing against the position of the Senator. I think this matter ought to be cleared up, because it is confusing many of our colleagues.

Mr. JAVITS. The only thing about which the Senator is incorrect in his statement is, I believe—and his statement was quite hard to follow exactly, so I hope the Senator will correct me if I am wrong—that he referred to a party violating the injunction as committing a crime. That does not necessarily follow. If the person violated the injunction and the court desired to charge him with criminal contempt—in other words, to punish him and not simply make him comply with the injunction—then the result which the able Senator has described would ensue.

Mr. PASTORE. That is not my question. Criminal contempt is a willful disregard of the order of the court. I did not ask about that. I merely asked this: If a man were enjoined from doing something the doing of which would be criminal, and he were held in contempt of court for the commission of that act not for willfully disregarding the court but merely for the commission of the act which he was enjoined from doing—he would be punished without trial by jury merely for being in contempt of the court.

Mr. JAVITS. The Senator is not correct, and I will tell him why.

Mr. PASTORE. I should like to know why.

Mr. JAVITS. I think we can specify it. I do not want to confuse the issue, because there is a precise answer.

The Senator said, "willfully." The minute we leave out the "willful" part of the proposition we do not give the man a jury trial trial even under the present law, because it is no crime and

no criminal contempt. If the Senator will leave out "willful" and confine himself to the terms of the present law, which are as follows—let me see if I can state it——

Mr. PASTORE. May I interrupt for a moment, so that we can get our premises clear? I am using the word "willful" as to the violation of the decree of the court and not willful as to the gravamen of the crime itself. In other words, I am making a distinction. I am not saying there is a willful disobedience of the court order, which is criminal contempt. I am merely saying that the act which the man has committed in violation of the court order is a crime, and his commission of that act is without willful disregard to the order of the court. The crime is committed in the fact that he commits the act. The man has committed an act which the court has enjoined him from committing. Because he has committed that act, he is brought before the court for contempt. The man can be punished without a jury trial, can he not?

Mr. JAVITS. I am sorry, but again I must disagree. The question, so far as criminal contempt is concerned, does not hinge on wilfullness. It hinges on what the court wishes to accomplish.

Therefore, will the Senator state his question in these terms: If a man is now a party to litigation in which the United States is not a plaintiff, and he violates a decree, and if the court whose decree he violated wishes to punish him—not merely to force him to comply with the decree, but to punish him—and if at the same time the act he has committed is also a crime——

Mr. PASTORE. Under title 18.

Mr. JAVITS. Then he is entitled to a trial by jury.

If, on the other hand, in the identical situation, the United States were the party complainant in the original litigation, and the decree ran to the United States, he would not be entitled to trial by jury.

Mr. PASTORE. Therefore, by making the United States a party under part III, we create the situation I have explained.

Mr. JAVITS. I have described a specific case; indeed, I have gone to great pains to state it exactly time and again, and I am very glad to state it once more. However, I add—because it is so vital that it should be added—that this is a situation which is inherent in equity, and has been inherent in equity since time immemorial.

I add one further point. First, let me say that we must be realistic. We are not living in a dream world.

Mr. PASTORE. I hope not.

Mr. JAVITS. Part III is under attack. It is all under attack. We cannot even do what the Senator wants to do with respect to part III if the Anderson-Aiken amendment is accepted.

Mr. PASTORE. No. I am not arguing against the Senator from New York, and I am not taking a position contrary to part III. Like the Senator from Ohio and other Senators, I have an open mind. I am leaning heavily toward the brilliant argument being made by the Senator from New York.

We have said on this floor time and again that part III would not add to the substance of the law; we are not changing anything, but we are merely adding remedies. We are saying that under existing law, if a man is in contempt, he cannot be denied a trial by a jury if the act is a criminal act. And yet if the Government is a party to the suit, he can be denied trial by jury. All we are doing under part III is to make the Government a party to the suit.

Mr. JAVITS. That is not all.

Mr. PASTORE. I hope I state the situation properly. If I do not, I wish to be corrected.

Mr. JAVITS. The Senator states the situation properly, except for the point which I made, which is that the court must wish to punish the defendant. I think the Senator will accept that statement. The Senator from Rhode Island may not have been in the Chamber when the Senator from Pennsylvania [Mr. CLARK] asked exactly that question, and I added that, in addition to the adjective remedy, as we lawyers call it involving the additional remedy of an injunction suit, the point being made by the opponents of the bill—not including the Senator from Rhode Island, because I understand his position perfectly well—was that the proposal in the bill brought into play the jury trial situation which the Senator has just described. I think it is only fair to say on our side, in answer to that particular argument, that the very reason the United States is being brought into the picture is because there has been a breakdown both in the process of applying local law with equality, and in the process of an individual securing redress when the law is applied to him unequally. That is the fundamental gravamen of the action sought here.

Mr. PASTORE. I wonder if the Senator would be willing to comment upon another question. I shall not press the question if he does not desire to do so.

Does the Senator from New York feel that substantial damage would be done to part III if we were to add the participation of the Attorney General, but if we were to go further and say that if the act committed is a crime with respect to which the defendant is entitled to a trial by jury, he shall be given a trial by jury, notwithstanding the fact that the Attorney General is made a party thereto? Does the Senator not think that would cure all the confusion and misunderstanding?

Mr. JAVITS. I think it might help in the view of Senators like the Senator from Rhode Island, and perhaps other Senators, but I do not think it would be in the best interests of the wisdom of the bill. I will tell the Senator why I think so.

Mr. PASTORE. I shall be glad to have the Senator's explanation.

Mr. JAVITS. I, too, am approaching this question with an open mind. I had not intended to discuss the jury-trial amendment in great detail. However, I hope to have an opportunity to do so later. I hope the resulting debate will be useful to the Senate. I shall try to conclude as soon as possible.

First, I see in the O'Mahoney amendment the fundamental vice of applying the jury-trial provision to civil contempt, which I think may be unconstitutional and destructive.

Second, with respect to what the Senator from Rhode Island suggests, for criminal contempt I think there is one difficulty. When a local official, and we are dealing with officials—with people who have a great deal of backing, who have States and communities behind them—has the choice between complying and not complying, he knows that all he has to do is to drag his feet until after election day, and then the contempt will be not civil contempt, but criminal contempt, and he will be entitled to a jury trial, in which his own friends will be on the jury. I am afraid such a course would lead us into trouble. That is the thing which causes me deep concern, and, although I am not in a position to speak for the Attorney General, I believe that that is what causes him great concern. In other words, we would be placing a prize in the hands of a person who does not deserve a prize. By defying an order until the time when such defiance would no longer be civil contempt, and the situation could be corrected only by criminal-contempt proceeding, such an individual could thumb his nose at the court.

Mr. PASTORE. In other words, the Senator takes the position that such a course would take the teeth out of the enforcement of the section.

Mr. JAVITS. Yes.

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

Mr. JAVITS. I yield.

Mr. LAUSCHE. I wish to pursue further the question raised by the Senator from Pennsylvania [Mr. CLARK]. Based upon the information elicited by the questions of the Senator from Rhode Island, it now clearly appears that there will be a change in the procedural rights of a defendant in the event part III is enacted.

Let me state the proposition. Under existing law, if an individual avails himself of the right to obtain an injunction, and does obtain an injunction which is later violated, the individual can obtain compliance through civil contempt proceedings, but not criminal contempt proceedings. Is that correct?

Mr. JAVITS. The moment the Senator says "obtain compliance" we stop talking about criminal contempt. In other words, the same individual can, upon his petition, obtain a remedy—it is not satisfaction, but he can also invoke a criminal contempt action by the court. He is not prevented from doing that.

Mr. LAUSCHE. He goes into court and says, "The defendant has not complied." The court asks the defendant, "Have you complied with my order?" The defendant answers, "I have not." Then the court says, "You are guilty of civil contempt, and I will confine you to jail until you obey."

That is correct, is it not?

Mr. JAVITS. Yes. That is civil contempt.

Mr. LAUSCHE. If the court in that proceeding wished to impose a punitive measure upon the defendant, the defendant would be entitled to the right of trial by jury.

Mr. JAVITS. Assuming that it is a Federal court, and assuming that the act which constituted contempt was a crime under State or Federal law.

Mr. LAUSCHE. It would be, under parts I and II of the bill, in most instances.

Mr. JAVITS. No; it would not be under parts I and II of the bill, because they deal purely with civil law. The act would have to be, independently, a crime under Federal law or State law.

Mr. LAUSCHE. Let us assume that that is correct. The bill provides that if the action were instituted by an individual, and criminal punishment were to be imposed, the defendant would be entitled to trial by jury. But if the proposal before us was approved, such trial by jury would be denied.

Mr. JAVITS. That is correct, except to the extent that it is in the discretion of the court. If he wishes to do so, he may empanel a jury to try the defendant.

Mr. LAUSCHE. In an advisory capacity?

Mr. JAVITS. That is pretty important. It has been argued that we must give the judge that right. He already has it. I have heard talk about amendments to make a jury trial discretionary on the part of the judge, and I thought it might be useful to mention the point at this time.

Mr. LAUSCHE. From my standpoint, we are dealing with constitutional rights, among them being the constitutional right to vote, the constitutional right to enjoy all the privileges enumerated by the Constitution, including the constitutional right to a trial by jury. Therefore, it is important that in the provision of one constitutional right, we should not deny another citizen his constitutional right.

Regardless of what may be said by some intemperate persons and ardent advocates of the bill who feel that they will brook no inquiry, and regardless of the declarations which have been made that we must listen to the letter, to the comma, and to the period, in the bill as it is brought before us, I contemplate making an inquiry into this subject. It is of grave importance. I agree with the press that probably nothing more important has been presented to the Congress in the past 80 years.

Mr. CLARK and Mr. COOPER addressed the Chair.

Mr. JAVITS. Before yielding I should like to make one correction for the benefit of the Senator from Ohio. I have been citing cases, and perhaps this discussion has been getting a little abstruse. However, it is a fact, and it should be stated over and over again, that the right of trial by jury in contempt cases is not a constitutional right. It antedates the Constitution in English law and American law. I might say also that I shall cite cases for the benefit of the RECORD which show that almost every one of the the Southern States has decisions by its highest courts, in which those courts have said specifically that it is not a constitutional right. I have already read one into the RECORD.

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

Mr. JAVITS. I yield.

Mr. LAUSCHE. I understand very well that a court, in order to obtain compliance with its orders, has the inherent right to punish. However, in Ohio, it is not possible to go into a court of equity unless a person first shows that there is no remedy at law open to him.

The court of equity was the court of last resort. No citizen could ask for relief at equity until he had demonstrated that he had exhausted all his other remedies in a court of law, and was unable to obtain relief.

I make that statement in answer to the statement made by the Senator from Colorado, that in Ohio we have no right of trial by jury in contempt cases. That is correct. However, in Ohio, it is not possible to obtain the relief we are speaking of here without first exhausting the other remedies in a court of law. That is obviously the intention even under the part of the bill under discussion, because it provides that a complainant need not exhaust his efforts in a court of law before going into a court of equity.

Mr. JAVITS. I should like to correct the Senator in one statement. He should have said in a court of law in a State court. That is a different thing. He refers to a court of law in a State, in the very State in which a violation of a civil right is being charged.

I say very humbly that it is high time that we began to have some last resort in these civil rights cases.

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

Mr. JAVITS. I yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, before the Senator from Ohio leaves the floor I should like to comment on the statement he has made. I should like to make a statement and then ask him if he agrees with it. First, the colloquy makes it abundantly clear that the right of trial by jury in a criminal contempt case is not a constitutional right at all, but is merely a right which may or may not be given as a matter of legislative discretion. I believe the Senator from Ohio will agree that it is not a constitutional right.

Secondly, I agree completely with the Senator from Ohio that we should not interpose equity into a situation unless we can show, first, that irreparable injury threatens and that there is no adequate remedy at law. I hope to demonstrate to my colleagues tomorrow, that that situation is exactly true under the pending bill.

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

Mr. JAVITS. I yield.

Mr. LAUSCHE. I cannot answer the question whether the right to trial by jury in a criminal contempt proceeding is created by statute or by the Constitution. I cannot answer that question. At this point, however, I should like to say that I do not pretend to be all-knowing in this matter. We have had too many declarations of that type. No one can know this whole problem with certainty. The best we can do is to carry on the sincere discussions we are having among the Senator from New York, the Senator from Kentucky, the Senator from Pennsylvania, the Senator from Rhode Island, and the Senator from Colorado, with the purpose of finding out whence we are coming and where we are going.

Mr. CLARK. I should like to say to the Senator from Ohio, my great, good friend and colleague in the battle that will shortly take place before the Senate, that perhaps we sometimes fall into the habit of expressing ourselves with too much emphasis, perhaps even more emphasis then we feel. I have an open mind, and I am prepared to debate this subject. Sometimes we make statements in the enthusiasm of the moment with greater emphasis and feeling than we intend.

Mr. LAUSCHE. I believe it was Socrates who said, "I admit I do not know; therefore I am wiser than you, who think you do know, when, in fact, you do not know." [Laughter.]

Mr. CLARK. I would not want anyone to think that the Senator from Ohio was not far wiser than I.

Mr. LAUSCHE. I do not apply that statement to the Senator from Pennsylvania. I think it is the general attitude that has been exhibited by too many who have argued the question on this side.

Mr. JAVITS. Mr. President, I now yield to the Senator from Kentucky.

Mr. COOPER. I should like to say to the Senator from Ohio—and this will be the last time that I will interrupt his discussion—I agree with other Senators that the Senator from New York's [Mr. JAVITS] debate has shed light on many questions which have concerned the Senate.

I was very much interested in the question the Senator from Ohio propounded. He asked whether part III, giving to the Attorney General the right to file an action in behalf of the United States, was placed in the bill to deny the right of trial by jury to persons who now have that right. That question must be answered, because it is disturbing a great many Senators.

Article 3 of the Constitution states that the judicial power shall extend to all cases in law and equity arising under the Constitution.

We know that before the Constitution was adopted, the courts exercised equitable jurisdiction as well as common law jurisdiction. It is my judgment, that the sixth and seventh amendments of the Constitution, and the provision for a jury trial go to the question of common law jurisdiction.

In equity cases, it is certain that the court has the right to vindicate its orders, and that from time immemorial it had that right without the intervention of a jury.

The Senator has asked the question: Will title III take away the trial by jury? I believe we must admit that in certain cases it will.

Let us take a specific case. If a person goes into court and asks that an equal right under the 14th amendment be secured, the court can now issue a mandatory order against the persons who are preventing the enjoyment of the right, and who have the power to assure it, direct that they act or refrain from acting—to remedy the deprivation. If they failed to obey his order,

the court can punish for contempt without trial by jury. They can release themselves from punishment by carrying out the court's order. As an example, if a school board disobeyed the court orders to permit a student to enter a school, or a board of registration refused the orders of a court to permit a person to vote, the court could punish members of such a board, and could punish them without trial by jury, because they have the power to remedy the deprivation of right. Figuratively, they can open the door to jail at any time by obeying the court orders.

But if the court should prohibit other persons who cannot themselves assure a right claimed from interfering with its orders, and those persons disobey the court's order, they commit a criminal contempt, simply because they have disobeyed the orders of a court. As I understand the law, such persons have the right of trial by jury now. But if title III is adopted, the law would be changed with respect to them.

The court could punish in contempt proceeding without the intervention of a jury. Therefore, I think it must be admitted that whatever the intention behind the proposed legislation or the intention of the Attorney General, if part III becomes law as a practical consequence some persons who disobey the orders of the court may be punished by the courts under proper contempt proceedings, without trial by jury. I believe that must be admitted. The question of whether or not this shall be done is a question for the judgment and the wisdom of the Congress. It is a question of policy.

Mr. JAVITS. I thank my colleague from Kentucky for his contribution, and I yield now to my colleague from Colorado.

Mr. CARROLL. Mr. President, no Member of the Senate in the past 8 or 10 days has studied the proposed legislation more avidly and more earnestly than the distinguished Senator from Ohio. I have watched him not only in his own seat in the Senate, but everywhere he has gone I have observed him talking about and working on the proposed legislation. I know how intent and sincere he is.

He referred to Colorado. Historically, in Colorado, and I am sure in most of the other States, the entire contempt procedure comes to us from the common law. The jury trial provision in the Constitution applies to trial by jury in criminal cases at common law.

Trying to simplify this subject as much as we can, I agree with the remarks of the distinguished Senator from Kentucky, with one addition, that the right to jury trial in contempt cases, either civil or criminal, does not derive from the Constitution. It derives from legislation action. This particular procedure was never heard of before in the history of America until the enactment of the Clayton Act. I believe that is a fair statement of what the law is today.

My distinguished friend, the Senator from Rhode Island [Mr. PASTORE] raised the question about the right to jury trial under the Clayton Act, and the meaning of the provision of this bill giving the Attorney General the power to intervene. The United States Government was excluded in the provisions granting jury trial in the Clayton Act. The United States Government, or the Attorney General, its agent, by being included in this bill as party in a criminal contempt proceeding, would exclude a jury trial. There can be no question about that. Every Member of this body ought to know that would result.

I merely make this point, that with rare exceptions almost every State in the Union, as well as the United States Government, has never provided for jury trials in criminal contempt proceedings. I should like to join the very fine example of the junior Senator from New York, and state what it means with reference to voting.

Consider civil procedure in a court. It makes no difference what county in the United States is used for illustration. There is a registrar. He is either discriminating or using evasive tactics to prevent people from voting. A proceeding is started in the court. Affidavits are filed. There is a hearing on the merits. He is told by the court, "Go back to your post and do not discriminate against the voters." If he fails to do that, he is brought back into court on an order to show cause and the court may warn him again. His action is civil contempt. The court is trying to compel him to do an act. But, as the distinguished junior Senator from New York said, suppose he waits until around election time. He will wait a few days, knowing that if his case is ever transformed from a civil to a criminal contempt action, he will get a trial by jury in an area where there is no possibility of enforcement.

I am now talking about the right to vote. Part III is wide open, but the question really is on the right of jury trial, where we are attempting to draw a distinction between civil and criminal contempt.

I should like to make an observation, which is only a humble bush lawyer's opinion. From reading the United States Supreme Court decisions I say neither State legislature nor the Congress has any constitutional power to limit the civil-contempt power of the Supreme Court or any other court of the land, because the Court has that jurisdiction which is inherent to it as a court.

In the Michaelson case, in which the Court construed the Clayton Act, the Court so held. In the Michaelson case the Supreme Court said that if the law were to curb civil-contempt power, it would raise grave questions. Therefore, in my humble opinion, I think the Court might say to the Congress, "You cannot interfere with civil contempt." But can we interfere with criminal contempt? Congress may. The Congress did under the Clayton Act. Under part III and part IV if we can apply a curb, if we desire, and intervene between the Court and enforcement of its decree by a jury trial? We may.

Congress never did it until the passage of the Clayton Act, and the Clayton Act was designed not to interfere with rights, but to extend economic rights. That was the fight on the part of labor. A system of jurisprudence was being imposed upon labor which was obnoxious and contrary to the national policy. We must consider whether we want to set up, in the guise of constitutional safeguards, the right to jury trial to minimize rather than to extend political rights in this country.

Mr. JAVITS. I thank the Senator from Colorado for his contribution. I shall not answer it at the moment, but I should like to yield to my colleague from Rhode Island. However, after having yielded to my colleague from Rhode Island, I should like to ask the privilege of the Senate to finish my affirmative presentation before yielding again.

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

Mr. JAVITS. I yield.

Mr. PASTORE. I thank the Senator from New York for his generosity and graciousness, but is this not fundamentally the situation in a nutshell, that in fact what a violator of the order of the court is to be punished for is not for having committed a crime, but for having committed an act which the court forbade him to commit?

Mr. JAVITS. That is exactly correct. May I now finish my statement, joining to the colloquy which has just taken place? The fact that in 28 laws already on the books there is authorized injunctive relief by the United States Government to prevent crimes. Let me repeat that, because this is the answer of Attorney General Brownell to the very searching cross-examination of the Senator from North Carolina. On page 62 of the record of the hearings we find the following:

> Mr. BROWNELL. You may be interested to know, Senator, that if you take that position, you will be in favor of repealing 28 different laws that are already on the books, statutes which authorize injunctive relief by the United States Government in these cases to prevent crimes.

The question of the Senator from North Carolina [Mr. ERVIN] was as follows:

> Senator ERVIN. And my objection to part 3 and part 4 of these amendments is that they take and pervert the use of equity from its accustomed field in order to deprive American citizens of their constitutional rights of indictment by grand juries, of trial by jury, and of the right to confront and cross-examine their accusers.

The 28 statutes to which the Attorney General referred follow, and I ask unanimous consent that they may be printed in the RECORD as a part of my remarks.

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

> Antitrust laws, restraining violation (by United States attorney, under direction Attorney General) (15 U. S. C. 4).
>
> Associations engaged in catching and marketing aquatic products restrained from violating order to cease and desist monopolizing trade (by Department of Justice) (15 U. S. C. 522).
>
> Association of producers of agricultural products from restraining trade (by Department of Justice) (7 U. S. C. 292).
>
> Atomic Energy Act, enjoining violation of act or regulation (by Atomic Energy Commission) (by Attorney General) (42 U. S. C. 1816).

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

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

Electric utility companies, compliance with law enforced by injunctions (by Federal Power Commission) (16 U. S. C. 825m).

False advertisements, dissemination enjoined (by Federal Trade Commission) (15 U. S. C. 53).

Freight forwarders, enforcement of laws, orders, rules, etc., by injunctions (by Interstate Commerce Commission or Attorney General) (49 U. S. C. 1017).

Fur Products Labeling Act, to enjoin violation (by Federal Trade Commission) (15 U. S. C. 69g).

Enclosure of public lands, enjoining violation (by United States attorney) (43 U. S. C. 1062).

Investment advisers, violations of statute, rules and regulations governing, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80b-9).

Gross misconduct or gross abuse of trust by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-35).

Use of misleading name or title by investment company, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-34).

Violation of statute governing, or rules, regulations, or orders of SEC by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-41).

Fair Labor Standards Act, enjoining of violations (by Administrator, Wage and Hour Division, Department of Labor, under direction of Attorney General, see 29 U. S. C. (204b)) (29 U. S. C. 216 (c), 217).

Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction (by United States attorney, see 29 U. S. C. 921a) (33 U. S. C. 921).

Import trade, prevention of restraint by injunction (by United States attorney, under direction of Attorney General) (15 U. S. C. 9).

Wool products, enjoining violation of labeling act (by Federal Trade Commission) (15 U. S. C. 68e).

Securities Act, actions to restrain violations (by Securities and Exchange Commission) (15 U. S. C. 77t).

Securities Exchange Act, restraint of violations (by Securities and Exchange Commission) (15 U. S. C. 78u).

Stockyards, injunction to enforce order of Secretary of Agriculture (by Attorney General) (7 U. S. C. 216).

Submarine cables, to enjoin landing or operation (by the United States) (47 U. S. C. 36).

Sugar quota, to restrain violations (by United States attorney under direction of Attorney General, see 7 U. S. C. 608 (7) (7 U. S. C. 608a-6).

Water carriers in interstate and foreign commerce, injunctions for violations of orders of ICC (by ICC or Attorney General) (49 U. S. C. 916).

Flammable Fabrics Act, to enjoin violations (by Federal Trade Commission) (15 U. S. C. 1195).

National Housing Act, injunction against violation (by Attorney General) (12 U. S. C. 1731b).

Mr. JAVITS. Mr. President, to continue my affirmative presentation of this matter, at least every right that part III seeks to better secure is already a right, the violation of which is a criminal offense under section 241 and 242 of title 18 of the United States Code, and we have already discussed that. But what may be very interesting to the Senate is to examine those sections and see the penalties which the Attorney General testified he found on occasion were unduly harsh in order to bring about the result which was the objective of the statute.

I ask unanimous consent that the text of each statute may be included at this point in my remarks.

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

SECTION 241, TITLE 18, UNITED STATES CODE

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned for not more than 10 years, or both.

SECTION 242, TITLE 18, UNITED STATES CODE

Whoever, under color of any law, statute, ordnance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Mr. JAVITS. Mr. President, in section 241, which relates to conspiracies to deprive a person of civil rights, the penalty is a fine of not more than $5,000 or imprisonment for not more than 10 years or both.

In section 242, which relates to seeking, under color of any law, statute, ordinance, regulation, or custom, to deprive the inhabitant of any State, Territory, or district of his civil rights, the punishment is a fine of not more than $1,000, or imprisonment for not more than 1 year, or both. I respectfully submit that now one begins to understand why the legislation being sought is so urgently required in terms of the administration of justice in the United States.

The very fact that injunctions are opposed for acts which are criminal in nature might indicate that those who oppose injunctions in principle, apart from those who oppose them on the go-slow theory—which I shall discuss—believe that those guilty of such acts are not likely to be prosecuted effectively or in time. Indeed, the Attorney General has said that the enactment of this part of the bill is sought expressly for that reason. This same Attorney General is also empowered to prosecute under the criminal statutes. If he wanted to be rough and tough and mean, he would not be seeking the injunctive power.

It seems to me this disposes completely of what I think is a manufactured reason for opposing the bill—namely, the argument that if the bill is enacted into law—and now I shall quote from a statement made by one of my colleagues during the debate:

State and local officials and other persons involved in civil-rights cases would have their constitutional and legal rights hinge upon the whim and caprice of only one man in the entire universe, namely, the temporary occupant of the Office of the Attorney General, whoever he might be.

That seems to be a large part of the argument against part III. But, as my colleague, the Senator from Rhode Island [Mr. PASTORE], has pointed out, in an injunction suit, the defendant does not have to guess what he can do and what he cannot do. The court tells him that in specific terms; and if his lawyer does not think the court has so stated in terms sufficiently specific, his lawyer can argue about that, and can have the court state the matter in more specific terms.

An Attorney General is only a lawyer, and he has to face courts and all the protections of the Constitution with respect to trials, just as any other lawyer does.

So, Mr. President, the argument that the Attorney General will be a king or a czar or a tyrant should not be accepted as a serious one, and should not even impress us as being serious.

What have we who are defending part III to apologize for? We are trying to uphold the Constitution of the United States. Is our memory so short or is the dust-throwing in the Senate so effective that we can forget in a few weeks the accumulated miseries and injustices which have made the demand for the enactment of civil-rights legislation a hotly boiling question for 25 years? I cannot see how we can basically compromise on this bill without admitting that we are either unable or unwilling to give clear and effective sanction to the constitutional requirements; and, Mr. President, for that reason I oppose any substantial weakening of part III.

I believe it very important to point out that out of a total population of 25,547,203 in the 9 major Southern States, we are talking about 7,604,452 human beings who are Negroes. We are not talking about a small group of persons who might need to have some special rights protected. Instead, we are talking about a great and essential part of the population of the United States. I should think we would have settled decades ago the fact that the rest of the country is interested in what goes on in those States, despite the argument of some that the country is not interested in what goes on there. We are interested. If we were not, the world would soon remind us that we had better be interested, for anyone who listens to the Communist radio anywhere in the world will hear a big point made of every instance of violation of these civil rights. This matter is important, because in this whole cold war struggle we are trying to win in the case of 1,250,000,000 human beings who themselves are yellow or black. If they are to accept the United States as the moral and spiritual leader of the world, they wish to know how they will be treated. They do not want to be discriminated against. They want the United States to practice what it preaches.

If that point needs any further emphasis, it can be implemented, as I have said, by means of the radio broadcasts emanating almost daily from the Com-

munist countries, and also by the fact that it is used as a guide in the newspapers published in India, Burma, Thailand, all of Africa, and everywhere else in the world where there is a population which has a tinge of color in its complexion.

Mr. President, it makes no sense, and it could be tragic for those on our side to be on the defensive, when in our country there has been an historic effort to secure the civil rights of Americans. On our side, we are merely trying to have enacted into law an effective and moderate means of guaranteeing the constitutional rights of all our citizens, whether white or black, whether residing in the North or residing in the South.

Mr. President, no one attempts to pin any rosettes on any part of the country. Today, I noticed in the New York Times an article stating that a lady in New York City instituted suit because she thought the schools in New York City were, in practical effect, confining Negroes to particular schools because they lived in particular areas, and she believed that such a zoning system was in effect in New York City.

Mr. President, I am entirely in favor of such suits; certainly she should be entitled to sue. If our State laws and our State courts do not give adequate protection in connection with the matter about which she is suing, the United States should step in; and I think the people of the State of New York would cheer and applaud its action. That is all we are asking from any other State. The bill establishes no new civil rights.

Mr. President, if we are to reargue and refight the Civil War and the advantages and merits of constitutional rights, including those under the 14th amendment, then let the opponents of the bill admit that that is what they are attempting to do—that they are attempting to refight the issues of the Civil War.

Finally, Mr. President, I should like to have printed in the RECORD—because I think it is extremely important in regard to the question of specifications—a list of the specific civil rights protected by the Constitution and laws of the United States. They are set forth on pages 245, 246, and part of 247 of the hearings held before the Subcommittee on Constitutional Rights, of the Committee on the Judiciary of the United States Senate, in February and March of 1957. I ask unanimous consent to have printed with this list the statement made by the Attorney General; it constitutes a statement important to the legislative intent of this measure. Certainly the question of the legislative intent has been hotly debated in the Senate. At that point in the hearings the Attorney General presented the list as a specification illustrative of the rights with which he wishes to be able to deal under part III of the bill, and also under part IV, but primarily under part III.

Therefore, Mr. President, I ask unanimous consent that the list and statement by the Attorney General be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. THURMOND in the chair). Is there objection?

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

SPECIFIC CIVIL RIGHTS PROTECTED BY THE CONSTITUTION AND LAWS OF THE UNITED STATES

The following civil rights have been defined by court decisions wherein the rights were found to have been violated or wherein a pleading was found to sufficiently state a violation. This list is merely illustrative and does not attempt to include all civil rights, nor to include all court decisions growing out of violations of the rights here listed. The categorization of the rights is to some degree arbitrary.

Right to vote in Federal elections: *Swafford* v. *Templeton* ((1902) 185 U. S. 487); *Smith* v. *Allwright* ((1944), 321 U. S. 649); *Ex Parte Yarbrough* ((1884), 110 U. S. 651).

Right of a voter in a Federal election to have his ballot fairly counted: *United States* v. *Mosely* ((1915), 238 U. S. 383); *United States* v. *Classic* ((1941), 313 U. S. 299); *United States* v. *Saylor* ((1944), 322 U. S. 385).

Right to vote in all elections free from discrimination by State on account of race or color: *Lane* v. *Wilson* ((1939), 307 U. S. 268); *Davis* v. *Schnell* ((S. D. Ala., 1949), 81 F. Supp, 872, affirmed 336 U. S. 933); *Bryce* v. *Byrd* ((C. A. 5, 1953), 201 F. 2d 664); *Mitchell* v. *Wright* ((C. A. 5, 1946), 154 F. 2d 924); *Hall* v. *Nagel* ((C. A. 5, 1946), 154 F. 2d 931); *Nixon* v. *Herndon* ((1927), 273 U. S. 536); *Baskin* v. *Brown* ((C. A. 4, 1949), 174 F. 2d 391); *Rice* v. *Elmore* ((C. A. 4, 1947), 165 F. 2d 387).

Right to inform a Federal officer of a violation of Federal law: *In re Quarles* ((1895), 158 U. S. 532); *Motes* v. *United States* ((1900), 178 U. S. 458); *Nicholson* v. *United States* ((C. A. 8, 1935), 79 F. 2d 387); *Hawkins* v. *State* ((C. A. 5, 1923), 293 Fed. 586).

Right to testify in Federal court: *Foss* v. *United States* ((C. A. 9, 1920), 266 Fed. 881).

Right to be free from mob violence while in Federal custody: *Logan* v. *United States* ((1891), 144 U. S. 263).

Right to secure from unlawful searches and seizures: *Irvine* v. *California* ((1953), 347 U. S. 128, 137).

Right to peaceably assemble free from unreasonable restraint by State or local officials: *Hague* v. *CIO* ((1939), 307 U. S. 496); *De Jong* v. *Oregon* ((1937), 299 U. S. 353).

Freedom of religion: *Cantwell* v. *Connecticut* ((1940), 310 U. S. 296); *Board of Education* v. *Barnette* ((1943), 319 U. S. 624); *Murdock* v. *Pennsylvania* ((1943), 319 U. S. 105).

Freedom of speech and of the press: *Lovell* v. *Griffin* ((1938), 303 U. S. 444); *Myerson* v. *Samuel* ((D. C., E. D., Pa., 1947), 74 F. Supp. 315); *Grosjean* v. *American Press Co.* ((1936), 297 U. S. 233).

Right not to be purposefully discriminated against in public employment on account of race or color: *Kerr* v. *Enoch Pratt Free Library of Baltimore City* ((C. A. 4, 1945), 149 F. 2d 212); *Mills* v. *Board of Education of Anne Arundel County* ((D. C. Md., 1939), 30 F. Supp. 245); *Davis* v. *Cook* ((D. C. Ga., 1948), 80 F. Supp. 443); *Thompson* v. *Gibbes* ((D. C. S. C., 1945), 60 F. Supp. 872); *Morris* v. *Williams* ((C. A. 8, 1945), 149 F. 2d 703).

Right not to be denied use or enjoyment of any governmentally operated facilities on account of race or color: *Brown* v. *Board of Education* ((1954), 347 U. S. 483; (1955) 349 U. S. 294); *Dawson* v. *Mayor and City Council of Baltimore* ((C. A. 4, 1955), 220 F. 2d 386; affirmed 350 U. S. 877); *Holmes* v. *City of Atlanta* ((C. A. 5, 1955), 223 F. 2d 93); *Fayson* v. *Beard* ((E. D. Tex., 1955) 134 F. Supp. 379); *Williams* v. *Kansas City, Mo.* ((D. C. W. D., Mo., 1952), 104 F. Supp. 848); *Easterly* v. *Dempster* ((D. C. E. D. Tenn., 1953), 112 F. Supp. 214); *Jones* v. *City of Hamtramck* ((D. C. E. D., Mich., 1954), 121 F. Supp. 123); *Vann* v. *Toledo Metropolitan Housing Authority* ((D. C. Ohio, 1953), 113 F. Supp. 210); *Draper* v. *City of St. Louis* ((D. C. Mo., 1954), 92 F. Supp. 546); *Sweeney* v. *City of Louisville* ((D. C. Ky., 1951), 102 F. Supp. 525, affirmed 202 F. 2d 275).

Right not to be segregated under compulsion of State authority on account of race or color: *Browder* v. *Gayle* ((D. C. M. D. Ala., 1956), 142 F. Supp. 707, affirmed 352 U. S. 903); *Morgan* v. *Virginia* ((1946), 328 U. S. 373); *Fleming* v. *South Carolina Electric and Gas Co.* ((C. A. 4, 1955), 224 F. 2d 752); *Shelley* v. *Kraemer* ((1948), 334 U. S. 1); *Buchanan* v. *Warley* ((1917), 245 U. S. 60); *Valle* v. *Stengel* ((C. A. 3, 1949), 176 F. 2d 697).

Right not to be denied due process of law or equal protection of the law in other regards: *Brown* v. *United States* ((C. A. 6, 1953), 204 F. 2d 247); *Oyama* v. *California* ((1948), 332 U. S. 633); *Takahashi* v. *Fish and Game Commission* ((1948), 334 U. S. 410); *United States* v. *Gugel* ((D. C. E. D. Ky., 1954), 119 F. Supp. 897); *Burt* v. *City of New York* ((C. A. 2, 1946), 156 F. 2d 791); *Cobb* v. *City of Malden* ((C. A. 1, 1953), 202 F. 2d 701); *Picking* v. *Pennsylvania R. Co.* ((C. A. 3, 1945), 151 F. 2d 240).

Right to be free to perform a duty imposed by the Federal constitution: *Brewer* v. *Hoxic School District* ((CA 8, 1956), 238 F. 2d 91).

Right, when charged with crime, to a fair trial: *Moore* v. *Dempsey* ((1923), 261 U. S. 86).

Right not to be tried by ordeal or summarily punished other than in the manner prescribed by law: *Screws* v. *United States* ((1945), 325 U. S. 91); *Davis* v. *Turner* ((CA 5, 1952), 197 F. 2d 847).

Right not to be forced to confess an offense: *Williams* v. *United States* ((1951), 341 U. S. 97); *Refoule* v. *Ellis* ((DC N. D. Ga., 1947), 74 F. Supp. 336).

Right to be free from brutality at the hands of prison officials: *United States* v. *Jones* ((CA 5, 1953), 207 F. 2d 785); *United States* v. *Walker* ((CA 5, 1954), 216 F. 2d 683); *United States* v. *Jackson* ((CA 8, 1956), 235 F. 2d 925); *McCollum* v. *Mayfield* ((DC N. D., Cal., 1955), 130 F. Supp. 112); *Gordon* v. *Garrison* ((DC E. D. Ill., 1948), 77 F. Supp. 477).

Right to representation by counsel at criminal trial: *Powell* v. *Alabama* ((1932), 287 U. S. 45).

Right to trial by a jury from which members of the defendant's race have not been purposedly excluded: *Smith* v. *Texas* ((1940), 311 U. S. 128).

Right of prisoner to protection by officer having him in custody: *Lynch* v. *United States* ((CA 5, 1951), 189 F. 2d 476).

Right not to be held in peonage: *Pierce* v. *United States* ((CA 5, 1944), 146 F. 2d 84); *United States* v. *Gaskin* ((1944), 320 U. S. 527).

Right not to be held in slavery or involuntary servitude: *United States* v. *Ingalls* ((S. D. Cal., 1947), 73 Supp. 76).

Mr. JAVITS. Mr. President, under each one of these specifications—namely, the right to vote in Federal elections; the right to have a ballot in a Federal election fairly counted; the right to vote in all elections, free from discrimination by a State on account of race or color; the right to inform a Federal officer of a violation of Federal law; the right to testify in a Federal court; the right to be free from mob violence while in Federal custody; the right to be secure from unlawful searchers and seizures; the right to peaceably assemble, free from unreasonable restraint by State or local officials; freedom of religion; freedom of speech and of the press; the right not to be purposefully discriminated against in public employment on account of race

or color; the right not to be denied the use or enjoyment of any governmentally operated facilities, on account of race or color; the right not to be segregated under compulsion of State authority on account of race or color; the right not to be denied due process of law or equal protection of the law in other regards; the right to be free to perform a duty imposed by the Federal Constitution; the right, when charged with crime, to a fair trial; the right not to be tried by ordeal or summarily punished, other than in the manner prescribed by law; the right not to be forced to confess an offense; the right to be free from brutality at the hands of prison officials; the right to representation by counsel at criminal trial; the right to trial by a jury from which members of the defendant's race have not been purposely excluded; the right of a prisoner to protection by the officer having him in custody; the right not to be held in peonage; and the right not to be held in slavery or involuntary servitude, Mr. President, in the case of each of these rights, we who contend for them only in a case in which a State denies them, have nothing to apologize for. On the other hand, have those who oppose the bill anything to apologize for? In the case of each of the rights so specifically set forth in the hearings, the Attorney General has not only set forth the right, but he has implemented it, and both the list and the remarks of the Attorney General are to be printed in the RECORD, as a part of my remarks, together with a listing of specific cases in the Federal courts spelling out exactly what the right is and the extent, under this measure, to which the Attorney General would seek to protect each of the rights.

Mr. President, if one can be any more specific than that, then I must confess I do not know how to be.

One final point, Mr. President, I am opposed to the jury trial amendment as seeking to make a special exception in the case of civil rights to the established procedure in our own courts of justice since their foundation. Right now there is no United States statute giving a jury trial in civil contempt cases. Indeed, incidentally, the authority to punish for contempt, civil or criminal, for violation of a court order, without a jury trial, is strictly enforced in practically every one of the Southern States.

To demonstrate that fact, I ask unanimous consent that there may be printed in the RECORD as a part of my remarks the foreword to a study by the Library of Congress Legislative Reference Service entitled "State Law on Civil and Criminal Contempt," which is dated May 27, 1957.

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

STATE LAW ON CIVIL AND CRIMINAL CONTEMPT

DIRECT AND INDIRECT OR CONSTRUCTIVE CONTEMPT

Offenses constituting contempt of court fall into two classes: (1) those known as direct contempts, which consist of acts committed in the presence of the court or so near the court as to interrupt its proceedings, and (2) those known as indirect or constructive contempts, which consist of acts committed not in the presence of the court and not so near to the court as to interrupt its proceedings.

This study is limited to indirect and constructive contempts, and only to such constructive contempts as consist in the violation of an order or mandate of the court.

CIVIL AND CRIMINAL CONTEMPT DISTINGUISHED

The violation of an injunction or other order or decree of a court is deemed a contempt of court in every State. However, it is important to the accused that a distinction be made between civil and criminal proceedings for contempt. Upon this distinction depend the rights which will be accorded to the alleged contemnor in the hearing or trial at which his guilt or innocence is to be determined.

The power to punish for contempt is inherent in every court of record. Some States have attempted to clarify and regulate this power by statute. Most States, however, have left it to the courts to interpret and exercise, and even where contempt proceedings are regulated by statute, the courts have stated that such statutes merely enacted or reenacted into a particular law something that already belonged to the court fundamentally and inherently.

We must therefore look both to the statutes and the cases to discover how the States regard contempt procedings.

Prevailing view: In most States, the distinction between civil and criminal contempt appears to be as follows:

Civil contempt: Contempt proceedings are civil in character when their primary purpose is to preserve and enforce the rights of private parties to an action or proceeding and to compel obedience to orders and decrees made to enforce the rights and administer the remedies to which the court has found them entitled. The punishment is thus merely remedial and coercive and although a contemnor may be committed to jail in a civil contempt proceeding, such commitment is only for the purpose of inducing the contemnor to obey the court order, and he is to be released immediately upon compliance. The term of imprisonment cannot therefore be a fixed term. It is true that a contemnor who is stubborn in his refusal to comply may serve longer than one who was convicted in criminal proceedings and given a fixed term but on the other hand, the person convicted in a civil proceeding "carries the keys to the prison in his own pocket" as the courts express it, and he need but comply with the order to be free.

The parties chiefly in interest in the conduct and prosecution of civil proceedings are the individuals whose private rights and remedies the injunction or mandate sought to protect.

Criminal contempt: Contempt proceedings are criminal in nature when their primary purpose is to vindicate the honor and dignity of the court and to punish for disobedience of its orders. The punishment is then merely punitive, and the Government, the courts, and the people are interested in such proceedings. A contemnor committed to jail in a criminal proceeding must be given a fixed term of imprisonment.

Civil and criminal: Sometimes the offense can constitute both civil and criminal contempt, as where the act committed is a flagrant disobedience of an order, but yet the primary benefit derived from that order would inure to a private litigant. In such a case it is the primary purpose which would be the determining factor.

Most courts have held that where the contemnor still has it in his power to obey the order which would benefit a private litigant the contempt proceeding is civil, to coerce him to obey. But where it is no longer in the contemnor's power to obey, then, no benefit can be derived by the private litigant from the contemnor's imprisonment, and such punishment will only be punitive to avenge the honor of the court, and therefore the proceedings will be criminal in character.

Injunctions: It has generally been held that if the contempt consists in failing to do a thing ordered, it will be considered civil, while doing a thing forbidden by an injunction will be considered criminal. This merely illustrates the previous statement. When contempt consists of omission to do an act, contemnor may be coerced into doing it by a jail sentence. But if he has done what was forbidden, the act is already done and even a jail sentence cannot undo it. Damages may compensate for such act, and some States do impose them; but damages cannot undo the act.

Civil rights: To illustrate, supposing the court, on proper complaint by A, has ordered B, an election official, to register A for voting in the ensuing election. B disobeys the court order and refuses to register A. B is brought to court to face charges for failing to obey the mandate of the court. Ordinarily these contempt proceedings would be civil because they are primarily for the benefit of A, a private individual, and the contempt consists of omission to do an act, that is, to register A. However, suppose that by the time A has duly advised the court of the violation, the time for registration has expired and B no longer has the power to register him. Committing B to jail could no longer benefit A since registration has closed and B cannot be coerced into registering him. In such a case either a fine or a jail sentence would be merely a punishment of B for having disobeyed an order of the court, and the proceedings would be criminal. B would be entitled to all the rights which accrue to a defendant in a criminal prosecution. He would have in his favor a presumption of innocence, and his guilt would have to be established beyond a reasonable doubt; he could not be compelled to testify against himself; and if the case against him is dismissed, no appeal would be available to A.

TRIAL BY JURY

Only a few States specifically grant the defendant a right to a jury trial in contempt proceedings, even if they be proceedings in criminal contempt:

Arizona: In criminal contempt proceedings, upon demand of defendant, trial shall be by jury.

Georgia: No person shall be imprisoned for disobeying order to turn over money, when he denies that said money is in his control, until he has had a trial by jury.

Kentucky: A court shall not impose a fine of more than $30 or imprison for more than 30 hours for contempt without the intervention of a jury.

Nevada: The statute provides that in cases of constructive contempt, the accused may have a jury trial and a change of judge. However, these provisions have been declared void by the court, as a substantial abridgment of the inherent power of the court to punish for contempt, which is granted by the Constitution. It has been held that while the legislature may regulate this power, it cannot diminish or abridge it.

Oklahoma: In all cases of indirect contempt, the party so charged shall, upon demand, have a trial by jury.

Pennsylvania: In proceedings for indirect criminal contempt for violation of injunction or restraining order, accused is entitled to trial by jury; but he has no such right in civil contempt proceedings.

The South Dakota case of *State* v. *Mitchell* (52 N. W. 1052), contains a statement which is a typical justification given by several States for not granting defendant in contempt proceedings a trial by jury: The constitutional provision that "the right of trial by jury shall remain inviolate" has no application to summary proceedings to punish for contempt [in this case for violation of injunction]. Such guaranty does not extend beyond the cases where such right existed at common law. The provision is that the right

"shall remain inviolate." The right of a court to punish for contempt, without the intervention of a jury, was a well-established rule of common law.

In several States, the statutes provide that contemnor may be punished for contempt and may also be indicted for the same act if the act is an indictable offense but on passing sentence after conviction on the indictment the court shall (in some States, may) take into consideration the penalty suffered for the contempt. Even in such States it has been held (as in Montana, where a misdemeanor is triable before a jury) that when tried as a misdemeanor, accused has a right to a jury trial, but when tried as a contempt, alleged contemnor has no right to trial by jury.

The reasoning for disallowance of jury trial in contempt proceedings was expressed in the Massachusetts case of *Walton Lunch Co.* v. *Kearney* (128 N. E. 429, 432): Trial by jury of the question whether a contempt of court has been committed would be a serious limitation of the power of the courts. In order that a court may compel obedience to its orders, it must have the right to inquire whether there has been any disobedience thereof. To submit the question to another tribunal, be it a jury or another court, would operate to deprive the proceeding of half its efficiency.

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

Mr. JAVITS. I yield to my colleague from Illinois.

Mr. DOUGLAS. Mr. President, first, I wish to congratulate the Senator from New York for an amazingly clear and a most brilliant address. I do not know when I have heard a more brilliant performance on the floor of the Senate than that which the Senator from New York has just given. I know he has been on his feet for some time. I wonder if he would be willing to yield while I propound a few questions about the present remedies that are open to individuals who may seek redress through injunctive or legal proceedings in the Federal courts.

Mr. JAVITS. I am glad to yield.

Mr. President, I ask unanimous consent that if the colloquy is not a question, I may, nevertheless, not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Not being a lawyer, though acclimated by the legal surroundings, I am not competent to deal with all the legal points raised, but I desire to bring out some matters of fact. Do I understand correctly that an aggrieved individual now has the right (a) to seek injunctions to protect himself from the violation of his constitutional and legal rights in the Federal courts and (b) to sue in the Federal courts for the establishment of his right?

Mr. JAVITS. In the Federal courts there exists a question of jurisdiction, diversity of citizenship, and so forth. When I answered the questions before as to 3 instead of 2 remedies under section 1985, I was drawing upon my recollection, which I believe to be reliable, that there is the equity remedy of injunction. I am having prepared for me some cases on that subject, but for the sake of engaging in this colloquy and answering the Senator from Illinois, my answer will be "Yes."

Mr. DOUGLAS. At least, the individual has the right to sue in the Federal court.

Mr. JAVITS. Exactly.

Mr. DOUGLAS. The expenses of such a suit have to be borne by the aggrieved party, or those who assist him. Is that not true?

Mr. JAVITS. That is true.

Mr. DOUGLAS. The Federal Government, under the present law, does not and cannot assume any of those costs; can it?

Mr. JAVITS. It cannot.

Mr. DOUGLAS. May I ask if it is not costly to carry such suits through the courts? Are there not involved the expense of the original suit, requests for rehearing, the appeal to the court of appeals in that circuit, and ultimately probable appeal to the United States Supreme Court?

Mr. JAVITS. The question of cost is an interesting one, and I should like to address myself to it. The question of cost is a relevant question, and I should like to answer it in this way, and then explain my reason, because I do not want the answer to get too far behind the question. I think the willingness, the determination, to undertake such litigation is less present in an individual because of all the fears he may have with respect to such a suit, and that fear is greater than the concern over the actual cost. I say that for this reason though I think the Senator understands my point: In New York we have procedures under which the record does not have to be printed for the court of appeals. It can be sent up typed. We have legal aid societies, and often lawyers will take cases of this kind without fees. Yet the individual is appalled by the prospect of suing a State official and having the feeling that heaven knows where it is going to take him.

Mr. DOUGLAS. I shall touch on the fears and the ignorance of the individual later. Now I want to ask questions simply as to the cost to the individual. Is it not true that in most, if not all, these various civil-rights cases the Southern States and the southern localities have not been content with the decision by the Federal district courts, but have carried the cases to the circuit courts of appeals for those regions, and also, so far as possible, to the United States Supreme Court? Is that not true?

Mr. JAVITS. That is true. They have had their attorneys general act so that defendants in those cases were not under any expense, or even put to any trouble.

Mr. DOUGLAS. In other words, the costs of fighting such cases have been assumed by the localities. Is that correct?

Mr. JAVITS. And by the States in many cases.

Mr. DOUGLAS. But the aggrieved individuals, or their friends, have been compelled, on their side, to meet their own costs. Is that correct?

Mr. JAVITS. That is true.

Mr. DOUGLAS. I have heard that the cost of carrying a case up to the United States Supreme Court is approximately $5,000. Does the Senator from New York, who is a distinguished lawyer, as well as being the former attorney general of the State of New York, have any idea whether that is a roughly correct estimate of the cost?

Mr. JAVITS. Again, I repeat that in some cases the record may be accepted by the appellate court even though not printed. There are many exceptions to the general rule, but I would say it is not unreasonable to give that figure as the cost of a case which goes to the United States Supreme Court.

Mr. DOUGLAS. Are not individuals who have had their rights violated with regard to voting, integrated education, traveling on buses, and so forth, almost invariably poor men and poor women?

Mr. JAVITS. That is so. I do not know whether the Senator from Illinois was present in the Chamber when I read a statement by the Attorney General and a decision by Justice Frankfurter, which stated that that rather fundamental element existed in civil-rights cases.

Mr. DOUGLAS. Mr. Justice Frankfurter said they were not particularly nice people, but the fact that one is poor does not mean he is not nice.

Mr. JAVITS. I think the judge, within the context of the decision, had in mind a generic group of people. He said the typical civil rights litigant is one faced with poverty or ignorance, or both, and may even have a criminal record, or be a convict.

Mr. DOUGLAS. As we go into the Supreme Court, we see on the pediment the words, "Equal Justice Under Law," but that does not mean in practice equal justice to those without the entrance fees, who are not able to pay the heavy cost of litigation.

Mr. JAVITS. If the Senator will allow me to say it, I would never wish to feel that a man who has nothing but a just case and the undying will to have it tried would not get by the portal of the Supreme Court.

Mr. DOUGLAS. If he gets there he will get justice, but the practical problem is to get there.

Mr. JAVITS. I would say to the Senator that in the normal case the person whom the Senator and I and the Attorney General have described will not make the effort, knowing he will be faced with these tremendous issues and problems.

Mr. DOUGLAS. If his own resources are inadequate, cannot friends of his normally band themselves together in association and make contributions so that they will help to fight the case for him?

Mr. JAVITS. They can, and often do.

Mr. DOUGLAS. And that in practice may be about the best way he can carry his case to and through the courts. Is not that true?

Mr. JAVITS. There can be no question about it.

Mr. DOUGLAS. Has the Senator from New York noticed the laws in five Southern States, which the Senator from Illinois put into the RECORD on Monday, and which will be found on pages 11657 through 11664?

Mr. JAVITS. The Senator from New York has noticed them. He has read them with great interest, and thinks the

Senator from Illinois performed a real service in having them printed in the RECORD.

I might say that the Senator from Illinois has been a great champion in this cause, pursuing it indefatigably, in and out of season. This is a measure of the way in which he has carried his leadership and responsibility.

Mr. DOUGLAS. I thank the Senator for those kind words. As the verbatim transcripts of the laws indicate, such laws have been passed within the past 2 years in 5 Southern States, namely, Virginia, Georgia, Mississippi, Tennessee, and South Carolina.

I should like to invite the attention of the Senator from New York to the law of Mississippi, which he will find at pages 11658 and 11659 of the RECORD. Does the Senator have those pages before him?

Mr. JAVITS. Yes.

Mr. DOUGLAS. The Mississippi law makes it illegal—

for any person, firm, partnership, corporation, group, organization, or association, either incorporated or unincorporated, either before or after proceedings commenced;

(1) to promise, give, or offer, or to conspire or agree to promise, give, or offer.

(2) to receive or accept, or to agree or conspire to receive or accept.

(3) to solicit, request, or donate, any money, banknote, bank check, chose in action, personal services or any other personal or real property, or any other thing of value, or any other assistance as an inducement to any person to commence or to prosecute further, or for the purpose of assisting such person to commence or prosecute further,

Senators should notice the language, "or prosecute further." It is not merely the commencement of a suit, but also the prosecution of the suit once commenced, which is made unlawful. That section continues:

or prosecute further any proceeding in any court or before any administrative board or other agency of the State of Mississippi, or in any United States court located within the said State;

In other words, it is made illegal for an outside group of persons to contribute money or legal services to help an individual to carry on these suits.

Then section 2 provides:

Any person violating any of the provisions of section 1 of this act shall be guilty of maintenance and, upon conviction thereof, shall be punished by imprisonment for 1 year in the State penitentiary.

In other words, when the individual is without financial resources, then the State of Mississippi, undertakes to prohibit any other group of persons from helping him, under penalty a year's imprisonment? Is that not true?

Mr. JAVITS. The Senator from Illinois is correct. If he will allow me, I think this is all a piece with something which needs to be very critically examined here, where a strong contention is made, on the one hand, that certain rights are being overridden, and, on the other hand, we have proposals to restrict those rights even further. On the one hand, it is contended that the individual can very well take care of himself and does not need any help, yet at the same time in five Southern States we see laws relating to barratry, which is what these statutes purport to amount to, but so tremendously extended as to reach exactly the situation of the person who is subject to having his civil rights violated, so that he finds he cannot do anything about it without getting all of his friends involved in crime.

There are laws in other States, including the State of New York, which prohibit the soliciting of litigation, but a reading of the statutes, which the Senator had printed in the RECORD, makes it clear to me that they are directed toward one specific purpose, by broadening and extending the concept. I do not know whether their constitutionality will be upheld or not, but a serious question is involved. If a person is asked to contribute $25 toward someone's defense, he is being asked to take a big risk. Whether the constitutionality of such laws will be sustained or not I do not know, but they are a threat. The statutes goes far beyond normal concepts of barratry or procurement of litigation.

I agree with the Senator from Illinois that this is doing, at one and the same time, what ought not to be done—closing off the opportunity for the individual to protect his own rights.

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

Mr. JAVITS. I yield further.

Mr. DOUGLAS. Is the Senator from New York aware that there has been printed in the RECORD, at pages 11659–11660, at the request of the Senator from Illinois, the statute of South Carolina, which makes it illegal for anyone directly or indirectly to pay or to promise to pay any money or other thing of value to any party to such a legal action, and makes it illegal to receive such money, and, in section 5, imposes a penalty of a fine of not more than $5,000 or imprisonment of not more than 2 years, or both?

Mr. JAVITS. I will say to the Senator, for it is perhaps a pointed illustration of what we are talking about here, that section 1 of the South Carolina statute prevents any person from soliciting another to bring, prosecute, or maintain an action, seeking to obtain employment for himself or another, to prosecute or defend such action. That is a criminal and debarrable offense in most States of the United States.

However, the statute then goes on to further provisions (d) and (e), the sections from which the Senator from Illinois read, which encompass areas of trying to cut off the normal and legitimate help for a litigant who may be trying to cut off the normal and legitimate help in connection with a suit.

It seems to me that such language runs contrary to the right of the individual, the point the Senator is making so very ably.

Does the Senator from Illinois desire to have me yield further?

Mr. DOUGLAS. Yes.

Mr. JAVITS. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that in the State of Virginia the legislature, not content with one statute, has enacted a number of statutes, which perhaps are a little more carefully worded than the ones I have just read—which, I believe, provide the penalty shall be such as is imposed for a misdemeanor, and it can be enforced and can be used to subject any voluntary association, coming to the aid of one who wants to make a complaint, to a great deal of pressure and public obloquy? Is that not true in the State of Virginia?

Mr. JAVITS. Again I will say that is the general character of the statutes I have described. Their purpose and intent I think is very clear, and the Senator is explaining their purpose and intent most admirably.

Mr. DOUGLAS. A somewhat similar statute was passed by the Tennessee Legislature in March of this year, which the Senator will find printed at pages 11663–11664 of the RECORD.

Mr. JAVITS. It seems to me that the incidence of these statutes to the current spate of litigation about civil rights is perhaps the most significant point. I think the Senator is making the point very properly.

Mr. DOUGLAS. In all these statutes it is provided that, if one does not have a direct interest, a misdemeanor or a crime is committed by coming to the aid of the aggrieved party, and a "direct interest" is defined as a personal or pecuniary right. The fact that one is sympathetic to a man and wishes to help him does not exempt one from the criminal application of the statute.

Mr. JAVITS. It occurs to me one might be a relative of the person, or a very close friend, but from the very tight language which the Senator has read I would have grave doubts as to whether even an ordinary friend, or a brother or sister or other relatives, could lend the man $100 for the purpose of going ahead with the case.

Mr. DOUGLAS. Is it not true that Georgia has a similar statute, which was passed this year, which is found at page 11658 of the RECORD? It is a little bit more carefully worded, I may say, than the Mississippi statute.

Mr. JAVITS. That is set forth in the list of statutes which have been printed in the RECORD at the request of the Senator from Illinois.

Mr. DOUGLAS. Let us see if we can draw a conclusion from all this. I will say for the RECORD that a similar proposed statute has been introduced in the Alabama Legislature by Senator Englehardt and may pass at any moment. It may, indeed, be on the books at this very hour.

Other proposed statutes of a similar nature were introduced in North Carolina and in Florida. It is to the credit of the North Carolina senate that, although the North Carolina bill passed the house, it did not pass the State senate. But whether this will happen next session is a question.

Do I correctly understand the situation, then, to be as follows: That certain Southern States have prevented groups of sympathetic individuals from coming to the aid of poor people in these cases, and their representatives are now saying that the Federal Government shall not go to their aid either?

Mr. JAVITS. That is the intention and implication of what the Senator has outlined and disclosed.

Mr. DOUGLAS. In other words, the full burden of protecting the rights of

these people, who are generally poor, is to be thrown upon them. Their friends or sympathizers are not to be permitted to help them; and unless the civil-rights bill can be passed without being gutted, the Federal Government will not be able to come to their aid either.

Mr. JAVITS. That seems to be the situation in the States which have been mentioned by the Senator from Illinois.

Mr. DOUGLAS. Thus far the Senator from Illinois has been speaking merely of the financial difficulties imposed upon people whose legal and constitutional rights are violated. As the Senator from New York has properly said, these people are also frightened, are they not?

Mr. JAVITS. That is true.

Mr. DOUGLAS. They are afraid of what might happen to them if they were to step out alone, against the dominant groups in their communities and their States. Are they not afraid of the possible loss of jobs, the possible curtailment of credit, and other things which might result from getting out of step with the groups which more or less dominate those communities? Does not this restrain them from seeking to defend their legal rights?

Mr. JAVITS. I think they are equally afraid, whether they step out alone or in company.

Mr. DOUGLAS. Is it not also true that those people, being poor or weak, are frequently ignorant and often do not know their rights—such few effective rights as they have?

Mr. JAVITS. I think that is a very fair comment.

Mr. DOUGLAS. Under those conditions, if we turn away from the technicalities of the law—which have absorbed our attention this afternoon in a series of very pertinent questions—and give attention to what the plain people of the country regard as justice and fair dealing, is there not a case for the Federal Government undertaking to protect the weak, the ignorant, and the poor, who cannot look out for themselves?

Mr. JAVITS. To protect for them a civil right which has been denied them in their own States, under color of authority of State law. I could not agree with the Senator more.

Mr. DOUGLAS. Are there not precedents for such action, both in the existing laws of the States and in Federal law?

Mr. JAVITS. There are. I have placed a list of such statutes in the RECORD. Perhaps it might be useful to add one further item, from the testimony of the Attorney General. I quote the following colloquy from page 27 of the record of the hearings:

Senator ERVIN. I will ask you as a matter of fact that if there is any other statute that has ever been enacted by Congress providing that the Federal Government shall bring private suits for the redress of injuries to private individuals?

Mr. BROWNELL. Oh, yes.

Senator ERVIN. What case?

Mr. BROWNELL. We can give you quite a long list.

In addition to the Antitrust there is the Wage and Hour and the Housing and Rent Act, Defense Production Act. It is a normal thing for Congress to do, and we think a very bad omission in the civil-rights area that we do not have that same authority.

Mr. DOUGLAS. Consider, for a moment, the Wages and Hours Act. A workman may be paid less than the minimum prescribed by law. The drafters of that statute, knowing that the workmen could be weak, permitted the Federal Government to act in their behalf, did they not?

Mr. JAVITS. That is corect. The Congress did.

Mr. DOUGLAS. The Congress did.

Mr. JAVITS. Yes, sir.

Mr. DOUGLAS. In the field of administrative law, is not the same procedure provided in the Labor Relations Act, namely, that an unfair labor practice does not have to be solely fought by the persons aggrieved, but the Federal Government itself, through the Office of the General Counsel of the National Labor Relations Board, can prosecute the case?

Mr. JAVITS. That is not only true, but it is a fact that there are recoveries for back wages, and that they represent a definite and direct benefit to the individual. We might almost say that the Federal Government is collecting for the individual something which he might not have the power or capability to collect for himself.

Mr. DOUGLAS. If the Senator from New York will forgive me, I should like to turn to the so-called public utility administrative law. I will preface this observation, if I may, by a little description of a personal experience which the Senator from Illinois had.

Back in 1930 the Senator from Illinois, who was then a college professor, felt that Mr. Samuel Insull was charging too much for his electricity and gas. With several other Illinois citizens he formed a voluntary association to try to have the electricity and gas rates reduced.

The Illinois Utilities Commission took the position that it was not its function to institute suits, but that it was merely a court which would only pass upon suits carried to it by private individuals or municipalities. So we had the burden of paying the expenses of the suit. We raised a total of only $700, I believe, of which the Senator from Illinois contributed $400, which at that time he could not afford.

The electricity and gas companies spent tens of thousands of dollars against us, and had a much better developed case. We were pygmies matched against a giant.

By a strange set of circumstances, while that case was in progress Mr. Insull fled the country and went first to Paris, then to Greece, and was finally captured wearing a woman's skirt, on a boat in the Aegean Sea. As a result, a political upheaval occurred in the State of Illinois, and a new administration came into power—I hasten to add, a Democratic administration.

Mr. JAVITS. The Senator from New York does not yield for that purpose. [Laughter.]

Mr. DOUGLAS. By another set of circumstances, the present Senator from Illinois was then asked to draft the new public utility statute.

I turned to the New York statute, and I found that under the New York law the New York Utility Commission was given the power to initiate action, and not merely to sit in the passive role of an administrative court.

Mr. JAVITS. That is correct.

Mr. DOUGLAS. And we therefore wrote the Illinois statute to conform to the New York practice. Does not the Senator from New York think that is good procedure?

Mr. JAVITS. The Senator from New York, when he was attorney general of the State of New York, supported exactly that procedure. In all his public life he has felt that when the facts and circumstances justify it, in the greater public interest that procedure should be followed. He accepts the analogy drawn by the Senator from Illinois.

Mr. DOUGLAS. If this is a well-established practice in the field of many laws, and is applicable to suits before courts and cases before administrative tribunals, what is wrong with applying this protection in the field of civil rights which deals with even more important subjects, namely, the constitutional rights of American citizens, than do many of the statutes I have mentioned?

Mr. JAVITS. In the field of civil rights, touching not only the pocketbook, but the heart, soul, and spirit not only of the individual—and I hasten to add this to the very fine contribution being made by the Senator from Illinois—but of the community, and, indeed, of the Nation, in its international standing, I can see nothing wrong with it. Indeed, I think it is our duty to apply that principle in the field of civil rights, when we have the historic opportunity to do something which has been discussed for many generations.

Mr. DOUGLAS. I wish to congratulate the Senator from New York and to apologize for keeping him on his feet even longer than perhaps he had intended. However, the subject is of extreme importance, and the record on it should be made. The Senator from New York has always carried on with great ability and with real social concern.

Mr. JAVITS. I am very grateful to the Senator from Illinois.

Mr. DOUGLAS. I again want to congratulate the Senator from New York.

Mr. JAVITS. I am very grateful to my colleague from Illinois. I may say that in one of our great New York City newspapers, the New York Times, the Senator from Illinois comes in for some very complimentary comments. The New York Times, in its lead editorial today, under the heading "The Right To Vote," comments on the outstanding leadership which the Senator from Illinois, working as a team with the distinguished minority leader, has rendered in this field.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE of New Jersey. The scope and the reach of the address which we have heard this afternoon and yesterday afternoon by the junior Senator from New York has seldom been equaled, and certainly never excelled in the Senate during my experience, for the value

it has to us as colleagues in the Senate, and the value I know it will have to the country.

He has made very clear what we are talking about. He has helped many of us to cut through the underbrush and to see clearly through the fog that has been thrown around us.

He has made it very clear that voting rights and other civil rights are in fact denied, and have been for generations in this country; that the remedy proposed in the bill is appropriate as well as very much needed, and reasonable and moderate indeed; and that the bill provides, strictly and entirely within traditional American jurisprudence, all necessary safeguards of the individual brought within its scope. He has made it clear, too, that what the opponents of the bill are really seeking is to continue a situation in which millions of Americans are denied their civil rights by other Americans, with complete immunity.

As a Member of the Senate and as a person who feels deeply about this proposed legislation and about the cause which it seeks to promote, I wish to thank my colleague from New York from the bottom of my heart.

Mr. JAVITS. I thank my friend from New Jersey for his very gracious statement. He has been a strong right arm on this side of the aisle in our effort. Anyone who has watched his performance in connection with what was the indispensable first step to see that this measure reached the floor instead of going to committee knows the debt of gratitude which all Americans owe to the junior Senator from New Jersey, in which I gratefully and happily join, because I have admired him as a colleague both in the House and in the Senate.

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

Mr. JAVITS. I yield.

Mr. LONG. I should like to clarify, if possible, the extent of the rights the Senator feels the Attorney General could sue to obtain for citizens under part III. May I ask if he regards the rights for which the Attorney General could sue as including the rights existing under State statutes of general applicability within a State?

Mr. JAVITS. I think the rights depend on equal application of the law, and I believe I have set forth specifically the legislative intent as evidenced by the decided cases. Perhaps the Senator from Louisiana was not in the Chamber at the time I made that statement. Rather than go through every State's body of statutes, I would rather stand on the presentation I have made, which is very specific, because it comes right out of the record of this testimony.

Mr. LONG. I regret to say that I heard only the latter part of the recital of the rights the Senator was referring to. However, my impression was that most of the rights to which he was referring were rights protected by Federal statute.

Mr. JAVITS. I think, if I may say so, that that is a very important point. I value the contribution which the Senator from Louisiana is making. He is very fair and sincere within the context of the system, as the Senator from Georgia has called it earlier in the day. However, it cannot be merely Federal law, I will say to the Senator. If it was merely Federal law, there would be no voting right. The State has the authority to give the right to vote, and the only thing the Federal Government can do, under the 14th amendment, which we all talk about so much, but few of us apparently read—I would be tempted to ask to have it printed in the RECORD, if it would not be insulting to do so—the only thing the Federal Government can do is to guarantee its equal applicability. That is the nub of what the Senator has said. It is the equal applicability of the State law. It is not that the State does not furnish equal but separate facilities, but that it does not provide equal facilities in the same place.

Mr. LONG. The Senator stated that, under paragraph 3—and I believe he has correctly stated paragraph 3 in that respect—the Attorney General could sue on behalf of an individual who wanted to go to school with other children. For example, he could sue to integrate schools under part III. The right to go to school, in other words, exists under State law, because the State must provide the schools. The Supreme Court has held that a State cannot have segregated schools under a State law. That being the case, if I understand correctly what the Senator has said, what the Attorney General would be doing in that instance would be suing to obtain for someone a right under the equal protection of State law. Is that the basis upon which the Attorney General would sue for the integration of schools under part III?

Mr. JAVITS. It would not be the basis. The Attorney General would sue in pursuance of the Supreme Court's mandate, which directs that there be equal opportunity for public school education for all people regardless of color. The gravamen of the action would not be that X, Y, or Z is not admitted into the Jones school for example. The gravamen of the action would be that there exists in that community a school system which is operated contrary to the Constitution, particularly the 14th amendment, as interpreted by the Supreme Court in Brown against Board of Education. The Attorney General would not be suing for a person, but for the authority of the United States to enforce a mandate of the Supreme Court which relates to the system which is in effect in a particular community.

Mr. LONG. It was my impression that the right to a public education exists under State law and not under Federal law, and that the basis whereby a person gets into Federal court is that a person is seeking the equal applicability of the education granted by State law.

Mr. JAVITS. Exactly. In other words, in one case a person gets into court, the Attorney General does not. Here, the Attorney General gets into court for a generic class of persons. The distinction is important. It is not a distinction without a difference. The Attorney General will undertake the enforcement of rights. By that I do not mean that the Attorney General will undertake the enforcement of an individual's rights; rather, he will undertake the enforcement of rights of all individuals who fall in the same class, who are being discriminated against under the State's public-education law, or, what is even more important, the State's public-education practice.

Mr. LONG. The point I was seeking to obtain the Senator's view on was that under part III the Attorney General could sue to obtain for persons rights which they felt they should have under State law.

Mr. JAVITS. I do not want to seem to be technical and legal, but I must ask the Senator to get away from the idea that the Attorney General is suing for persons. He is suing for the United States to assert what is a right guaranteed by the Federal Constitution to all persons. He is not suing specifically for A, B, or C.

Let me give the Senator an example. Suppose I were a Negro in the Senator's State, and that I wanted to go to the State university. Let us suppose that the university would not admit me. I would sue. Thereupon, a court order would be issued that I must be admitted.

However, let us suppose that the Attorney General of the United States sues. He would sue to open the doors of the State university to Negro students. A number of Negro students might get the benefit and advantage of such a suit, but the Attorney General would sue to open the doors of the university to Negro students. He would not sue just to get John Jones, Negro, into the State university.

Mr. LONG. Would he not have to sue, and could he not sue, for the benefit of John Jones, with the result that the court would issue its order directing the university to admit John Jones?

Mr. JAVITS. Under this proposed law he would be relieved of any such necessity. He would not have to represent John Jones. He need not anyway, and he would not as a matter of fact. But under this proposed law he would be enabled to proceed in his own behalf. The United States would be the suing party. That is why some Senators are complaining so bitterly about the question of jury trial. If he could sue in the name of John Jones, they would not be here arguing about it because the Clayton Act would not be applicable.

Mr. LONG. Does not the section to which the Senator has been directing his argument read "or in the name of the United States but for the benefit of the real parties in interest"—and in that instance I would assume, if he were suing in the name of the United States, he would be suing for the benefit of John Jones and seeking to obtain an order directed to the university to admit John Jones.

Mr. JAVITS. I did not exclude that possibility. I said only the fundamental purpose of a suit and the power giving it is to sue in the name of the United States, and I pointed out that is a very material difference because that is what a number of Senators are very heavily contesting.

Mr. LONG. Yes. But the point I am seeking to understand is the extent to which the Senator thinks some of these

powers go under part III. I believe we have agreed, and I believe the Senator has stated this as his view, although I want to get it straight for the RECORD, that the Attorney General could sue for the benefit of almost any individual, at least for the benefit of any individual, for a right that he should have under State law.

Mr. JAVITS. I was reading. Will the Senator again tell me the words to which he referred a moment ago? What was he reading from?

Mr. LONG. I was reading from an insertion in the RECORD, which I do not find at the moment.

Mr. JAVITS. May I read to the Senate paragraph 4 from the bill? After all, that is what we are talking about.

> 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.

I cannot see that that does anything but carry out exactly what I have been trying to state to the Senator as the intent of this proposed legislation.

Mr. LONG. The point I have in mind is that he could sue for the benefit of a particular individual. I regret that I cannot find it at the moment.

Mr. JAVITS. I do not want to tax the Senator, and I am sure he does not want to tax me with something upon which he cannot put his fingers. I am sure we will both be on our feet on other occasions, and if the Senator will check, I will say now I shall be glad to deal with the question whenever the Senator wishes to have me do so.

Mr. CASE of South Dakota. Mr. President——

Mr. JAVITS. I yield to my colleague from South Dakota.

Mr. CASE of South Dakota. Mr. President, turning to part IV, which deals with voting rights, if we assume for a moment the possible absence of part III or the first part of part III, section 121, would the Senator be able to say from his study of the bill whether an individual who was deprived of his voting rights as described in part IV, or who was likely to be deprived of his voting rights under part IV, would be able to institute an action in his own behalf in the Federal court, or must he depend upon action by the Attorney General?

Mr. JAVITS. I do not have a case with me at the moment on the right to institute an action in the Federal court under such circumstances, but I promise to cite such a case in the RECORD. However, a right to institute an action in the State court would derive not from what we are asked to provide in the proposed statute, but from the present provisions of section 1985, because it is my clear understanding as a lawyer that where there is a right to collect money damages, if that is not an adequate remedy, one may also invoke the equity power to prevent the wrong for which he could collect money damages. But I shall cite some cases from the record. I am sure there are some.

To answer the Senator's question with respect to whether the right would exist, it would, but would not be attributable to the proposed statute, it would be attributable to section 1985 as it now stands. I shall be delighted to read the language to the Senator. It carries out the same general idea. If the Senator will allow me, I shall read that section.

Mr. CASE of South Dakota. Mr. President, I do not desire at this time to prolong the discussion.

Mr. JAVITS. Let me read a clause of section 1985, as follows: 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;" and so on.

It goes further in detailing the rights.

Mr. CASE of South Dakota. Then would it be the Senator's view that an individual could go into the Federal court on his own behalf and seek equitable relief?

Mr. JAVITS. I believe so. As I said, that is my belief and I shall buttress it by cases. I do not have the cases with me, but I have stated the ground for my belief.

Mr. CASE of South Dakota. I thank the Senator. I should like to confer with him further. In talking with the legislative counsel I gathered that he seemed to feel that part IV should be strengthened on that point if we wanted to protect the right to vote, and give the individual himself the same right that would be given the Attorney General and enable him to institute a suit in his behalf. He had drafted an amendment for me for the purpose of strengthening part IV in respect to the right to vote. In view of some of the discussion this afternoon I was wondering if that would be necessary.

Mr. JAVITS. The Senator from North Carolina [Mr. ERVIN] has made an extensive study of this subject. As he says, he and I may not agree, but at least I have an enormous respect for him as a lawyer. He tells me there is no question about the right to equitable relief by an individual under part III of section 1985.

Mr. CASE of South Dakota. I thank the Senator.

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

Mr. JAVITS. I yield.

Mr. ERVIN. One of the chief justices of North Carolina, Chief Justice Stacy, once said:

> The brethren have read the same book, but have drawn different conclusions therefrom.

Mr. President, the same commment would apply to the Senator from New York and myself in respect to many questions arising in the debate on the civil-rights bill. However, I agree with the Senator from New York that under existing statutes a private individual has a right to sue in the Federal courts and obtain injunctive relief for the protection of his right to vote.

Mr. CASE of South Dakota. I should like to have the Senator from New York see the memorandum which the legislative counsel prepared for me before I burden the RECORD with it.

Mr. JAVITS. I should be very happy to read the memorandum, of course.

Mr. ANDERSON rose.

Mr. JAVITS. Mr. President, I yield to the Senator from New Mexico, who has not asked me to yield before.

Mr. ANDERSON. Mr. President, I should judge the Senator is opposed to the amendment offered by the Senator from Vermont [Mr. AIKEN] and myself to strike out part III.

Mr. JAVITS. I have taken too many hours to say it.

Mr. ANDERSON. May I ask the Senator if he feels there is any possibility that part III can be modified?

Mr. JAVITS. I was directing my attention to two fundamental bodies of rights. I hope the Senator, if he was not here, will read my remarks pertaining to those rights.

Mr. ANDERSON. I was present throughout a good deal of the discussion.

Mr. JAVITS. I was directing my attention to two fundamental bodies of rights. I think they have equal validity and importance. I cannot see why I should support any exclusion of one for the purpose of convenience or because it may save us from an extended debate, or for any other reason of like character. Therefore, I will say I cannot see any basis upon which I could stand for a substantive change in part III. However, I would certainly not wish to say that every "i" or every "t" is sacrosanct. One would be unreasonable if he were to say that he would not consider any change. No one in his right mind would say that.

Mr. ANDERSON. The Senator from Louisiana was asking about the right of the Attorney General to bring suit in a school district, on behalf of all persons similarly situated.

I was trying to find where the President stood on this matter, if that can be determined on the basis of the report of the President's press conference. Yesterday I read the comment the news ticker carried. It stated:

> A reporter pressed Eisenhower on the question of whether he favors permitting the Attorney General on his own motion to go into court to force school integration.
>
> "No," the President replied, "When it is stated that way, without some request by the local authorities for action."

Do I correctly understand that the Senator from New York takes the opposite view, and indicates that the President would have the Attorney General proceed without the request of the local authorities or the authorities of the district?

Mr. JAVITS. I do not think the President's statement, as carried in the news report, has that implication.

At this time I should like to read into the RECORD the questions asked and the answers given: I shall read from the

transcript of the President's news conference, as published this morning in the New York Times:

ROWLAND EVANS, Jr. (the New York Herald Tribune). Following Mr. White's question earlier, sir, are you convinced that it would be a wise extension of Federal power at this stage to permit the Attorney General to bring suits on his own motion to enforce school integration in the South?

Answer. Well, no; I have—as a matter of fact, as you state it that way, on his own motion, without any request from local authorities, I suppose is what you are talking about——

Question. Yes, sir. I think that that is what the bill would do, part 3.

Answer. Well, in that we will see what they agree on. As a matter of fact, my own purposes are reflected again in the little memorandum I published last evening, and I am not trying to go further than that. I personally believe if you try to go too far too fast in laws in this delicate field, that has involved the emotions of so many millions of Americans, you are making a mistake. I believe we have got to have laws that go along with education and understanding, and I believe if you go beyond that at any one time, you cause trouble rather than benefit.

Question. May I ask one more question on that? Then, if you amended that to allow the Attorney General to move only in case a local or State official requested the Attorney General's assistance, you would accept a thing like that?

Answer. I am not going to say what I would accept and what I would reject. I'm just saying I told you what my objectives are, why I'm trying to do it. Now we will see what the Senate brings out.

I do not believe that colloquy pulls the rug from under those of us in the Senate who are fighting for part III; neither do I believe it pulls the rug out from under the Supreme Court of the United States.

Mr. ANDERSON. I do not think it pulls any rug from under the Supreme Court. But I submit that the reporter did a fairly good job of reporting, because the only difference between what the Senator from New York read and what I read into the RECORD, is that I said that in making his statement, the President replied,, "No"; whereas the Senator from New York said that the President replied, "Well, no." So the only difference between the two is the word "well" and a comma.

Mr. JAVITS. I think there is a material difference between the two.

Mr. ANDERSON. Well——

Mr. JAVITS. If the Senator from New Mexico will allow me to proceed——

Mr. ANDERSON. Very well.

Mr. JAVITS. The statement has been read, and we can only come to our conclusions on the basis of the statement which was made. My point is that I do not know what the President started to say when he said, "Well, no—" Evidently, the President was beginning to say something that he did not finish.

However, I do not want to attempt to draw lines of distinction on the basis of how many angels can stand on the point of a pin.

The President holds an office of the greatest solemnity. He issued a statement which I must assume, and which I think the country and the world have a right to assume, is a deliberate expression of his position. Whatever a clever reporter may have been able to get the President to indicate at a particular moment is entirely aside from the point.

The President stated very clearly—and his statement is now in the RECORD—that he stands by this bill, including, it seems to me, exactly what the question of the Senator from New Mexico attempts to cast doubt upon.

This is what he said:

This legislation seeks to accomplish these four simple objectives—

* * * * *

2. to provide a reasonable program of assistance in efforts to protect other constitutional rights for the citizens.

I respectfully submit that part III is the part of the bill which covers the other constitutional rights of our citizens.

I believe that the President was saying—I assume he was; that is his manner—that he is not going to have the Attorney General rush in with a pocketful of subpenas and complaints; that he is not going to call out the Army, the Navy, and the Air Force; and that he hopes very much that with the backing of affirmative law and the force of education and conciliation and the desire to comply with the law—which I hope are also strong in the South; and I believe they are—it will be possible to meet this issue, so it is not necessary to use a pocket full of complaints and other measures provided under this law. I could not agree more completely with the President.

Mr. ANDERSON. Then, if such a modification were made in the bill, and were so expressed in the language of the bill, would the Senator from New York agree to it?

Mr. JAVITS. I do not conceive that anything I have said involves a modification of the bill. Therefore, I stand on the bill as now written. I have spent almost 4½ hours explaining part III of the bill. That is my position on it.

Mr. ANDERSON. Let me ask the Senator from New York about the amendment of the Senator from California [Mr. KNOWLAND] and the Senator from Minnesota [Mr. HUMPHREY] to strike out the part of the bill which relates to section 1981, and so forth.

Mr. JAVITS. On that point, I see no particular reason why that part of the bill should be stricken out; neither do I see any particular reason why it should be retained. If in connection with the passage of the bill, the Senate wishes to strike out something which is a vestige of the past, and does not belong in the law, that will be perfectly all right. There are many parts of the law that fall in that category. A former colleague of mine in the House of Representatives—a Representative from the State of New York, Bruce Barton—made the matter of the elimination of obsolescent parts of the law one of his principal activities in the Congress.

So in this case, if more Senators will vote for the bill if that part is eliminated, and if Senators will be made happy by its elimination—that is to say, by striking out provisions completely obsolescent; indeed, provisions which were replaced a year ago by the Armed Forces bill, which gives the President all the power he needs in order to keep order—I would not think of taking the position that I should insist on the retention of that particular part, and that not one word of it should be changed.

Mr. BENNETT obtained the floor.

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

The PRESIDING OFFICER (Mr. COTTON in the chair). The Senator from Utah has the floor. Does he yield to the Senator from Vermont?

Mr. JAVITS. Mr. President, I desire to apologize to the Senator from Utah.

Mr. BENNETT. Mr. President, I am willing to yield, provided that in doing so, I do not lose the floor. Under those circumstances, and if that is understood, I am willing to yield, in order that the Senator from Vermont may ask a question of the Senator from New York.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. AIKEN. My question is this: Is it the opinion of the Senator from New York that if the Knowland-Humphrey amendment is agreed to, the President still will have authority to use troops, where necessary?

Mr. JAVITS. In the event of some large-scale breach of public order, the other statutes, which are more specific, in my opinion give the President all the power he needs or all the power he ought to have, regardless of this particular provision of the bill.

Mr. AIKEN. If the Knowland-Humphrey amendment is agreed to, the President will not be deprived of any power he needs, will he?

Mr. JAVITS. I say the President would not thereby be deprived of any power he needs or any power he ought to have.

Mr. KUCHEL. Mr. President, will the Senator from Utah yield so that I may ask a question of the Senator from New York?

Mr. BENNETT. Mr. President, I am willing to yield on the same conditions—and in the hope that the question will be brief.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I wish to say that I feel that I would be considerably recreant in the performance of my duty if I did not salute the Senator from New York [Mr. JAVITS] for the magnificent and most persuasive manner in which, this afternoon, he has carried on the debate on a highly important piece of proposed legislation. After sitting here on the floor most of the afternoon with my colleagues from both sides of the aisle, I wish to say that this has been far and away the finest debate on an involved, important subject I have witnessed during my service in the United States Senate.

So I desire to salute my friend, the able Senator from New York.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from California. I can only say that I know that on other occasions and in relation to other subjects, I shall have the privilege of saying the same thing about him.

Mr. ALLOTT. Mr. President, will the Senator from Utah yield to me, under the same conditions?

Mr. BENNETT. Mr. President, I have been waiting 3 hours. However, on the same conditions, I am glad to yield to the Senator from Colorado.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I appreciate the courtesy of the Senator from Utah.

I desire to join the Senator from California [Mr. KUCHEL] in paying my tribute to the Senator from New York [Mr. JAVITS] for the excellent job he has done. It seems to me the Senate has just benefited by one of the most down-to-earth discussions of what the bill will do and what the bill contains. I believe this part of the debate has contributed more to an actual understanding of the bill than has any other part of the debate which has been held thus far.

So I desire to thank and to salute the Senator from New York [Mr. JAVITS].

Again I thank the Senator from Utah for being courteous.

Mr. JAVITS. Mr. President, I, too, desire to thank the Senator from Utah for his courtesy, and the Senator from Colorado for his generous words.

Mr. BENNETT. Mr. President, I have been very much interested in the colloquy, and I have been happy to yield.

Mr. President, I desire to turn now to another subject.

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

FISCAL AND MONETARY POLICIES

Mr. BENNETT. Mr. President, several days ago my colleague the Senator from Oklahoma [Mr. KERR] provided the Senate with his personal appraisal of part of the testimony and questioning of Secretary Humphrey, the only witness who has thus far appeared before the Senate Finance Committee in its study of our economic problems. Since we have had only one witness, it had not occurred to me that we were ready for anything approaching an interim report. If interim reports are to be made, I think they should contain an accurate and balanced picture of developments within the committee up to this point. I doubt that the comments of my colleague would fit that specification.

I think it is fair to say that, in his personal appraisal of the position of the Secretary of the Treasury, my colleague from Oklahoma did not go out of his way to present that position in a light most favorable to the witness. On the contrary, I feel that the Senator seriously misinterpreted the Secretary's position in several instances.

On page 11679 of the RECORD, the Senator declared the following:

> At the hearing held before the Finance Committee, certain facts stand out bold and clear: First, that the fiscal policies of this administration have failed; second, that the fiscal policies of this administration have penalized the Federal Government and have penalized every State and local government and every private borrower in the United States; third * * * that the policies of this administration, in making credit tight and money hard and interest rates high, have not achieved any of the objectives the administration said it had in mind when it adopted such policies.

Let us discuss each of these charges in turn.

The first charge is that the fiscal policies of this administration have failed. Frankly, I have been unable to locate specific material in the hearings which will substantiate this charge. There was, as my colleague well knows, considerable discussion of the correct method of measuring relative increases and decreases in Federal expenditures. There was also discussion of the effects of large Government expenditures on prices. However, there was no disagreement with the conclusion that the administration has succeeded in balancing the budget; and this, I am sure, was the basic goal of the administration's fiscal policy. I would not presume to say at this early stage of the hearings that the committee has gathered evidence which proves that the fiscal policies of this administration have been a complete success; but certainly there is nothing as yet in the RECORD to show that, taken as a whole, these policies are a proven failure.

The Senator's second point, that the fiscal policies of the Federal Government have raised interest rates, leads us immediately to the charge to which the Senator devoted most of his time. At one point, on page 11677 of the RECORD, the Senator from Oklahoma [Mr. KERR] said of Secretary Humphrey:

> He admitted that he favored and helped put into effect the higher interest rate policy.

At another point on the same page, the Senator said:

> He [the Secretary] and Mr. Burgess * * * were going up and down the highways and byways of finance and commerce in this Nation and saying the Government is not paying enough interest on the public debt. Is there not someone somewhere who will increase the interest rate which Uncle Sam must pay?

I recognize enthusiasm when it is manifested.

These claims are hard to reconcile with the clear statement of the Secretary, found on page 1384 of the transcript, in response to a question of mine. Here is the question and the Secretary's answer:

> Senator BENNETT. Has it ever been your policy in the Treasury to deliberately attempt to increase interest rates above levels prevailing in the market into which you went?
>
> Secretary HUMPHREY. From the point of view of trying to increase interest rates, absolutely no. We are borrowers of money, we are not lenders. And the Government, as a borrower of money, of course, is desirous of borrowing at as low a rate as it can.
>
> That helps to keep our costs down and helps to keep our taxes down.
>
> The only way in which it can be said that we operate to increase interest rates is that we have to meet obligations, we have to borrow, and we have to price our goods to sell. And in pricing those goods, we price them as near as we can, in our judgment, to the rate that will induce the buyer to buy our goods instead of somebody else's goods.

This same ground was gone over many times under questioning by different Senators; but this statement, made on the last day of the hearings, is, I think, an accurate summary of the attitude of the Secretary, and stands in sharp contrast with the statement that "he admitted that he favored and helped put into effect the higher interest rate policy."

At this point we come face to face with a problem that seemed to run through much of the questioning. It grows out of confusion between fiscal and monetary policy. That interest rates have risen goes without saying; but this did not happen solely as a result of the fiscal policies of the administration. There are many factors involved in the current situation; but to the extent that this has been influenced by any agency of the Federal Government, most authorities agree that it is the current monetary policy of the Federal Reserve Board—an independent agency created by Congress and answerable to it—rather than the fiscal policy of the elected executive administration which has had the most significant affect on interest rates.

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

Mr. BENNETT. I yield.

Mr. LONG. Having had some contact with this matter, and serving on the Finance Committee, it seems to me both fiscal policy and monetary policy are involved.

Mr. BENNETT. The junior Senator from Utah did not rule out completely the effect of fiscal policy, but the Senator from Oklahoma seemed to have ruled out any effect of monetary policy in the statement he made on the floor of the Senate.

Mr. LONG. As the Senator knows, the junior Senator from Louisiana favors lower interest rates, and tried to do something about it when the bill relating to E-bonds was before the committee. One thing he became convinced of at that time was that both the Secretary of the Treasury and the Federal Reserve Board have a considerable amount of interest and a considerable amount of power with regard to the whole problem.

Mr. BENNETT. The junior Senator from Utah does not deny that fiscal policy does have an effect on interest rates, but it is his feeling that the effects of monetary policy are very much greater.

In carrying out its responsibility to try to recover and maintain price stability, the Board has resisted strong demands for an unusual increase in loanable funds. When this happens in a comparatively free-money market, interest rates tend to rise.

It is hard for me to understand how anyone who heard the testimony can believe that the Treasury has been made happy by these circumstances, which have obviously made their financing and refinancing more difficult. Not only did it raise the interest rates on short-term borrowings, but, as the Secretary candidly admitted whenever he was questioned on the subject, it was a factor in preventing him from carrying out his hope of lengthening the average maturity of the debt. I am sure he realized this long before the Senator from Oklahoma called it to the Secretary's attention in his interrogation. Over and over again, in response to questions from many angles, the Secretary maintained a firm position on two points. First, that the responsibility for monetary

policy belonged to the Board, and while the Treasury did not always agree with day-to-day details of its operation, it respected the Board's independence. And, second, that the necessity of fighting inflation was more important in the long run than changes in interest rates.

This question of the relation of the rise in interest rates to the fiscal policy of the Treasury on one hand and the monetary policy of the Federal Reserve on the other is one in which a deep cleavage seems to be developing within the committee. A few members take the same position as does the Senator from Oklahoma—that it is chiefly the fault of fiscal policy. I think most of us agree with the statement made by the Secretary that he has been attempting to carry out his fiscal responsibilities to finance and refinance the debt in a market whose rates were reflecting the restraining policies of the Federal Reserve Board. As this cleavage in attitude develops, it reveals another basic disagreement. Those of us who believe, with the Secretary, that present monetary policy is sound because there is a high demand for loanable funds, feel that if such a policy can prevent a runaway inflation its benefits will be greater on balance than the hardships created by increasing interest rates.

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MARTIN of Pennsylvania. Is it not true that keeping our monetary system sound—I mean by that keeping the purchasing power of the dollar as nearly stable as possible—saves, within the Federal Government, a great deal in the cost of the things the Federal Government must buy, one of which is the increased cost of interest?

Mr. BENNETT. Many authorities have spoken on this subject, and it seems to me their voices are unanimous that the hardships created by high interest rates are far less, even to the Federal Government, than the damage created by continuing inflation.

Mr. MARTIN of Pennsylvania. Mr. President, if the Senator will yield further, I hope my colleagues are giving close attention to what the distinguished Senator from Utah is saying, because he is one of the ablest men on the Finance Committee when it comes to considering subjects of this character. As I said on the floor the other day, every United States Senator ought to become as nearly as possible an expert on monetary and fiscal policies, because probably none are more important to the welfare of our country. Is that not true?

Mr. BENNETT. It is the feeling of the Senator from Utah that the problem of inflation is one of the basic problems underlying most of our rather serious difficulties today.

Mr. MARTIN of Pennsylvania. I apologize to the Senate and to the distinguished Senator from Utah for taking the time, but in America is not money competitive the same as any other commodity?

Mr. BENNETT. I think it is certainly true that money has a market. Money value rises and falls with the demand and the supply.

Mr. MARTIN of Pennsylvania. At the present time and during the past few years there has been an enormous expansion in the United States. We have been building hospitals, schoolhouses, and roads. In my own State of Pennsylvania, for example, we have doubled the capacity of our powerplants. All of such work requires capital, and much of it is borrowed capital. Does the Senator not agree that such programs, of course, increase the rates of interest?

Mr. BENNETT. They exert a pressure on the supply of money. When the pressure gets high enough the rates of interest rise.

Mr. MARTIN of Pennsylvania. I thank the Senator.

Mr. BENNETT. Mr. President, in contrast, I think it is becoming evident that a willingness to accept inflation in return for easier money and lower rates may be the unspoken philosophy that underlies much of the critical questioning which the Secretary faced. Because this difference exists, the committee is face to face with an economic problem of the deepest possible significance.

The third conclusion of the Senator from Oklahoma seems to rise out of this conflict just described. Having assumed that the administration, and not the independent Federal Reserve Board, is responsible for the monetary restraint that has helped produce higher interest rates, it also assumes that these restraints will not succeed in their objective of slowing down or preventing inflation. Of course we have yet to take the testimony of the Chairman of the Federal Reserve Board, which is the responsible agency; but the testimony of the Secretary has been very clear on this point. He not only respects the independence of the Federal Reserve and has faith in its policy, but he believes that this policy may be exercising just the effect on the price level that was intended. The wholesale price index leveled off some months ago, and there is some indication that the rise in the consumer price index is about to level off—as one would expect from such a policy if one takes into consideration the timelag about which the Secretary spoke several times.

I believe that it might be important to examine the alternative policies which I think are implicit in the comments of my colleague from Oklahoma.

At this time, Mr. President, I suggest parenthetically that this morning in a meeting of the Committee on Finance we received a lesson at to the meaning of words. Apparently when one uses the word "alternative" he may not use it in the plural.

As far as can be determined, both from his questioning and from the statements made on the floor of the Senate, the Senator seems to feel that the current problem of rising prices can be solved by expanding the money supply at a more rapid rate than that at which it is currently growing. I make this assumption on the basis of such statements of the Senator as these:

> The fact is that this policy (referring to so-called hard money) is one of the principal inflationary pressures now at work in the economy.
>
> The other thing in short supply in the United States is credit.

We must conclude that if the Senator believes that by maintaining a restrictive monetary policy we are contributing to inflation, he is also suggesting that a much easier monetary policy would be anti-inflationary or deflationary. This interpretation—odd as it may appear—is further reinforced by a table inserted in the RECORD by the Senator, which he apparently interpreted to mean, among other things, that the faster the supply of money rose, the slower was the rate of increase in prices. This is exactly the reverse of the assumption on which the present monetary policy of the Federal Reserve Board seems to rest; and if this is a correct statement of the Senator's prescription for an alternative and proper monetary policy, I believe he will find himself more or less alone. During the course of the hearings I have had occasion to read many articles both by opponents and proponents of Federal Reserve monetary policy; in no instance have I come across a conclusion that the correct policy today would be to provide for more rapid increases in the money supply. The Senator from Arkansas [Mr. FULBRIGHT], though he made a rather severe indictment of administration policies just prior to the speech of the Senator from Oklahoma [Mr. KERR], was clear on this point when he said:

> The cure for inflation is not more of it. Printing-press money is not the answer, and the Federal Reserve Board has been stalwart in holding out against this.

The Senator from Arkansas might well have gone on to say that the Federal Reserve Board has been stalwart in holding out against proposals such as those implicit in these statements of the Senator from Oklahoma [Mr. KERR] and in his questioning of the Secretary during the course of the hearing.

It would indeed be interesting to know just how much of an increase in the money supply would satisfy the Senator from Oklahoma. In his statement here he said that he believed that we now have a "drought in the supply of credit."

The data show that during the 12-month period ending in April the amount of deposits adjusted plus currency—that is, the Nation's money supply—increased by $7.1 billion, or by 3.3 percent. This is the drought to which the Senator referred. The Senator from Oklahoma says that he is not advocating a flood. Since he is a member of the committee charged with finding the answer to our current economic problems, and since he considers this rather normal rate of increase as a drought in the supply of credit, I hope he will be prepared to suggest either to the Senate or to the committee the higher rate of increase in the money supply which he considers necessary.

To return to the Senator's summary—and go on with my own—I disagree with all three of his conclusions. I do not agree that the record shows that the fiscal policies of this administration have failed. The budget has been balanced—and if debt management objectives have not been reached, it is because they have been made temporarily unattainable by the greater necessity to resist inflation.

Second, I do not agree, nor does the record show, that higher interest rates

have been brought about by the elected administration's fiscal policy. They have resulted from the operation of sound monetary policy, against a very strong demand for loanable funds.

I agree with my friend, the Senator from Louisiana. I repeat that there are other factors in the market, both the Government and prices.

Third, I do not agree with, nor do I believe that the record will bear out, the charge that so-called tight money and high interest are, in themselves, the policies of the elected Eisenhower administration.

To the extent they exist, they are the results of many factors, including the policy of the independent agency headed by Chairman Martin. And certainly I cannot agree with the conclusion that a monetary policy which restricts growth in the money supply to the legitimate requirements of the Nation and at a normal rate can be inflationary, or the even more absurd conclusion that a reversal of this policy would be deflationary.

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

Mr. BENNETT. I yield to the Senator from Louisiana.

Mr. LONG. It occurs to me that there are certain affirmative actions which contributed to a substantial increase in interest rates, one of which has been frequently referred to. That was the first action of the Secretary of the Treasury when the new administration came into office 5 years ago, in offering a long-term bond issue at about 3¼, when the highest rate up until that time had been 2⅞. That bond issue originally sold above par, which indicated that buyers were prepared at that time to purchase Government bonds at an even lower rate than that at which the Secretary offered them. It indicated that buyers would have purchased them for less than 3¼ percent, if the Secretary had offered them at a lower rate.

The other was the announcement by the Secretary that this administration did not propose to urge the Federal Reserve Board to use its open-market policy to buy bonds of the Federal Government in the event the market would not take those bonds when they were offered. It seems to me that when bankers saw that declaration, they realized that if they more or less held back and insisted on getting a better yield on the bonds, the Government would probably issue bonds bearing a higher interest rate.

Those two factors were affirmative acts which contributed to the constantly increasing interest rate on Government obligations.

Mr. BENNETT. Mr. President, the Senator from Utah would like to comment separately on each of the instances which his friend from Louisiana has recorded.

Much was said in the hearings about the 3¼ percent bonds. The job of trying to decide what the market would take with respect to the first long-term bonds that had been issued for many, many years was a very difficult one. There were no precedents to follow. To some it was a mistake. To some of the rest of us it represented an area of judgment, which, viewed for the first few months following the issuance of the bonds, might have seemed to be a mistake; but, as the Secretary himself said, if he could only have called for a much larger issue at that time, he would have been very happy about it. At the present time, of course, those bonds are selling below par.

To comment on the declaration, in effect, that the Eisenhower administration intended to respect the independence of the Federal Reserve Board, it seems to me that that declaration was only a reaffirmation of the policy which was painfully worked out in 1951, while the Truman administration was still in office, and represented a logical, rational, and I think a wise continuation of an overall policy. In the opinion of the Senator from Utah, it did not represent a departure from that policy.

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

Mr. BENNETT. I yield.

Mr. LONG. It is my impression that the so-called accord between the Secretary of the Treasury and the Federal Reserve Board, which had existed during the latter days of the Truman administration, was more or less a compromise of the conflicting view of the Secretary of the Treasury, that the Federal Reserve Board should use its powers to hold down interest rates during the Korean war, and the view of the Federal Reserve that it was contributing to inflation by buying as many bonds as were being purchased under that policy. The accord which was arrived at was a compromise between the two views. But when the adminstration said, in effect, that it would leave the Federal Reserve Board independent, to do whatever it felt it should do in that connection, without pressure from the administration, that meant that the policy previously advocated by the Federal Reserve Board would be put into effect, which was the policy of not buying the bonds on the open market.

Mr. BENNETT. The Senator from Louisiana and the Senator from Utah have a different understanding of the accord. It is the understanding of the Senator from Utah that the so-called accord was an agreement between the two agencies that after a certain day in March 1951—I believe it was the 4th—the Treasury would no longer expect to exert any control over the policies of the Federal Reserve Board. In other words, it represented a return to the Board of the independence it had had between 1913 and 1941. There was no difference in the relationship between the incoming Eisenhower Secretary of Treasury and the Board, on the one hand, and that of the outgoing Secretary of the Truman administration and the Board, on the other hand.

Mr. LONG. Do I correctly understand that the Senator's feeling is that the so-called accord was really a complete surrender on the part of the Treasury Department?

Mr. BENNETT. I do not like to use the word "surrender." I would rather say it was an action by which the traditional—and I would almost like to say legal—independence of the Federal Reserve Board was returned to it.

As I remember the history, the Federal Reserve Board has that power legally; and when the attack at Pearl Harbor occurred, its chairman at that time, a citizen of my own State, Marriner Eccles, went to the Secretary of the Treasury and said, "From now on we will support Treasury bonds. We will finance this war at the lowest possible cost."

But as soon as the war was over, pressures began to develop within the Federal Reserve Board to regain its legal independence, and it required about 5 years for that process finally to be worked out.

Mr. LONG. If the Senator will further yield, there are many who contend that the way the Federal Reserve Board should operate is to respect various laws, such as the Full Employment Act of 1946, and various other laws. Congress created the Federal Reserve Board, and placed certain very important functions in that Board. The President appoints the members of the Board and sends the nominations to the Senate, and the Senate confirms or rejects the nominations. Certainly the Senate has a responsibility in relation to the vast powers which the Federal Reserve Board exercises. If we feel that such powers are not being exercised wisely, it seems to me that we have a duty to express ourselves in that regard.

The President also has a responsibility in connection with such appointments. If he feels that the way the Board is acting is not necessarily in the public interest, or if it is acting in a mistaken or unwise fashion, it seems to me that the President has a responsibility to let himself be heard in that regard. It is one thing for the Federal Reserve Board to adopt a policy. It is another thing for the President and the Congress to remain entirely mute if, on seeing the policy being put into execution, we believe the policy to be in error.

Mr. BENNETT. The policy is being operated under the privileges and responsibilities created for the Board by the law.

The Senator from Utah is a member of the Committee on Banking and Currency, of which the Senator from Louisiana was once a member. The Federal Reserve Board is constantly brought before our committee for review. In the Finance Committee we shall have the privilege before long of meeting with the present chairman of the Federal Reserve Board, who was originally appointed by Mr. Truman and reappointed by Mr. Eisenhower.

I think the Senator from Louisiana will then have a wonderful opportunity to explore the question of the relationship between the Federal Reserve Board, the Congress, and the President.

I realize that the Finance Committee hearings have just begun. I hope that further testimony and deeper study will bring us closer to a unity of understanding of these problems so that our present differences will be minimized and so that we can make wise recommendations upon which we can build a sound program for a stable economy based on a dollar of dependable purchasing power.

USE OF CIVILIAN-TYPE VEHICLES BY THE MILITARY ON A WORLD-WIDE BASIS

Mr. JOHNSTON of South Carolina. Mr. President, a short time ago when we were discussing the military budget, I placed in the RECORD for the benefit of the Senate, installment No. 1 from the Defense Department containing figures on the use of civilian-type vehicles by the military on a worldwide basis.

At that time the Department of Defense advised me it would be near impossible to get an accurate picture on worldwide basis but that they could provide relatively complete figures on civilian-type vehicles, their maintenance cost, and chauffeurs, and so forth for the metropolitan Washington area. I thought these figures may give a sample of what we would find on a worldwide basis.

Mr. President, I ask that these tables, charts, and a letter from the office of the Secretary of Defense be placed in the RECORD at this point accompanying my remarks, in order that the entire Senate may receive the benefit of these figures.

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

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D. C., July 5, 1957.

Hon. OLIN D. JOHNSTON,
United States Senate.

DEAR SENATOR JOHNSTON: In response to your letter of May 9, 1957, to the Secretary of Defense, there is attached hereto the balance of the information you requested with respect to nonmilitary type vehicular transportation. A portion of the information you requested was delivered to your office on May 29, 1957.

The attached information is in accordance with the agreements reached in the discussions between Mr. Chadwick, of your staff, and Colonel Bounds, and Mr. Bush, of the Office of the Secretary of Defense. Attachments 1, 2, and 3 include appropriate information from the military installations in the metropolitan District of Columbia area (District of Columbia, Prince Georges County, Md., Montgomery County, Md., Arlington County, Va., Fairfax County, Va., and Alexandria city, Va.), Fort George G. Meade, Md., and the Marine Corps Schools, Quantico, Va. Procurement costs, by type of vehicle are listed in attachment 4. The average unit costs shown are for the latest model that has been procured and they are not necessarily the price of the 1957 models of these types.

With respect to the conditions which justify chauffeur treatment, there is no written Department of Defense policy per se. The basic policy is stated in terms of which officials of the Department of Defense may be assigned vehicles on a full-time basis. It was set forth in a memorandum to the Secretaries of the 3 military departments on April 20, 1949 by the then Secretary of Defense Louis Johnson. A copy of this memorandum and subsequent revisions thereto are attached (see attachment 5, tab A). This policy has been implemented by the military departments as follows:

Department of the Army, AR 57-30 (see attachment 5, tab B).

Department of the Navy, NAVDOCKS TR-Tr-1 (see attachment 5, tab D).

Department of the Air Force, AFM 77-1 (see attachment 5, tab E).

Sincerely,

CARLTON R. ADAMS,
For C. J. HAUCK, Jr.,
Assistant to the Secretary.

DEPARTMENT OF DEFENSE

Motor vehicle inventory—Metropolitan District of Columbia area, Fort George G. Meade, Md., and Marine Corps schools, Quantico, Va., as of Mar. 31, 1957

Installation	In use	Sedans			Station wagons	Carry-all	Buses				Total vehicles on hand including those of military design
		Light	Medium	Heavy			12-16 passengers	27-33 passengers	37-44 passengers	Other	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Department of Defense	Administrative	608	60	9	135	197	6	83	144	8	
	Tactical	92			10	3		12	9		
	Total	700	60	9	145	200	6	95	153	8	6,044
Office of the Secretary of Defense	Administrative, total	4	17	3	1						25
Department of the Army	Administrative	300	16	1	67	58		49	81	2	
	Tactical	92			10	3		12	9		
	Total	392	16	1	77	61		61	90	2	2,236
Fort Myer, Va	Administrative, total	18			2	9		16	21		139
Fort McNair, D. C	Administrative, total	7	1			1		6	2		39
Cameron Station, Va	Administrative, total	5			1	7					104
United States Armed Services Center (Pentagon motor pool).	Administrative, total	84		1	21	1					128
Army Communications Agency, District of Columbia.	Administrative, total	7			16	1					78
Fort Belvoir, Va	Administrative	42	1			11		18	36		
	Tactical	52			1			4			
	Total	94	1		1	11		22	36		743
Army Map Service, District of Columbia	Administrative	3			4	2					
	Tactical	1									
	Total	4			4	2					22
Washington district engineer, Washington, D. C	Administrative, total	27			2	1					46
Diamond Ordnance Fuze Laboratory, D. C	Administrative, total	5			11	7					54
Walter Reed Army Medical Center, D. C	Administrative, total	19	2		4	1		4	2	2	84
Fort Meade, Md	Administrative, total	47	4		5	7		5	18		357
Recruiting, District of Columbia	Administrative, total	2									2
Recruiting, Arlington County, Va	Administrative, total	1									1
Recruiting, Fairfax County, Va	Administrative, total	1									1
Recruiting, Alexandria, Va	Administrative, total	2									2
Recruiting, Prince Georges County, Md	Administrative, total	1									1
Recruiting, Montgomery County, Md	Administrative, total	1									1
Headquarters, 2DRAADCOM, Fort Meade, Md	Administrative, total	6									10
Headquarters Battery, 35th AAA Brigade, Fort Meade, Md.	Tactical, total	8									17
Headquarters Battery, 35th AAA Gun Battalion, Fort Meade, Md.	Tactical, total	4			1						28
Headquarters Battery, 36th AAA Missile Battalion, Fort Meade, Md.	Tactical, total	4				1					15
Headquarters Battery, 19th AAA Group, Fort Myer, Va.	Tactical, total	4			1			4			7
14th AAA Gun Battalion (Fairfax County)	Tactical, total	3			5			4			48
70th AAA Gun Battalion (Montgomery County)	Tactical, total	1									118
71st AAA Missile Battalion (Fairfax County)	Tactical, total	6			1				4		42
75th AAA Missile Battalion (Prince Georges County).	Tactical, total	6				1			4		42
601st AAA Gun Battalion (Prince Georges County)	Tactical, total	3									35
B Battery, D Battery, 602d AAA Missile Battalion (Montgomery County).	Tactical, total				1	1			1		14
District of Columbia National Guard	Administrative, total	11	1			3			2		17
Corps of Engineers, Civil Works Division											
Beach Erosion Board, Washington, D. C	Administrative, total	1			1						8

Motor vehicle inventory—Metropolitan District of Columbia area, Fort George G. Meade, Md., and Marine Corps schools, Quantico, Va., as of Mar. 31, 1957—Continued

Installation	In use	Sedans			Station wagons	Carry-all	Buses				Total vehicles on hand including those of military design
		Light	Medium	Heavy			12-16 passengers	27-33 passengers	37-44 passengers	Other	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Board of Engineers for Rivers and Harbors, Washington, D. C.	Administrative, total	2									2
Washington district, Washington, D. C	Administrative, total	8	7			7					31
Department of the Navy [1]	Administrative, total	196	4	4	1	102	6		24	2	2,050
Applied Physics Laboratory, Johns Hopkins University, Silver Spring, Md.	Administrative										31
David W. Taylor Model Basin, Carderock, Md	Administrative	3				5	1				111
Hydrographic Office, Suitland, Md	Administrative	3				3	1				16
National Naval Medical Center, Bethesda, Md	Administrative	5				6			1		141
Naval Air Station, Washington, D. C	Administrative	8				5					110
Naval Gun Factory, Washington, D. C	Administrative	9				11			4		412
U. S. Naval Observatory, Washington, D. C	Administrative	1				1					12
Naval Ordnance Laboratory, White Oaks, Md	Administrative	14				18					250
Naval Radio Station, Cheltenham, Md	Administrative	4				2			1		42
Receiving Station, Washington, D. C	Administrative	13				8	1		4		87
Naval Research Laboratory, Washington, D. C	Administrative	4				7	1		1		270
Naval Security Station, Washington, D. C	Administrative	6				6	1				48
Naval Hospital, Quantico, Va	Administrative	1				2					21
Marine Corps Air Station, Quantico, Va	Administrative	4				2			2	2	159
Executive Office, Secretary of the Navy, Washington, D. C.	Administrative	76	3	3		15					125
District Public Works Office, Potomac River Naval Command, D. C.	Administrative	31	1	1	1	8	1		11		197
U. S. Reserve Training Center, Alexandria, Va	Administrative					1					1
Recruiting Station and Office of Naval Officer Procurement, District of Columbia.	Administrative	13				2					16
Naval Ordnance Experimental Unit, District of Columbia.	Administrative	1									1
U. S. Marine Corps [1]	Administrative	36	2	1	18				19		1,058
Marine Corps Schools, Quantico, Va	Administrative	11	1		15				14		977
Headquarters Battalion, Henderson Hall, Washington, D. C.	Administrative	18	1	1					1		59
Marine Barracks, Washington, D. C	Administrative	2			3				4		13
5th Marine Corps Reservice and Recruitment, Washington, D. C.	Administrative	5									9
Department of the Air Force [1]	Administrative	72	21		48	37		34	20	4	675
Andrews Air Force Base, Md	Administrative	20	5		21	13		15	7	4	288
Bolling Air Force Base, D. C	Administrative	52	16		27	24		19	13		387

[1] All Navy, Marine Corps, and Air Force vehicles in the area covered by the report are in administrative use.

Chauffeurs, drivers, and maintenance personnel on board at military activities in the metropolitan District of Columbia area, Fort George G. Meade, Md., and Marine Corps schools, Quantico, Va., as of Mar. 31, 1957

	Chauffeurs			Drivers			Maintenance		
	Total	Civilian	Military	Total	Civilian	Military	Total	Civilian	Military
Department of Defense, total	48	20	28	1,005	415	590	197	116	81
Office of the Secretary of Defense, total	18	13	5				(1)		
Department of the Army, total	14	1	13	432	128	304	89	41	48
Fort Myers, Va				47	7	40	4	4	
Fort McNair, D. C				17		17	1	1	
Cameron Station, Va				2	2		1	1	
U. S. Armed Services Center, Pentagon	9		9	109	16	93	7	7	
Army Communications Agency, District of Columbia				3		3	2		2
Fort Belvoir, Va	3		3	72	50	22	19	10	9
Army Map Service, District of Columbia				7	7		1	1	
Washington District Engineer, District of Columbia				3	3		7	7	
Diamond Ordnance Fuze Laboratory, District of Columbia				1	1		(2)		
Walter Reed Army Medical Center, District of Columbia				28	10	18	(3)		
Fort George G. Meade, Md				68	22	46	10	10	
Headquarters, 2d RAADCOM, Fort Meade, Md	1		1	2		2	(4)		
Headquarters Battery, 35th AAA Brigade, Fort Meade, Md				6		6	2		2
Headquarters Battery, 35th AAA Gun Battalion, Fort Meade, Md				4		4	1		1
Headquarters Battery, 36th AAA Missile Battalion, Fort Meade, Md				5		5	2		2
Headquarters Battery, 19th AAA Group, Fort Meade, Md				4		4	2		2
14th AAA Gun Battalion, Fairfax County, Va				12		12	5		5
70th AAA Battalion, Montgomery County, Md				1		1	1		1
71st AAA Missile Battalion, Montgomery County, Md				11		11	8		8
75th AAA Missile Battalion, Montgomery County, Md				11		11	9		9
601st AAA Gun Battalion, Prince Georges County, Md				6		6	2		2
602d AAA Missile Battalion, Montgomery County, Md				3		3	3		3
National Guard, District of Columbia							2		2
Corps of Engineers, Civil Works Division:									
Beach Erosion Board, D. C				1	1		(5)		
Board of Engineers for Rivers and Harbors, D. C				2	2		(5)		
Washington District Office, District of Columbia	1	1		7	7		(5)		
Department of the Navy, total	9	6	3	293	204	89	56	56	
David Taylor Model Basin, Carderock, Md				11	11		4	4	
Hydrographic Office, Suitland, Md				10	10		1	1	
National Naval Medical Center, Bethesda, Md				21	21		3	3	
Naval Air Station, Washington, D. C				12	4	8	5	5	
Naval Gun Factory, Washington, D. C				55	55		17	17	
Naval Observatory, Washington, D. C				1	1		(1)		
Naval Ordnance Laboratory, White Oak, Md				22	22		6	6	

See footnotes at end of table.

Chauffeurs, drivers, and maintenance personnel on board at military activities in the metropolitan District of Columbia area, Fort George G. Meade, Md., and Marine Corps schools, Quantico, Va., as of Mar. 31, 1957—Continued

	Chauffeurs			Drivers			Maintenance		
	Total	Civilian	Military	Total	Civilian	Military	Total	Civilian	Military
Department of the Navy, total—continued									
Receiving station, Washington, D. C.				33	5	28	(3)		
Naval Research Laboratory, Washington, D. C.				21	21		5	5	
Naval Security Station, Washington, D. C.				25		25	(1)		
Naval hospital, Quantico, Va.				2	2		1	1	
Marine Corps Air Station, Quantico, Va.				29	1	28	5	5	
Executive Office, Secretary of the Navy, Washington, D. C.	9	6	3	40	40				
District Public Works Office, Potomac River Naval Command, District of Columbia				11	11		9	9	
U. S. Marine Corps, total	4		4	68		68	28	8	20
Marine Corps School, Quantico, Va.	1		1	38		38	13	6	7
Headquarters Battalion, Washington, D. C.	1		1	17		17	13		13
Marine Barracks, Washington, D. C.	2		2	13		13	(6)		
5th Marine Corps Reserve and Recruitment District, Washington, D. C.							(6)		
Headquarters Supply Section, Headquarters, U. S. Marine Corps, Washington, D. C.							2	2	
Department of the Air Force, total [7]	3		3	212	83	129	24	11	13
Andrews Air Force Base, Md.				74	30	44	10	4	6
Bolling Air Force Base, D. C.				133	53	80	14	7	7
Headquarters, U. S. Air Force	3		3	5		5	(8)		

[1] Maintenance performed by maintenance personnel assigned to District Public Works Office, Potomac River Naval Command.
[2] Maintenance performed by Bureau of Standards personnel on a reimbursable basis.
[3] Maintenance performed commercially.
[4] Maintenance performed by Fort Meade maintenance personnel.
[5] 5 percent of the total time of 2 civilian mechanics is estimated to be spent on maintenance of the 41 vehicles assigned to these Engineer activities.
[6] Maintenance of 22 vehicles assigned to these activities is performed by maintenance personnel of Headquarters Battalion.
[7] The chauffeur, driver, and maintenance personnel shown here apply only to the specific types of vehicles shown in col. 3 through 11 on attachment 1.
[8] Maintenance of 5 of the light sedans reported by Bolling Air Force Base is performed by Army maintenance personnel at the Pentagon motor pool. These 5 light sedans are assigned to the 4 Assistant Secretaries of the Air Force and the Air Force Vice Chief of Staff.

Passenger-carrying vehicles chartered, rented, or leased by military activities in the metropolitan District of Columbia area, Fort George G. Meade, Md., and Marine Corps schools, Quantico, Va., during the period July 1, 1956, through Mar. 31, 1957

	Sedans			Station wagons	Buses	
	Light	Medium	Heavy		37 to 44 passengers	Other
Chartered vehicles:						
Department of Defense bus line:						
Miles used					227,094	
Cost					$80,511	
National Security Agency:						
Miles used					49,038	
Cost					$20,378	
Fort George G. Meade, Md.						
Miles used						17,500
Cost						$37,068
District Public Works Office, Potomac River Naval Command:						
Miles used					79,524	
Cost					$59,870	
Marine Corps schools, Quantico, Va.:						
Miles used					(1)	
Cost					$928	
Marine Barracks, Washington, D. C.:						
Miles used					3,494	
Cost					$5,273	
Headquarters, U. S. Marine Corps, Washington, D. C.:						
Miles used					(1)	
Cost					$68	
Andrews Air Force Base, Md.:						
Miles used					(1)	
Cost					$520	
Bolling Air Force Base, Washington, D. C.:						
Miles used					(1)	
Cost					$990	
U. S. Armed Services Center, Pentagon:						
Miles used	(1)					
Cost	$214					
Army Map Service, Washington, D. C.:						
Miles used	156					
Cost	$36					
Diamond Ordnance Fuse Laboratory, Washington, D. C.:						
Miles used	440					
Cost	$210					
Rented vehicles: Andrews Air Force Base, Md.:						
Number	9					
Miles used	2,807					
Cost	$505					
Leased vehicles: Office of the Secretary of Defense:						
Number			3			
Cost			(2)			
Department of the Army:						
Number		1	2			
Cost		(2)	(2)			
Department of the Navy:						
Number			2			
Cost			(2)			
Department of the Air Force:						
Number		1	2			
Cost		(2)	(2)			

[1] Chartered on an hourly or daily rate rather than on a mileage basis.
[2] Leased at an annual cost of $500 each which includes the maintenance costs.

Latest procurement costs—Passenger-carrying vehicles

The latest average procurement costs of passenger-carrying vehicles purchased by the Army Chief of Ordnance are as follows:

Type	Model year	Average price
Light sedan	1957	$1,213.64
Medium sedan	1951	1,399.95
Heavy sedan	1951	4,499.95
Station wagon	1957	1,559.98
Carryall	1957	1,710.59
Buses:		
12- to 16-passenger	1951	3,199.97
27- to 33-passenger	1957	3,837.00
37- to 44-passenger, BOC	1957	5,101.00
37- to 44-passenger, integral	1956	11,889.00
Other (convertible)	1955	17,366.25

Mr. JOHNSTON of South Carolina. Mr. President, I should like to point out that one of the things I requested of the Defense Department was to advise me what conditions or requirements were necessary to justify chauffeur-treatment of limousines used by certain officials or ranks in the services.

The Department has advised me in their letter which will be placed in the RECORD, that there is no written Department of Defense policy regarding who gets chauffeurs and who does not. This may be of interest to the appropriate committees of the Senate which pass upon funds used for these purposes.

ORDER FOR RECOGNITION OF SENATOR CLARK TOMORROW FOLLOWING TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the usual period for the transaction of routine business tomorrow morning, which will include statements limited to 3 minutes, the junior Senator from Pennsylvania [Mr. CLARK] be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL IMPORTS

Mr. BARRETT. Mr. President, in discussing the matter of oil imports last October, the Director of the Office of Defense Mobilization, Arthur S. Flemming, made this statement: "There are few, if any, issues of national policy which affect more directly the economic well-being and the defense strength of the Nation than the question of how we are to assure a continuing and adequate supply of petroleum products."

I could not agree with him more. I cannot believe that anyone would seriously quarrel with his statement. Oil is at the very foundation of our peacetime commerce and industry. In modern and highly mechanized warfare, it is actually the margin of national survival. Hitler learned that lesson the hard way in the last war.

It is vital that we have adequate supplies of oil. It is just as important that the supply be continuous and uninterrupted by outside sources. In the light of Dr. Flemming's significant statement, this question seems peculiarly pertinent today: "Why do we still lack decisive action on this crucial problem of crude oil imports?"

Without doubt, one of the gravest problems facing our country today is that of oil imports. Slowly but steadily and disastrously the flood of crude oil imports is engulfing our entire domestic industry. These imports are hurting the independent producer most of all. He is that adventuresome soul known throughout the oil industry as the "wildcatter." He is that rugged individual who down through the years operated against terrific odds and handicaps and who is chiefly responsible for finding the new reserves to meet the Nation's growing oil needs; when those needs are met by cheap oil from abroad, the incentive for exploration in our own country declines.

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator yield?

Mr. BARRETT. I am glad to yield.

Mr. MARTIN of Pennsylvania. Is it not correct to say that 9 out of 10 wells the so-called wildcatters drill are absolutely worthless and are what are known as dry holes?

Mr. BARRETT. The Senator is correct. In my section of the country it takes about 19 exploratory wells to get 1 producing well.

Mr. MARTIN of Pennsylvania. Is it not true also that it is absolutely necessary in time of war to have our supply of oil and our reserve supply within our own lines?

Mr. BARRETT. The Senator is absolutely correct.

Mr. MARTIN of Pennsylvania. The Senator is much more familiar with this subject, because in my State we do not have anything left except what we call stripper wells, which are extremely expensive to operate. However, oil today is largely transported by pipeline, although some of it is transported by tankers. In view of the fact that most of it is transported by pipeline, is it not therefore necessary that our reserve supplies, as I have said, be within our own lines?

Mr. BARRETT. The Senator is absolutely correct. It would be disastrous if we did not have an adequate supply of oil available in times of emergency, such as a war. As I said before, that was the margin that made it impossible for Hitler to carry on World War II.

Mr. MARTIN of Pennsylvania. Is it not true that if Hitler had had all the oil he required to operate his equipment and to transport his army, it probably would have been impossible to defeat his well-trained and well-organized army?

Mr. BARRETT. That is entirely possible. It certainly would have been true, had it not been for the fact that this country was able to throw the full impact of its own industrial plants, including its oil production, into the fight, and to help our allies in that war.

Mr. MARTIN of Pennsylvania. If the Senator will yield once more, I should like to make a further comment. Of course, oil is brought across the water by tankers.

Mr. BARRETT. That is correct.

Mr. MARTIN of Pennsylvania. I was Governor of the Commonwealth of Pennsylvania during the Second World War, and I saw many tankers sunk by submarines off the Atlantic coast. They were bringing oil from the Southwest, from Texas and Louisiana, for the use of our refineries.

Mr. BARRETT. And from Venezuela.

Mr. MARTIN of Pennsylvania. And from Venezuela. We have sufficient pipelines within our country at the present time to supply our refineries, and if we have sufficient oil reserves, we will not have to depend on oil from other countries.

Mr. BARRETT. The Russians have a great many submarines at the present time, and they would be a serious threat in a similar situation. It shows the folly of depending on outside sources for oil in times of emergency. I thank the Senator.

As I said, when the needs I have described are met by cheap oil from abroad, the incentive for exploration in our own country declines.

It hampers drilling operations and, of course, less drilling means less oil discovered, and consequently less reserves against the rainy day when we may need oil desperately, and important also, it means less employment and less tax revenue.

This problem has been with us for a long time. It has been developing since the end of World War II. We have escaped from some of the more pressing consequences of the problem from time to time because of the intervention of world events. But the escape has never been more than temporary. We should have taken the bull by the horns long ago. Now is the time for action, and I mean now. Before the world war, we were traditionally an exporter, but by 1949 our Nation had become an importer of crude oil and oil products. No one could complain as long as the imports only supplemented our domestic production and supplied certain product deficiencies. As everyone knows our entire economy and our national security depend upon an abundant supply of petroleum products. Under conditions as they exist today, it is necessary to import a certain amount of crude oil as well as some residual fuel oil.

Let me review the history briefly.

The switch from an exporter to an importer was fine as long as the crude oil imports only supplemented domestic production. We must import some residual fuel oil, for instance, for heating and industrial use along the east coast. We must import crudes for the manufacture of asphalt because we do not have adequate supplies in our own country. No one complained a great deal then, but toward the end of 1949 and early in 1950, oil from abroad began to threaten to displace vital domestic production. Many expressed grave concern over possible damage to the development of our domestic industry. They were absolutely right. The proof that they were right is being written today in every one of the 29 oil producing States of the Union.

It is being written in terms of a marked slump in the search for new oil and the development of our known oil reserves. The proof of that fact is plain and evident today. Nothing was said about imports during the Korean crisis. We needed oil and oil products at that time in tremendous quantities. Imports

continued at high figures but domestic production reached even higher levels. The oil industry was hard put to it to meet the expanded demand. But once the crisis in Korea was over, the old problem of imports was back, much worse than before.

Mr. President, the following chart shows graphically the terrific increase in crude oil and refined products during the past 5 years:

Year	Imports			Crude-oil production	Ratio
	Crude oil	Oil products	Total		
1952	573	385	958	6,262	15.2
1953	648	386	1,034	6,458	16.0
1954	656	396	1,052	6,346	16.6
1955	782	466	1,248	6,807	18.3
1956	934	492	1,426	7,151	19.9
June 1957	1,150	500	1,650	7,265	22.7
July 1957	[1] 1,275	500	1,775	6,900	25.7

[1] Estimated.

For a long time no one has pretended that the situation was not serious. Imports have throttled back our domestic production. The production allowable on Texas wells rather than east Texas, dropped from 259 days in 1952 to only 194 days in 1954. As of July of this year, Texas' allowable is only 13 days per month, or on the basis of 156 days per year.

These excessive imports are tough on the industry, but the discouraging effect on exploration and on new reserves is even worse. We must not only replace the oil we use today but we must make additional discoveries to take care of the increasing demands of the future. That means we should constantly be expanding our search for oil. But the fact is, we are not doing so.

In 1953 we had a shut-in domestic productive capacity of about 1,200,000, but by 1954, it had risen to approximately 1,800,000, and today we have a shut-in capacity of more than 2 million barrels a day.

In 1953 we had 700 seismograph crews actively searching for new reserves compared to 600 in 1954 and 525 today. That represents a 25 percent decline in the number of teams looking for new oil in 3 years. Clearly an excess of imports has been drying up the incentives to the discovery of new reserves.

Early in 1955 the President's Cabinet Advisory Committee took public notice of this danger. This group, known as the Fuels Policy Committee, urged a holding action. It recommended that imports of crude and residual fuel oil be held to their 1954 ratios to domestic output. The Committee found that the national security might be imperiled if imports went beyond that point. It was a thoroughly sound and conservative conclusion.

Congress also concerned itself with this problem at that time. The danger to the domestic oil industry, in part at least, led to inclusion of the impairment of the national security clause in the Trade Agreements Extension Act of 1955. Yet the fact is that crude oil imports, except for the Suez interlude, have been constantly on the increase.

By July 1955 imports averaged 830,000 barrels of crude a day, representing an increase of 15 percent during the year, while the demand in this country had increased by only some 7 percent.

By July 1956 imports averaged 1,080,000 barrels of crude a day, which represented a 30 percent increase over the level of a year before, but domestic demand had risen by less than 4 percent.

Crude-oil imports now total about 1,275,000 barrels a day, or more than 17 percent of our domestic production. By the way, that does not take into consideration imports of oil products.

There are signs that this decline in exploration is being reflected in a decline in actual drilling.

In my own State oilmen in 1954 drilled more than 6.5 million feet of hole in looking for oil and gas. A year later they drilled fewer than 4.5 million feet. Last year they drilled only 3.7 million. That is a 43-percent drop in just 2 years.

In 1953 Wyoming reserves totaled a billion barrels, but 8,681,000 barrels of reserves from new discoveries together with 288,301,000 barrels from extensions and revisions increased these reserves to over a billion and a quarter barrels by the end of the year, after allowing for 82 million barrels produced.

In 1956 the Wyoming reserves were 1,373,000,000; and with 7,251,000 barrels in new discoveries plus 88 million from extensions and revisions—then allowing for 106 million in production, left the reserves at 1,363,000,000 barrels, which was 10 million less than the year before. Wyoming's production is down 10 thousand barrels a day below what it was a year ago. This means a loss to Wyoming producers of $30,000 every day of the week, and practically $1 million a month.

The full impact of these outlandish oil imports may not leave its full mark on the industry in Wyoming for some time, but eventually it will bear down when the ever-increasing imports bring about a drop in the price of crude oil. The excessive oil imports will then be felt by all of the people of my State—whether they have oil wells or royalties or not.

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Does the Senator from Wyoming yield to the Senator from Pennsylvania?

Mr. BARRETT. I am delighted to yield.

Mr. MARTIN of Pennsylvania. Do not the excessive imports affect what we call the small or independent producers?

Mr. BARRETT. They certainly do; because it is the small operator who must sell and dispose of his oil, whereas the large producers are integrated companies, which can take their own oil to the refineries, and dispose of it very readily.

Mr. MARTIN of Pennsylvania. If the Senator will permit a comment, I do not suppose it has happened in Wyoming as yet, but in the Commonwealth of Pennsylvania many of the wells are now owned and operated by farmers. They have done really very well. But the heavy oil importations are hurting them, because they do not have the ready local markets which they formerly enjoyed.

Mr. BARRETT. I may say to my distinguished colleague from Pennsylvania that his State is the oldest oil-producing State in the Union, and my State is one of the newer producers of oil. As of now we have not gotten to the point where we have any large number of what may be called "stripper" wells.

Mr. MARTIN of Pennsylvania. I know of one well in southwestern Pennsylvania which was discovered in 1897. It produced at that time about 500 barrels a day. I asked the owners of the well not a great while ago to give me the record of it in 1956, and I was informed that it produced a little more than 4½ barrels a day, even after 59 years.

Mr. BARRETT. That is a wonderful record.

Mr. CURTIS. Mr. President, will the Senator from Wyoming yield?

Mr. BARRETT. I am delighted to yield.

Mr. CURTIS. In the State of Nebraska the oil business is decidedly in its infancy. It has, however, developed remarkably during the past 4, or 5, or 6 years.

My question to the distinguished Senator, who is more familiar with the oil industry than I am, is what effect the excessive imports have upon the expansion and development of the crude-oil-producing industry.

Mr. BARRETT. They have had a disastrous effect already in the Western States, and it may be even worse in the years ahead unless action is taken, and taken soon, because the price of crude oil will certainly drop if something is not done to stop the ever-increasing importations. If the present trend continues, of course it will bring about another terrific drop in the work of the seismographing and geological work of all kinds in the search for oil and in drilling wells to try to discover new fields.

I may say to my distinguished colleague from Nebraska that particularly the small independent operator will be prejudiced because of the excessive imports, because of the fact that he does not have a ready outlet for the crude which he produces, and he has to sell it to somebody else. As a result, he will not drill wildcat wells, unless he knows that when he gets production he will have a ready market for his oil. As a consequence, we will find that much exploration will be curtailed in the Western States, and I have already indicated that that has already happened in Wyoming.

Mr. CURTIS. Then the burden that falls upon the oil industry by reason of excessive importations falls the heaviest upon the smaller units or smaller operators in the newer areas, which are still pretty much in a speculative stage, and on developments where the risk is greatest.

Mr. BARRETT. The Senator is entirely correct.

Mr. CURTIS. And the segment of the industry that has made an expansion over a wide area, including refineries, sometimes transportation facilities such as pipelines, and its own wholesale and

retail outlets, can stand the shock of foreign oil imports far better than can the so-called small independents; is that correct?

Mr. BARRETT. The Senator from Nebraska is entirely correct about that.

Mr. President, the economy of our State depends to a great extent on a sound and prosperous oil industry. If the tax revenue from oil is down, the rest of us wind up making good the deficit. That is true whether the drop is in royalties to the State from the public domain or in those from State lands or in the production taxes on the oil itself.

In the first 6 months of this year the industry drilled in this country 9 percent fewer wells than it did in the same period in 1956. If the trend continues, we shall find less oil this year than we shall be using. That has happened only once before in recent history—in the abnormal war year of 1943.

The Oil and Gas Journal reports that the independent operators have been hardest hit by the drilling slump.

That is in accordance with the statements made a minute ago by both of my distinguished colleagues.

Well over half the independent operators polled by the Journal say many of the independent operators have had to slash their drilling programs 50 percent or more. Yet, as the Journal points out, the smaller companies last year drilled 83 percent of the wildcat wells.

The domestic producer is suffering, but he is not alone.

The farmer who should be collecting royalties on normal production is suffering.

The men who would otherwise be employed in oil-field work are suffering.

The schools that derive so much of their support from oil taxes are suffering, which means that the children who attend them are suffering.

The State treasuries that should be getting royalties and tax returns from domestic production are suffering.

The national economy is suffering.

True it is that there has been some administrative action from the Office of Defense Mobilization while crude imports have been rising. In practical effect, however, it has been little more than shadowboxing.

In August 1955, the ODM sent to importing companies a letter asking for specific data on future import plans. In October 1955, the ODM recommended across-the-board cuts of 7 percent in crude imports, with the exception of crude imports from Canada and Venezuela.

In November 1955, the ODM asked the importing companies to furnish data on their imports monthly. In May 1956, the ODM spelled out a new formula for calculating the 1954 ratios.

In June 1956, importers were told they should cut their planned third-quarter imports to a level 4 percent below the actual volume for the first 6 months of that year.

On September 25, 1956, a new letter said imports should be cut by some 60,000 barrels a day more than they had been. The same letter also announced that a hearing on imports would be held in October.

On October 11, 1956, a letter definitely announcing this hearing went to all interested companies. The same letter said the President's Fuels Policy Committee was studying a task-force report on the situation.

Finally, on October 22, 1956, the ODM opened hearings on the entire problem; and there, for all practical purposes, we have been stalled ever since. Yet from August 1955, when the first ODM letter went out, until the present, crude oil imports have increased by 52 percent; and they are increasing by the day.

It would be untrue to say that nothing at all has come from these efforts to get voluntary action. Importing companies have indicated a desire to comply with every request of the Government for action, but these requests have failed to recognize the competitive facts of life in the industry.

It was desirable to hold the 1954 ratio between domestic production and imports, or something close to it. But this could not be translated into a simple freezing of the status quo. If that had been done, the companies that had been importing the most and the longest would have been given an unfair competitive advantage.

It was important to hold the overall industry imports to a reasonable level, but not to prejudice any company that had not established an imports history; and efforts at a voluntary solution have failed because this has not been done.

We must—if it is at all possible—find a solution to this problem on a voluntary basis.

What we need, in order to get this job done on a voluntary basis, is to provide a sound and realistic formula and an opening of the way to compliance with that formula.

Free competition and initiative have made our industrial plant the envy of every other nation on earth. We ought not put curbs on that initiative or shackles on that competition. We might kill the very spirit of the industry, if we did so.

What the Government must do is spell out precisely what is needed, and then provide the companies with a yardstick by which they can measure their performance. If such a formula is suggested, I believe the industry will comply. Certainly it deserves a chance to prove that it can and that it will.

Two months ago, I wrote Gordon Gray, the Director of the Office of Defense Mobilization, as follows:

> The problem of crude oil imports is becoming acute, and there are many signs, such as increased drilling activity abroad and rapid increase in number and size of tankers which plainly indicate that this problem will shortly become much more serious if strong action is not taken in the very near future. I hope a satisfactory solution to this problem can be worked out before the situation becomes even more aggravated.
>
> My own study and consideration of this matter leads me to believe that a formula which would entitle refiners to import crude oil into this country in any given year not in excess of their 1954 imports, or not in excess of 10 percent of their refinery runs, whichever is the greater, would probably find wide acceptance within the industry.

Mr. President, it seems to me that the door is wide open for a solution of this matter on a voluntary basis, if the Cabinet Committee recently appointed by the President will make to the petroleum industry a bold and forthright proposal that imports be cut back at least to the 1956 level, with old importing companies taking a cut of 10 percent below that figure, so that new operators can have substantially more than their 1956 ratio. We need a solution that will be fair and equitable to all segments of the industry in our country, and at the same time will avoid the necessity of imposing control on this great industry.

It seems to me that if this issue is not settled on a voluntary basis before the end of this month, then it will be incumbent upon the President to exercise the authority vested in him in the Trade Agreements Extension Act of 1955.

According to that law, if the President finds that imports are threatening the national security—

> He shall take such action as he deems necessary to adjust the imports of such article to a level that will not threaten to impair the national security.

That law does not specify the exact method which must be used. But it is clearly stated that he shall act, not just that he may act. Time now is very much of the essence.

The situation is becoming increasingly worse day by day. We cannot shut our eyes to a 13-day allowable in Texas, a drop of 40,000 barrels a day in Oklahoma, or a drop of 10,000 barrels a day in Wyoming production. The same is true of every oil-producing State in the country.

We cannot ignore the decline in the number of exploratory crews at work in the field and the sharp drop in drilling. The domestic petroleum industry is in acute danger; and, by the same token, our national security is in danger.

Studies of the problem have been made. We do not need any more. We need action; we need action now.

Mr. CURTIS. Mr. President, will the distinguished Senator from Wyoming yield?

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. BARRETT. I am delighted to yield.

Mr. CURTIS. Mr. President, I am thankful to the distinguished and able Senator from Wyoming for the remarks he has made today. He is one of the best informed persons in the country as regards the oil industry and all its problems. In connection with this matter, he has rendered a great service to the people of the United States.

Mr. BARRETT. Mr. President, certainly I am not the best informed person as regards this industry. However, I have lived around the edges of the oil industry for nearly 40 years, and I have found out a few things about it; and certainly I know a few things, from the practical standpoint, about the intricacies of the industry.

Mr. CURTIS. I must disagree with the Senator in part. His reputation has

not been confined to the State of Wyoming. It has drifted over and affected public sentiment in Nebraska, and we look to him as one of the leaders in the oil industry and legislation relating thereto.

Now, separate and apart from any injury that continues to afflict the industry by reason of these excessive imports, they should be curtailed from the standpoint of the security of our country and the national defense and the general economy. Is not that true?

Mr. BARRETT. That is exactly true, and that issue has been resolved. I think that conclusion has been reached by the administration. Now the question is how to go about it and what to do to curtail the imports and push them back to a fair level. I am hoping action will be taken very shortly.

Mr. MANSFIELD. Mr. President, I wish to join the Senator from Nebraska in commending the Senator from Wyoming for laying the cards on the table, and trying to present to the Senate and to the administration the difficult situation in which the domestic oil economy finds itself at the present time, and the difficulties which confront it because of the increased imports of petroleum from overseas sources. I think the Senator from Wyoming has performed a service not only for his State but for the entire oil producing area.

Mr. BARRETT. I thank the Senator from Montana. I may say that Montana, Nebraska, and Wyoming are important oil producing States. I thank the Senator for his contribution.

Mr. President, I yield the floor.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 18, 1957, he presented to the President of the United States the following enrolled bills:

S. 18. An act for the relief of Alessandron Renda;

S. 80. An act for the relief of Maria Adelaide Allessandroni;

S. 164. An act for the relief of John G. Michael;

S. 249. An act for the relief of Theodora Hegeman;

S. 250. An act for the relief of Kyu Yawp Lee and his wife, Hyung Sook Lee;

S. 251. An act for the relief of Edith Elisabeth Wagner;

S. 255. An act for the relief of Fumiko Shikanuki;

S. 256. An act for the relief of Aristea Vitogianes;

S. 284. An act for the relief of Miyako Ueda Osgood;

S. 303. An act for the relief of Gaetano Mattioli Cicchini;

S. 307. An act for the relief of Noemi Maria Vida Williams and Maria Loretta Vida;

S. 308. An act for the relief of Maria Caccomo;

S. 368. An act for the relief of Jose Melina-Chavez (Joe Medina);

S. 526. An act for the relief of Tikva Polsky;

S. 530. An act for the relief of Shun Wen Lung (also known as Van Long and Van S. Lung);

S. 560. An act for the relief of Alec Ernest Sales;

S. 583. An act for the relief of Stanislav Maglica;

S. 592. An act for the relief of Anton Revak;

S. 615. An act for the relief of Josephine Ray;

S. 622. An act for the relief of Georgina Mercedes Llera;

S. 629. An act for the relief of John Eicherl;

S. 653. An act for the relief of Mrs. Elsbe Hermine can Dam Hurst;

S. 767. An act for the relief of Christo Pan Lycouras Manroyenis (Maurogenis);

S. 785. An act for the relief of Helga Binder;

S. 788. An act for the relief of Thelma Margaret Hwang;

S. 804. An act for the relief of Georgios D. Christopoulos;

S. 908. An act for the relief of Kuo York Chynn;

S. 973. An act for the relief of Yun Wha Yoon Holsman

S. 987. An act for the relief of Leonardo Finelli;

S. 1083. An act for the relief of Maria Maniates;

S. 1192. An act for the relief of Irma B. Poellmann;

S. 1360. An act for the relief of Mrs. Geraldine Elaine Sim;

S. 1376. An act for the relief of Chong You How (also known as Edward Charles Yee), his wife, Eng Lai Fong, and his child, Chong Yim Keung;

S. 1566. An act for the relief of Arthur Sew Sang, Kee Yin Sew Wong, Sew Ing Lin, Sew Ing Quay, and Sew Ing You;

S. 1581. An act for the relief of Sheu Shei Lan and Chow Shong Yep; and

S. 1833. An act for the relief of Janos Schreiner.

DEATH OF REPRESENTATIVE JAMES B. BOWLER, OF ILLINOIS

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The legislative clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S., *July 18, 1957.*

Resolved, That the House has heard with profound sorrow of the death of the Honorable JAMES B. BOWLER, a Representative from the State of Illinois.

Resolved, That a committee of 12 Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. DOUGLAS. Mr. President, Representative JAMES B. BOWLER, whose death has just been announced, was one of the most distinguished public officials in the city of Chicago, and for a long period of time was my close personal friend. In his youth Representative BOWLER was a famous athlete, and some 50 years ago was one of the champion cyclists of the country. He competed in sprints and middle-distance events, winning national championships, and he was a member of one of the famous teams which won a 6-day bicycle race in Madison Square Garden.

After terminating his athletic life, he entered the field of politics, and was elected an alderman in the city of Chicago, and served in that capacity for 45 years.

I was a colleague of his in the Chicago City Council for a number of years. Councilman BOWLER was a kindly, generous, and friendly man, with great native shrewdness and ability, and he became the chairman of the finance committee of the city council, which was the leading post on that body. In that capacity he conducted the affairs of his office with great ability.

Some years ago he was elected to Congress to succeed the famous Adolph J. Sabath, from that district, and he won the hearts of all his colleagues in the other body as he had won the hearts of members of the Chicago City Council and the citizens of Chicago generally.

It is with a deep sense of personal sorrow and a real appreciation for his splendid public service that on behalf of myself and my colleague [Mr. DIRKSEN] I submit the following resolution.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES B. BOWLER, late a Representative from the State of Illinois.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. DIRKSEN. Mr. President, I wish to associate myself with the observations made by my distinguished senior colleague. While I did not know JAMES BOWLER quite so well, I did know him and did esteem him. I quite agree that he was a very spectacular, shall I say, and colorful figure in the political and civic life of Chicago. So I join in these expressions of sympathy, and I trust they will be communicated to his family.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 167) was unanimously agreed to.

Mr. DOUGLAS. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 6 o'clock and 17 minutes p. m.) the Senate, as a further mark of respect to the memory of the deceased Representative, took a recess, the recess being, under the order previously entered, until tomorrow, Friday, July 19, 1957, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 18 (legislative day of July 8), 1957:

UNITED STATES ATTORNEY

John Strickler, of Virginia, to be United States attorney for the western district of

Virginia for a term of 4 years. He is now serving in this office under an appointment which expires July 16, 1957.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

Charles R. Ferguson, of Pennsylvania, to be a member of the Federal Coal Mine Safety Board of Review for the term expiring July 15, 1960. (Reappointment.)

COLLECTOR OF CUSTOMS

Carl F. White, of Santa Monica, Calif., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif. (Reappointment.)

WITHDRAWAL

Executive nomination withdrawn from the Senate July 18 (legislative day of July 8), 1957:

POSTMASTER

Clarence E. Harden to be postmaster at Tolono, in the State of Illinois.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 18, 1957

The House met at 12 o'clock noon.

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

Most merciful and gracious God, Thou art far beyond the reach of the wisdom and the understanding of our finite and fallible minds.

We rejoice, however, that the inexhaustible resources of Thy grace are always available when we approach Thee with a humble spirit and a contrite heart.

Guide us this day in the ways of righteousness and peace and in seeking to serve Thee faithfully may we be blessed with the tokens of Thine everlasting favor.

May our President, our Speaker, and all the Members of this legislative body be richly endowed with the cardinal virtues of faith, hope, and love.

Inspire them with a calm and commonsense spirit which is so essential to clear judgment and right decision.

We thank Thee for the character and ministry of one of our colleagues whom Thou hast called unto Thyself. Thou has opened unto him the gateway to the larger life and received him into Thy nearer presence. Grant unto the members of his bereaved family the consolation of Thy grace.

Hear us in Christ's name. Amen.

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

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

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

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS

Mr. McCORMACK. Mr. Speaker, without its being considered a precedent, but due to the fact that one of our beloved colleagues has died and we will adjourn out of respect to the memory of our late distinguished friend, I ask unanimous consent that all Members who desire to do so may extend their remarks in the Appendix of the RECORD and include therein extraneous matters if they so desire.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HERLONG (at the request of Mr. SIKES), for 1 week, on account of the death of his mother.

THE LATE HONORABLE JAMES B. BOWLER, A REPRESENTATIVE FROM THE STATE OF ILLINOIS

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. O'BRIEN].

Mr. O'BRIEN of Illinois. Mr. Speaker, it is with deep regret and a heavy burden on my heart that I announce to the Members of the House the passing of JAMES B. BOWLER, who died today, July 18, at his home in Chicago, Ill.

Representative BOWLER was born in Chicago and educated in the parochial and public schools of that city. He served as a member of the Chicago City Council from 1906 until 1953, with the exception of 4 years from 1923 to 1927, when serving as commissioner of compensation for the city of Chicago, and 6 months when serving as public vehicle license commissioner for the city. During his long service in the city council at various times he served as chairman of many of the committees of that body, including the most important committees of local transportation, utilities, finance, and rules. For 8 years he served as president pro tempore of the city council.

Representative BOWLER was elected to the 83d Congress on July 7, 1953, to fill the vacancy caused by the death of the late Honorable Adolph J. Sabath; he was reelected to the 84th and 85th Congresses.

To his widow and family go the deep sympathy of Mrs. O'Brien and myself.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of Illinois. I yield.

Mr. O'HARA of Illinois. Mr. Speaker, again the flag of our country is at half-mast over the Capitol, and we are gathered with saddened hearts to note the passing of one whose association with us in this historic Chamber has left sweet memories that time will not efface.

JIM BOWLER lived a long and useful life and during many decades he was the warm and close friend of the dean of the Illinois Democratic delegation, and my warm and close friend. Congressman O'BRIEN and I now are under a great emotional strain, still crushed by news that came to us only a short time ago of the passing of a dear friend and the earthly severance of a bond of affection the weaving of which had started over half a century ago and which grew stronger with every passing year. Our grief is shared by all the members of the Illinois delegation.

JIM BOWLER was in every sense of the word a great American. At the turn of the century he was a renowned athlete whose name was a household word throughout the Nation. It was then that bicycle racing had a tremendous popular appeal. Great crowds turned out to view the spectacles of speed and courage when the champion bicycle riders met in contest. JIM BOWLER was a champion of champions, and thousands have been the hats that have been hurled high in the air in many American cities when over the finish line came first as always the bicycle of JIM BOWLER.

Many times when I have seen him enter this Chamber, walking with the aid of a cane and sitting all during the session giving intense attention to all the legislative business that was being transacted, always racked with the pain of arthritis but always with a smile on his face, I have thought of the JIM BOWLER that first I saw, the athletic idol of the Nation, JIM BOWLER, the champion, always driving his bicycle first past the finish line.

Then came the start of his public service. He came on the scene when politics in a big city was rough business. But JIM BOWLER never was rough. He was firm, always like TOM O'BRIEN a man of his word, but also like TOM O'BRIEN he never deviated from the simple virtues that mothers teach to their children and which if their children when they grow up continue to follow will assure them a place in the esteem of their fellows.

JIM BOWLER was an alderman in the city council of Chicago for 47 years. He was chairman at various times of all the important committees of the council, including the Committee on Finance and the Committee on Rules. For some time he was president pro tempore of the council and in the absence of the mayor he was acting mayor of the second city in population in the United States.

He had tremendous power. That power came to him by reason not only of his outstanding ability and his seniority as a member of the council, but as well from his position as a ward committeeman of the Democratic Party and one of the great leaders of the party in Chicago and in Cook County.

In all that time of service and of tremendous influence, never once did the shadow of suspicion or of distrust ever fall upon him. He was a tower of integrity, and everyone in the great city of Chicago for a period exceeding half a century knew that JIM BOWLER prized his honor, his party's honor, and his city's honor more than he prized his own life.

He was a deeply religious man, regular in his worship and practicing in all of the contacts of his daily life the teachings of a religion of faith and of love. He was never too busy to help those in the humbler stations of life who faced baffling problems and had nowhere to turn, and when they went to JIM BOWLER he would drop everything to give attention to the ones who had no other place to go.

JIM BOWLER was devoted to his wife. Many times during recesses here in the House we had chatted together and he would relive it all in the telling to me of instances of his courtship and of his marriage to the fine young woman who remained always his queen. To her and to the other members of the family I join with my colleagues in the expression of deepest sympathy. I have the faith that JIM BOWLER lives on and that at this moment he is very close to her whom he loved and that always it will be so.

In the passing of JIM BOWLER, Chicago has lost one of its builders, Illinois a son who always did her honor, and the Nation a faithful servitor.

Mr. KLUCZYNSKI. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of Illinois. I yield.

Mr. KLUCZYNSKI. Mr. Speaker, it is with a sad heart that I address this body concerning the untimely death of my dear friend and colleague, JAMES B. BOWLER. I have known JIM BOWLER for over 30 years. He was a man of strength and simplicity and with a heart that felt for every human being. There was no pretense about JIM BOWLER.

He was known as the Silver Fox in the city council of Chicago, where he was alderman of the 25th ward for 43 years, he was chairman of many powerful committees, including finance, and served 8 years as president pro tempore.

In 1953 he succeeded the dean of the House A. J. Sabath, and was so serving at the time of his death. JIM BOWLER married Anastasia V. Sweeney and my deepest sympathies are conveyed to his bereaved widow.

JIM BOWLER has gone to the Great Beyond. He is probably today gazing upon this great Chamber and upon his friends with deep satisfaction in the knowledge that his work was well done. The city of Chicago, the great State of Illinois, and his district will feel keenly the loss of JIM BOWLER, but the ideals which he held uppermost in life and for which he fought will always remain in the hearts of the people of his district.

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

Mr. O'BRIEN of Illinois. I yield.

Mr. YATES. Mr. Speaker, I want to join Congressman O'BRIEN, Congressman O'HARA, and my other colleagues from Illinois, in paying tribute to JIM BOWLER. JIM BOWLER was a fine man and a fine Congressman. It was not my good fortune to know him as long or as well as Congressman O'BRIEN and Congressman O'HARA have known him. Theirs is a proud memory to be cherished as a result of their long association with him and their heart-warming close friendship with him. Mine is much more recent, but quite enriching nevertheless.

I came to know JIM BOWLER when he was a member of the city council of the city of Chicago, shortly before he entered the Congress of the United States. He was for many years one of the leaders of the city council. I came to know him better as a result of our close association since he became a Member of Congress, and I know I have benefitted greatly from that fortunate friendship. It was a privilege to share his warm personality, to share in the richness of his experience, to benefit by his knowledge. His has been a long life of helping his fellow man.

There was nothing that anyone wanted that JIM BOWLER was not ready to help him with. To my mind he was the very inspiration for the poem about the man who wanted nothing more than to live in a house by the side of the road and be a friend to man. This was JIM BOWLER. And I think of another famous poem that embodies JIM BOWLER's philosophy, the poem that was written by John Donne in the 16th century. He said:

No man is an island entire of itself.
Every man is part of the continent, a piece of the main.
For every clod that is washed away the continent is the less;
Every man's death diminishes me, for I am a part of mankind.
Therefore do not ask to know for whom the bell tolls; it tolls for thee.

This was JIM BOWLER's philosophy. It epitomizes the love that one has for his fellow man. I, too, will miss him very much and I want to express on behalf of Mrs. Yates and myself our profound sympathy to Mrs. Bowler and Jim's family.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of Illinois. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. While our late friend JIM BOWLER had served in this body for a comparatively short period of time in a part of the 83d Congress, and in the 84th Congress, and in this Congress, and due to his physical condition has not been able to be with us physically and in the House during this Congress, he has made a profound, favorable impression upon all of his colleagues. The impression he has made was that which one who has served here for anywhere from 12 to 20 years would make. He was quiet, he was dignified, he had a kindly, whimsical smile on his face when he walked into this Chamber in great pain and sitting here day in and day out.

All Members got to know him very quickly. They were attracted by his strong, powerful personality. I had not known JIM BOWLER for a week before I felt that I had known him for years. The strong feeling of friendship that existed between us was quickly cemented and it was his remarkable, charming personality that did that.

So while he only served here for a comparatively short time, he has left his imprint upon the minds of all of us, the imprint of a fine legislator, a kind gentleman, a good man, and a great American.

Mr. BOWLER was a man of strong determination. He was not one who took the floor and made speeches. He sat in this Chamber and he voted in accordance with his judgment. His conscience and his strong determination were evidenced on many occasions. Speaking for the Democratic leadership, I can say that we could always depend on JIM BOWLER. Not only was he a great American but he was a great party man.

Some 3 months ago I called JIM BOWLER in Chicago from Washington to have a little chat with my very dear friend to find out how he was and to speak with him that the occasion would call for. I spoke with both Jim and Mrs. Bowler. As an illustration of the strong determined type of mind that he possessed, despite the fact that he was very sick, despite the fact he was under orders from his doctor not to leave Chicago, during the talk he said to me, "John, if you and SAM RAYBURN need me back in Washington tomorrow on an important vote, let me know and I will go back."

To me that illustrates more convincingly than anything else the strong character that JIM BOWLER possessed in connection with his devotion to the public office he occupied and to the duties of that office.

He was a quiet Member, but an effective one. He wielded influence with his other colleagues. He was a stabilizing influence. SAM RAYBURN and I could go to him and Jim would talk to some Members in a very productive, effective way. We could always depend upon him.

I did not know him as long as TOM O'BRIEN or BARRATT O'HARA knew him or others in terms of years, but in terms of spirit I feel as though I have known JIM BOWLER just as long as they have.

To Mrs. Bowler and her loved ones I extend the profound sympathy of Mrs. McCormack and myself.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of Illinois. I yield to the gentleman from Massachusetts.

Mr. MARTIN. Mr. Speaker, I would like to join in extending my deepest sympathy to the Illinois delegation in its hour of sorrow.

It was not my privilege to know Mr. BOWLER for many years. I became acquainted with him when he came to the House, and considered it a great privilege to enjoy his friendship. Although a Republican and he a stalwart Democrat, it was a pleasure to talk to him about some of these great problems that affect America. I used to jokingly tell him that if there was but one individual in the House present when Chaplain delivered his prayer, I could look across the aisle and see JIM BOWLER. He was constant in his attendance here and dedicated to the service for which he came to Washington. I know the great loss that the Illinois delegation has sustained. He was a friendly man and desirous of helping all. It is always a great loss when a dedicated public servant passes away, and that is so, as far as JIM BOWLER was concerned. The public service is poorer for his having gone.

To the Illinois delegation and to his wife and the members of his family I offer my deepest sympathy in their hour of bereavement, and I know that I express the sentiment of everyone on the Republican side of the House. We all had respect for JIM BOWLER and the cheerful way he carried on despite his physical handicap.

Mr. O'BRIEN of Illinois. Mr. Speaker, I yield to the gentlewoman from Illinois [Mrs. CHURCH].

Mrs. CHURCH. Mr. Speaker, I rise with particular sadness. I learned

yesterday that Alderman BOWLER, as he was known to us for many years during his long service in the city of Chicago, was perilously near death. I did not know until I started over this morning that the end had come. I would like to express not only my grief but my appreciation of what he contributed to this body. The majority leader has said that Mr. BOWLER was a strong party-line man, but fortunately for those of us of the minority, he never permitted that party line to influence his friendships. I enjoyed his humor as I met him in the corridor, and I benefited by his understanding. I regret to see the passing of a man who had so long and so great a reputation for service and sagacity in the great seats of government in State and country. I extend my sympathy to Mrs. Bowler and to his family. It is hard to lose at any time a husband and the head of a household; but I think that there is signal comfort in the knowledge that a great man has died at the height of his career, and while still rendering to his country great and memorable service.

Mr. O'BRIEN of Illinois. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BOYLE].

Mr. BOYLE. Mr. Speaker, like the dean of the Illinois delegation [Mr. O'BRIEN], the members of the Illinois delegation, and all the Members of the House, I am saddened at the news that JAMES BOWLER, the great Congressman from the Seventh District of Illinois, has departed this life.

In retrospect, I remember the signal honor the House of Representatives bestowed on me at the start of the 1st session of the 85th Congress, when I was deputized by resolution to go to Chicago to a hospital room and give the pledge to support the Constitution and swear JIM BOWLER in as a Member of this Congress. I did not know it would be such a magnificent honor as it represents itself to me in memory this morning.

Through a colorful, competent career covering more than a half century, Congressman BOWLER has been a journeyman statesman. Through fifty-odd years of active public life, our late beloved colleague has demonstrated a knowledge of, an interest in, and a dedication to the highest ideals and aspirations of civil responsibility, the like of which few elected officials of the whole Nation have ever simulated. It is edifying today, when we look back over those years so solidly spent and highlighted with some of the highest honors within the gift of a free people that were accorded him. The list of his successes are many, instancing a few we see him as chairman of the transportation committee of Chicago, as chairman of the powerful rules committee of the city of Chicago, and as chairman of the finance committee of the city of Chicago. For 8 years he served as president pro tempore of the city council.

Then on July 7, 1953, one of the most sought after and priceless dreams he ever entertained was fulfilled when Congressman BOWLER was elected to fill the vacancy of another great American, Congressman Adolph Sabath. After his election we see him, day in and day out, take his place on the floor of the House, participating in the deliberations and actions of the greatest assembly of a free people in the whole world.

Today those often heard Latin words, "tempus fugit, memento mori"—time flies, remember death—are called vividly to our attention.

In the rough and tumble of big city politics, our departed colleague was always a great American, a great leader, and a fine gentleman. Never under the party label he cherished and honored did he ever perform an unkind or an inequitable act. Until the end he wore his 82 years proudly like a young general carrying his medals.

As we eulogize our beloved friend and colleague and point up his contributions, let us so conduct ourselves that when we, too, arrive at a similar milestone in our own life's journey we too will have won the esteem and the affection of our associates, friends and constituents.

To his loving bride of many wonderful summers and winters on behalf of the dean of our delegation, Congressman T. O'BRIEN, the Illinois delegation and the entire membership of the House, I extend our heartfelt sympathy and prayers. In her late husband's inspiration and example, may she find comfort and strength.

Mr. O'BRIEN of Illinois. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GORDON].

Mr. GORDON. Mr. Speaker, it was with a heavy heart that I learned this morning of the passing of my dear friend and colleague, JAMES B. BOWLER. I knew him intimately for many years and when I was city treasurer of Chicago, my work brought me in frequent and constant contact with him. I always found him to be fair in his dealings with his fellow man and a gentleman of the highest principles.

He lived a long and useful life devoted to public service. He was born in Chicago on February 5, 1875, and made Chicago his lifelong home.

Congressman BOWLER was well known in his younger days in the athletic world and particularly as a champion bicycle racer, having won many important races.

He was an alderman in the city council over a period of 46 years, stepping out of that position only twice, once to serve in the very important post of commissioner of compensation for the city of Chicago and for 6 months as vehicle license commissioner, in which post I succeeded him in 1939.

During his distinguished service on the city council, for 8 years he served as president pro tempore of that body—acting mayor. At various times he also served as chairman of many of the committees of the city council.

Congressman BOWLER was elected to the United States House of Representatives July 7, 1953, to succeed the late dean of the House and a fellow member from Illinois, the Honorable Adolph J. Sabath. He was loved and respected by his constituents, giving them always of his best. He leaves behind a host of friends in public and private life who will share a feeling of grief and loss on his passing. I know that we will all join in sending our heartfelt condolences to his dear wife and family.

Mr. O'BRIEN of Illinois. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BYRNE].

Mr. BYRNE of Illinois. Mr. Speaker, as a freshman Member of the House of Representatives I join with the Illinois delegation, the distinguished majority leader, the distinguished minority leader, and the gentlewoman from Illinois, in extending my sympathies to the bereaved wife of JIM BOWLER and all other members of the Bowler family.

Some of my colleagues from Illinois spoke about different facets of the life of that fine gentleman, that excellent father, that leader in the political life of our community in Chicago, Cook County, Ill. My friends, BARRATT O'HARA, TOM GORDON, and TOM O'BRIEN, knew him longer than I did back in our community of Chicago. They have all touched upon different steps in his life. They referred to his athletic interest, which I recall very vividly, back in the twenties. I remember when JIM BOWLER was a member of the city council of the city of Chicago, at a time when I was an assistant corporation counsel of that city. Back in those days I as a young Republican and others as young Democrats, and some others as older Democrats, got along very well in the political life in Chicago and Cook County. That city and county were divided, but divided only to the extent that people who were successful in public life were of different political parties, but we got along in an amicable way.

I was born, raised, and educated on the south side of the city. Men like TOM O'BRIEN and his political leader, Pat Nash, came from the great West Side. I remember JIM BOWLER, and I remember another Bowler. That Bowler was Tom Bowler, a cousin of the great JIM BOWLER. He, too, was active in the forum of athletic events, particularly baseball. I recall a period of time when I was active in the Woodland Bards, and led the Woodland Bards as its president. I remember the cooperation, coordination, and assistance of men like JIM BOWLER and Tom Bowler.

Yes; as I said, JIM BOWLER came from another part of the city of Chicago. Those of us, such as Barratt O'Hara, Tom O'Brien, the Nashes, and myself, were educated in the public and parochial schools of that city. Mr. KLUCZYNSKI the same way. We saw the political life come to the top.

Yes; JIM BOWLER's name, and the name of the Bowler family, was always synonymous with honesty, integrity, and being law-abiding people. They were leaders, and they were respected and God-fearing people.

Yes; a power on earth that is supreme has called to his reward in heaven JIM BOWLER. He has gone to his reward. The reward is such that we hope that some day we will be entitled to and get the same consideration from a merciful God.

I, too, join with my colleagues in extending my sympathies to the widow of JIM BOWLER and all other members of the family.

Mr. WIER. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of Illinois. I yield.

Mr. WIER. Mr. Speaker, as a member of the Committee on Education and Labor, it was a privilege and a pleasure indeed to associate with JIM BOWLER. He was a member of our committee from the beginning of his career as a Member of the House of Representatives. I know he endeared himself to every Member by his tolerance, his contributions and his beloved way of understanding people. His position on our committee, his loyalty to the job that he had ahead of him and his friendship with everybody on the committee is going to be a difficult position to refill. I want to join with all his friends in sharing condolences to his family. JIM BOWLER really was a great American.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of Illinois. I yield.

Mr. BAILEY. Mr. Speaker, I would like to join with the close friends of our departed colleague in paying tribute to the memory of Mr. BOWLER. Upon election to the 84th Congress, he was appointed to the Committee on Education and Labor where his timely and well-intentioned advice often served as a leavening influence on the turbulence that sometimes occurs in our committee. We miss him—we miss him in his absence. One of the finest attributes of Mr. BOWLER was his regular attendance in our committee despite his physical handicap. Always he was there with a ready smile, eager to transact the business of the committee. We missed him during his absence in this session of the Congress. I join with his friends in extending my heartfelt sympathy to his widow and the other members of the family.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of Illinois. I yield.

Mr. MADDEN. Mr. Speaker, I wish to associate myself with the dean and other members of the Illinois delegation in paying tribute to our colleague, JIM BOWLER. My Congressional district adjoins the city of Chicago. Before JIM BOWLER came to Congress, he served for about 50 years as a member of the Chicago City Council. He was president of the council and also chairman of committees in the municipal government of Chicago during most of this service. I became acquainted with JIM BOWLER several years before he came to Congress. Living close to the city of Chicago for years prior to the time that JIM BOWLER came to Washington as a Member of the House of Representatives, I read in the newspapers about his civic activities and great service to the city of Chicago as a public official. His service extended back almost to the turn of the century. I know the dean of the Illinois delegation, Congressman THOMAS O'BRIEN, BARRATT, O'HARA, WILLIAM DAWSON, and all the oldtime leaders in Chicago revere the great character of JIM BOWLER because they knew of his great work back 30 and 40 years ago. Anybody who is acquainted with the turbulent politics of any great metropolitan city realizes that any person who can be successful in the political life of such a great city by being reelected to public office and be held in high esteem by the voters over a period of half a century—that man certainly must possess outstanding qualities, integrity and ability. He also must be inspired with a sense of real service to the people of his community. His public life has contributed immeasurably to the growth and expansion of Chicago during his active career. All Chicago citizens mourn his passing along with his many friends. I wish to extend my sympathy to Mrs. Bowler and the other members of the family in their great bereavement.

Mr. O'BRIEN of Illinois. Mr. Speaker, I yield to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, it was great sadness that the news came to us this morning of the loss of our colleague, JAMES BOWLER. I had the privilege of sitting next to him in the Committee on Education and Labor, day after day, and then joining him very often here on the floor of the House. It is always with a feeling of inspiration that I will remember those moments, because Mr. BOWLER in his comments on the subjects that were being considered always seemed to approach it with such a human point of view. He never made a harsh judgment; always a kind judgment. His contribution to the work of our committee, his contribution to the study of the matters that were considered on the floor meant much to the workers of the House of Representatives.

The people of his district have lost an able Representative. The people of his State and his countrymen have lost an able statesman. We who worked with him but perhaps did not know him so long or so well however would like to join with the dean and members of the Illinois delegation in saying that we feel the loss of a really true friend.

I wish to extend my own deep personal sympathy to Mrs. Bowler and the rest of the family.

Mr. O'BRIEN of Illinois. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I desire to join the distinguished gentleman, the dean of the Illinois delegation, and his colleagues from that great State in paying tribute to our beloved colleague, JIM BOWLER. I had the good fortune to meet Mr. BOWLER the first day he occupied his seat in this Chamber. I was immediately impressed by the warmth of his personality. I know he was a friend of mine and I was a friend of his. Our friendship began with our first acquaintance, and it was a friendship that I have cherished ever since.

Mr. BOWLER came here late in life, but he brought with him a freshness that few Members, many years his junior, bring with them. Mr. BOWLER never seemed to me to be an old man. At 80 he was a young man in spirit. He was attentive. He worked at his job. He was considerate of every Member of this body. He was a great man, a fine Representative. I personally shall miss him, and I join in extending to his loved ones my deepest sympathy in this hour of their bereavement.

Mr. O'BRIEN of Illinois. Mr. Speaker, I yield to the gentleman from Georgia [Mr. LANDRUM].

Mr. LANDRUM. Mr. Speaker, it was with genuine regret that I learned of the passing of our dear friend, JIM BOWLER, from Illinois. Serving with him on the Committee on Education and Labor was to me a source of real pleasure. His mental vigor, his attention to even the minor duties as a member of that committee was amazing. I shall always remember that one of his principal inquiries about any legislation before the committee was summed up in about this fashion. Is this good legislation? Is it going to hurt anybody? Is it going to help? Upon being satisfied on that query, he invariably took a position and never wavered throughout any amount of debate that might follow. He was always fair.

I join with the distinguished dean of the Illinois delegation in expressing genuine sympathy to the members of his family and to his friends, and to say that one of the high privileges of serving here in the Congress has been my association with JIM BOWLER.

GENERAL LEAVE TO EXTEND

Mr. O'BRIEN of Illinois. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the life, character, and public service of JIM BOWLER.

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

There was no objection.

Mr. ROONEY. Mr. Speaker, I deeply regret the passing of our beloved colleague, the Honorable JAMES B. BOWLER, who represented the Seventh Congressional District of Illinois.

It was my happy privilege to have known JIM BOWLER since he was elected to the 83d Congress to fill the vacancy caused by the death of the late beloved Hon. Adolph J. Sabath. I always found JIM BOWLER most gracious, kind and considerate, a man who had acquired many close and loving friends.

He was the close personal friend of our respected colleague, Representative THOMAS J. O'BRIEN, the dean of the Illinois Democratic delegation, for over 60 years. I know that his passing is a great loss to Tom.

The city of Chicago, the State of Illinois, and the entire Nation have suffered a loss in the death of Representative BOWLER. He was a loyal American, a true Christian gentleman. May Almighty God in his wisdom and mercy grant him the peace and rest which he has richly earned.

I extend my deepest sympathy to his dear wife in her bereavement.

Mr. VANIK. Mr. Speaker, I want to join with my distinguished Illinois colleagues in expressing profound regret at the untimely passing of our distinguished colleague, Hon. JAMES B. BOWLER, of Chicago.

On the floor of Congress he was a very warm and considerate person of fine judgment. His modesty, his temperate approach to important national issues were a guiding influence, particularly

among the younger Members of Congress. He was kind, he was generous, and he was stimulating to know.

Congressman BOWLER rendered a lifetime of service to his community both in city government and in the United States Congress. As my distinguished colleague, the Honorable BARRATT O'HARA, has stated, Congressman JAMES BOWLER was a rock of integrity.

I want to extend my profound sympathy to this family and to the Illinois delegation on this great loss.

Mr. ZABLOCKI. Mr. Speaker, I should like to join my colleagues in paying tribute to the late Honorable JAMES B. BOWLER, of Illinois. It was a shock to me to learn of his passing. His loss will be felt deeply by our Nation.

It was a privilege and honor for me to serve in the House with such a distinguished, hardworking, and conscientious man as the late JAMES BOWLER. He has fought courageously for the interests of our people. He was dedicated to high moral, social, and political principles in his spheres of action.

JAMES BOWLER will be missed by his colleagues, and by the people of Illinois whom he served so well. To our late colleague's family, I extend my deepest sympathy and the prayer that the Almighty Creator may grant him peace in eternity.

Mr. GRAY. Mr. Speaker, my heart is heavy today after learning with great sorrow and profound regret of the passing of my dear friend and colleague, JIM BOWLER. The news came as a great shock to all of us.

We of the Illinois delegation are especially grieved today because there will be an empty space hard to fill. JIM BOWLER was a kindly man. He always had a smile for everyone. He had one particular seat he liked to sit in here in this great Chamber, and you could always find him there very attentive and always had a smile and a hello for everyone. It would take hours to tell of the many great deeds of public service performed by JIM BOWLER. He has done many great things for the people of his native Chicago and the State and Nation during his many years of public service. He was loved and respected by everyone who had the pleasure of knowing him. I knew JIM BOWLER long before either of us came to Congress and I can say to you today that I never met a more pleasant and dedicated man.

I am once again reminded of those words, "Greater love hath no man than this, than he who is willing to lay down his life for his friends." JIM BOWLER was that type of man. We will miss him very much but shall be better off because he came our way. To the members of his family I would like to extend my deepest sympathy in this time of bereavement.

Mr. NATCHER. Mr. Speaker, I rise to pay tribute to our late colleague, JAMES B. BOWLER.

JAMES BOWLER was first elected to the House of Representatives to represent the Seventh District of Illinois on July 7, 1953, after serving 43 years on the Chicago City Council. He was assigned to the Committee on Education and Labor which he served diligently and well. He also took an active role in the legislative program of the House, and it was indeed a rare occasion for him to be absent from the floor. During the 85th Congress, JAMES BOWLER was made a member of the Committee on Appropriations, and one of his subcommittees was Agricultural Appropriations, on which I have the pleasure of serving.

JAMES BOWLER's contributions to good government were many and will long be remembered by his colleagues. But JAMES BOWLER is forever implanted in our memories for reasons other than public service. Endearing him to all were the qualities of devotion to his family and friends, a keen sense of humor, rugged integrity, and good commonsense which he possessed in such abundance. I am acutely aware of the privilege afforded me in being associated with such a man.

The State of Illinois and the United States deeply mourn the passing of JAMES BOWLER. A man of his ability and character is irreplaceable. To his wife and family I extend my profound sympathy in their sorrow.

Mr. ELLIOTT. Mr. Speaker, I want to take advantage of this opportunity to pay my respects to the life and public service of our departed friend, JAMES B. BOWLER. I had the privilege of serving with him on the Committee on Education and Labor during the 83d and 84th Congresses, before he went to serve on the Committee on Appropriations.

Congressman BOWLER had a high sense of duty in the public service. He had served his own Chicago for a period of 50 years before coming to this body. As we sat on the committee together, we sometimes had an occasion to talk before the committee opened its deliberations, and he sometimes told me stories of his public service that were of the greatest interest. On one occasion I suggested to him that he should take the time to write some of his rich experiences into a book.

I found the gentleman from Illinois, Mr. BOWLER, to be a man of very practical mind. It was easy for him to see through conflicting contentions and come to a sound, workable conclusion. He loved the people. He had their interest always uppermost in his mind. He was a kindly man. He suffered much physical pain and anguish, yet he lived in the spirit of the Ella Wilcox poem which says:

Laugh, and the world laughs with you;
Weep, and you weep alone,
For the sad old earth must borrow its mirth,
But has trouble enough of its own.

I was in position to realize that our departed friend carried a heavy burden in his physical limitations, but he never complained. As a matter of fact I never heard him mention it at all.

Mr. BOWLER was a very cooperative person in all his dealings with the Members. He was a good party man. He took great pride in being a good Democrat.

He was a fighter for what he believed in. The things he stood for were good for the people. They were good for the country.

I shall miss his friendship very much.

Mr. CHELF. Mr. Speaker, the passing of our colleague and friend the Honorable JAMES BOWLER, of Illinois, has saddened us all. "Mr. Jim," as I used to call him, was a conscientious, sincere, industrious, dedicated representative of the people of his great congressional district and of the entire Nation. For several years our offices were just across the hall on the fourth floor of the Old House Office Building and because of this close location of our respective workshops, we just quite naturally became close friends.

Although "Mr. Jim" was a man of advanced years—one would never know it because he had the energy and drive of a man at least 25 years younger. There was no problem of his constituents that was too small for "Mr. Jim" to carefully study and to lend a helping hand.

His sage advice, his kindness, his humor, his ability, his friendliness, were all marks of his sterling character.

Mr. Speaker, I know that the Master has prepared a fine resting place for "Mr. Jim" in that great mansion on high. May God bless and keep his loved ones—always.

Mr. MARSHALL. Mr. Speaker, I join with his many friends and distinguished colleagues in mourning the death of JAMES BOWLER, our respected colleague from Illinois. To his wife, I extend my deep personal sympathy in her great loss.

We know she will take comfort in the admiration expressed in this House by the many Members who came to know JIM BOWLER during his service among us. His long and distinguished career in public service will be a continuing source of inspiration just as his wealth of experience in public administration contributed to our work in the Congress.

His friendly manner was missed during the period of his illness. His love for the House of Representatives was demonstrated by his faithful attendance and his careful attention to the legislation before the Congress.

Those of us who knew him respected his judgment and valued him as a friend.

Mr. O'BRIEN of Illinois. Mr. Speaker, I yield to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON. Mr. Speaker, one of the oldest and wisest and most useful and most valued Members of the House has answered his last rollcall.

I felt that I knew Mr. BOWLER for many years before I met him and men acquainted with public affairs over the Nation knew him by reputation long before he came to the House of Representatives.

In the eventful 82 years of his life he had witnessed and had participated largely in the making of the history of the most fruitful and most progressive half century of the 2,000 years since the establishment of the calendar.

In his own beloved city of Chicago he had been an inspiring and dominant force for progress and achievement every one of those crucial 50 years. While we shall miss him here in the House and in the Nation his loss will be particularly deplored in the great central city of the continent where he rendered such invaluable service to his community and all mankind.

His assignment to the Committee on Appropriations came earlier than usually comes to the average Member. As a rule a Member serves a longer period of apprenticeship on some legislative committee before coming to the Appropriations Committee. But his wide experience, his intimate knowledge and understanding of basic metropolitan problems brought him to the committee after two terms in the House and we looked forward to having the benefit of his wise counsel and technical experience in Government with warmest anticipation.

Although he passes on in the fullness of years and after distinguished service and eminent success crowned by honors and every evidence of the approval and grateful appreciation of his city and his Nation, it is to be deeply regretted that we could not longer have had the benefit of his association and cooperation.

I join with those who knew him and loved him best in extending our deepest sympathy to his family and his constituents.

Mr. O'BRIEN of Illinois. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES B. BOWLER, a Representative from the State of Illinois.

Resolved, That a committee of 12 Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee Mr. O'BRIEN of Illinois, Mr. DAWSON of Illinois, Mr. GORDON, Mr. YATES, Mrs. CHURCH, Mr. KLUCZYNSKI, Mr. MCVEY, Mr. SHEEHAN, Mr. O'HARA of Illinois, Mr. BOYLE, Mr. BYRNE of Illinois, and Mr. COLLIER.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 51 minutes p. m.) the House, pursuant to its previous order, adjourned until tomorrow, Friday, July 19, 1957, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1047. A communication from the President of the United States, transmitting a report by the President's Advisory Commission on Presidential Office Space, pursuant to Public Law 954, 84th Congress (H. Doc. No. 211); to the Committee on Public Works and ordered to be printed with illustrations.

1048. A letter from the Director, United States Information Agency, transmitting a report of tort claims paid for the fiscal year 1957, pursuant to the requirements of title 28, United States Code, section 2673; 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. DAVIS of Georgia: Committee on Post Office and Civil Service. S. 1884. An act to amend section 505 of the Classification Act of 1949, as amended; without amendment (Rept. No. 827). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLER of California:

H. R. 8791. A bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $100 million for that purpose; to the Committee on Foreign Affairs.

By Mr. BAKER:

H. R. 8792. A bill to amend the Internal Revenue Code of 1954 to impose import taxes on lead and zinc; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H. R. 8793. A bill to designate the Grass River lock in the International Rapids section of the St. Lawrence Seaway as the Wiley-Dondero lock; to the Committee on Public Works.

By Mr. CURTIS of Missouri:

H. R. 8794. A bill to provide an exemption from the tax imposed on admissions for admissions to certain musical performances; to the Committee on Ways and Means.

By Mr. DAWSON of Illinois (by request):

H. R. 8795. A bill to amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

By Mrs. DWYER:

H. R. 8796. A bill to amend the Internal Revenue Code to assist small and independent business, and for other purposes; to the Committee on Ways and Means.

By Mr. LONG:

H. R. 8797. A bill to amend the act of September 30, 1950, to provide for free distribution of certain surplus agricultural commodities and cotton for bedding to victims of major disasters, and for other purposes; to the Committee on Public Works.

By Mr. KARSTEN:

H. R. 8798. A bill to provide an exemption from the tax imposed on admissions for admissions to certain musical performances; to the Committee on Ways and Means.

By Mr. NEAL:

H. R. 8799. A bill to authorize and direct the Administrator of Civil Aeronautics to investigate and evaluate the use of all-wind unidirectional airport runways from the standpoint of solving problems related to the safe operation of aircraft on single or parallel runway airports regardless of wind direction or wind velocity and related to the protection of airport communities from the noise, nuisance, and hazards of air-traffic procedures into, on, and away from airports; to the Committee on Interstate and Foreign Commerce.

By Mr. LIPSCOMB:

H. Res. 325. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. RHODES of Arizona:

H. Res. 326. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. RAY:

H. Res. 327. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. BENTLEY:

H. Res. 328. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. LAIRD:

H. Res. 329. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. JONAS:

H. Res. 330. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. UTT:

H. Res. 331. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. GUBSER:

H. Res. 332. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. PILLION:

H. Res. 333. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. POFF:

H. Res. 334. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. SCHERER:

H. Res. 335. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. PELLY:

H. Res. 336. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. BOSCH:

H. Res. 337. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. WAINWRIGHT:

H. Res. 338. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. HIESTAND:

H. Res. 339. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. CEDERBERG:

H. Res. 340. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. DEROUNIAN:

H. Res. 341. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. HOSMER:

H. Res. 342. Resolution creating a select committee to conduct a study of the fiscal

organization and procedures of the Congress; to the Committee on Rules.

By Mr. HYDE:

H. Res. 343. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. KRUEGER:

H. Res. 344. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. ROBSION of Kentucky:

H. Res. 345. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. WESTLAND:

H. Res. 346. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. WILSON of California:

H. Res. 347. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. YOUNGER:

H. Res. 348. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. BROYHILL:

H. Res. 349. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. BECKER:

H. Res. 350. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. HOLT:

H. Res. 351. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. FINO:

H. Res. 352. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. FRELINGHUYSEN:

H. Res. 353. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. STAUFFER:

H. Res. 354. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. KNOX:

H. Res. 355. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. DORN of New York:

H. Res. 356. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

By Mr. CRETELLA:

H. Res. 357. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; 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. CEDERBERG:

H. R. 8800. A bill for the relief of Dr. Brant Bonner; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H. R. 8801. A bill for the relief of Ryszard (Richard) Drojnis; to the Committee on the Judiciary.

By Mr. SHEPPARD:

H. R. 8802. A bill for the relief of Jeffrey Young Walters; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H. R. 8803. A bill for the relief of Harold F. Miller; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Effects of the Drought on Massachusetts Farmers

EXTENSION OF REMARKS

OF

HON. JOHN F. KENNEDY

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Thursday, July 18, 1957

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I addressed on July 17 to the Honorable Ezra Taft Benson, Secretary of Agriculture, calling attention to the drought which now is affecting the farmers of Massachusetts.

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

JULY 17, 1957.

Hon. EZRA TAFT BENSON,
Secretary of Agriculture,
Washington, D. C.

DEAR MR. BENSON: I wish to call to your attention the severe drought which has hit the State of Massachusetts as well as other east coast areas and to urge you to invoke Public Law 38 granting emergency credit to farmers.

I am aware that the area cannot be declared a drought disaster area except by request of the governor of the State. However, I urge you to use the powers invested in you by the emergency credit law to extend 3 percent 1-year loans for operational purposes after determining that local credit sources have been exhausted.

I am informed that the coastal areas of Massachusetts, particularly the counties of Plymouth, Bristol, Norfolk, and Barnstable, have had no sustained rain since the middle of April. Plymouth County, for instance, has had only 6½ inches of rain since April 1 compared with 11 inches for the same period last year and less than 1 inch of rain during the entire month of June.

I have been told by Harold F. Thompson, State Administrator of the Agriculture Stabilization and Conservation Committee, that dairymen have been particularly hard hit because pastures are drying up. The second crop of hay has not yet started and farmers are now using hay that was intended for use next winter. Mr. Thompson informs me that vegetable farmers who do not have irrigation are down and out and that even farmers with the benefits of irrigation have suffered crop losses of about one-third.

The farmer is always hit hard by circumstances over which he has no control. It is my view that the Federal Government should do everything within its powers to ease the economic hardships wrought by the drought.

Thanking you for your prompt consideration in this matter, and with every good wish.

Sincerely yours,

JOHN F. KENNEDY.

Hon. James B. Bowler

EXTENSION OF REMARKS

OF

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1957

Mr. PRICE. Mr. Speaker, I join my colleagues from the Chicago area and the State of Illinois paying tribute to the memory of the Honorable JAMES B. BOWLER, whose death has just been announced to the House.

It was my pleasure to form a close acquaintanceship with Mr. BOWLER since he came to the House in July of 1953 to succeed the late Honorable Adolph J. Sabath.

I am certain that my admiration and respect for this fine public servant is shared by every Member of this body. Few men in American public life have had such a distinguished record of service, which covered a span of over a half century beginning with election in 1906 to the city council of the great city of Chicago.

I extend to Mrs. Bowler my sincere and deepest sympathy.

Representative James Bowler

EXTENSION OF REMARKS

OF

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1957

Mr. GRAY. Mr. Speaker, all of us mourn the passing of our dear friend and colleague, the Honorable JAMES BOWLER of Chicago. There is an empty space in the Illinois delegation that will be difficult to fill. JIM BOWLER had an outstanding record of public service.

I would like to include in the RECORD an editorial by the Chicago American of July 20, 1957, that outlines some of the great work performed by our departed friend.

REPRESENTATIVE JAMES BOWLER

Representative JAMES BOWLER, who died Thursday at the age of 82, had been a Congressman since 1953 and before that had served as a member of the Chicago city council longer than any other man in history. He became an alderman in 1906.

As Mayor Daley says, "He played a major part in the progress and development of the city" in the course of his long service in the council.

Among the great civic achievements in which he had a leading part was the building

of the Congress Street Expressway. He was in front of the long fight to overcome the countless obstacles to the project, and in the end his advocacy had a decisive part in persuading the council to approve the plan.

He was an effective leader also in the development of the West Side Medical Center.

In Congress Representative BOWLER worked energetically for the development of O'Hare Field and for increased lake diversion.

Transferring to the new field of national politics in the closing years of his life, he served the people of Chicago there with intelligence and vigor until illness put an end to his service. He will be remembered as a man who helped make Chicago history.

Keenotes

EXTENSION OF REMARKS

OF

HON. ELIZABETH KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1957

Mrs. KEE. Mr. Speaker, what has become of the Nation's farm problem? During the 1956 political campaigns—just about this time 1 year ago—the plight of the country's more than a million low-income farm families commanded daily, front-page headlines in the national press as both political parties vied with each other in promises and programs to bring the farmer's economic status up to the level of prosperity enjoyed generally by the rest of the country. Is it possible—now that the votes have been counted—that both Congress and the administration need to be reminded that his problem is still with us?

Today, despite the very commendable efforts of the Committees on Agriculture of both the House and the Senate, the circumstances of these farm families remain relatively unimproved and it would seem to me that we are very little further advanced toward solving this one among the Nation's most vexing and worrisome problems.

A glance at the figures on net farm income over the past few years is enough to convince the most skeptical that the farmers of America have been experiencing a real recession, if not an actual depression, in the last 6 years. Since 1951 when net farm income was $16.1 million, this income has consistently declined to the estimated figure of $11.6 million in 1956. During this same period, it is worthy of note, prices received by farmers dropped from 112.2, compared with 112.6 for retail food prices in 1951, to 87.4 and 111.7, respectively, in 1956. And with the cost of living rising ever higher, while there are no immediate figures available, I have little doubt that this disparity between the prices farmers receive and what they have to pay is even greater.

In West Virginia, where the net income of farmers has decreased from $95 million in 1951 to $60 million in 1955—the last year for which this data is available—our farmers have fared even worse than have those of the country at large. Throughout the State there are some 21,000 commercial farm operators—more than 10 percent of West Virginia's total population. Seven out of every ten of these operators have gross sales of less than $2,500 a year.

In the Fifth Congressional District, the situation is even worse. Half of our commercial farm operators have gross sales of less than $1,200 a year. Compare this figure with the 1955 median income of $4,400 for all the Nation's families and you will have some idea of the want and deprivation, the hardship and human misery endured by the great majority of West Virginia's farm population.

According to the United States Bureau of the Census 1954 census of agriculture, based upon the value of products sold, there are six classes of commercial farms operated in the United States. In class I are those farms with a value of products sold at $25,000 and over; in class II are those at $10,000 to $24,999; class III, $5,000 to $9,999; class IV $2,500 to $4,999; class V, $1,200 to $2,499; and class VI, $250 to $1,199.

The following table, also from the 1954 census of agriculture, reveals that a staggering 48.5 percent of the commercial farms operated in the Fifth District of West Virginia fall within the lowest income group:

	Total	Class I	Class II	Class III	Class IV	Class V	Class VI
State	21,479	350	1,158	2,264	3,137	5,737	8,833
5th District	2,428	34	106	241	283	586	1,178
Greenbrier	751	12	72	126	138	182	221
McDowell	35					10	25
Mercer	388	10	5	10	51	86	226
Mingo	11					6	5
Monroe	767	12	28	94	72	191	370
Summers	408		1	11	21	85	290
Wyoming	68				1	26	41

These figures add up to one indisputable fact—that the majority of the farm population in the Fifth District of West Virginia lives in meager circumstances, and, in contrast to the rest of the Nation, exists in a depression second only to that one of harrowing memory, the great depression of the 1930's.

To be sure, we now have numerous farm programs—but are these really geared to help our low-income farmer? I fear not. The low-income farmer has little to sell, and, therefore, farm price supports on basic crops do not aid him very much. Indeed, it is debatable whether they do not hurt more than they help him for they tend to keep feed prices high while the price of the livestock he takes to market has declined. Nor is the soil-conservation program of any great benefit to the low-income farmer, for he has little land to put into such a program.

The rural development program is, therefore, the only farm program now in effect which is aimed at alleviating the problems resulting from the restricted opportunities and limited resources of our low-income farm families. Unhappily, it would seem to be a program which is more loaded with good intentions, noble sentiments and fine-sounding speeches than with the concrete assistance these people really need.

During the past fiscal year the total amount of money allocated to the rural development program was less than $2 million, or $1.60 per farm family for the total year. This year the administration has recommended a slight increase in the rural development program, but commendable as the program's intentions may be, it is not expected to offer any real solution to the needs of more than a million American families.

The result of their misfortune serves as a depressant upon our whole economy. I submit that if small business and industry were in a similar plight, we in this country would now be moving heaven and earth to find both the immediate and the long-range answers to this problem. Indeed, only recently, Congress moved to increase the lending powers and resources of the Small Business Administration, established for the specific purpose of providing credit for the small-business man when private sources of credit are not available to him.

We need urgently a similar positive and comprehensive program of assistance for our low-income rural families. I might point out here that in his book, Farmers at the Crossroads, Secretary of Agriculture Benson remarks that it takes an average investment in equipment of about $20,000 per worker to operate the average commercial family-run farm. Many a small business undertaking has been launched and successfully established on far less capital.

Clearly, therefore, an expansion of credit facilities for low-income farm families, and a point 4 program of technical assistance for the underprivileged at home as well as abroad, are immediate and long overdue necessities and should be enacted at soon as possible.

As a further step and one which would serve to stabilze and benefit our entire economy, we must continue to work to bring new industry into our depressed low-income rural areas in order to diversify their economic base and to allow our farmers to supplement their too-low agricultural income with wages from industry. Several bills to accomplish this, to aid these depressed rural areas—one of which, H. R. 1949, the area redevelopment bill, I introduced in the opening days of this session—are now before the House Committee on Banking and Currency.

Last year this committee approved a bill to aid the depressed industrial and rural areas of the country. This bill died with the 84th Congress. I earnestly urge the committee to consider the bills now before it and to report a comprehensive program of aid to depressed areas to the House before the close of this session of the Congress.

In the pressure of world events, it is my most fervent hope that the fundamental needs of our own people shall not be overlooked or cast into the background of unfinished business.

Random Thoughts on Germany

EXTENSION OF REMARKS

OF

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1957

WEST GERMANY ANENT ISRAEL

Mr. CELLER. Mr. Speaker, tribute should be paid to West Germany for her endeavor to reestablish the good name of Germany amidst the family of nations. She has tried to expiate the crimes of the insane paperhanger, Hitler. He vowed to make Germany Judenrein, and well nigh carried out his horrendous vow. Six million dead—untold suffering, were the price.

Chancellor Adenauer, his cabinet, and his people wisely seek to wipe the slate clean and have imposed reparations upon themselves. West Germany has indemnified many thousands of lives ruthlessly snuffed out and for properties confiscated or destroyed. The tragically dead cannot be helped, but little Israel, which has afforded asylum for many of the victims of Nazi persecution, has received from West Germany thus far upward of $830 million. These restitution payments take the form of industrial goods which have helped Israel keep its head above water—helped her take unto her thousands of the helpless and homeless. The Bonn Government has undertaken to shoulder this financial burden, but more than that, it has had the courage to ignore threats that such aid to Israel would destroy all chances of German trade with Arab nations.

West Germany thus far is obviously entitled to genuine praise. She seeks to establish herself for fair dealing and desires, above all, to wipe out the Hitler stains. In this way West Germany cushions the memories of the Gestapo herding Jews to Poland; memories of S. S. thugs smashing and burning shops and synagogues; memories of the treachery and the sadism of Goebbels and his torchlight buffoonery in the jammed Olympic Stadium.

HARD-WORKING GERMANS

I have been to West Germany several times since the cessation of World War II. Each time I have visited her cities and countryside, I was more and more amazed at the energy, vitality, and industry of the German people. They pulled in their belts and made the most of the little they had. Hours of work, back-bending chores meant little. There was so much work to be done. Germany was literally rebuilt. The ruins were leveled, new structures erected, new fields plowed, old factories were refurbished, and new ones were set up. No job was too burdensome. There was ever present the will to work—the will to achieve.

I have traveled in many parts of the world. Nowhere have I seen such feverish activity to rebuild upon the spoils of war. We salute the ingenuity, the prowess, and the disciplined industry of the German people.

When I say "German people," I refer to the inhabitants of West Germany, not East Germany, to the inhabitants of West Berlin, not East Berlin. In East Germany and in East Berlin the dead hand of communism holds back progress. Indeed, going from East into West Berlin is like going from melancholy drabness into the happiness and dignity of work well performed. Yea, it is like going from the 18th century into the 20th century.

Although the Germans in the past were stable and sturdy people under the then rigid authority, I think they have already shown stability and sturdiness to an even greater degree under liberal democracy. Under excellent leadership, they are determined to throw off the shackles of the past and set for themselves new and better standards of behavior.

LITTLE EUROPE AND EURATOM

It is well to know that West Germany has played no little part in the creation of what is known as Little Europe. As the New York Times says:

> Taken singly, the West European nations measure against Russia or the United States as pygmies to giants. But spurred by the menace of Russia, and with encouragement from the United States, six of the states have been striving to create a European community that might some day rank with the Big Two. The European 6—France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg—cover an area of 450,000 square miles and contain a population of 173.4 million people.

The creation of Little Europe, as the community of the six is called, has run into great difficulties. But they have been overcome, due to great statesmanship shown by Germany and France. I refer to the difficulty of the ancient animosity between those two countries. The Schuman plan led the way. It pooled the coal and steel industries of the six countries. The coal and steel community has been in business for 4 years. It has an executive, called the high authority; a legislature, called the council of ministers, and a court of justice. Now an additional step has been taken toward European economic union. I refer to the approval of the treaty for the establishment of the so-called Euratom project and for a European common market. The West German Parliament has already passed these two pacts. I am sure other countries will follow suit. Under Euratom, West Germany, France, Italy, Belgium, the Netherlands, and Luxembourg will pool their nuclear skills and resources, research and development programs under a single agency. This agency will own all Europe's fissionable material. The agency will have institutions patterned after those of the coal and steel community. The United States Atomic Energy Commission has promised to make available to Euratom nuclear materials and technical assistance. With the common European market, all customs barriers between the six states will eventually be scrapped. The six countries will maintain a common tariff toward the outside world. There will be a series of permanent insitutions controlling this common market, also modeled on the coal and steel community structure.

In all these projects, West Germany has played an important part. It is making history. These movements all tend toward a more highly coordinated Europe. Many conquerors have dreamed of European unity; among them were Caesar, Napoleon, Bismarck, Kaiser Wilhelm. Intelligent thinkers likewise advocated European union. The great Dutch advocate of peace, Grotius, had this in mind, as did Aristide Briand.

ANTICARTEL

I look forward to a great future for the new European community in which West Germany will play an important part. Furthermore, it is interesting to note that the West German Bundestag recently passed an anticartel or antitrust law. Germany, and most of Europe, has been ruled for decades by cartels. We in this country have shunned and abhorred cartels and monopolies. I believe that we have attained our great industrial supremacy and our high standards of living primarily because of our desire for free enterprise, for free and open competition. Our laws preclude and punish monopolistic practices and undue restraints of trade. Apparently West Germany is now taking a leaf out of our book. The passage of the anticartel law, to my mind, puts Germany upon a sound, healthy track. Its economy will now move forward with greater and more telling safety and speed.

I am informed that Germany, as of 1925, had over 2,000 cartels. Later, Hitler and the Nazis streamlined these cartels in aid of their totalitarian control. The American occupation helped break up these cartels. Now they have a statute that will point the way to anticartel policies. It is a victory and a vindication for free enterprise. It is not a perfect bill. It contains compromises and loopholes. Economics Minister Ludwig Ehrhard said of the bill a short time ago:

> This new spirit of freedom and competition will certainly have its effect beyond the borders of Germany.

GERMAN "NEW LOOK"

Indeed, Germany is assuming a new look. I have noticed small reactions which nonetheless portend much. For example, as was stated by Richard C. Hottelot recently:

> Liszt's Les Preludes will probably not be heard in Germany's concert halls for a generation because Goebbels used it to herald his victory announcements. The war burned out the roots of totalitarianism. The chauvinistic overtones which colored German behavior before the First World War, and which Hitler heightened to the point of insanity, have been discarded. A recent survey showed that the university professor ranked first in popular respect, followed by the bishop, the business executive, the Cabinet minister and the prince, with the army general a poor sixth. The old days, when flags,

uniforms, and warlike glory were essential to self-respect, seem to have been buried. The old Fuehrer has received short shrift. The name Adolf has been registered on few birth certificates in the past 12 years. The big Nazi anniversaries are forgotten.

I find that Germans today are very receptive to foreign ideas—more so than they ever have been in the past. They are borrowing much from the United States. The industrialists lean heavily on American experience. Public relations is being imported in wholesale manner. In fact, Germany not only borrowed the technique, but borrowed the name as well. I suppose there was no German term that described public relations. Market research and public opinion polls are now quite common in Germany. They have even copied the American installment plan, and salesmen go from door to door persuading the housewives that a new iron, vacuum cleaner, or electric refrigerator is necessary to modern living. You pay so much down and the balance weekly or monthly.

EMERGING GERMAN WOMEN

Even more significant is the position now held by German women. There is a complete change of attitude. The German woman now uses lipstick, rouge, nail polish, and perfume. I am speaking of the average German woman, not only the so-called lady of elegance and so-called genteelness. Not only has her outer appearance changed; so has her social position. She is no longer confined to the home and kitchen. She wants to know about politics and business. She is getting more self-assurance. There are more women in the Bundestag than in any other western European parliament. While the men were in the army or in prison camps, it was the women who kept the home fires burning, kept the family together, and fended for themselves and their broods. It was the woman who bore the brunt of the bombing raids and experienced the horrors of Soviet occupation. When her husband came back, she was no longer his mere hand servant or his mere cook. She became a partner. She now has equal political rights with men. She now has the legal right to own and dispose of property.

Concomitantly, the idea of the old tyrannical father image is gradually fading. There no longer is the stern father who demands total submission—the stern father who was followed by the equally stern teacher and by the stern sergeant major, and followed by the stern boss of the business, on top of all of which was the dictator. A public opinion survey recently showed that the father is now considered the stern overlord in less than 20 percent of all families. The youngsters are becoming more independent, although they are not as free in their manner as American children. Yet they are not tonguetied in the presence of their elders.

CIVIL AUTHORITY

In the Bonn Republic civil authority is supreme. It was never so before, not even in the Weimar Republic. The legislative branch of the Government presently has unprecedented influence. Organized labor is well on guard against any threat to civil liberty. Both the press and the radio are independent of the state and jealously watch over independent freedom.

The present constitution is a basis for one of the most stable governments in Europe. The citizens of West Germany are very jealous of their rights and take their duties seriously. Eighty-six percent of the voters cast their ballots at the last general election. This is far greater than the standard maintained in American elections. The West Germans loathe Russia and all its works. They have observed in the Eastern Zone, the horrible examples of Russian economy—the horrible example of a partnership with Russia. Although the Soviets have repeatedly offered unification of East and West Germany on Russian terms, the Bonn government has consistently refused.

Perhaps the most important change that has come over Germany is the decline of nationalism. I believe the people are now realizing that Germany cannot again become the power that it was under the Kaiser. Their experiences have been too brutal and harsh and tragic. It is for that reason that they joined the Western Alliance and have become part of the European union.

I believe, finally, that West Germany will go forward boldly and courageously from strength to strength.

I say all this despite the fact that we warred against Germany and that we suffered because of German mistakes under Hitler. But look at the map and you see the strategic importance of Germany. The West can neither forsake her nor disregard her. She must be a partner of the West. She is one of the Western bastions against Russian aggression. It is necessary to buckle Germany securely to ourselves in any war against Russia—cold or hot. We need Germany as much as Germany needs us.

Federal Timber-Sales Policies

EXTENSION OF REMARKS

OF

HON. EARL CHUDOFF

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1957

Mr. CHUDOFF. Mr. Speaker, on July 15 I introduced H. R. 8718, a bill to repeal the act of March 29, 1944. The Subcommittee of Public Works and Resources, in cooperation with a subcommittee of the Senate Interior and Insular Affairs Committee, held extensive field hearings in the fall of 1955 on Federal timber-sales policies. These hearings revealed that there was considerable difference of opinion among the people in the lumber industry and in the Government agencies as to the effectiveness of a 1944 act of Congress which allowed the Secretaries of Agriculture and Interior to award timber to particular companies without the use of competitive bidding or with limitations on who could compete for the timber.

Our committee found out that in Oregon the Bureau of Land Management had created marketing areas under another act rather than through the use of this 1944 act. Communities were petitioning that these marketing restrictions either be eliminated or that they be changed so that certain areas that could not now bid for O. and C. timber would be permitted to do so. We also found that, in this same area where there is twice as much national forest timber as there is O. and C. timber, the Forest Service had not set up any restrictions on who could bid for their timber.

When we got into the State of Washington, we heard about the 1 cooperative agreement under which over 4 billion feet of national forest timber and 1 billion feet of timber owned by a single company were pooled, and that company was permitted to buy the national forest timber at its appraised price. This agreement runs until the year 2046 and is in the nature of a contract. We listened to petitions from other groups, some of whom wished to have national forest timber made available especially to them, and others who opposed the idea.

When we issued our report, we called upon the Secretaries of Agriculture and Interior to review the operation of this act and report their findings to us. The Secretary of the Interior had a consultant study the marketing areas in the O. and C. lands, held a separate public hearing, and then revoked the marketing areas. The Secretary of Agriculture made a separate study and reported to our committee that he would not object to the repeal of this law. Senator MURRAY, the chairman of the Senate Interior and Insular Affairs Committee, requested the Secretary of Agriculture to prepare such repealing legislation, and the bill I introduced on July 15 is a response to that request. The bill has been cleared with the Bureau of the Budget, and there is no objection to the repeal of this act. This repeal amendment would permit the continuation of existing Federal units and the one cooperative agreement. It would be my hope that the committee considering this legislation would review whether or not it would be desirable to terminate these agreements at a specified date in the near future, rather than to let them run on.

I would like to emphasize, for the benefit of my colleagues who may have a question, that the repeal of the act of March 29, 1944, will in no way jeopardize, influence, or affect the management of the national forests or any other of the forest lands operated by the Government for sustained-yield forestry purposes. The repeal of this act will remove the discretionary authority to grant Federal timber to individual companies or to companies in certain selected areas. The principles of sustained-yield forest management are well imbedded in the basic statutes which govern the operation of the various Federal forests. This law has as its popular title "The Sustained Yield Act of 1944," but the title is a misnomer. The agreements made under it never caused 1 more tree to be grown on Federal land, and there is

doubt in my mind that it caused trees to grow on the lands of the 1 company that was favored by a cooperative agreement.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., June 24, 1957.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate.

DEAR SENATOR MURRAY: Reference is made to your letter of June 4 requesting a draft of legislation which would revoke the Federal unit and cooperative sustained-yield unit authority of the act of March 29, 1944.

Attached is a draft bill which would repeal those authorities but would not affect the sustained-yield units heretofore established under the act.

You inquired as to authority for cooperative agreements between Federal departments. The draft bill makes no exception with respect to the authority under section 4 of the act (16 U. S. C. 583c) regarding interagency agreements. This is because (a) the interagency authority under section 4 pertains only to land-management plans authorized by the March 29, 1944, act and (b) other authority to cooperate with Federal agencies is considered to be ample.

We would have no objection to the enactment of this bill.

The Bureau of the Budget advises that there is no objection to the submission of this draft bill.

Sincerely yours,

E. T. BENSON,
Secretary.

SENATE

FRIDAY, JULY 19, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

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

Eternal God and Father of all men, who bringeth forth righteousness as the light and judgment as the noonday, our souls wait upon Thee, our expectation is from Thee. Our spirits, forever restless without Thee, must have an escape into that higher realm measured not by clocks nor calendars.

In this Chamber of governance, symbol of a free land, where the people rule, make real to Thy servants who here speak and act for the Republic, the kingdom within whose radiant qualities are its faith, its ideals, its visions of beauty, and its aspirations that lay hold of spiritual verities.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Thursday, July 18, 1957, was approved and its reading was dispensed with.

LEAVE OF ABSENCE

On request of Mr. JAVITS, and by unanimous consent, Mr. MORTON was granted leave from attendance on the session of the Senate today, because of family illness.

THE CIVIL-RIGHTS DEBATE

Mr. MANSFIELD. Mr. President, I want to take this opportunity to compliment the majority leader, the senior Senator from Texas [Mr. JOHNSON], and the minority leader, the senior Senator from California [Mr. KNOWLAND], for their great leadership and fine understanding of the issues in connection with the debate now going on.

I should also like to commend the senior Senator from Georgia [Mr. RUSSELL], the Senator from North Carolina [Mr. ERVIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. DOUGLAS], the Senator from New Mexico [Mr. ANDERSON], the Senator from Vermont [Mr. AIKEN], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Minnesota [Mr. HUMPHREY], and all the other Senators who have participated in the debate and have offered suggestions, amendments, and proposals which seek to clarify and delineate the issues before us.

I believe also that the press, radio, and television coverage of this debate has been outstanding as regards the desire to bring home to the American people both sides—perhaps I should say all sides—of the questions involved in the proposed legislation before the Senate. My thanks, too, go to the commentators who have expressed their interpretations through the media of communications. A great good has been done in behalf of the people of the country, to the end that a better understanding can be achieved. Truly, the fourth estate—and I use the term collectively—which is not an arm of the Government, but is, in fact, a check on the Government, has performed an outstanding, impartial, and thoroughly commendable service.

It is the hope of the leadership, in the persons of the Senator from Texas [Mr. JOHNSON] and the Senator from California [Mr. KNOWLAND], I am sure, that the debate will continue on the same high plane which has marked our deliberations to date, and that although this is an emotionally charged issue, our emotions will be kept to a minimum. The law and the principles involved should continue to serve the Senate of the United States as guidelines in the days ahead just as they have in the decades past.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, pursuant to the order entered on yesterday, there will be a period for the transaction of routine business, with statements limited to 3 minutes.

The PRESIDENT pro tempore. Routine business is now in order.

REPORT OF ADVISORY COMMITTEE ON WEATHER CONTROL

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a report from the Advisory Committee on Weather Control, dated August–November 1955, which, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"Resolutions Memorializing the Congress of the United States to Adopt Legislation for the Creation of a Federal Revolving Loan Fund and the Establishment of Certain Loan Guaranty to Enable State and Local Governments to Borrow Money for Public Projects at Low Interest Rates

"Whereas many State, town and city governments have been prevented from undertaking the construction of urgently needed schools, hospitals, and highways because of the prohibitive cost of borrowing the necessary funds; and

"Whereas the Federal Government has within its resources the means of giving relief to State and local governments for these purposes in accordance with the announced policy of the Eisenhower administration to encourage and stimulate State and Federal partnerships: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to adopt legislation for the creation of a Federal revolving loan fund and the establishment of certain loan guaranties and to enact such other legislation as may be necessary to enable State and local governments to borrow funds at low-interest rates for the purposes of public education, public health and other public needs so vital to our citizens; and be it further

"Resolved, That the Secretary of the Commonwealth transmit forthwith copies of these resolutions to the President of the United States, to the presiding officer of each branch of the Congress of the United States, and to each Member thereof from this Commonwealth.

"House of representatives, adopted July 9, 1957.

"LAWRENCE R. GROVE, *Clerk.*

"Senate, adopted in concurrence, July 11, 1957.

"IRVING N. HAYDEN, *Clerk.*

"A true copy. Attest:

"EDWARD J. CRONIN,
"Secretary of the Commonwealth."

A resolution adopted by the United States section of the Women's International League for Peace and Freedom, at Miami Beach, Fla., relating to disarmament; to the Committee on Foreign Relations.

A petition signed by O. J. Hamilton, and sundry other citizens of the States of Michigan and California, relating to the return of members of the United States Armed Forces who were captured and unaccounted for by the enemy in the Korean war; to the Committee on Foreign Relations.