the advantages of dispersal and the growing humane need for hospital facilities in the Los Angeles-Long Beach area.

The last-mentioned need, of course, has grown because the requirements of national defense, which do not appear in the foreseeable future to be abating, have concentrated many naval and Marine Corps activities in the Los Angeles-Long Beach area. At the present time the Naval Vessel Register indicates 14.15 percent of the United States Fleet (30 percent of the Pacific Fleet) operates in and out of the Long Beach Harbor area. Estimated hospital needs of the area are for 25,000 naval and Marine Corps active duty and retired personnel and dependents. Corona is the only naval hospital facility even reasonably accessible to these people.

Recognizing the utter inadequacy of medical facilities in this area, naval authorities have maintained the U. S. S. *Haven* in a noncommissioned but active status at the Long Beach Naval Shipyard which, together with the Los Angeles Naval Base Dispensary, provides a much overcrowded outpatient service.

Although the *Haven* has a capacity of 744 beds, it now is staffed with only sufficient personnel to serve 150 bed patients. These have been limited to active-duty personnel except in rare emergencies because the whole makeup of the ship would make it unsuitable for treating dependents, according to her officer in charge.

Nonetheless, if the effects of closing Corona are to be eased before they reach intolerable proportions, I believe that steps must be taken to provide beds for active-duty and retired personnel dependents aboard the *Haven* until such time as a more aggressive approach to the matter of implementing the authorization for constructing a hospital shoreside has succeeded.

My second request, therefore, in the event you decide to go through with plans to close Corona, is to provide the basically needed hospital facilities in the Los Angeles-Long Beach area: (1) Temporarily through use of the *Haven;* and (2) permanently by veering the Navy Department's appropriations requests toward construction of the naval hospital now authorized for this area.

Your early reaction to my two requests is most earnestly desired as the Department's publicized intentions with respect to Corona have caused much distress in the Los Angeles-Long Beach area.

Very truly yours,

CRAIG HOSMER,
Member of Congress, 18th District, California.

SENATE

TUESDAY, JULY 23, 1957

(Legislative day of Monday, July 8, 1957)

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

Rev. Robert N. Oerter, Jr., D. D., Sixth Presbyterian Church, Washington D. C., offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee that this time of prayer is not a casual gesture of custom, but is a deep recognition that we need Thy help and guidance to perform our responsibilities aright.

Increase, through worship and the study of Thy Word, our knowledge of Thy will and ways, so that we may act firmly according to the right. Deliver us from the presumption of planning without seeking Thy divine viewpoint. Forgive us for seeking familiar and easy paths when Thy will is for a new road of action. Forbid that we should uncritically reaffirm long-held judgments when our times cry out for fresh examination. Teach us the art of asking the question—"Lord, what is right from Your viewpoint?" Ultimately, Thou shalt measure the lives of each of us, and we ask that that eternal fact may help govern our daily choices.

In the midst of diverse claims, shortness of time, and complex issues, help these, Thy servants, to penetrate quickly to the heart of each proposition set before them, and give them courage and wisdom to act with the awareness of Thy purposes for all our citizens.

May our beloved land measure up to its divine possibilities for growth and usefulness. Strengthen our people in righteousness, justice, and integrity; teach us to love Thee and each other as our Saviour commanded; grant that as a nation we may honor Thee. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Monday, July 22, 1957, was approved, and its reading was dispensed with.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of John J. Gilhooley, of New York, to be an Assistant Secretary of Labor, which was referred to the Committee on Labor and Public Welfare.

WITHDRAWAL OF A TREATY—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

It is desired to give further consideration to the treaty of friendship, commerce, and navigation between the United States of America and the Republic of Haiti, which was signed at Port-au-Prince on March 3, 1955, and submitted to the Senate on June 22, 1955 (S. Ex. H, 84th Cong., 1st sess.).

I therefore desire to withdraw the aforementioned treaty from the Senate.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 23, 1957.*

THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, with each passing day it becomes increasingly apparent that the Senate will be standing on very uncertain ground if it tries to make the civil-rights bill more than a right-to-vote bill.

This point is illustrated perfectly by the current state of the debate on part III. The Senate has been debating part III continuously since the bill became the unfinished business. A considerable part of the debate in regard to having the Senate proceed to the consideration of the bill was devoted to part III. In my opinion, the Senate is ready to vote; but amendments seem to spring up like mushrooms after a warm rain.

Some of the amendments would preserve the substance, but would change the form. Others would preserve the form, but would change the substance.

The Senator from Kentucky [Mr. COOPER] submitted an amendment. He later withdrew the amendment. The Senator from Kentucky has announced that he will offer the amendment again, after it is printed. Of course that is his right.

The Senator from Ohio [Mr. BRICKER] has an amendment pending. It has not been printed. As yet, it has not been withdrawn. I hope it will come to an early vote. The amendment would preserve the powers in part III, but would place them in the hands of the President. It is my intention to oppose the amendment of the Senator from Ohio. I cannot see the point of having the Attorney General advise the President to direct the Attorney General to institute court suits. But that is what the so-called Bricker amendment purports to do.

The spectacle of a dog chasing its tail may be amusing, but it does not strike me as an adequate basis for legislative action.

Various hints have reached us in regard to other amendments and other substitutes which may be offered. I do not know what they can do other than postpone the time when the Senate will face up to the Anderson-Aiken-Case of South Dakota amendment.

Mr. President, I hope the Senate does not further confuse an already much confused issue. I do not believe the Senate can write anything meaningful on the floor of the Senate, insofar as part III is concerned, and still have confidence in what is done. We shall not impress the American people by meaningless compromises and by dashing around the corridors, each Senator with a new proposed compromise to be offered.

As is stated in an editorial published this morning in the New York Times:

> This measure is, and ought to be, primarily a right-to-vote bill.

Mr. President, I hope there will be a minimum of delay before the Senate reaches a vote on the Anderson-Aiken-Case of South Dakota amendment; and I

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

hope that thereafter the Senate will expeditiously vote on all the basic issues involved.

I ask unanimous consent to have the editorial from the New York Times, to which I have referred, printed at this point in the body of the RECORD, as a part of my remarks.

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

[From the New York Times of July 23, 1957]

THE VOTING BEGINS

As the Senate begins voting on substantive provisions of the civil-rights bill a historic point in American history is being reached. This is the first time since reconstruction days that such a measure is actually being debated, considered, and voted on in the upper House with some reasonable attention to its merits and real possibility of passage. Heretofore such legislation has been blocked by filibuster, or threat of filibuster, or by the discouragement of its proponents over the general southern attitude that anything smacking of civil-rights legislation for the Negro had to be stopped dead in its tracks.

Of course the ultimate fate of the bill will not depend entirely on its merits; an enormous amount of politics stemming from the increasing power of the Negro at the ballot box is involved. And the pending measure may not even be adopted in any meaningful form or in any form at all; it may yet be cut to shreds or rejected entirely. But the fact remains that the blind opposition that used to congeal in the Senate every time the phrase "civil rights" was mentioned has been obliged through force of circumstances to give way to intelligent and intelligible debate—during which the bill actually stands a chance for a good deal of improvement.

If the improvements that are envisaged imply some concession to the southern viewpoint, that is not necessarily bad. It all depends on how far the concessions go. In a country so heterogeneous as ours, and especially on an issue so highly packed with emotion as this one, a certain amount of compromise on means and methods is often desirable as long as basic principles are not violated. In our opinion this measure is and ought to be primarily a right-to-vote bill. The civil rights referred to in its title—"An act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States"—admittedly do go further than voting rights in the terminology and in the official explanations of the bill.

But the basic civil right in this context is the right to vote; and the enforcement of this right by injunction, and contempt proceedings if necessary, is the basic goal. The right to integrated schooling is undeniable; but to enforce this right at this time in the way envisaged in part III of this bill seems to us to be taking too many steps too quickly. Furthermore it would almost certainly result in killing a measure that has at least a chance of becoming law if limited in substance to the voting provisions.

These provisions, reinforcing the constitutional right of every citizen to the ballot, must not be diluted by compromise. These provisions must remain strong, as they are in the original bill, so that if and when it becomes law every Negro in the South will know that in a Federal election his access to the polling place is guaranteed him by the United States Government. If this guaranty is to be meaningful, it must be enforcible; and to require jury trial in each instance of contempt would make it unenforcible—as well as to introduce something new in American judicial procedure.

Even here there may be room for adjustments on which reasonable men may reasonably agree without violating the basic principle. There are many other places in the pending bill that could stand amendment without harm—and one of them, an ancient force act, was taken care of by unanimous vote yesterday. Another, which deserves fuller discussion than it has had, would impose fine or imprisonment for public disclosure of information obtained in executive session by the proposed Civil Rights Commission. The existence at this late date of these various kinks in the bill—and particularly the very large kink consisting of part III that will presumably be voted on today—is no tribute either to the House, which has passed the bill, or to the administration, which owed the public a considerably fuller explanation than it ever received. But the civil-rights bill that comes out of all this can be a major achievement in insuring to southern Negroes the right to vote, which will unquestionably be the forerunner of further civil rights to come.

Mr. KNOWLAND. Mr. President, under the 3-minute rule applying to the morning hour, I wish to make a brief reference to the statement made by the minority leader.

Mr. JOHNSON of Texas. Mr. President, does the Senator from California refer to the statement I made?

Mr. KNOWLAND. Yes.

Mr. JOHNSON of Texas. Mr. President, I hope I am still the majority leader. The Senator from California may feel that I am the minority leader, but the Senate has not yet demonstrated that. [Laughter.]

Mr. KNOWLAND. Mr. President, I apologize to the Senator from Texas; I refer to the statement made by the distinguished majority leader.

First of all, I wish to say that I think the debate to date has been constructive and helpful. I do not agree with the majority leader that the actions taken on yesterday were in any sense dilatory in character.

On yesterday, the Senate voted on one amendment which I believe was highly important; it was to repeal the old reconstruction statute which many of the Members of the Senate on both sides of the aisle felt might have empowered the use of Federal forces, although that was not the intent, as clearly indicated by the President of the United States; nor was it the intent of the Attorney General; nor was it, I think, the intent of any of the sponsors of the bill in either the House of Representatives or the Senate. That amendment was adopted by a unanimous yea-and-nay vote, and I think it was a constructive amendment.

The Senator from Kentucky [Mr. COOPER], as was his right, and on his own responsibility, submitted an amendment. He had originally intended, as I understand, to request that the amendment be printed and lie on the table, rather than to have it made the pending amendment. But because of the parliamentary situation, he felt that under the circumstances he should ask, after the amendment was considered, that it be withdrawn, so it would no longer be the pending amendment, and that it be printed.

The Senator from Ohio [Mr. BRICKER]—contrary to the views of the distinguished majority leader—has offered an amendment which I think is constructive, and which I hope will be adopted, and upon which we shall request a yea-and-nay vote. I think the amendment again attempts to eliminate one of the dangers which has been envisioned on the part of some opponents of the proposed legislation, namely, that the Attorney General might on his own volition take some dire steps against some local area of the country. The President of the United States is an elective official. Under the Constitution, he is vested with the responsibility for the execution of the laws. I think the amendment of the Senator from Ohio proposes an entirely proper safeguard, as regards the Attorney General, if part III is retained; and I must say in frankness that, judging from the press reports and from the heavy predominance of votes which apparently will come from Senators on the other side of the aisle, it is quite likely that part III will not be retained. But, in the event it should be retained, I think it is a constructive amendment the Senator from Ohio has offered.

I hope the debate will go on, and, likewise, I sincerely hope, regardless of what is done with respect to this particular amendment, when we complete action on the bill we shall still have an effective civil rights bill. This is the first opportunity the Senate has had in a great number of years to get to the point where it can work its will on a piece of legislation which deals with the constitutional rights of American citizens, not only voting rights guaranteed under the 15th amendment, but other rights guaranteed under the 14th amendment, and other rights which are contained in the Bill of Rights and other sections of the Constitution.

We fully recognize that there is room for honest difference of opinion on this proposed legislation, but I hope the debate will go on. I am only sorry more bills cannot receive the scrutiny this bill has had. I am only sorry that the busy schedule of the Senate makes it impossible for other important pieces of legislation to have the time devoted to them which we are devoting to this important piece of proposed legislation. But I do not think, at least up to this point, those who have offered amendments have in anywise been dilatory in their activities, and I join with the majority leader in hoping we can dispose of the pending amendment and we can dispose of the so-called Anderson-Aiken-Case of South Dakota motion to strike section 121 of part III of the bill.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. First, I want to congratulate the Senator on the statement he has made. I think I can concur in most of what he said. I hope he is correct in his judgment that it is likely or possible part III will be stricken, because I think that will speed action on the bill.

I think it has been demonstrated that each amendment that is offered further confirms the weakness of part III. I have said nothing about any colleague being dilatory. I would not want the RECORD to indicate that I have. I was sorry we were diverted by other amendments before we acted on the Anderson-Aiken-Case of South Dakota proposal because the authors of the other amendments would not have been cut off from offering them.

However, they have been offered. We must dispose of them. I hope we can dispose of them expeditiously so we can finally give Senators an opportunity to face up to the Anderson-Aiken-Case of South Dakota proposal.

Mr. SMITH of New Jersey. Mr. President, yesterday, I announced to the Senate my intention to support the Anderson-Aiken-Case of South Dakota amendment which would strike part III from the pending civil-rights bill and confine the scope of the bill to the protected "right to vote." In addition, I stated my judgment that with the acceptance of such an amendment, there would be no need or justification for the adoption of a jury trial amendment.

Today, I should like to invite the attention of my colleagues to the lead editorial of this morning's New York Times, entitled, "The Voting Begins." The Times emphasizes that this measure is and ought to be primarily a "right-to-vote" bill, and that the basic civil right in this context is the right to vote; and the enforcement of this right by injunction, and contempt proceedings if necessary, is the basic goal.

In addition, the Times states that the provisions of this bill, reinforcing the constitutional right of every citizen to the ballot, must not be diluted by compromise. If this guaranty is to be meaningful, it must be enforcible; and to require jury trial in each instance of contempt would make it unenforcible.

It was my purpose, Mr. President, to have the full text of the editorial printed in the RECORD, but the majority leader has already done so.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON OVEREXPENDITURES OF APPORTIONMENT OF FUNDS

A letter from the Chairman, National Mediation Board, Washington, D. C., reporting, pursuant to law, an overexpenditure of $16,500 of the apportionment of funds in the fourth quarter for salaries and expenses, National Railroad Adjustment Board, National Mediation Board, 1957; to the Committee on Appropriations.

AMENDMENT OF ACT REGULATING BRINGING OF ACTIONS FOR DAMAGES AGAINST THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the act regulating the bringing of actions for damages against the District of Columbia, approved February 28, 1933 (47 Stat. 1370, ch. 138; sec. 12-208, D. C. Code, 1951 edition) (with an accompanying paper); to the Committee on the District of Columbia.

INTERIM REPORT OF THEODORE ROOSEVELT CENTENNIAL COMMISSION

A letter from the Chairman and Vice Chairman of the Theodore Roosevelt Centennial Commission, transmitting, pursuant to law, an interim report on the operations of that Commission, for the celebration in 1958 of the 100th anniversary of Theodore Roosevelt (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

"Senate Joint Resolution 46

"Whereas the appointment of Federal judges for life has resulted in a Federal judiciary subject to no check or limitation upon its own power, save that of autolimitation, yet which, in the process of deciding cases and controversies, constantly checks and limits the power and authority of the various State governments, and the power and authority of the executive and legislative branches of the Federal Government; and

"Whereas both the President of the United States and the Congress thereof are subject to definite restrictions under the Constitution of the United States which insure checks and balances in the exercise of executive and legislative power, and both the President and the Members of Congress are elected by the people for definite terms in office, thus insuring the principle of representative government; and

"Whereas the lack of similar limitations upon the power of the Federal judiciary encourages unbridled government by judiciary contrary to the basic democratic principles of representative government and a system of checks and balances, as witness the decisions of the Supreme Court of the United States in recent years: Now, therefore, be it

"Resolved by the Senate of the State of Alabama (the House of Representatives concurring), (1) The Alabama Legislature requests the Congress of the United States to propose an amendment to the Constitution of the United States, as hereafter set out, requiring the election of all Federal judges and the limitation of the term in office. (2) The proposed amendment to the Constitution of the United States should read as follows: The judges, both of the Supreme and inferior courts of the United States, shall hold office, during good behavior, for a definite term or terms not to exceed 8 years for any one term, and shall be elected by the people, in such manner as the Congress may by law prescribe. The judges shall, at stated times receive for their services a compensation which shall not be diminished during their continuance in office. (3) In the alternative the Congress of the United States is hereby petitioned and memorialized to make a complete study and investigation of the method of selecting and the tenure of Federal judges, and to give full consideration to the question of submitting to the States for their approval amendments to section 2, article II, and section 1, article III of the Constitution of the United States, which would alter the method of selecting Federal judges and fix for such judges a definite term of office. (4) Certified copies of this resolution shall be forwarded by the secretary of state to the Presiding Officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each member of the Alabama delegation in Congress.

"W. GUY HARDWICK,
"President and Presiding Officer of the Senate.

"RANKIN FITE,
"Speaker of the House of Representatives."

A petition signed by Mrs. Nelo R. Kepley, and sundry other citizens of the State of California, relating to the return of members of the Armed Forces captured and unaccounted for by the enemy in the war in Korea; to the Committee on Foreign Relations.

A resolution adopted by the North Mississippi Annual Conference of the Methodist Church, at Aberdeen, Miss., favoring the enactment of legislation to prohibit the advertising of alcoholic beverages in interstate commerce; to the Committee on Interstate and Foreign Commerce.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H. R. 6517. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, and of certain officers and members of the United States Secret Service, and for other purposes (Rept. No. 699).

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:

Walter C. Ploeser, of Missouri, to be Ambassador Extraordinary and Plenipotentiary to Paraguay.

By Mr. HILL, from the Committee on Labor and Public Welfare:

Charles R. Ferguson, of Pennsylvania, to be a member of the Federal Coal Mine Safety Board of Review; and

Philippe V. Cardon, Jr., and sundry other candidates for personnel action in the Regular Corps of the Public Health Service.

BILLS INTRODUCED

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

By Mr. WILEY:

S. 2613. A bill for the relief of Cedomilj Mihailo Ristic; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S. 2614. A bill for the relief of the Suffolk Farms Packing Co.; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 2615. A bill to further amend section 14 of the act of March 3, 1879, as amended, to permit publications printed in imitation of typewriting to be accepted as second-class

matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BEALL:

S. 2616. A bill for the relief of Brigitte Ingeborg Holthaus Harper; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2617. A bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SALTONSTALL (for himself and Mr. BRIDGES):

S. 2618. A bill to remove the present $1,000 limitation which prevents the settlement of certain claims arising out of the crash of an aircraft belonging to the United States at Worcester, Mass., July 18, 1957; to the Committee on the Judiciary.

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

By Mr. KEFAUVER:

S. 2619. A bill authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tenn.) to Johnson City National Farm Loan Association and the East Tennessee Production Credit Association, local units of the Farm Credit Administration; to the Committee on Labor and Public Welfare.

EXPEDITION OF SETTLEMENT OF CERTAIN CLAIMS CAUSED BY CRASH OF AN AIRCRAFT AT WORCESTER, MASS.

Mr. SALTONSTALL. Mr. President, on behalf of myself, and the Senator from New Hampshire [Mr. BRIDGES], I introduce, for appropriate reference, a bill for the purpose of expediting settlement of claims arising out of the tragic crash of an Air National Guard plane at Worcester, Mass., on Thursday, July 18.

The plane, assigned to the New Hampshire National Guard, spattered the immediate area of the crash with wreckage and fire, resulting in serious damage to several homes. It has been unofficially estimated that damage was in excess of $50,000.

The accident caused the tragic death of Capt. John F. Murphy, of Worcester, Mass., and 1st Lt. Lawrence C. Guild, of Chester, N. H. and Quincy, Mass. There were no civilian casualties.

Under existing law, the Secretary of the Army is limited to a maximum of $1,000 in the settlement of claims rising out of National Guard operations. The bill we are introducing would set aside that limitation so that the Secretary of the Army could undertake at the earliest possible date the settlement of claims for damages.

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

The bill (S. 2618) to remove the present $1,000 limitation which prevents the settlement of certain claims arising out of the crash of an aircraft belonging to the United States at Worcester, Mass., July 18, 1957, introduced by Mr. SALTONSTALL (for himself and Mr. BRIDGES), was received, read twice by its title, and referred to the Committee on the Judiciary.

CIVIL RIGHTS—AMENDMENTS

Mr. KEFAUVER submitted amendments, intended to be proposed by him, to the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, which were ordered to lie on the table and to be printed.

INTERIM REPORT OF THEODORE ROOSEVELT CENTENNIAL COMMISSION (S. DOC. NO. 53)

Mr. O'MAHONEY. Mr. President, earlier in the day, the Vice President laid before the Senate an interim report of the Theodore Roosevelt Centennial Commission for the celebration in 1958 of the 100th anniversary of Theodore Roosevelt. After a conference with the majority leader and the minority leader, and obtaining their acquiescence, I ask unanimous consent that the interim report of the Commission may be printed as a Senate document.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and 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. DOUGLAS:

Article entitled "For Our Senators, Reading Time Is Stolen From Hours of Sleep," written by Senator NEUBERGER and published in the New York Times Book Review of July 21, 1957.

NOTICE OF POSTPONEMENT OF HEARING ON NOMINATION OF EDWIN R. HICKLIN, TO BE UNITED STATES DISTRICT JUDGE, SOUTHERN DISTRICT OF IOWA

Mr. EASTLAND. Mr. President, on Thursday, July 18, 1957, announcement was made that a hearing would be conducted on the nomination of Edwin R. Hicklin, of Iowa, to be United States district judge for the southern district of Iowa, vice William F. Riley, deceased, on Thursday, July 25, 1957, beginning at 10 a. m., in room 424 Senate Office Building.

It has been found necessary to postpone the hearing date scheduled for Thursday to a later date, which will be announced.

ADDRESS BY THE SECRETARY OF STATE ON DISARMAMENT

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an address delivered last evening by the Secretary of State to the American people.

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

I shall speak about disarmament. We do not, of course, use that word in any literal sense. No one is thinking of disarming the United States or the Soviet Union or any other nation. What we are seeking is action, in the field of armaments, which will reduce the danger of armed attack. It is imperative that we seek this result.

Already large nuclear weapons are so plentiful that their use in general war could threaten life anywhere on the globe. And as matters are going the time will come when the pettiest and most irresponsible dictator could get hold of weapons with which to threaten immense harm.

Also the cost of maintaining competitive Military Establishments is getting so big no nation can sustain that cost without grevious burdening its economy.

Your Government believes that this situation can be and should be remedied.

We believe that it can be made difficult if not impossible for any nation to launch a massive surprise attack. If so, this would greatly reduce the danger of war because potential aggressors usually count on being able to deliver a surprise, knockout blow.

We believe that it is possible to prevent a promiscuous spread of nuclear weapons throughout the world.

We also believe that if the danger of surprise attack is really reduced then the cost of armament could safely be reduced.

The United States is, as you know, waging peace on many fronts.

As a member of the United Nations we support its purpose that international disputes should be settled by peaceful means and in conformity with justice.

Accordingly, we seek by peaceful means an end to the unjust and inhuman partition of Germany, and a restoration of independence to those nations now subject to Soviet colonialism.

We seek collective security so that the smaller and weaker nations cannot be attacked and overrun one by one, and the United States, in the end, left isolated and encircled by overwhelmingly hostile forces.

We encourage the political independence of all peoples who desire it and show the capacity of sustaining its responsibilities.

We seek to help the peoples of less developed countries to find ways to end stagnant poverty and to enjoy the blessings of liberty.

And on the armaments front also, we wage peace.

Before explaining what our program is, I should like to say a word about our procedures.

Disarmament discussions are going on at London under the auspices of the United Nations. There is a Disarmament Subcommittee consisting of the United States, the United Kingdom, France, Canada, and the Soviet Union. This subcommittee has been working since 1954. Until recently its proceedings seemed quite unrealistic. The Soviet Union used the meetings as a sounding board for its propaganda. It made spectacular, but wholly vain, proposals in an effort to make itself appear peace loving.

Recently the atmosphere has somewhat changed. We hope that the Soviet rulers view with concern the prospect of nuclear weapons production spreading throughout the world. They surely are finding it difficult to reconcile their armaments program with the rising demands of their people for a better way of life.

Whatever be the reasons, the Soviet delegation has been talking with somewhat more realism and less bombast.

The United States delegation is headed by former Governor Stassen and includes diplomatic, military, and technical advisers. The delegation does not itself make United States policy. Its task is to express United States policy in accordance with guiding instructions given it by the Department of State. The substantive decisions are made by President Eisenhower, after taking account of the views represented on the National Security Council.

Because the negotiations might lead to a treaty, the Senate's Disarmament Subcommittee, of which Senator HUMPHREY is chairman, is being kept fully informed.

We also work closely with the North Atlantic Treaty Organization. Europe is the area where major forces most closely confront each other. It is the area where there are dangerous and unresolved political issues such as the partition of Germany and such suppressions of political independence as were recently exposed in Hungary. We are determined to do nothing which might endanger the security of Western Europe or, in the name of disarmament, seem to sanction the partition of Germany and the suppressions of human liberty and national independence. So, we also keep in harmony with the views of those European allies who are not themselves parties to the London talks.

As you can see, our procedures are somewhat complicated. The Soviets complain that we are slow. But we do not operate by Soviet standards. They have no parliamentary processes and the satellite governments do not need to be consulted. They are only told.

The operations of a coalition of democratic nations often seem slow. But as I said last April, dependable progress can only come by steps carefully measured and carefully taken. The free nations are dealing with matters which gravely affect their very existence. And while it is important that we make progress, it is equally important that we be careful.

I turn now to the United States program which is being steadily concerted with other free nations.

Our program differentiates sharply between what is impracticable, at least today, and what is practicable, even today. For example:

(1) It is impracticable to rely merely on promises. We already have promises in the United Nations Charter. All members—and that includes the Soviet Union—renounced the use of force, except in individual or collective self-defense against armed attack. If we thought that that promise was dependable we would not be maintaining our present costly defensive and deterrent Military Establishment. But Soviet promises have not proved dependable. We will not change our military posture merely in reliance on paper promises.

(2) It is not practicable to assure the abolition of nuclear weapons. The scientists tell us that there is no known method of detecting and surely accounting for the fissionable material already produced.

Therefore, we must make our plans on the assumption that the nations which now have nuclear weapons would use them in war.

(3) It is not practicable to invent some formula which would measure accurately the military power of the Soviet bloc, on the one hand, and the United States and its allies, on the other hand. The Washington Conference for Naval Limitation (1921) established naval equations as between the five principal naval powers. But that relatively simple effort produced an unhappy end.

Throughout the period of 1926 to 1933, the Allies of World War I earnestly, but vainly, sought formulas for the limitation of land armaments.

Armaments and military potentials are so complex that it is not possible to arrive at dependable equations.

We sometimes talk, as a matter of convenience, in terms of the numbers of persons in the national armed forces. But that is misleading if it gives the impression that if the national forces of the Soviet Union and the United States were equal in numbers, our military strength would be equal. The number of men in the national armed services at any given time is no decisive index of relative strength. There may be local, police, and other paramilitary forces which cloak national strength. There may be trained reserves which permit standing forces to be quickly increased. That possibility is ever-present in a society, like that of the Soviet Union, where all manpower is at all times under absolute control.

We know that we cannot find any formula to provide a dependable balance of military power.

Those are some the impossibilities. On the other hand, there are possibilities. For example:

(1) It is possible, through a mutually reinforcing combination of aerial inspection and ground control, to prevent massive surprise attack or at least to reduce the risk and degree of surprise.

This is of the utmost importance. It is unlikely that any nation, which is itself vulnerable to devastation, would start a general war unless it felt that it could catch its principal opponent unprepared and thus, by surprise, gain a decisive superiority.

That was the idea which underlay President Eisenhower's "open skies" proposal made at the Summit Conference in July 1955. No other proposal has ever been made which would be so effective in reducing danger and make it safe to have less costly defenses against aggression.

(2) It is technically possible to control the use of newly produced fissionable material and to assure that it is not put into weapons. Let me emphasize here the difference beween checking on, or accounting for, past production, and accounting for new production after a system of supervision is installed. The past cannot now be checked. The future can be.

(3) It is technically possible to devise a monitoring system which would detect significant nuclear tests and make evasion a highly risky business. But possibility of concealment is such that inspection teams will have to be numerous, and located near to possible test areas. The problem is not so simple as many have believed.

(4) It is possible to bring under effective control the future development of major means for the transmission of destructive weapons to their target. In this connection, certain new kinds of weapons, as, for example, intercontinental ballistic missiles, deserve particular consideration.

(5) There can be limitations on the maximum numbers of persons in standing forces. This would have no profound military significance, but it could have some utility as a barometer if accompanied by sufficient sources of information so that large evasions could be detected, and if it was accompanied by some limitations on the arms available to military personnel.

(6) It is possible to reduce to some degree the conventional weapons in the present arsenals of the Soviet Union and the United States, including major means of delivery of nuclear weapons, and to assure a rough equality between what each of us would eliminate or put into internationally supervised depots. This reduction could have some practical significance in relation to the numbers of men that could be armed.

(7) There can be transfers of fissionable material from existing weapons stock to stocks which would be definitely allocated to peaceful uses. It would not be possible to measure or equate the material remaining for weapons purposes. But such transfers to peace stocks, coupled with the nonuse of new fissionable material for weapons would assure that existing nuclear war potential was on its way down.

The possibilities and impossibilities which I have outlined shape the United States disarmament proposals. These proposals are concededly only partial. They represent, we hope, a beginning and not an ending. We do not now attempt what seems now to be impossible. We do attempt the possible to the extent needed to make a significant beginning. The essential thing, at this point of history, is actually to get started, and to move from the phase of wearisome and unending talk into the phase of actually doing something. Here are our proposals.

First. We propose that the Soviet Union join in inaugurating a system of inspection which will provide dependable safeguards against large-scale surprise attack. The United States is prepared to accept the inspection of all its territory in North America, in exchange for inspection of the Soviet Union. We are in close consultation with our Canadian friends as to the possibility of enlarging this North American zone to include Canada.

We are also prepared to consider more limited zones which could be expanded progressively. An initial zone could be a northern one comprehending the area within the Arctic Circle and also Alaska and the Aleutions, and corresponding parts of East Siberia, Kamchatka, and the Kuriles. This of course requires the concurrence of other nations. We are in close consultation with Canada, Denmark as regards Greenland, and Norway on this aspect of the matter. We know that these allies of ours are as eager as we are to help to make a beginning in finding safeguards against surprise attack.

This northern zone would not be without major significance. Many of the potential routes of surprise attack are across the polar region. At the same time, these areas are relatively free from complicating political problems, so that a quick beginning could be made there, and experience gained in the technical problems involved. These technical problems are considerable, involving coordinated air and ground inspection and a dependable system of communication.

Active consideration is also being given to a European zone. In this matter the United States is cooperating closely with its NATO allies. There is a general desire, which we share, to establish such a zone. But all realize that it presents many special complications. It will take much longer to work out a European zone than a northern zone which is free of such complications.

If a beginning can develop the techniques of providing measurable insurance against surprise attack, that beginning can be progressively extended to cover all the significant areas from which a massive surprise attack might be staged. In that way, a major step will have been taken to reduce the danger of war. Then security expenditures might safely be reduced.

Second. We propose a threefold move in relation to nuclear weapons. We do not propose to eliminate nuclear weapons or the possibility of their use for, as we have seen, this cannot be assured. However, it is possible and worth while to reduce the dimensions of the nuclear weapons problem and to prevent the production of such weapons throughout the world.

We are not concerned with regard to the free nations which might be the next to produce nuclear weapons. And we doubt that the Soviet Union will permit its allies to have nuclear weapons. But unless international procedures are now devised to bring nuclear weapons under control, the problem may soon become totally unmanageable and we must anticipate that immense destructive power would come into the hands of those who might be quite irresponsible.

Our threefold approach involves these elements:

(a) We propose that all nations should agree that, after a specified date, there will be no producing of fissionable materials for nuclear weapons. The date would be dependent on the prior establishment of an effective control system. All would agree that, as of that date, all their future production of fissionable material would go into peaceful uses. This would mean the ending of the buildup of costly and ever larger stockpiles of nuclear weapons.

Our scientists tell us that this is a feasible objective.

(b) We propose to create a system whereby existing nuclear weapons stockpiles could be gradually reduced by transfers to peaceful uses, perhaps under the auspices of the International Atomic Energy Agency, now being formed. President Eisenhower recommended this in his Atoms for Peace address to the United Nations in 1953. The proposed reductions would initially be on a modest scale and would not appreciably affect the existing weapons stockpiles. There would remain substantial nuclear weapons capabilities for the use of ourselves and our allies if war should be forced on us. If, however, political settlements and other measures of armament limitation made it prudent to reduce more sharply the weapons stockpile, we would have created the international machinery for doing so.

(c) Along with steps (a) and (b) we propose a tentative suspension of nuclear testing for about 10 months. This period is not chosen arbitrarily. It is designed to be the period which would not dislocate our existing scientific staffs. During this same period headway could be made on installing the inspection system in order to assure that, if the suspension of testing were to be extended, such suspension could adequately be supervised and controlled. Also, during this same period there could be begun the inspection needed to assure that future production of fissionable material would be used only for peacetime purposes.

Until we see convincing proof that the Soviets are serious about arms limitation, our safety primarily depends on having the best weapons, large and small, that we can develop. This means continued testing. Testing makes it possible to develop even smaller weapons and to insure that larger weapons will have less radioactive fallout. President Eisenhower has alluded to the possibility of reducing the fallout of large weapons to less than 1 percent of their yield. In such ways it can be insured that nuclear weapons, if they had to be used, could be confined more closely to distinct military objectives. Therefore, we do not separate the problem of testing from the broader issues.

During the trial suspension period we suggest, good progress may be made in installing systems which can provide warning against surprise attack, can provide detection of subsequent testing, can insure that future production of fissionable material will not be used to enlarge existing stockpiles or to spread nuclear weapons throughout the world. Then and then only would we feel that security was sufficiently enhanced to justify considering further suspension of testing.

Third. We are prepared to make a start on reducing and regulating nonnuclear armaments and armed forces. These initial cuts cannot be either deep or drastic or theoretically perfect. We have, however, proposed that we and the Soviet Union accept, as a first step, limitation of our national military manpower so as not to exceed 2.5 million for each of us. Also, as a beginning to reduce the armaments available for use, we are prepared to join with the Soviet Union in depositing in internationally supervised depots within our respective territories certain amounts and types of armaments as may be mutually agreed.

Fourth. We are willing to cooperate in the working out of a system which would ensure that outer space missiles would be used exclusively for peaceful and scientific purposes. The use of outer space is still sufficiently experimental to make it possible to assure that future developments in this new area of knowledge and experimentation will be for the benefit of mankind and not for its destruction.

The beginning we now propose is limited, but it is realistic. And if the initial steps are successful, it will be possible to go further. However, as we look ahead, we do so with realization that steps in the field of armament are no substitute for political settlements needed to end massive injustice. The search for armament limitations and the search for political settlements must go forward hand in hand.

And let me add: Until we have proof of Soviet seriousness in arms reduction, we must as a matter of simple self-preservation do our part in sustaining the vigor and strength of our security arrangements including defensive alliances.

To slacken our efforts in these great and constructive security arrangements would be to risk our very existence and moreover almost insure Soviet indifference to our disarmament proposals.

IMMEDIATE PROSPECTS

We believe that our proposals offer a basis for an important start in bringing destructive forces under control. We hope the Soviet Union will accept them. So far, some slight progress has been made.

The Soviet Union seems prepared to accept, as an initial phase of disarmament, the installation of an aerial and ground inspection system. But we are not agreed as to where such inspection should be inaugurated; or as to the nature of the inspection.

The Soviets, at this time, seem hesitant to agree to stop producing fissionable material for weapons purposes, so as to prevent the production of nuclear weapons from spreading throughout the world.

The Soviets still want to see nuclear testing suspended irrespective of other steps, and for a period which would be unrelated to progress in other directions.

Our allies have given our proposals independent and intensive study and their reaction is generally favorable. Encouraged by this, we shall, with them, persist in our pursuit of Soviet agreement upon an initial program. That program goes as far as can be gone now without endangering our own safety and that of our allies. It does not, in the search for theoretical perfection, postpone indefinitely the practical start which is imperative. We believe that such a position must prevail.

CONCLUSION

It may be asked whether the steps we now propose can be taken without any risk that hostile forces may gain advantage for themselves. In all frankness, it must be admitted that after all foreseeable risks are considered, there may be other risks that we cannot foresee. But this can be said with assurance: The risks of seeking to move forward are far less than the risks of being frightened into immobility.

The whole world faces a grim future if the war threat is not brought under some international control. Mankind cannot long live under the shadow of such destruction as is now possible without great changes in existing physical, social, political, and moral values.

Do we want a future where men feel that, in order to survive, they must learn to live as burrowers within the earth's crust for protection against the blast, the heat, and the radiation of nuclear weapons? Do we want a world where man must be a slave to the rapidly mounting cost of bare survival? Do we want individual freedom to become an historic relic?

We live in a decisive stage in history. It is a moment when those who love liberty, and who would enjoy its blessings and bequeath them to posterity, must unite to dominate the new forces of materialism which would drive mankind back along the path by which it has slowly emerged from a primeval condition. At such a moment, there is no place for immobilizing fear; there is no place for indifferent neutralism; there must be unity and courage on the part of all who would have a world where man can realize his spiritual aspirations. Marginal risks must be accepted if thereby we may eliminate vastly greater risks.

We must take as our working hypothesis that what is necessary is possible, and we must make it so. We must assume that what man by his ingenuity has created, man by his wisdom, resourcefulness, and discipline can harness and control.

Time is not unlimited. Each year that passes without agreement adds to the practical difficulty of achieving adequate limitation and control.

But we have reason to hope. The very increase in urgency for reaching agreement has contributed in recent months to an increase in the realism and seriousness of the negotiations, and the prospect they hold of bringing some meeting of minds.

If mankind wishes to preserve the civilization it has created over many centuries, and guarded at great risk and cost, then it must find a way to free the world from the continuing threat of destruction from the weapons it has built.

I know it can. I believe it will.

Mr. SMITH of New Jersey. Mr. President, last night on a radio and television report to the Nation, the Honorable John Foster Dulles, Secretary of State, delivered an outstanding address on the subject of disarmament and peace.

This address deserves the careful study of every one of us, because of its significance in the present international situation. I was particularly impressed by Mr. Dulles' warning that we must still keep our guard up, although at the same time explore every possible avenue to bring about an effective disarmament.

It had been my intention, Mr. President, to have Mr. Dulles' address printed in the RECORD, but the minority leader has already done so. Both of the items I desired to have printed have been taken care of by the leadership.

Mr. SPARKMAN subsequently said: Mr. President, earlier today the distinguished Senator from California [Mr. KNOWLAND] received consent to have printed in the RECORD an address delivered by Secretary Dulles which dealt with disarmament.

The New York Times today published a very interesting explanatory article entitled Education on Arms, written by James Reston, of the New York Times staff. I ask unanimous consent that the article be printed in the body of the RECORD.

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

EDUCATION ON ARMS: A COMMENTARY ON DULLES' BROADCAST TO NATION ON UNITED STATES DISARMAMENT POLICY

(By James Reston)

WASHINGTON, July 22.—The administration is afraid that its disarmament negotiations with the Soviet Union are running ahead of Congressional and public understanding and support.

It is beginning to wonder where it would be if, for example, Moscow should accept the United States disarmament proposals between now and the West German elections September 15. This is why Secretary of State Dulles started an educational campaign on the disarmament question in a radio and television broadcast tonight.

This also explains why the White House issued today a 2-pound kit of disarmament history starting with an effort by the Chinese states to produce disarmament back in the sixth century B. C.

The problem is that President Eisenhower has proposed to the Soviet Union in the

London disarmament conference certain bold concepts of arms control that Congress is clearly not yet ready to accept. And the London talks have now reached a point where officials here feel that they must guard against what happened in the League of Nations in 1919: Repudiation by the Senate and the American people.

Mr. Dulles said in his broadcast tonight: "The United States is prepared to accept the inspection of all its territory in North America, in exchange for inspection of the Soviet Union."

DULLES AWARE OF SPLIT

However, it is not so long ago that Mr. Dulles was warned by a group of Senators from the Western States that they would oppose any aerial inspection of the western half of the United States by the Soviet Union.

In theory, of course, the President might be able to enter into such an agreement under his executive power, but he is committed to present any important disarmament agreement to the Senate in the form of a treaty, and this would require the consent of two-thirds of the Senators present.

Moreover, the aerial inspection proposal is not the only controversial part of the President's plan. He is also suggesting an agreement to halt all production of fissionable materials for nuclear weapons, after a specified date; a reduction of existing nuclear weapons stockpiles, and a tentative suspension of nuclear weapons testing—all opposed not only by powerful elements in legislative and scientific circles but by some officials within the administration itself.

Mr. Dulles did not go into the controversial aspects of the United States disarmament plan tonight, but he is fully aware of the gap between Government planning and public understanding. He has hesitated to start trying to deal with this before, lest he create such a demand for disarmament that the administration's defense appropriations would not be approved by Congress. But now that the defense budget is in fairly good shape, the public education side of the problem is high on the official agenda.

One aspect of this whole problem is particularly disturbing to anyone who has studied the control of nuclear weapons. Mr. Dulles defined it this way:

"As matters are going," he said, "the time will come when the pettiest and most irresponsible dictator could get hold of atomic weapons with which to threaten immense harm. We believe that it is possible to prevent a promiscuous spread of nuclear weapons throughout the world. But unless international procedures are now devised to bring nuclear weapons under control, the problem may soon become totally unmanageable and we must anticipate that immense destructive power would come into the hands of those who might be quite irresponsible."

To prevent this promiscuous spread of nuclear weapons throughout the world again requires close cooperation between the administration and a Congress and public that have been paying little attention to the vital complexities of the disarmament question.

ARMS-MAKING LIMIT SOUGHT

For example, the United States does not want to see more nations develop atomic weapons, but it knows that it cannot expect sovereign states to accept the proposal that they should be without such weapons while the United States, the Soviet Union and Britain have them.

Some of the western allies, particularly France, have emphasized that they are willing to forgo the development of these weapons, but only (a) if they are assured of getting them from the United States in the event of a major threat to their security, and (b) if there is a dependable system of nuclear weapons control.

It is for this reason that Mr. Dulles said at his news conference last week that the administration was considering a plan to make atomic weapons available to its North Atlantic allies. Here again, however, consent of Congress would be needed, for this would almost certainly involve major changes in the Atomic Energy Act of 1954.

Mr. HUMPHREY subsequently said: Mr. President, last night the Secretary of State spoke to the American people regarding the prospects for disarmament. The Secretary's statement was a constructive and forthright presentation of the problem of disarmament facing the United States and other countries today. It was, I believe, important for the Secretary to speak to the American people, and indirectly to the people of the world, at this time to clarify—and I underscore clarify—United States intentions regarding one of the most vital problems of our time. The American people must be kept informed and consulted as to what is being proposed by their President and his advisers on the control and reduction of armaments. I think such reports should be given from time to time when the situation warrants it. I hope the radio talk of last night was not a unique discussion but that it will be repeated.

The Senate Foreign Relations Subcommittee on Disarmament has been given careful consideration to the proposals of the United States and other Nations on disarmament. Mr. President, this subcommittee has been looking into disarmament problems for the past 2 years and expects to issue a report soon on its findings to date. The subcommittee has been studying the proposals outlined by Mr. Dulles, but has not yet given any endorsements, suggestions, or criticisms of them.

The report will speak for itself when it is finally presented, and comments such as I am making now are in the person of a Senator, rather than in behalf of the subcommittee as an arm of the Senate. The report will treat with adequate stockpiles, limitations on testing, and the future flow of fissionable material into weapon manufacture, among other subjects.

Mr. Dulles made a constructive statement on a complicated subject in a limited amount of time. Because of the time limitation he had to omit some points which to me are important. Some of these points, in my opinion, are:

(a) United States disarmament policy has emphasized the need to prevent a surprise attack by the Soviet Union on the United States and other Free World countries. A key proposal of this country, as explained by Mr. Dulles, is geared to prevent attack by the Soviet Union. It does not, however, cover specifically an attack by another Communist nation on countries in the Free World. Therefore, the problem of limited wars would still be one with which we must be concerned. Obviously, we must be prepared for such an eventuality.

(b) Another main part of United States policy is the control of nuclear weapons. If the Soviet Union accepted our proposals on the control of nuclear weapons it will become vital that the United States have a clear program for the deterrence of war of all types. If a limited war began, we cannot rely on the one hand on the conquest of massive retaliation, even if a disarmament agreement left us with a large stockpile of nuclear weapons. On the other hand we must not get ourselves into the position of permitting the Communists to nibble away at the Free World. A disarmament agreement must take these problems into account. I hope that in future reports to the American people these grave, complex problems will be discussed.

(c) In this connection, the parts of the United States proposals on manpower and conventional armaments raise the most serious questions as to the future of United States security. I expect to go into these matters at a later time, but I would like now to stress that we appear to be rapidly diminishing our strength in conventional weapons and military manpower. A disarmament agreement should not reduce this strength relative to the Communist bloc. Inspection and control of armed forces and conventional armaments will be difficult and we should not enter into agreements to reduce them unless the control mechanism is adequate.

(d) Mr. Dulles was not clear on how many countries would be involved in a first step disarmament agreement. I would remind my friends that the Soviet Union is not the only Communist country which is capable of starting a war. In fact, in recent years we have seen how much destruction certain Communist countries can inflict.

(e) Mr. Dulles rightly stressed the importance of NATO and the countries of Western Europe in any disarmament agreement. Unfortunately, he did not mention that there are many other areas of the world which are interested and concerned about armaments and disarmaments and in which tension exists. These areas must not be forgotten as the United States plans its program for achieving peace throughout the world. This is true in a military, political, and psychological sense. Mr. President, all nations have a stake in disarmament. In Asia, particularly, we must consult with those countries with whom we have close ties and which have offered constructive and worthwhile suggestions for curbing the threat of war.

Mr. MORTON subsequently said: Mr. President, I was privileged to hear the Secretary of State last night address the Nation over the facilities of television and radio. I understand the minority leader [Mr. KNOWLAND] has already placed in the RECORD a copy of the Secretary's remarks.

I wish to comment on only one point which the Secretary developed last night. The Secretary emphasized the importance of nuclear tests to the security of the United States. He also pointed out that we could undertake the 10-month suspension of these tests without endangering our security.

Ten months is the normal cycle in the conduct of groups or series of tests. We would continue all the complex and time consuming preparations for the tests during the moratorium period. The tests would be resumed at the end of 10 months, unless sufficient progress should

have been made to assure the prevention of a surprise nuclear attack.

It seems clear to me that Russia will only initiate a nuclear attack if her leaders believe that such an attack will quickly destroy the power of the West to retaliate. It seems equally clear that this condition can only come about if the attack is staged as a complete surprise. If during the 10-month suspension of nuclear tests accommodations can be worked out so that it becomes impossible to launch a massive surprise attack, then indeed the world will have made progress.

We must bring to this problem of disarmament imagination, as well as caution. As the Secretary said last night:

> The risks of seeking to move forward are far less than the risks of being frightened into immobility.

I commend the Secretary of State for his able, timely, and penetrating presentation of United States disarmament policy.

THE BILLBOARD LOBBY

Mr. BUSH. Mr. President, a recent editorial in the Washington Post and Times Herald entitled "The Perfect Lobby," discusses the billboard lobby's campaign against effective legislation to protect the public against a rash of garish signboards defacing the landscape along the route of the 41,000-mile Interstate Highway System.

As the editorial points out, the billboard lobby's success in blocking this proposed legislation constitutes an extraordinary record. The editorial states:

> Federal funds will finance 90 percent of the cost of the new 41,000-mile Interstate Highway System, yet, in the last session of Congress, a billboard-control bill was blocked on the feeble grounds of "States rights." This session, the House has done nothing, while in the Senate a measure introduced by Senator NEUBERGER has been progressively whittled down until it is in some ways only a token measure. The Senate bill now provides that States agreeing to meet Federal roadside standards would earn an additional three-fourths of 1 percent in Federal funds.
>
> After weeks of stalling in a Senate subcommittee, when the bill was finally reported out it was inexplicably linked to a dubious proposal to add 7,000 miles to the Federal system. The patched-up, botched-up, thoroughly watered-down bill now languishes before the Senate Public Works Committee where Chairman CHAVEZ has made no move to call a meeting on the bill. In view of the civil-rights debate, its chances seem pretty bleak.

Mr. President, I hope that the Washington Post's estimate of the situation is wrong. While still a member of the Committee on Public Works early in the present session, I urged that effective billboard-control legislation be reported to the Senate at the earliest possible time. The bill now before the committee is entirely inadequate to do the job, and, in offering Federal funds as a carrot to tempt the States like rabbits, it adopts an extremely unsound approach. Should the bill be reported to the Senate, as I hope it will be, I intend to offer or support amendments to put teeth into it.

There should be a penalty for noncompliance rather than a bonus for compliance. It is usual to provide penalties for violations rather than bonuses for compliance with the law.

I ask unanimous consent to have the editorial to which I have referred printed in the RECORD following these remarks.

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

THE PERFECT LOBBY

Students of politics have traditionally listed veteran, farm, oil, and private utility lobbies as about the most powerful pressure groups. The list needs revising. Based on the record, the billboard lobby is surely entitled to consideration as the most effective political fixer on a single legislative issue. This lobby and its political helpers seemingly have thwarted the clear wish of Government officials, highway engineers, automobile associations, sportsmen, and just about everybody who has ever shuddered while driving through a roadway plastered with garish signboards.

It really is an extraordinary record. Federal funds will finance 90 percent of the cost of the new 41,000-mile Interstate Highway System—yet, in the last session of Congress, a billboard-control bill was blocked on the feeble grounds of States rights. This session, the House has done nothing, while in the Senate a measure introduced by Senator NEUBERGER has been progressively whittled down until it is in some ways only a token measure. The Senate bill now provides that States agreeing to meet Federal roadside standards would earn an additional three-fourths of 1 percent in Federal funds.

After weeks of stalling in a Senate subcommittee, when the bill was finally reported out it was inexplicably linked to a dubious proposal to add 7,000 miles to the Federal system. The patched-up, botched-up, thoroughly watered-down bill now languishes before the Senate Public Works Committee where Chairman CHAVEZ has made no move to call a meeting on the bill. In view of the civil-rights debate, its chances seem pretty bleak.

As Carroll Kilpatrick reported recently in this newspaper, part of the secret of the billboard lobby's power is that it slickly works both sides of the street; business groups pressure the conservative minded, while labor unions soften up the liberal legislators. It seems pretty certain that Congress, with scarcely a squawk of protest will hand the billboard business what Mr. NEUBERGER rightly calls a tremendous bonanza—a vast captive audience on a tax-built public highway. We wonder how Democratic congressional leaders will explain this giveaway when they again get around to telling the people how terrible the Republicans are.

FOREST ACCESS ROADS

Mr. NEUBERGER. Mr. President, one of the best investments which the United States makes in the management of its wealth of natural resources is the construction of forest access roads. The importance of this road program, and its present inadequacy, are tellingly described in an article in the July 1957 issue of American Forests by the able senior Senator from Washington [Mr. MAGNUSON]. From the vantage point of his position on the Committee on Appropriations, the Senator from Washington has been particularly well placed to comment on the changes in budget policies which are needed for an economical forest-access-road program.

Along with four other Senators, the Senator from Washington and I have cosponsored S. 1136, a bill to bring the access-road program up to its needed size by a series of graduated increases. This bill is before the Committee on Public Works, on which I am privileged to serve.

In the light of recent recommendations from the General Accounting Office and in a report of the Appropriations Committee, I wrote the distinguished chairman of the Public Works Committee, the senior Senator from New Mexico [Mr. CHAVEZ] on July 18, 1957, to suggest that hearings on access-road construction might well be held this autumn in the Pacific Northwest, the region most intimately concerned with this question. The Senator from New Mexico very generously approved of my suggestion, and we may now look forward to a committee study this year of the matters which the Senator from Washington discusses in his excellent article in American Forests.

Mr. President, I ask unanimous consent to include in the body of the RECORD the article by the Senator from Washington in American Forests, my letter to the chairman of the Committee on Public Works, and his reply to me.

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

NEEDED: MORE ACCESS ROADS

(By Senator WARREN G. MAGNUSON, of Washington)

Americans have an avid and growing distaste for poor roads. They neither like to drive over poor roads, pay for them, nor will tolerate them longer than forced to do so.

Approval of the National Highway Act by the 84th Congress proved this in my mind.

Americans look forward to the results this national highway program will produce. They anxiously await its completion as each mile of concrete and blacktopping is applied.

But only part of the fight is won. Successful as the interstate and intrastate highway expansion program has been, long overdue attention is only now being given to another little heralded, long suffering, but vital national backbone highway service.

I refer to that vital network of timber access roads over which must move heavy equipment to halt fire or pestilence on a moment's notice, or proceed in orderly fashion to harvest ripened trees.

Frankly, to date, this program has been sold short by a Federal policy which permits commingling of new construction money within a Forest Service budget which also pays design, maintenance, and repair costs.

In one breath, Congress has appropriated money to build new timber access roads. But seldom—if ever—enough money was appropriated—directly—to meet the full need.

Instead, a roundabout approach was used. The Forest Service used the appropriated money until it ran out. Then it said, in effect, to the prospective timber purchaser, "The Federal Government can build no more access roads this fiscal year—now you will have to build the road to the timber you are buying."

The answer of the timber buyer, in turn, had this simple logic, "I'll build the road but deduct it from the price I pay for the timber; and, by the way, since I have to build the access road, you, the Federal Govern-

ment, should offer me a block of timber for sale that is large enough to merit construction of the road."

The larger the block of timber placed on sale, the fewer the number of companies which could afford to bid, because only the larger concerns could finance this type of operation.

So, in addition to paying heavily for timber access roads built in this manner by having the construction cost deducted from the bid price, the Nation paid a further price through sharply reduced bid competition.

For confirmation of this, glance, for example, at the answers I received as a member of Senate Appropriations Committee, when I questioned Ervin L. Peterson, the Under Secretary of Agriculture, at considerable length at a recent hearing.

Peterson had explained how only $11,441,076 of the $30,951,122 fiscal 1956 access road budget had actually gone for timber access road construction. (According to Peterson, $3,376,135 had gone for engineering, $1,684,504 for trail maintenance, $7,500,952 for road maintenance, $4,555,652 for bridge replacement and $2,392,803 for all purpose roads and trails.)

Peterson had taken great care to point out that another $23,436,865 in access roads had been built by timber operators—those who had bought the Federal timber stands. So I asked him to "tell the committee how you secure this road construction."

Peterson explained "when it is necessary for timber purchasers to build roads in order to remove the timber which has been sold to them, the Forest Service makes an allowance for the estimated cost of such road construction in its appraisal to determine the advertised price of the timber."

"So, in a way," I answered, "you are using funds that would come to the Treasury if the roads were financed by appropriated funds?"

Peterson said he wouldn't express it "quite the way you have done," but added, "I do agree that regardless of whether the purchaser builds the roads or the Government builds the roads, the expense of the transportation system necessary to remove the timber comes out of the Government."

At this point we got into facts and figures which showed, quite conclusively, in my opinion, that when an expensive road had to be constructed to open a block of timber for harvesting the Government lost more than the cost of the road; it lost much of the spirited bidding which could have been otherwise expected, because only a large operator could afford to bid—the smaller operators had, in effect, been frozen out.

Only a few days ago, Senate Appropriations Committee expressly indicated, through language placed in the Forest Service fiscal 1958 budget, that a close and continuing study should be made.

The committee has directed the Forest Service to produce copies of all 1956–57 timber contracts in which it was necessary for private timber operators to construct access roads before the timber could be cut and removed.

The Appropriations Committee is interested in determining exactly what mileage is being built by direct appropriations over which Congress has direct control and what mileage is being built outside the Treasury beyond the control of Congress.

In reality, both those roads built by Government and by private operator are being built with Government funds because the private operator merely reduces his bid price until the cost of the road construction is covered.

Out of this study, or investigation, perhaps an equitable means can be found to build the badly needed network of durable, workhorse backbone timber access roads which finally can give the small timber operator an equal opportunity to compete.

UNITED STATES SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
July 18, 1957.

Hon. DENNIS CHAVEZ,
United States Senate,
Washington, D. C.

DEAR DENNIS: I am writing you with respect to S. 1136, introduced by Senators MORSE, MAGNUSON, MURRAY, MANSFIELD, JACKSON, and me, to increase the authorization for Federal construction of timber access roads.

I know that you have long had great interest in our national forests, both as chairman of the Committee on Public Works and as a member of the Appropriations Committee. Thus, I was very pleased to see the recommendations of the Appropriations Committee which are set forth in detail on page 24 of this committee's report on H. R. 5189, the fiscal 1958 appropriation bill for the Department of Interior and related agencies, including the Forest Service. Among its substantive findings, this report states that "it is the view of the committee that the Department and the appropriate legislative committees should review the timber access road needs to determine if it is in the interest of the Government to finance a greater portion of the total program from direct appropriations. * * * In reviewing this matter the Department and the committees should give consideration to the advisability of separate authorizations and appropriations for construction, maintenance, and engineering services for roads constructed by timber purchasers."

I believe that these recommendations reflect some of the substantial questions and suggestions brought up in the committee by Senator MAGNUSON, who is also a cosponsor of S. 1136. I also understand that the Comptroller General, whose recommendations are quoted by the Appropriations Committee, has reported favorably on this timber access-road bill, which is pending before our Committee on Public Works.

No hearings have yet been held on S. 1136. In the light of the recommendations cited above, and the general urgency of the access-road problem to the multiple-use forest programs, particularly in the West, I would like to suggest to you, as chairman of the Public Works Committee, that the Subcommittee on Public Roads be authorized to hold hearings on our forest-roads programs during the forthcoming recess of the Congress, including field hearings in the Pacific Northwest, where access roads to the national forests are of such special importance.

If you agree that such hearings ought to be held this autumn by the Subcommittee on Public Roads, it would, of course, be my hope that Senator ALBERT GORE would be able to preside as chairman. As a member of the subcommittee, I would be pleased to be present and available for such hearings. If you approve the holding of the hearings, I shall be glad to work with Senator GORE and other interested Senators in preparing an itinerary of locations convenient for the committee, where the problems under consideration are of particular interest.

You may recall that the Committee on Interior and Insular Affairs held extensive hearings 2 years ago on Federal timber sales policies, which resulted in several significant findings and recommendations including the subject of timber access. We were greatly aided at that time by having available to us Mr. Robert Wolf, of the staff of the Comptroller General, who has been on loan to the Interior Committee. Mr. Wolf has had much experience in forestry, mostly in the West, and is thoroughly acquainted with forest-road matters.

I believe it would be of real value in the Public Works Committee's consideration of these matters to have Mr. Wolf's services, and I am confident this could be arranged with the Interior Committee and the General Accounting Office.

I hope you will find it possible for our committee to schedule these hearings, and I shall be glad to discuss with you further any questions or thoughts you may have concerning this suggestion.

With kind regards, I am,
Sincerely,

RICHARD L. NEUBERGER.

UNITED STATES SENATE,
COMMITTEE ON PUBLIC WORKS,
July 20, 1957.

Hon. RICHARD L. NEUBERGER,
United States Senate,
Washington, D. C.

DEAR DICK: With reference to your letter of July 18 with respect to S. 1136, may I say that your suggestion about holding hearings in the Forest Service States of the West meets with my approval.

I am consulting members of the Public Works Committee as to their available time after Congress adjourns and hope that hearings can be arranged.

With personal regards, I am,
Sincerely yours,

DENNIS CHAVEZ,
United States Senator.

SUPPORT BY AMERICAN BUSINESS LEADERS FOR FEDERAL AID TO EDUCATION

Mr. NEUBERGER. Mr. President, as the House of Representative makes ready to vote on the vital bill for Federal aid to schools, it may be appropriate that some of us on the other side of the Capitol do all we can to bolster and fortify those who are fighting in behalf of a crucial program for the children, teachers, and parents of America.

This can best be accomplished today, in my opinion, by including in the CONGRESSIONAL RECORD a splendid editorial from the Washington Post and Times Herald of July 23, 1957, as well as a most encouraging advertisement which occupied nearly all of page A23 of that same newspaper.

I refer to the advertisement as "encouraging" because it effectively refutes the false claims of the United States Chamber of Commerce that almost all of American business opposes Federal aid to schools. The title of the advertisement is "A Joint Statement by Business Leaders on Behalf of an Emergency Program of School Construction." The display then gives solid and documented reasons why the very modest and already modified bill before the House of Representatives should become law, if the Nation's educational obligations are to be fulfilled.

All of the business leaders indorsing the advertisement will appear with the ad itself, but a few of their names will demonstrate the caliber of the people who have thus been willing to break away from the reactionary leadership of the United States Chamber of Commerce. They include Frank Stanton, president of the Columbia Broadcasting System; Eric Johnston, president of the Motion Picture Association of America; William Benton, former United States

Senator and president of Encyclopedia Britannica; Walt Disney, the famous head of Walt Disney Productions; Dorothy Shaver, president of Lord & Taylor; William C. Foster, executive vice president of Olin-Mathieson Chemical Corp.; Barry Bingham, president of the Louisville Courier-Journal; Gardner Cowles, chairman of the board of Cowles periodicals; and many other business leaders too numerous to detail in my brief remarks.

I wish to commend and laud these men and women who have had the initiative and the understanding to disassociate themselves from the opposition to Federal aid to schools which has been expressed by the Chamber of Commerce of the United States. Enlightened business leadership will advance capitalism; backward and oppressive business leadership can only destroy our system. The men and women who have signed this advertisement realize that adequate education and good schools are essential to a prosperous and strong United States of America.

I ask unanimous consent that the Washington Post editorial, entitled "Children's Rights," and the aforementioned advertisement appear, Mr. President, in the body of the RECORD.

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

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

CHILDREN'S RIGHTS

Although it has been overshadowed by the civil-rights controversy, Federal aid to education—which might accurately be called a children's rights bill—is once more before Congress. The simple aim of this bill is to provide Federal financial grants to States in order to help them meet the crucial need for new school buildings. The country's public schools have been so long neglected and the school-age population has so far outstripped existing classroom capacity that a heroic effort must be made to meet the needs of children seeking an education in the years immediately ahead. These facts are set forth in detail in the page advertisement of the American Parents Committee appearing elsewhere in this newspaper today. Decent schooling is an elementary right of American children. Great numbers of children will be denied this right if a Federal aid to school-construction program is not adopted by Congress before adjournment.

Despite formidable hurdles in its path, an effective school-aid bill can be written into law during the present session of Congress on two conditions. One condition is that the House, which will take up the measure first, reject the specious and irrelevant race rider which Representative ADAM CLAYTON POWELL tacked onto the bill last year. This attempt to use Federal aid as a means of compelling school integration was a mischievous intrusion from the beginning, for the problem has been properly left to the courts. It is all the more out of place in a school-construction measure at this time because integration enforcement is being debated in the civil-rights bill.

The second condition requisite to enactment of school aid is clear and effective support from the White House. President Eisenhower has spoken in behalf of the measure, but his support has seemed partial and unimpassioned. If he wants it enacted into law, he will have to treat it as legislation of major importance and rally Republican Members of Congress behind it. The rights of the Nation's children deserve no less from the President of the United States.

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

A JOINT STATEMENT BY BUSINESS LEADERS ON BEHALF OF AN EMERGENCY PROGRAM OF SCHOOL CONSTRUCTION

THE IMPORTANCE OF THE PUBLIC SCHOOLS TO BUSINESS

The public schools are important to business primarily for three reasons:

(1) Fundamentally anything which is important to the welfare of the United States is important to business. Obviously business and industry can flourish only as the Nation flourishes. In this era when nations depend upon scientists and skilled manpower for their very survival, the public schools are the underlying structure upon which our whole defense system rests. In the long run the United States can be no stronger than its system of public education.

(2) Another stake which American business and industry have in the public schools stems from the fact that businesses and industries depend more on literate, competent workers and less on unskilled labor than ever before. The trend in this direction, accelerates every year. A good American school system is essential to educate the youth needed to carry on the businesses and industries of today and tomorrow.

(3) A variety of studies have shown that the level of economic prosperity in any nation is closely related to that nation's level of education. Educated people can produce more; they therefore earn more; and as a result they buy more.

THE CRITICAL CONDITION OF OUR PUBLIC SCHOOLS

For these and other reasons, American businessmen are deeply concerned about the state of public education in the United States. An examination of the facts shows that although great progress has been made, the schools have been unable to keep pace with the job that they need to do. Because there was little school construction during the depression of the 1930's and during World War II, and particularly because of the extremely high birthrate during and since the war, a drastic shortage of school buildings has developed.

Actually education in the United States is in a critical condition. A large percentage of our classrooms are much too overcrowded for effective teaching. Classes are being held in schools that are firetraps, and in basements, barns, and garages. And even more serious is the fact that hundreds of thousands of children have to attend school on a part-time basis—on double, even triple shifts. It is estimated that approximately a third of a million new classrooms (which will cost about $11 billion to build) are needed now to house adequately our 38 million schoolchildren. And in each succeeding year an additional 50,000 new classrooms (which will cost approximately $1,750,000,000) will be needed just to keep up with the increasing school-age population.

In the past money for school construction has been provided by the local communities themselves, usually with some help from State governments. The very existence of the huge shortage of school buildings demonstrate that the financial mechanisms of the past have been outmoded. Currently three-quarters of all taxes are collected by the Federal Government, and consequently many States and communities simply do not have enough money left to pay for the schools they need.

WE RECOMMEND

We consequently believe that an emergency program of school construction, financed in part by the Federal Government, must be undertaken. State and local governments must, of course, continue their efforts to pay as much as they can, but the help of the Federal Government is definitely needed.

The last session of Congress voted a long-term highway program, appropriating an average of about $3 billion a year to help the States to build them. The Federal Government also gives the States hundreds of millions a year to help them to build hospitals, airports, agricultural research centers, forest-fire stations, etc. We believe that schools are of at least equal national importance.

It has been demonstrated repeatedly that with the proper legislative safeguards, the Federal Government can be prevented from interfering in the management of schools even though it is helping to finance their construction. For many years there has been Federal aid for the land-grant colleges, the school lunch program, for vocational and home economics education, schools in federally affected areas, as well as the multi-billion-dollar educational benefits in the now-expired GI bill of rights, and there have been no complaints about Federal control or interference.

For the past decade there have been innumerable studies and much debate concerning the need for an emergency program of Federal aid for school construction. As a result virtually all leaders in the field of education agree that such a program is a necessity. The extent of this agreement was dramatized at the White House Conference on Education held in Washington in 1955. Leaders of both political parties are unanimous in calling for such a program.

We believe that the time for debate has ended and that the time for firm action has come. We therefore urge speedy passage of legislation enabling the Federal Government to participate in an emergency program of school construction.

(Signatures below do not commit others in the business firms with which the signers are associated.)

Eric Johnston, president of the Motion Picture Association of America and former president of the Chamber of Commerce of the United States, Washington, D. C.; Frank Stanton, president, Columbia Broadcasting System, Inc., New York; R. H. West, chairman of the board, Irving Trust Co., New York; Walt Disney, chairman of the board, Walt Disney Productions, president, Disneyland, Inc., Burbank, Calif. Sidney J. Weinberg, senior partner, Goldman Sachs & Co., New York, N. Y.; Nathan Cummings, chairman of the board, Consolidated Foods Corp., Chicago, Ill.; Hugh B. Patterson, Jr., publisher, Arkansas Gazette, Little Rock, Ark.; Ernest Kanzler, vice chairman of the board, Universal-C. I. T. Credit Corp., Detroit, Mich.; William Benton, chairman of the board of the Encyclopedia Britannica, Inc., New York, N. Y.; Jacob Blaustein, president, American Trading & Production Corp., Baltimore, Md.; James F. Brownlee, partner, J. H. Whitney & Co., New York, N. Y.; Bernard F. Gimbel, chairman of the board, Gimbel Bros., New York; Harry Scherman, chairman of the board, Book-of-the-Month Club, New York; Barry Bingham, president, the Courier-Journal and the Louisville Times, Louisville, Ky.; Abe Plough, president, Plough, Inc., Memphis, Tenn.; Stanley Marcus, president, Neiman-Marcus Co., Dallas, Tex.; Lawrence Valenstein, chairman of the board, Grey Advertising Agency, Inc., New York, N. Y.; H. T. Warshow, vice president and director, National Lead Co., New York; Louis J. Nelson, Geoffrey Wade Advertising, Chicago, Ill.; Edward Rose, president, Rose-Derry Co., Newton, Mass.; Robert H. Levi, president of the Hecht Co., Washington, D. C.; Frederick Machlin, president, the Armstrong Rubber Co., West Haven, Conn.; David Tishman, chairman, Tishman Realty & Construction Co., New York; Gardner Cowles, president, Des Moines (Iowa) Register and Tribune and Look magazine.

Harold P. Kurzman, president, Lily of France, Inc., New York, N. Y.; M. H. Blinken, president, Stein's Stores, Inc., New York, N. Y.; Harold Bache, senior partner, Bache & Co., New York, N. Y.; Allen L. Brassell, president, United States Testing Co., Inc., Hoboken, N. J.; Max L. Grant, president, Grant Money Meters Co.; president, Grant Supply Co., Providence, R. I.; J. Ballard Atherton, president, Hawaiian Telephone Co., Honolulu, T. H.; James H. Stone, president, The Stone Oil Co.; president, Oil Producers Service Corp., Cincinnati, Ohio; Robert Z. Greene, president, The Rowe Corp.; chairman, executive committee, Automatic Canteen Company of America, New York, N. Y.; James H. Becker, president, A. G. Becker & Co., Chicago, Ill.; L'Huillier S. Sheaff, president, Cushman & Wakefield, Inc., New York; A. M. Sonnabend, president, Hotel Corporation of America, Boston, Mass.; William E. Levis, director, Owens-Illinois Glass Co., Toledo, Ohio.; Samuel B. Lincoln, chairman of the board, Lockwood Green Engineers, Inc., New York, N. Y.; E. H. Kimball, vice president, Parade Publications, Inc., New York, N. Y.; A. J. Baird, president, Baird-Ward Printing Co., Inc., Nashville, Tenn.; Joseph S. Stern, chairman of the board, The United States Shoe Corp., Cincinnati, Ohio; Alfred B. Geiger, president, W. F. Hall Printing Co. and Chicago Rotoprint Co., Chicago, Ill.; William C. Foster, executive vice president, Olin Mathieson Chemical Corp., Washington, D. C.; Edgar Kobak, business consultant, New York, N. Y.; C. K. Blandin, president, Blandin Paper Co., Grand Rapids, Minn.; S. Abbot Smith, president, Thomas Strahan Co.; director, Sheraton Corporation of America, Weston, Mass.; O. C. Tanner, president, O. C. Tanner Jewelry Co., Salt Lake City, Utah; Edwin J. Putzell, Jr., corporation secretary, Monsanto Chemical Co., St. Louis, Mo.; A. J. Fink, chairman of the board, Pennsylvania Sand Glass Corp.; president, Southern Hotel Corp., Baltimore, Md.; Robert Finkelstein, president, Jacob Finkelstein & Sons, Inc., Woonsocket, R. I.; Simon Ottinger, vice president, United States Plywood Corp., New York; Walter Rothschild, chairman of the board, Abraham & Straus, Brooklyn, N. Y.; Robert L. Goldman, president, Independent Lithograph Co., San Francisco, Calif.; A. Wilfred May, executive editor, The Commercial & Financial Chronicle, New York, N. Y.; Edward L. Bernays, counsel on public relations, New York, N. Y.; Dr. William Menninger, executive director, The Menninger Foundation, Topeka, Kans.

Frederick W. Spiegel, vice president, Spiegel, Inc., Chicago, Ill.; Edward D. Feltenstein, president, Commerce Loan Co., St. Joseph, Mo.; Melvin C. Pierce, president, Pierce Pre-Cooked Foods, Inc., Moorefield, W. Va.; Franklin J. Lunding, chairman of the board, Jewel Tea Co., Inc., Chicago; Dorothy Shaver, president, Lord & Taylor, New York, N. Y.; Bernard V. Buonanno, general manager, Metro Atlantic, Inc., Centerdale, R. I.; William L. Batt, business consultant, former president, S. K. F. Industries, Philadelphia, Pa.; Irwin Miller, chairman, Cummins Engine Co., Inc.; chairman, Union Starch & Refining Co., Columbus, Ind.; Ernest O. Machlin, president, Art Color Printing Co., Dunellen, N. J.; J. Spencer Love, chairman, Burlington Industries, Inc., Greensboro, S. C.; Richard W. Lawrence Jr., president, Printers' Ink Publishing Co., New York, N. Y.; Herbert R. Abeles, president, Abeles-Lewit Co., Inc., N. Y.; Samuel H. Korn, vice president and treasurer, Bangor Mills, Inc., Bangor, Pa.; Edward Bransten, vice president, M. J. B. Co., San Francisco, Calif.; Ralph Lazarus, executive vice president, Federated Department Stores, Cincinnati, Ohio; Lewis H Avery, president, Avery-Knodel, Inc., New York, N. Y.; Ralph McQuaid Jr., vice president, Westgate-California Tuna Package Co., San Diego, Calif.; Richard L. Griggs, former president, Northern Minnesota National Bank of Duluth, Minn., and director of the Greyhound Corp., and the Minnesota Power & Light Co.; Roland H. Guinzburg, president, I. B. Kleinert Co., New York, N. Y.; vice president, College Point National Bank, College Point, N. Y.; Ralph B. Johnson, administrative vice president, Hawaiian Electric Co., Honolulu, T. H.; Madison H. Lewis, director; The Borden Co., New York, N. Y.; George J. Hecht, president, Parents' Institute, Inc., and publisher, Parents' Magazine, New York, N. Y.

(Inserted by the American Parents Committee, Inc., Washington, D. C.)

PUBLIC HEALTH EDUCATION AND THE IMPACT OF CIGARETTES

Mr. NEUBERGER. Mr. President, I believe all possible information concerning cigarettes and human health should be available to the American people. The public is entitled to the truth, particularly if excessive and indiscriminate use of cigarettes can be regarded in any way as a causative factor in inciting the terrible disease known as cancer of the lung.

A fair, thorough, and factual analysis of this entire issue appeared in the New York Sunday Times of July 21, 1957, under the byline of staff writer, William M. Blair. The title of the article was "Huge Tobacco Industry Again on the Defensive." Mr. Blair reported my own bill to take tobacco out from under its privileged status in price-support payments and soil-bank contracts, and he discussed the efforts of the tobacco industry to retain its customers through extensive advertising programs.

In the Washington Sunday Star for July 21, 1957, was published an article entitled "Some Abatement in Britain," which told of the campaign by the British Ministry of Health to have local health authorities inform the British public of the health risks involved in smoking.

In the thought that these stories impart much useful and essential information, I ask unanimous consent, Mr. President, that they appear in the body of the RECORD.

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

[From the New York Times of July 21, 1957]

HUGE TOBACCO INDUSTRY AGAIN ON DEFENSIVE

(By William M. Blair)

WASHINGTON, July 20.—After 2 years of relative calm, the cigarette-cancer controversy has been rekindled by the United States Public Health Service.

The Service's carefully worded announcement that there was increasing and consistent evidence that excessive smoking was a factor in cancer aroused the tobacco industry into a counterattack at a time when it believed the issue was dying from lack of nourishment.

A followup Congressional inquiry bids fair to giving longer life to sharply differing views on the subject. The Senate received a bill this week to cut off Federal farm price supports and soil bank payments to tobacco growers. It was spurred by the belief that there was a ridiculous element in the Public Health Service's cautioning Americans about smoking while the Government spent money to support tobacco production.

QUICK REACTION

Congress also heard the suggestion that cigarette manufacturers be required to paste a label in each package saying the product might cause cancer.

The tobacco manufacturing industry reacted quickly, matching statement for statement in and out of Congress. The industry finds itself back on the defensive at a time when Americans are reaching for more cigarettes after reaching for fewer between 1953 and 1955.

The industry is dominated by 6 companies with 98 percent of the tobacco business. The American Tobacco Co. is the leader with an estimated 30 percent of the business, followed by R. J. Reynolds with 26 percent. The others are Liggett & Myers, 16 percent; Brown-Williamson, 12 percent; Philip Morris, 9 percent; and P. Lorillard, 5 percent.

These companies own most of the 50 cigarette factories in the country. There are some 2,000 cigar factories whose individual business is small. In addition, there are about 300 other factories engaged in tobacco processing.

INDUSTRY EMPLOYMENT

These factories employ about 500,000 persons in processing products with a retail value of $5,600,000,000 and a value to some 3 million persons on 700,000 farms of $1,200,000,000. The trade estimates 1,300,000 persons are engaged in wholesale and retail outlets, but this covers all types of sellers, including employees of drugstores and other establishments dispensing other products as well as tobacco.

About four-fifths of the tobacco crop goes into the making of cigarettes. Tobacco ranks near the top in cash value among farm crops, but near the bottom in acreage. Grown from New Hampshire to Florida and as far west as Minnesota, tobacco comes in many different kinds and varieties of leaf. Nearly all leading brands of cigarettes now are blends, with mixtures varying in the amount of flue-cured leaf, burley, and Turkish tobacco. They also contain a moistener and some a flavoring.

Cigarette manufacturers, engaged in a hot competitive fight among themselves as well as warding off the cancer issue, are reluctant to disclose their secrets.

Nevertheless, a dramatic change is taking place in the industry. Filter cigarettes are using less tobacco. A new process of using stems and pieces that formerly were thrown away is gaining in the trade. This means more profits as sales soar.

In its latest tobacco report, the Agriculture Department noted that while cigarette output was running 3 percent above 1955–56, indications were that the utilization of flue-cured and burley tobaccos had not increased.

"More cigarettes are being manufactured per pound of leaf tobacco than formerly," the Department said. "Filter-tip cigarettes, which continue to gain, take less tobacco per cigarette than those without filters. The use of processed tobacco sheet and stems and more efficient machinery also make it possible to get more cigarettes from a given quantity of leaf tobacco."

The new process involves grinding stems, fragments, and broken and inferior leaves. The particles are mixed with a binder and rolled into a sheet. The sheet is dried and shredded and blended with higher-grade tobaccos for cigarettes. This process has become known as homogenization. Some estimates place the cut in tobacco costs as high as 50 percent. Some trade spokesmen contend that this manmade leaf is milder and more favorable than natural leaf because the blending can be controlled.

MAKERS RETICENT

Tobacco growers' fears over the increasing use of homogenized tobacco brought a Congressional hearing last year, but manufacturers were extremely reticent about the new process.

According to estimates, three-quarters of the cost to the manufacturer of a cigarette

goes for tobacco. Since filtertips take less tobacco and can be made with processed sheets, but sell for more per pack than nonfilters, the manufacturers stand to save considerable money.

The filter elements cost only a fraction of the same amount of tobacco.

The Agriculture Department also reported there had been a reduction in the length and circumference of cigarettes with the introduction of filtertips. It estimated that based on lengths and sizes manufacturers saved from 7 to 14 percent in tobacco in a filtertip.

In 20 years the price of cigarettes has risen from 13 cents a pack to 25 cents on the average. Taxes are taking a bigger slice than before. The Federal excise tax is 8 cents a pack and States add an average of nearly 4 cents. The industry estimates tobacco companies pay $2,200,000,000 annually in direct taxes and $500 million in corporate and other taxes.

TOP IN ADVERTISING

Contrary to public belief, the industry insists it spends less than a fourth as much for advertising as for tobacco, but the Big Six of the industry rank at the top of leading national advertisers in all mediums.

The advertising has shifted with the public winds over the years. Previously the emphasis was on health, with such slogans as "Guards against throat scratch" and "Safe for your T-zone." Those catch phrases led to conflict with the Federal Trade Commission, which 2 years ago laid down a guide to its staff in judging cigarette advertising. The guide included cautions against claims of medical approval, references to the effect of smoking on nerves, noses and other parts of the human body and claims on nicotine and tar content.

This guide followed the first impact of the cancer controversy. The manufacturers shifted tactics. Now the emphasis is on pleasure and taste. Some students of the business say that the cancer problem threw a scare into the industry from which it has not yet fully recovered.

[From the Washington Star of July 21, 1957]

SMOKE ABATEMENT IN BRITAIN

In England, as in the United States, there is growing concern over evidence that cigarette smoking is a primary cause of lung cancer. By providing local health authorities with posters proclaiming findings on the cigarette-cancer relationship, the British Government has taken one small step toward official discouragement of smoking, and there is much discussion as to whether it should go further. Condensed below is a recent article from The Economist exploring some of the possibilities and pitfalls of government action in this field.

About 6 or 7 cigarettes a day are smoked, on the average, by the adult population of Great Britain. Since about two-thirds of men are cigarette smokers and rather more than one-third of women, the smoking population gets through about a dozen cigarettes a day.

Between the wars the amount of tobacco consumed in the form of cigarettes doubled; and since the beginning of the second war, total expenditure on cigarettes (at constant prices) has increased by about a third.

Looking back, the social historian of the next century will regard cigarette smoking as the great vice of this age, just as the 18th Century is now associated with the drinking of port and gin.

There are fashions in vice as in most other things, and it may be that, left to itself, cigarette smoking would fall into a decline and be replaced by a far worse habit—swallowing tranquilizers, for instance. But cigarette smoking is not to be allowed to die a natural death.

MOUNTING PRESSURE ON OFFICIALDOM

Slowly, but surely, officialdom in this as in other countries is going to be forced to try to hurry its death along—as a result of the apparent connection between the steady increase in cigarette smoking over the last generation and the frightening increase in deaths from lung cancer over the last 10 years.

The British Government's reliance on local health authorities to inform the public of the risks of smoking so that people can make up their own minds whether to give up or not, will be widely regarded here as about the least it could decently do.

Should the Government have gone further? Any official campaign to reduce smoking starts off on an entirely different footing from other campaigns in the interests of health or safety.

In diphtheria immunization, mass X-ray for discovering tuberculosis, road accidents, it is not just the life or health of one person that is at stake; infectious diseases and road accidents affect the community as a whole.

Now for the first time, the Government is taking action to counter a disease that is of direct concern only to the individual.

There is a question of personal freedom here—or rather of treating smokers as adults, and also a nagging question of precedents for the future.

If—and it is not impossible—a direct connection is definitely established between a high fat diet and deaths from coronary disease of middle-aged men, are we going to be officially warned against eating butter and cream? If so, where will it all end?

In these different circumstances, the Government cannot be blamed for walking warily, and it is because of these different circumstances that pleas for bans on smoking in cinemas, in certain forms of transport and elsewhere should be regarded dispassionately.

There are, and have always been, reasons for banning smoking in public places—reasons of nuisance to nonsmokers and reasons of public health, for smoke provokes coughing; the case for a ban in cinemas is more widely conceded abroad than it is here. But the rise in lung cancer mortality adds nothing to these reasons.

For the young, on the other hand, different considerations do arise. At the age of 15, they cannot be expected to appreciate the risks of dying from lung cancer in their 40's, 50's or 60's.

If specific bans would help to discourage the young from starting smoking, they should be considered. At the moment, all that can be said is that diminished opportunities might well reduce the amount of smoking—just as diminished opportunities have been shown to reduce other forms of vice—without stopping it altogether.

SUBTLE STEPS NEEDED

So far as young and old are concerned, the cigarette habit would be more likely to be drastically modified, in the long run, by subtler means. The case for increasing the tax on cigarettes, and reducing it on cigars and pipe tobacco, would be a good one—but for the fact that its immediate effect on cigarette smoking might merely be to make more people roll their own.

If the tobacco manufacturers take the present threat to their industry seriously, which they have not yet sufficiently done, they may gradually suggest to consumers that pipe smoking is more manly than cigarette smoking (though not, with suitable modifications, unfeminine).

If Hollywood takes up the idea, the ideal man may be depicted as a Baldwinesque figure, with pipe always in hand or mouth.

In the meantime, the Government for its part should not allow itself to be pushed too hastily, and too far away, from the fence it has begun to climb down from so cautiously. Nor should smokers fool themselves by pretending to believe that the reasons why the Government has got off that fence do not exist.

MILITARY PLANNING

Mr. SALTONSTALL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article which appeared in the July issue of the United States Naval Institute Proceedings.

Because I feel that the issue dealt with is extremely important and the treatment of it by the author, Col. James D. Hittle, splendid indeed, I believe it would be appropriate to bring the article to the attention of the Senate.

Colonel Hittle, who is the Commandant's Legislative Assistant, is a student of military organization and history. In addition to his works on national defense organization. Colonel Hittle has written a number of fine articles on the strategy and objectives of the Soviet Union.

This article very effectively discusses the fundamental military, political, and historical reasons why the United States-developed defense organization is superior. Colonel Hittle points out the soundness of the National Security Act as affirmed by the report and findings of the Hoover Commission Task Force on National Security. I commend this as an informed and objective discussion of a vital national concept.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). Is there objection to the request of the Senator from Massachusetts?

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

MILITARY PLANNING AT THE SEAT OF GOVERNMENT

(By Col. J. D. Hittle, U. S. Marine Corps)

One of the most persistent issues of modern times is the controversy over defense organization at the seat of government.

In essence the issue is a clear-cut one and centers on the question of whether or not our Nation should discard the Joint Chiefs of Staff as the top military planning agency and replace it with the Prussian-German type single chief of staff and supreme general staff system.

Congress, in writing the National Security Act of 1947, as amended, established the JCS under law as the top military planning agency of government. In that same law Congress specially prohibited the adoption of the supreme general staff system. Despite that determination, the advocates of the supreme high command system have continued to criticize the JCS concept and to seek to replace it with a form of supreme general staff under a single Chief of Staff.

Avocates of a single chief of staff over the Armed Forces of the United States base their proposition upon the argument that since troops in actual combat require a single commander it logically follows that there should be a single military commander in Washington over all our Nation's Armed Forces.

This proposition is simple, appealing, and superfically logical. But on analysis, its appeal dwindles and its inherent illogic is disclosed. The attractive simplicity of the argument, like any over-simplified thesis, is deceptive. It deceives because it offers what so many seek—an easy, simple solution to a very complicated problem.

Mr. Ferdinand Eberstadt, who served as Chairman of the Hoover Commission Task Force on National Security and who is recognized as one of the world's leading authorities on defense organization, has pointedly warned of the dangers in accepting the single chief of staff concept in the hope of achieving greater strength, harmony, and efficiency. Pointing out that such hoped-for results were not only illusory but that a single chief of staff system would actually weaken our defense posture, Mr. Eberstadt stated:

"The arrangement suggested [single chief of staff] might, it is true, result in an apparently more harmonious military establishment, but it might also result in a weaker one. Whenever there are strong differences of opinion or difficult problems, there is a human tendency to seek the one-man solution. Our generation has had painful opportunities to observe the dangers of this course."

Accordingly, field or theater commanders do not have the responsibility for determining our Nation's basic strategy; they merely implement it. This points up the very fundamental difference between planning at the national and lower levels—planning at the seat of Government originates the national strategy. Subordinate theater commanders carry out such strategy as it applies to their respective commands.

Determination of the basic national strategy involves the application of the national war potential. What a nation should do—and can do—is not only a military decision; it is a political, industrial, agricultural, and economic one as well.

Such decisions involve the composition of military forces, the allocation of material and manpower to those forces, the manner in which those forces are to be employed on a global basis, and the planned coordination of such effort with allied military forces.

These are all matters of such breadth and size as to be fundamentally different from planning of theater or combat-unit commanders. No theater or unit commander—not even the top generals in Europe or the senior admirals in the Pacific in World War II—dealt with problems of such strategic magnitude and economic implications as those which confronted the Joint Chiefs of Staff in Washington in World War II.

At the national level, political, industrial, economic, and agricultural factors must be integrated with the purely military features of the plan. At lower levels, the commanders do not directly concern themselves with the integration of the Nation's industrial potential into their specific combat plans. Rather, they work with the results of the industrial support which is the material allocated to their commands in accordance with the basic strategic plan formulated at the national level.

Obviously, the decisions as to national strategy, involving compensation of forces and industrial-economic requirements, set in motion a vast and ponderous military effort, an effort so great that it cannot be quickly or easily changed. For instance, the commitment of all available amphibious forces to a certain objective in the Far East would not permit withdrawal or diversion to a Mediterranean objective except over a considerable period of time and at the cost of changing the whole war plan of both theaters. A war plan that involves a major effort in southeast Asia would require different equipment, hence a different industrial support program from that for a desert operation in north Africa or the Middle East.

This is one reason why basic strategy decisions as to the conduct of global war must be correct decisions to start with. The course of global strategy and a supporting industrial program cannot be changed except at great risk and cost to the national war effort. For that reason, correctness—not speed—of decision at the national level is of paramount importance. Speed of arriving at the decision is of secondary or even less importance.

Such examples serve to illustrate the unique problems of military direction at the seat of government. Almost as important is the difference in magnitude of the problems faced at the national level. It is manifest that the scope of global war is greater than that of any of the combat theaters or individual commands.

The inescapable and overriding fact is that national strategy must be correct, for an error in strategy at the national level can seldom be rectified.

Such, however, is not the case at operational levels. For example, an error at the combat level, although serious, can, by able leadership, very often be corrected, with the result that such reversal is but a temporary setback and does not preclude success of the overall national strategy. For instance, the German breakthrough in the Battle of the Bulge was a serious operational reversal. However, the situation was corrected by the combat commander of the forces involved. This illustrates how an error below the national level was rectified in a relatively short time, with the result that success of the overall national war plan was not fundamentally endangered by that temporary local reversal.

Although speed is not a primary requisite of military planning at the seat of government, the Joint Chiefs of Staff has proved itself capable of rapid decision when necessary. In 1945 the Joint Chiefs of Staff altered Pacific strategy by moving up the attack on Leyte to 2 months ahead of schedule. The decision, according to Admiral King, was made and the directive was in the hands of General MacArthur and Admiral Nimitz in 90 minutes.

A single commander can, and should, make the decisions at lower levels, particularly in combat. An able man, properly trained, is capable of commanding a specific area or combat force. But one military commander is not capable of directing national overall war planning and commanding all of a nation's forces in a global war.

The military chief of Army, Navy, Air Force, or Marine Corps comes to be head of his own service after about 30 years of training and experience in his service. He cannot be equally expert in the field of the other services. Nor can he, at the same time, be an authoritative expert in fields of agriculture, finance, industry, transportation, and the other factors on which a national war strategy is based.

It was recognition of this fact that led the late James Forrestal to state: "The strategic decisions as to the conduct of global war are beyond the capacity of any one man, even when assisted by a brilliant and competent staff."

Advocates of a single Chief of Staff further contend their system would improve the present Joint Chiefs of Staff system by increasing the efficiency of military direction at the seat of government.

A brief review of the history of the single Chief of Staff system is useful in making an analysis of its applicability to the United States security organization.

The single chief of staff concept was a key feature of the Prussian-German system of high command, which system found its immediate genesis in the armies of Frederick the Great.

Frederick the Great was, in practice, his own single chief of staff. He was head of the state and commander of the armed forces. Certain facts with respect to his armed forces are pertinent in evaluation of appropriateness of his command system for United States purposes.

(a) His "armed forces" were army (ground) forces.

(b) He was not confronted with problems of coordinate employment of ground, air, and naval forces.

(c) In Prussia, Frederick was an absolute monarch. He was the government. When he assumed field command in warfare, his was the highest command level; there was no coordinating higher command at the seat of government. He was the "Emperor-War Lord."

(d) Supreme command at the national level moved with Frederick.

(e) The scope of Frederick's warfare was small in comparison to the United States global war effort of World War II.

(f) Frederick the Great, at his greatest victory, Leuthen, in 1757, commanded a Prussian Army of 36,000. This is but slightly more than half the number of troops engaged in the 8½ square miles of Iwo Jima in World War II.

There is no question that the single chief of staff system was successful in the Prussian armies of Frederick. But, those who would apply his methods to modern global war should recall that the force with which Frederick won his greatest battle had slightly more than the number of men in two present-day divisions.

A single commander still represents the proper, and successful, command method for combat forces in the field. But history, the growth of nations, the development of air and naval weapons, and the march of the industrial revolution have vastly enlarged the scope, complexity, and nature of a nation's war effort from what it was under Frederick in the mid-18th century.

The geographic scope and technology of warfare has increased faster than a single man's ability to control it. In the days of Frederick and his successful use of the single chief of staff system one man, astride a horse on a slight rise of ground, could personally manage and direct a nation's armed forces.

While the geographical scope and technological complications of war continued to increase, the single chief of staff—or single commander—system failed to keep pace. The industrial revolution—and with it warfare—was progressing faster than the abilities of one-man management.

Such a situation should have been recognized by any thoughtful military observer of the Napoleonic period. Yet, Napoleon, at the zenith of his military genius, was one of history's greatest military commanders. However, Napoleon was faced with a problem that did not confront Frederick—the simultaneous strategic employment of land and naval forces.

Napoleon, victorious on land, did not comprehend sea power or naval problems. The result was loss of control of the seas and eventual exhaustion of France. Napoleon failed to recognize that the single chief of staff was a device that Frederick had developed for continental European land warfare, and that it was inadequate to the requirements of even early 19th century conflict involving both land and sea operations.

Even under Napoleon's military genius, the effectiveness of the single chief of staff concept ended at the water's edge.

Today, with the rapid development of aerial weapons and warfare, it can be truly said that the effectiveness of the single chief of staff concept extends neither beyond the water's edge nor beyond the mountain's peak.

The single chief of staff concept is a product of continental land warfare, designed and brought to a 19th century high point of efficiency by military commanders who possessed a land-locked military intellect, fighting land-locked battles.

As to the history of the single chief of staff system, the Prussians used it effectively in the short wars against Denmark and Austria in the latter half of the 19th century. The

Franco-Prussian war of 1870 was the latest—and last—success of the Prussian single chief of staff system.

All these wars were typical examples of the land warfare of continental Europe. They were, in a sense, the last of Western Europe's small wars, for they were dwarfed by the magnitude of World Wars I and II.

The same kind of Prussian command system that proved so successful in the Franco-Prussian War of 1870 failed in World War I. In that war Germany's national strategy was handicapped by a failure to understand sea power. Historians recognize the inability to employ properly her powerful surface and submarine fleets were major factors in her defeat.

Furthermore, the inadequacies of the single chief of staff—national general staff—were certainly not limited to a failure to understand sea power. Actually, the incompetence of the German supreme high command system was demonstrated virtually throughout the entire spectrum of the war.

This failure to cope with the complexities and magnitude of a great modern war effort was also illustrated by strategic inflexibility, an ivory tower attitude toward actual combat problems, and a desire to control the national economy but an inability to do so. In World War II German strategy, still largely directed according to the Prussian command concept, suffered from a misuse of sea and air power. The manner in which the German supreme command, aided by Hitler, stripped the navy of its aviation at the critical point in the Battle of the Atlantic was good for the Allies, but it was a crucial error for the Germans.

The supreme command system of the 17th and 18th century continental warfare had proved incapable to the demands of global war in the 20th century.

That Prussian concept of the single chief of staff for all the armed forces fails, too, because the influence of the industrial revolution has made the concept obsolete. The whole trend of human endeavor since the advent of the industrial revolution has been toward size—larger factories, larger communications systems, larger nations, larger armed forces, and larger wars.

One-man control in almost all fields of endeavor gradually gave way to the demands for effective management as the industrial revolution made itself felt. In a real sense, it can be said that the single chief of staff concept became obsolete for essentially the same reason that the craftsman-proprietor system was incapable of directing the huge factories that came into being in the latter 19th and early 20th centuries. The whole pattern of management was away from one-man direction and toward a form of corporate direction, such as the now prevalent board of directors system.

In the field of political science, too, the industrial revolution ended the days of simple government and hastened the end of absolute monarchies based upon one-man control of the nation. The demise of absolute monarchies was not due only to philosophical reasons. It was due, also, to the very practical reason that as government became increasingly complex, no one man possessed the ability to cope with all its increasing complexities. The result was a trend toward ministerial and parliamentary forms of governmental direction, all providing for a broader participation in governmental control.

Just as the industrial revolution eclipsed one-man direction in economic and governmental management, it likewise rendered obsolete one-man military direction of a nation's armed forces.

The United States Joint Chiefs of Staff system constitutes an historic improvement over the old-fashioned single chief of staff concept of Frederick the Great.

As pointed out, alacrity in deciding matters of national security policy is far less important than correctness of decision.

Ferdinand Eberstadt, Chairman of the Hoover Commission Subcommittee on National Security, summed up the issue by stating:

"The choice in the strategic planning area lies between an organization headed by one man and a joint organization such as our Joint Chiefs of Staff. The first type of organization insures speedy action, but at the cost of a marked increase in the probability of fatal mistakes. A deliberate approach is acceptable in military planning in contrast with execution of plans whose prompt action is the primary requisite."

The deliberative process followed by our JCS system is manifestly superior to one-man direction. Under the JCS, each member, an expert in a major aspect of warfare, contributes to the solution of the problem at hand. No one person functioning as a single chief of staff could know as much about the problems and capabilities of the Air Force, the Army, the Navy, or the Marine Corps as the heads of respective services. The corporate mind of the JCS will always possess greater knowledge of war than could the mind of any single chief of staff.

The corporate nature of our JCS was proved responsive to our peculiar national security requirements in World War II and wholly consistent with the historical trend away from the single chief of staff concept. Viewed in its proper historical perspective the JCS system is a progressive, modern, military planning system for our Armed Forces.

The ability of a single chief of staff to terminate discussion is at best a dubious argument. A single chief of staff would have been able, in the 1930's, to terminate discussion as to whether the Army's liquid-cooled aircraft engine or the Navy's air-cooled engine was superior. Such a decision could have ended competitive interservice research and development. Concentration on one type of engine would have saved money. But, if a single chief of staff had decided against the Navy's air-cooled engine, he could well have lengthened World War II. By that one decision he certainly would have terminated discussion, and possibly even our existence as a free Nation.

Also, if the United States Armed Forces had been subject to a single chief of staff in the years prior to World War II, it is highly probable that we would have entered the war without an amphibious doctrine which proved so essential to Allied victory. It is a matter of historical record that only the Navy and Marine Corps saw the need for, and developed, amphibious methods.

It takes little imagination to visualize how proposals for spending money and effort to perfect amphibious warfare would have fared under a nonnaval philosophy of war.

But, because there was no single chief of staff with the power and inclination to choke off post-World War I amphibious developments, the Navy and Marine Corps did develop an amphibious doctrine, as well as close support and carrier aviation. All such lines of military development would have been casualties under an extreme land-power or strategic-airminded single chief of staff.

It is not alone a matter of seapower being dominated by a single chief of staff having land or air power views. It would be equally wrong for a naval-minded chief of staff to decided what was right for land or airpower.

Again Mr. Eberstadt succinctly analyzes the issue, stating:

"However, in the requirement for unanimity there also lies the fundamental strength of the Joint Chiefs of Staff. Free expression of opinion is had at the highest level, and all sides of a problem can be thoroughly examined. This avoids the danger of serious mistakes inherent in any setup where final military control is lodged in the hands of one man. Any professional military man chosen for such a position would necessarily come from one of the services and would remain subject to the influences of this early training. This has been the result in other countries whenever overall military control has been exercised by one man."

The advantages of coordinate planning of the JCS system as compared to the quick decisions of a single chief of staff were readily recognized by the Hoover Task Force:

"There has been much loose criticism of the war effort of the Joint Chiefs of Staff as constituting a 'command by committee'; yet there can be no doubt whatsoever that in the broad field of grand strategy a meeting of several minds is far safer—and in the end more sound—than the dictates of one. The responsibilities for strategic planning and the conduct of war are soundly on the shoulders of the Joint Chiefs of Staff who, in turn, are under the authority, and subject to the control of, the President and the Secretary of Defense. There should be no change in this concept."

Those who would control or supplant the JCS with a single chief of staff also contend that a single commander would eliminate bickering in the JCS. This is not a pertinent argument, for there is no evidence that there is bickering in the JCS. That there was none during World War II is apparent from the statement of Admiral King:

"There was never any quibbling that I know of; certainly not at the level of the JCS."

Neither does the contention that the JCS can't reach decisions by unanimity hold up under factual analysis. The late James Forrestal blasted the myth of JCS indecisiveness by stating that he doubted "if there were more than two or three issues (in World War II), on which agreement could not be reached," and which had to go to the President for resolution. Mr. Forrestal amplified his views in support of the JCS unanimity procedure by observing:

"I know that mistakes of judgment are far less likely to occur if the proponent of any plan or idea has to justify his case before a group of intelligent partners."

A prime advantage of the JCS system over the single chief of staff is that the JCS system combines authority with responsibility. This is achieved through the dual status of the chiefs of their respective services also being the members of the JCS. By such an organizational device those who make the plans (the JCS) are the ones who will, as uniformed chiefs of services, be responsible for executing those plans.

In 1946 the British Government conducted an intensive study of defense organization. That study consisted, principally, of an analysis and comparison of the German single chief of staff system and the British system which is essentially similar to our JCS concept. That study was published as a Government white paper.

The white paper pointedly rejected the supreme high command concept, stating, in part:

"The German system failed because the planning staffs of the O. K. W. (the supreme command) were not drawn from the headquarters of the three services. The plans they produced had later to be handed to those headquarters for execution and were often found to be unrealistic. The cleavage between planning and execution set up dangerous antagonisms, and entirely nullified any theoretical advantages of the German system.

"It has always been a cardinal principle of the British organization that, alike in the Chiefs of Staff Committee and in the Joint Staffs, it should be the men responsible in the service departments for carrying out the

approved policy who are brought together in the central machine to formulate it."

When all other arguments fail to justify adoption of a single chief of staff over all our Armed Forces, the advocates of such a proposal resort to the broad, but undocumented, contention that one-man military control will "result in greater military efficiency." Every argument in support of such a prophecy is based upon the theory of centralization of power.

Such arguments for abandonment of our corporate, deliberative JCS check-and-balance system of national military direction and substitution of one-man military control are not applicable only to defense matters. The very same arguments would justify the elimination of Congress and the Supreme Court in order to achieve more direct and rapid governmental processes under direction of the executive branch of our Government.

To recapitulate:

One-man control, while appropriate to theaters and localized combat commands, is not a suitable method for direction of armed forces at the seat of government because—

(a) The problems of military direction at the national level are not the same as those of combat command. Formulation of military decisions at the seat of government involve economic and political considerations which do not confront lower levels of command.

(b) Basic strategic decisions originate at the national level. Subordinate commanders implement and act in accordance with the basic strategical decisions.

(c) Errors in combat decisions can frequently be corrected; errors in basic national military strategy are irretrievable, usually fatal.

(d) The problems of overall direction of a nation's armed forces are beyond the capacity of any one man.

(e) The single chief of staff concept is inadequate to the requirement of land, sea, and air war on a global scale.

(f) Such one-man military command of national military forces is the reversal of managerial progress during the last century. Centralized, detailed one-man direction of a vast enterprise has given way before the superiority of the corporate system. The JCS is a military application of such a managerial device. Adoption of the single chief of staff concept would be a retrogression rather than an improvement.

(g) The JCS system assures full development of land, sea and air warfare doctrines and material, because no one service can dominate another. All are partners in national security. The single chief of staff permits one-man and one-service control of the armed forces and leads to stifling of progress and service initiative.

(h) A single chief of staff system separates authority from responsibility; the JCS system combines them.

(i) The single chief of staff concept helped lose large scale wars; the JCS system helped win them.

These are the military reasons—apart from the equally important political reasons—why Mr. Forrestal, in denouncing the single chief of staff concept said:

"The conception of the Joint Chiefs of Staff has proved successful. It has been one of the great developments of the war. * * *"

For much the same reasons Mr. Eberstadt stated:

"Our Joint Chiefs of Staff in the last war may not have been perfect—the system has some deficiencies—but it was just about as perfect as any institution in human affairs is likely to be."

The argument for imposing a single chief of staff over the United States Armed Forces neglects also to consider the basic concepts of our Constitutional Government, for the only national commander of our Armed Forces authorized by the Constitution of the United States is a civilian Commander in Chief—the President.

A military commander in chief would not only be repugnant to the letter and spirit of our National Constitution but would be contrary to the traditional American concept of civilian control of the military. In the rare instances when the military chiefs of services who comprise the Joint Chiefs of Staff cannot agree on national military policy, it is only right and proper that a civilian President acting directly or through his agent, the Secretary of Defense, should make the final decision on major issues upon which may hang the future of our country.

The Hoover Commission task force wisely summed up the matter by stating:

"If a split decision occurs, it would normally imply that the issue is beyond solution by the resources of military technology and experience, and is, therefore, within the competence of civilian judgment and authority.

"Much has been written and said about the incapacity of civilians to deal with military matters. Military science, it is said, can be the province only of the military. That may be true on the battlefield; it is not true in the realm of grand strategy. Modern war cannot be left solely to the generals."

HIGH QUALITY OF CANDIDATES FOR FOREIGN SERVICE OF THE UNITED STATES

Mr. GREEN. Mr. President, I wish to invite the attention of Members of the Senate to the fact that on the Executive Calendar there are the names of some 62 candidates for the Foreign Service of the United States. The 62 young men and women on this list have been selected for appointment as the result of competitive examinations which have been conducted throughout the United States by the Department of State.

The Department of State is seeking to obtain the services of able young Americans so that they may devote their lives to the service of the United States as it conducts its relations with the other nations of the world. In the past, Mr. President, when appointments of this kind have been submitted to the Senate for its advice and consent, they have been treated as routine appointments. This has meant as a practical matter that Members of the Senate, and members of the Committee on Foreign Relations in particular, have not had opportunity to meet these young men and women to examine their qualifications.

Perhaps understandably, we have a tendency to be interested in our career Foreign Service officers only at that time in life when they are appointed as ambassador to some important post. It seems to me that we also ought to be interested in candidates at the time of their admission to our Foreign Service.

Therefore, when this list was received several weeks ago, I suggested to the Committee on Foreign Relations that it might make a spot check of the 62 candidates. It was my thought that we could select by lot a limited number from this group of 62, and by meeting with them could gain some idea of the quality of the young people going into this important service.

The committee, at my suggestion, agreed to choose by lot 6 of this group of 62 and asked that they appear personally before the committee.

At our committee meeting last Thursday morning, the following candidates for the Foreign Service of the United States appeared individually in executive session before the committee:

Madison M. Adams, Jr., of Florida.
Edward C. Bittner, of Pennsylvania.
Clive Chandler, of Washington.
Raymond C. Collins, Jr., of New Jersey.
Robert Kurlander, of New York.
Thomas A. Thoreson, of Illinois.

As my colleagues will note, these young men actually represented a cross section of the United States. We had opportunity to question them about their educational background, their basic interests in life, and the elements which helped them to decide to enter the Foreign Service. In this way we had the opportunity in general to appraise their ability and capacity to represent this country abroad.

I am delighted to report to the Senate, Mr. President, that if these six young men are typical of the quality of the new classes of Foreign Service officers, this Nation can well be proud of the kind of young men and women going into our Foreign Service. I might add parenthetically that if the committee had asked for the top 6 of this class of 62, I might not have been surprised at the quality of the young men who appeared before us. However, they were chosen by lot, and I believe, therefore, that it is fair to infer that they represent a good cross section of the kind of candidates for our Foreign Service.

I hope that from time to time in the future, as new blood is brought into the Foreign Service, the Committee on Foreign Relations will seek opportunity—and "opportunity" it is—to meet with these young men and women who are ready to devote their lives to the service of our country abroad.

In this connection, I ask unanimous consent to have printed in the RECORD at this point in my remarks a letter addressed to me by Deputy Under Secretary of State Henderson dated July 19, 1957, concerning the examination of these candidates by the committee.

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

DEPUTY UNDER SECRETARY OF STATE
FOR ADMINISTRATION,
Washington, July 19, 1957.

The Honorable THEODORE FRANCIS GREEN,
Chairman, Senate Foreign Relations Committee.

DEAR SENATOR GREEN: Mr. Satterthwaite, the Director General of the Foreign Service, has told me of the courteous and friendly reception which you and the members of the Foreign Relations Committee gave the six young Foreign Services officer candidates who appeared before your committee yesterday morning. He also told me of the praise which you gave these six young men after their individual appearances before the committee. Needless to say, the Board of Examiners for the Foreign Service will be as pleased as I am to know that you and the members of the committee received a favorable impression of these young men.

The committee's idea of selecting by chance the names of 6 out of the 62 candidates whose names were sent to the Senate for confirmation was in my view an excellent

one and one which will give a real boost to the morale of incoming Foreign Service officers. We shall be more than glad to have the committee repeat this procedure whenever it may feel inclined to do so.

With warm personal regards,

Sincerely yours,

LOY W. HENDERSON.

BRIBES AS BUSINESS EXPENSES FOR TAX PURPOSES

Mr. WILLIAMS. Mr. President, I have been astounded to find that under certain circumstances the Treasury Department will allow an American corporation doing business with a foreign government to include as an ordinary and necessary business expense the payment of bribes or kickbacks to officials of the foreign government with whom contracts are being negotiated.

That means that these bribes or kickbacks are deductible for income tax purposes, and to that extent are underwritten by the American taxpayers.

As confirmation of this peculiar arrangement I quote an excerpt from a March 11, 1957, letter from the Commissioner of Internal Revenue, the full text of which will be incorporated in the RECORD at a later point:

> Although sharply defined Federal or State policies are not in issue when bribes are paid to officials of a foreign government, the expenditures must still be ordinary and necessary business expenses to be deductible. The illegitimate expenses of a legal business are generally considered unnecessary, even though expedient. * * * Where, however, it is the foreign government itself which demands or acquiesces in the payment, so that legal recourse is not available to the taxpayer in the operation of his legal business, the Service would find it difficult to sustain the position that the expenses were not ordinary and necessary to the taxpayer's business.

I repeat the last sentence, which confirms that such payments can under certain circumstances be classified as ordinary and necessary business expenses:

> Where, however, it is the foreign government itself which demands or acquiesces in the payment, so that legal recourse is not available to the taxpayer in the operation of his legal business, the Service would find it difficult to sustain the position that the expenses were not ordinary and necessary to the taxpayer's business.

There can be no possible justification for this reprehensible practice of recognizing legitimacy of the payment of bribes or kickbacks, even when such payments are made to officials of foreign governments, and I am asking that the appropriate committees of the Congress give this their attention.

I ask unanimous consent that my correspondence with the Treasury Department in this connection be printed at this point in the RECORD.

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

UNITED STATES SENATE,
Washington, D. C., January 24, 1957.

Hon. RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue, Department of the Treasury, Washington, D. C.

DEAR MR. HARRINGTON: Will you please furnish me with copies of all rulings issued by the Department during the past 20 years governing the right of a taxpayer, when computing his net taxable income or profits derived from contracts for materials or supplies for foreign countries, to include as one of the items representing cost of production bribes paid to officials of a foreign government.

The purpose of this inquiry is to find out whether or not the Treasury Department has recognized as a part of the cost of production the payment of a bribe to officials of a country with which a contract is negotiated.

Yours sincerely,

JOHN J. WILLIAMS.

UNITED STATES TREASURY DEPARTMENT,
Washington, February 4, 1957.

Hon. JOHN J. WILLIAMS,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: This is to let you know that I have received your letter of January 24, in which you request copies of our rulings issued during the past 20 years, relating to the matter of expenses claimed by taxpayers for bribes paid to officials of foreign governments in order to obtain contracts.

I have asked our people to look into the matter and I shall be glad to advise you further just as soon as possible.

Sincerely,

RUSSELL C. HARRINGTON,
Commissioner.

UNITED STATES TREASURY DEPARTMENT, OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, March 11, 1957.

Hon. JOHN B. WILLIAMS,
United States Senate.

MY DEAR SENATOR: This is in reply to your letter of January 24, 1957, in which you request copies of our rulings issued during the past 20 years relating to the right of a taxpayer, when computing his taxable income derived from contracts for materials or supplies for foreign countries, to include as an item of expense, amounts representing bribes paid to officials of a foreign government.

In view of the secrecy provisions of the Internal Revenue Code, it would not be proper for me to furnish the information which you have requested. However, as a collateral matter, since your inquiry relates to the overall question dealing with expenditures which have some bearing on "bribes" and may consist of "kickbacks" arising from overpricing for materials or supplies destined for foreign countries, the following general information will set forth the Service's position thereon.

In order for an expenditure to be deductible as a business expense as contemplated in the applicable provisions of the Internal Revenue Codes of 1939 and 1954, it must be ordinary and necessary and directly connected with or pertaining to the taxpayer's trade or business. Thus, an expenditure which is normal, usual or customary in the business affairs of the taxpayer and is necessary in the furtherance of such business, would generally qualify as an allowable deduction for Federal income tax purposes. An exception to this treatment would be expenditures which otherwise are ordinary and necessary in the generally accepted meaning of those words but which themselves violate a Federal or State law or are incidental to such violations. The Service has consistently held that such expenditures do not constitute allowable business expense deductions since they are of a character which, if allowed, would frustrate sharply defined National or State policies proscribing particular types of conduct, evidenced by governmental declarations of them. This position is in accord with the principle expressed by the Supreme Court of the United States in the cases of *Commissioner* v. *S. B. Heininger* (320 U. S. 467), and *Thomas B. Lilly et ux,* v. *Commissioner* (343 U. S. 90).

The case of *Thomas B. Lilly* v. *Commissioner,* referred to above, involved so-called kickback payments by opticians to doctors prescribing eyeglasses under the long-established practice in the optical industry. In reversing the decision of the United States Court of Appeals for the Fourth Circuit in that case, the Supreme Court reasoned that since there were no declared public policies in the years under consideration prescribing the payments which were made to the doctors, such payments do not fall in the class of expenditures which, if allowed, would "frustrate sharply defined National or State policies proscribing particular types of conduct."

Although sharply defined Federal or State policies are not in issue when bribes are paid to officials of a foreign government, the expenditures must still be "ordinary and necessary" business expenses to be deductible. The illegitimate expenses of a legal business are generally considered unnecessary, even though expedient. *Kelley-Dempsey & Co.* ((1934) 31 B. T. A. 351); *Reliable Milk & Cream Co., Inc.* ((1938) P-H B. T. A. Memo Dec. par. 38,290). See also *Rugel* v. *Commissioner* ((CCA 8, 1942) 127 F. 2d 393); *Harder Mortgage Loan Co.* v. *Commissioner* ((CCA 10, 1943) 137 F. 2d 282, cert. den. 320 U. S. 791); *Easton Tractor and Equipment Co.* ((1936) 35 B. T. A. 189); and *New Orleans Tractor Co., Inc.* ((1936) 35 B. T. A. 218). In the Kelley-Dempsey case (reviewed by the Board) it was stated that "tribute" paid by a subcontractor to an employee of the contractor to secure relief from arbitrary and impending inspection demands was unnecessary. The court said that while there was no doubt that payment was the easiest and quickest relief, the courts were open to the petitioner although such action may be expensive and perhaps disagreeable. Where, however, it is the foreign government itself which demands or acquiesces in the payment, so that legal recourse is not available to the taxpayer in the operation of his legal business, the Service would find it difficult to sustain the position that the expenses were not ordinary and necessary to the taxpayer's business.

Very truly yours,

RUSSELL C. HARRINGTON,
Commissioner.

INTEREST RATES AND THE COST OF LIVING

Mr. GORE. Please be advised, Mr. President, that interest rates have reached a new high since 1933; also that five separate outstanding issues of United States Government bonds reached all-time lows on the market yesterday.

This means that the cost of living is being pushed higher. Let not the American people be beguiled or misled. One of the prime sources of inflationary pressures is the inflationary spiral of interest rates. As the cost of living goes higher, let housewives be advised that one of the principal causes is higher interest rates, brought about by fallacious policies of the administration.

Not only does this mean a higher cost of living, but it means a higher cost of doing business. It means a higher cost of products. It means higher interest rates which every man, woman, or institution in the United States must pay on borrowed money and on installment purchases.

It means, too, that every county, city, water district, or State in our country must pay higher interest rates on bonds to build hospitals, schools, sewer lines, and water systems. The cost of this policy is staggering, and eventually—and the sooner the better—the Congress must take steps to call a halt to it.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Tennessee has the floor, but the Chair reminds him that he has used his 3 minutes under the 3-minute rule. Does he desire to request additional time?

Mr. GORE. I ask unanimous consent to be permitted to yield for 1 minute to the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the Senator from South Carolina may proceed.

Mr. JOHNSTON of South Carolina. Mr. President, I noticed that the Senator from Tennessee stated that interest rates were at an alltime high.

Mr. GORE. Since 1933, the time of the bank holiday.

Mr. JOHNSTON of South Carolina. Then we are being compelled to pay premiums in order to sell bonds. We are paying the highest premiums we have paid since 1933. Is that not correct?

Mr. GORE. The Senator is correct; and across the land communities are postponing the development of projects necessary for the health and prosperity of the people because of exorbitant interest rates on banks.

Mr. JOHNSTON of South Carolina. It is necessary to pay a premium in order to sell Government bonds, is it not?

Mr. GORE. That is my understanding.

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

Mr. GORE. I yield.

Mr. WILEY. I remind the distinguished Senator also that the overall product of the United States is at an alltime high of $440 billion. The income of citizens of this country is at an alltime high of $340 billion. The demand for money is at an alltime high, and we are now enjoying the highest standard of living that any people in the world have known.

In view of all these "highs," what is the Senator's remedy for the high interest rates?

Mr. President, I now desire to speak on another subject.

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

THE EXCELLENT ROLE OF PUERTO RICO IN TRAINING FOREIGN TECHNICIANS

Mr. WILEY. Mr. President, I believe that most of my colleagues are familiar with the outstanding results in Puerto Rico of what is known as Operation Bootstrap.

This is the excellent program pioneered by the very able and industrious Governor Muñoz-Marín. Under this program, the Commonwealth of Puerto Rico has been industrializing and raising its standard of living through comprehensive steps to welcome and retain private enterprise within its borders.

The marvelous results achieved by this program are a testimonial to what a nation can achieve in its own enlightened self-interest, thanks to encouragement of private initiative, in accordance with the system of private profit.

More than 450 new factories have been opened on the Caribbean island during the past 5 years.

This tremendous record, as the Administrator of Economic Development, Mr. Teodoro Moscoso, has pointed out has been set, while avoiding attracting so-called runaway plants.

FOREIGN VISITORS FEEL CLOSE TO PUERTO RICO

There is another aspect, however, of Puerto Rico which I believe well merits our sympathetic interest.

I have been pleased to receive from the office of Mr. Pedro A. Gonzales, Administrator of the Office of the Commonwealth here in Washington, material which I had requested, describing the Commonwealth's excellent role, as a training ground, for technical cooperation.

I had asked for this material, because it is universally recognized that the great achievements on the island represent a source of inspiration to all of Latin America, and, indeed, to the whole underdeveloped world.

Visitors from the underdeveloped areas are often far more impressed with Puerto Rico's progress than they are, even with progress in the mainland United States.

The principal reason is, of course, because Puerto Rico has started to build itself up only within the past relatively short period, whereas the United States headstart was much longer and older.

Underdeveloped peoples, especially Spanish-speaking peoples naturally feel a kinship with Puerto Rico. It traditionally has, in times past, suffered from problems of overpopulation, insufficiency of education, unemployment, overreliance on one crop, and all the other ills to which underdeveloped regions have usually been heir.

SIGNIFICANCE OF UNDERDEVELOPED WORLD

Let us remember that the underdeveloped world represents some two-thirds of the Free World's peoples. The underdeveloped world's average income is only about $100 per person.

And the population of the underdeveloped world is soaring. 120,000 more people enter the world each day, and they are principally in underdeveloped regions.

Under these circumstances, Puerto Rico has much to teach the underdeveloped world. So, I hope that its facilities will be increasingly used by the International Cooperation Administration, the United Nations, the Organization of American States, and by other sources which are interested in exporting know-how to the underdeveloped world.

I send to the desk a letter from Mr. J. L. Colom, the Director of the Office of Technical Cooperation of the Commonwealth, briefly setting forth the various training programs.

I ask unanimous consent that it be printed at this point in the body of the RECORD, followed by introductory pages to two reports:

First. A Commonwealth publication entitled "Puerto Rico—Training Ground for Technical Cooperation"; and

Second. A Puerto Rican-ICA publication entitled "Caribbean Training Program in Puerto Rico—1956–57."

Puerto Rico, I may say, is a great demonstration center of American leadership, American anticolonialism. But it is also a demonstration center of the islanders' own initiative under Governor Muñoz Marín.

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

JULY 8, 1957.

Mr. PEDRO A. GONZÁLEZ,
Office of the Commonwealth
of Puerto Rico, Washington, D. C.

DEAR MR. GONZÁLEZ: As you know Puerto Rico receives participants from the International Cooperation Administration, the United Nations, the Organization of American States and their specialized agencies, and those visitors who are sent by individual governments.

We have a special Caribbean training program, sponsored jointly by the International Cooperation Administration and the Commonwealth Government, designed to strengthen and supplement training facilities in the Caribbean area. The area included consists of the British countries, French departments, Surinam and the Netherlands Antilles. This program is described in a prospectus, a copy of which has been sent to you, and comprises the following fields: trades and industrial education; vocational teacher training in agriculture; training in extension practices for community education; home economics; cooperatives; social work; community education; public health.

Participating agencies include the University of Puerto Rico and affiliated institutions, selected vocational schools of the department of education, agencies of the Commonwealth Government, and selected industrial plants for on-the-job training.

Other activities consist of training offered under our international programs in such fields as the following: courses, seminars and programs of education, training, and observation for foreign training participants in the fields of agriculture, housing, education, community development, public health, public administration, trade and industry, labor relations, natural resources planning, economic development, social welfare and others.

The Commonwealth Government also provides training and instruction through the School of Medicine of the Univerity of Puerto Rico for participants selected by the International Cooperation Administration for graduate training in public health. This training includes 9 months of academic instruction, in residence at the school, and up to 3 months of field training in cooperation with appropriate Commonwealth or other agencies.

The public health training program provides training for a group of up to 35 participants per annum for 3 years, of which the school is not required to accept more than 8 phyicians, 9 nurses, 9 health educators, and 9 sanitarians or sanitary engineers per year. Participants in other professional fields may be accepted if facilities are available.

The Commonwealth Government also provides through the University of Puerto Rico training and instruction for participants from Latin America selected by the International Cooperation Administration for training in labor relations and trade unions. This

training includes a series of 3-month seminars, in residence at the University of Puerto Rico, with a minimum of 3 seminars during each calendar year. Training is provided for a group up to 25 participants per seminar.

We trust that the above information and the material sent under separate cover, may be useful to Senator WILEY.

Very sincerely yours,

J. L. COLOM,
Director, Office of Technical Cooperation.

SELECTION OF PUERTO RICO AS A TRAINING CENTER

The Technical Cooperation Program of Puerto Rico is a joint project of the Government of the United States and of the Commonwealth of Puerto Rico. In February 1950, 1 year after the announcement of the bold new program, Governor Muñoz-Marin offered the assistance of the Puerto Rican Government in carrying on training activities for which he believed it was particularly well qualified. He believed that Puerto Rico had much to contribute to other countries and that its achievements in self-government, in the improvement of democratic processes, in dealing with serious economic problems, and in the raising of living standards would bring credit both to Puerto Rico and to the United States as a Nation.

His offer was accepted and the Department of State awarded Puerto Rico the distinction of being a training center for students from other countries of the world. The program is carried on in accordance with a joint agreement between the Federal and the Commonwealth Governments. An Office of Technical Cooperation is attached to the Planning Board and Dr. Rafael Picó, Chairman of the Board, is the public official appointed by both Governments to coordinate its activities. Mr. Emilio M. Colón is the Director of the Office and its staff.

Both Federal and Commonwealth funds have been made available. It is a reflection of Puerto Rico's interest in the program that, even before the Congress itself approved the necessary legislation (Act of International Development of June 1950) and the funds to start the program, the Legislature of Puerto Rico approved its initial contribution of $50,000. For each of the following 2 fiscal years additional appropriations of $35,000 were made by the Commonwealth Legislature and the Commonwealth's 6-year economic program contemplates a similar contribution for each of the next 6 fiscal years. As an additional contribution, Commonwealth Government agencies absorb most of the cost of training done for the program without any reimbursement.

THE PRESENT STAGE OF PUERTO RICO'S DEVELOPMENT

A major factor in the selection of Puerto Rico as a training ground for students from other countries of the world is its rapid development during the past decade and its plans for future progress. In fact, Puerto Rico today provides an excellent example of a transition stage of development. Despite its limited natural resources and high population density, it is already beginning to approach the standards of areas that have in the past been much more highly developed. National-income data, recently published by the United Nations, suggest that Puerto Rico may be the most rapidly developing area in the hemisphere and perhaps in the world.

This development, moreover, is comparatively recent. In 1929 Gov. Theodore Roosevelt, Jr., wrote: "The inland districts, from the outskirts of the cane-ridden valleys to the tops of the mountains seethe with human misery * * *." Kingsley Davis wrote that the year 1940 marked the spreading of a new spirit and a new attitude throughout the island. To put it in Governor Muñoz-Marin's words: "The greatest indication of our progress is that whereas in 1941 our outlook overwhelmed us with a sense of the impossible, our prospects stand now more as a great adventure and a stern challenge. Puerto Rico is on the march."

There is abundant statistical evidence that development in Puerto Rico has not only been rapid since 1940 but that it has been felt throughout the economy and has benefited everybody on the island.

EXCERPTS FROM ICA BOOKLET

FOREWORD

We in Puerto Rico have long realized the importance of technological advancement in order to attain economic and social progress. The continued application of new and improved techniques in industry and agriculture, as well as research and education in the social sciences and community improvement, are now permanent parts of the Commonwealth Government's development program.

The experience and knowledge so gained are shared with neighbors in the Caribbean area through the Caribbean training program carried forward by the Department of State of the Commonwealth of Puerto Rico.

This program is sponsored jointly by the International Cooperation Administration of the United States and the Commonwealth Government.

Puerto Rico is honored and happy to participate in the international technical cooperation program of the United States and to cooperate with its neighbors in the work of achieving greater progress in the Caribbean.

ARTURO MORALES CARRION,
Under Secretary of State,
Commonwealth of Puerto Rico.

CARIBBEAN TRAINING PROGRAM IN PUERTO RICO 1956–57—INTRODUCTION

Puerto Rico's Caribbean training program, designed to strengthen and supplement training facilities in the Caribbean area, is sponsored jointly by the Government of the Commonwealth of Puerto Rico and the United States International Cooperation Administration.

The program encourages the use, by countries in the Caribbean area, of training facilities in Puerto Rico. These include the University of Puerto Rico and affiliated institutions, selected vocational schools of the Department of Education, Agencies of the Commonwealth Government, and selected industrial plants for on-the-job training.

The program comprises the following fields: Trades and industrial education, vocational teacher training in agriculture, training in extension practices for community education, home economics, cooperatives, social work, community education, public health.

In the matter of contact with the various countries, close liaison is maintained with the Caribbean Commission.

The Governments of the British Countries, French Departments, and of Surinam and the Netherlands Antilles, are invited to develop appropriate selection procedures and to sponsor qualified applicants of this training.

HOUSING ACT OF 1957—LOWER DOWNPAYMENTS ON FHA LOANS

Mr. YARBOROUGH. Mr. President, the Housing Act of 1957 was approved by the President July 12, and is now law.

The Housing Act of 1957 was enacted to relieve a shortage in housing and to end a depression in home building that had reached staggering proportions.

In order to try to relieve this situation, the Housing Act of 1957 provides for downpayments on FHA insured loans of 3 percent of the first $10,000 of the loan, 15 percent of the next $6,000, and 30 percent of the amount of the loan in excess of $16,000. The lowered downpayment on FHA insured home building, if put into practice, will help relieve the housing shortage and will alleviate some of the distress being suffered in the home-building industry. It will make it possible for families in low-income brackets to meet the cash downpayment requirement of $300 on a $10,000 home, and thus become homeowners. The bill encourages home ownership, lessens the percentage of tenancy, and adds to the happiness and stability of our people.

In addition to aiding the housing problem, the Housing Act of 1957 will relieve unemployment in the building trades, and will stimulate business among contractors, suppliers, and home furnishers.

Mr. President, there are alarming reports in the newspapers day after day that the present administration is not going to put the lower downpayment provision of the Housing Act of 1957 into effect. That clause is the very heart and soul of the 1957 Housing Act. Many of us worked on this bill in good faith, never thinking that the Executive would try, by delay, to subvert and destroy this beneficial housing law.

But the executive department has not denied these reports of its intention to slow down the housing program.

Mr. President, I call upon the executive branch of the Government to quit stalling the application of the Housing Act of 1957. It is the duty of the Executive to carry out the law of Congress. The Executive is bound by oath and by the Constitution to put this law into effect. It is my earnest request that other Senators join me in demanding that the Executive put into immediate effect all the provisions of the Housing Act of 1957, including the provision for lower downpayments on FHA homes.

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

Mr. YARBOROUGH. I yield.

Mr. JAVITS. I should like to take my 3 minutes on this subject, so as not to intrude on the time of other Senators.

Let me say to the able Senator from Texas that I could not agree with him more completely. A number of us have sent telegrams urging that there be Executive action in the matter of reducing downpayments. The situation is especially difficult for veterans, because the GI law, with its 4½ percent interest rate, is practically useless now.

An enormous number of sales of new housing have been made throughout the country. A great many new downpayments have been made on the very justifiable supposition that the President would not have signed the bill if he had not intended to put its provisions into effect. That is inherent in the expressed will of Congress. Incidentally, the decision referred to has not yet been made final. I certainly hope very earnestly that this taking up of the cudgels, which is so ably typified by the contributions of the Senator from Texas

and of other Senators, including the chairman of the Housing Subcommittee, the Senator from Alabama [Mr. SPARKMAN], will have the desired result. I am very happy to have heard the Senator from Texas make his statement.

Mr. YARBOROUGH. I express my appreciation to the distinguished junior Senator from New York for his very fine contribution to this subject, particularly in connection with the many amendments he offered, designed to alleviate the acute housing situation which confronts so many of our people.

MAKE FHA DOWNPAYMENTS EFFECTIVE

Mr. SMATHERS. Mr. President, the Housing Act of 1957 recently passed by the Congress and signed by the President on July 12, authorizes among other things, lower FHA downpayments to permit the average American family to purchase their own homes on reasonable terms. However, according to news reports appearing in the daily newspapers by way of the Associated Press, some top administration advisers are opposing placing into immediate effect the lower FHA downpayments. The same reports point out that the housing agencies favor the liberalized terms. It is difficult for me to understand the interference that apparently is being encountered because the law itself expressly places the determination of this matter in the hands of the Federal Housing Commissioner.

How it is possible for this situation to arise, or the basis upon which these unnamed administration advisers are reported to be stopping the housing agencies from exercising the discretion vested in them by the Congress is difficult to comprehend.

I am thoroughly familiar with the argument that lowering FHA downpayments would be inflationary. In the face of the existing needs of the home-buying public—particularly middle and lower income families desiring to purchase homes—plus the fact that the home-building industry today is at its lowest rate in many years—this argument is totally without merit.

The official figures of the Bureau of Labor Statistics on housing starts in June show, to the surprise of all concerned, that starts were below May by some 10,000 units. This is highly unusual since June starts are traditionally at a high and rising rate.

So far this year, only 480,000 privately financed houses have been started. Thus, overall housing volume for the first 6 months of 1957 is down 10 percent from the same period in 1956; down about 30 percent from 1955; and actually is the lowest 6 months' volume since 1949. Moreover, the major share of this decline has occurred in the lower priced housing field, financed through the FHA and VA programs. For the first 6 months of 1957, VA starts are down 49 percent; FHA starts are down 30 percent, while conventional starts, involving higher downpayments, higher interest rates, higher fees and charges, and shorter mortgage terms, are up 3 percent. I greatly fear that in many instances conventional financing may involve a trend toward increased use of a second-mortgage loan in order to enable purchasers to obtain housing within the reach of their savings and credit. This is precisely the type of financing which was proven unsound and dangerous for home buyers during the late twenties and early thirties. It has been one of the great achievements of Federal legislation in the housing field to make homeownership possible for moderate income families without resort to second mortgages and similar devices.

There is no indication whatsoever of a shortage in building materials or construction labor. Indeed, the reverse seems to be true, and many of the building trades unions are now worrying about increasing unemployment in residential construction. In addition, there have been substantial layoffs in appliance, furniture, and other related industries as a result of the curtailment in home building.

Certainly none of the traditional elements showing an excess of demand over supply is present to indicate an inflationary possibility if the lower FHA downpayments are made effective at once. It appears that an attempt is being made to sacrifice the broad interests of the average American family, seeking to purchase a home of its own and a stake in their Nation, contrary to the intent of Congress and of the housing agencies. I trust that responsible officials of the Government will not permit this to happen.

Mr. JOHNSTON of South Carolina. I wish to join with other Senators in speaking in behalf of building homes and helping the building of houses and maintaining low downpayments. I am sure that we need not expect too much from the present administration, because the man at the head of the Housing Administration told us how he felt when he was appointed. We may as well wake up to the fact that, fundamentally, he is the trouble. We may have to go directly to the White House to get some action. We should make sure that the laws enacted by Congress are put into effect. That is what we should do, as I see it.

Mr. NEUBERGER subsequently said: Mr. President, I happened to be presiding over the Senate at the time earlier today when the distinguished junior Senator from Texas [Mr. YARBOROUGH] began what I consider to be a most useful and important discussion of the fact that the administration may not put into effect the lower FHA downpayments authorized by the housing bill which was recently passed by Congress. In my opinion, it would be a most disastrous and tragic occurrence if the lower downpayments should not be approved by the administration. At the present time the provisions of the GI bill for the assistance of ex-soldiers in building or buying homes are almost invalid and useless, because the 4½ percent interest rates authorized by the GI bill are practically not in existence today in the money markets of our country.

Furthermore, because of the high interest rates now prevailing and because of the high downpayments now required, we have such a situation in the United States that the home building and the home buying markets both lag. While the ability of our people to build homes has fallen behind, there have been record expenditures, for example, on liquor and cigarettes. Certainly this cannot be regarded as a very advantageous contrast, morally and ethically, and for the future welfare of our country.

In addition, as one of the Senators from Oregon, which is the leading lumber-producing State in the Nation, I certainly know something about the adverse impact of the lagging home market on the lumber industry in our State. Silent sawmills and deserted logging camps in Oregon are mute testimony to what has happened to the home-building industry in our country.

I want to join with the Senator from Texas and the Senator from Tennessee [Mr. GORE] and the Senator from New York [Mr. JAVITS], who participated in that colloquy, to strenuously urge the administration to approve the lower FHA downpayments which are authorized by the housing bill which Congress recently passed.

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

Mr. NEUBERGER. I am glad to yield briefly to the Senator from Minnesota.

Mr. HUMPHREY. I desire to associate myself with the request which has been made by the Members of the Senate. It was rather shocking and very disturbing to me to learn that the administration insisted on maintaining higher downpayments in light of what are the very obvious economic facts existing today in home building.

Mr. NEUBERGER. If that were done, it would be virtually in defiance of the bill just passed by the Senate and the House of Representatives.

Mr. HUMPHREY. I was about to add it was the general feeling of children and adults from the beginning of this Republic that the Congress of the United States legislated policy and that the executive branch administered it. Apparently the executive branch seeks to ignore the directive, mandate, and expressed policy of the legislative branch.

Mr. NEUBERGER. I think this is a very pertinent discussion at this time, because the Senate is being presided over by the able junior Senator from Alabama [Mr. SPARKMAN], who in the Senate was the leader in securing the passage of the housing bill, which, while it did not contain all the liberal and forward-looking provisions we might like to have seen it contain, certainly was an improvement so far as lower down payments are concerned.

DEATH OF ELMER LEWIS, SUPERINTENDENT OF DOCUMENTS, HOUSE OF REPRESENTATIVES

Mr. CASE of South Dakota. Mr. President, death has repealed a law of Congress. I refer to the death of Elmer A. Lewis, superintendent of documents of the House of Representatives for 37 years.

Mr. Lewis came to Washington in 1919, and was appointed assistant superintendent of House documents. The following year he was made superintendent.

In 1933, when he had held the position for 13 years, Congress did the very unusual thing of writing his name into an appropriation, to insure his permanent incumbency of that position.

Anyone who has served in the House of Representatives during the past 37 years knows something of the extraordinary ability of Elmer Lewis and of his devotion to his work. It has been said that he was a sitting encyclopedia on the bills and resolutions of Congress. That was an understatement, for no encyclopedia could give automatically the cross references Elmer Lewis could give, and no inanimate thing could give the personal interest and intelligent response he would give to any inquiry from any Member of Congress with respect to a bill or resolution. The inquiry need not even concern a bill introduced at a current session of Congress. If one merely made an inquiry on a particular subject, Mr. Lewis could give all the cross references to all the bills and resolutions which related to that topic.

His extraordinary ability was matched only by his personality. He was a friend of every Member of Congress, particularly of those serving in the House of Representatives.

I was shocked this morning to read of his death, because I did not know he had been ill. His passing takes away a man the Congress, and particularly the House of Representatives, can ill afford to lose.

THE CIVIL-RIGHTS BILL

Mr. STENNIS. Mr. President, the general theme of this brief statement will be to compare the President's recent statement to the governors' conference at Williamsburg with part III of the civil-rights bill.

Part III arms the Attorney General with far-reaching special powers to enforce all civil rights. Vast powers would be concentrated in Washington. The language is so broad and sweeping that it covers, directly or indirectly, almost every activity of the individual citizen, because civil rights not only pertain to political rights but to property rights and personal rights. It certainly covers every activity of State or local government.

Part III authorizes the Attorney General to proceed at his own discretion under a special court process that discards the judicial safeguards of our system of law. It dispenses with the use of a jury by traveling the unusual route of substituting the Federal Government as plaintiff in civil cases in equity courts.

It authorizes the Attorney General to proceed with special authority to confer jurisdiction on Federal courts even though no case is ever made out. It also sets aside and holds for naught the requirements of due process of law that local administrative and judicial remedies must be first exhausted before court dockets can be cluttered with cases where no legal controversy is present. It substitutes the opinion of a Federal judge for the orderly process of State and local governments whose actions he must, under this bill, undertake to review.

No such power has ever been given to any Federal officer in the history of the Nation, not even during reconstruction times. No such sweeping Federal power has ever been requested by or for any President.

The question I raise is this: How does part III of this bill stack up with the statement of the President to the governors' conference at Williamsburg in June 1957, wherein he said:

> I believe deeply in States rights. I believe that the preservation of our States as vigorous, powerful governmental units is essential to permanent individual freedom and the growth of our national strength. But it is idle to champion States rights without upholding States responsibilities as well.
>
> We are forcibly reminded of two great truths. The first of these truths is that a nation cannot be enslaved by diffused power, but only by strong centralized government. The second truth is that in spite of repression and ceaseless indoctrination, the determination of men and women to resist tyrannical control will not die; they will never accept supinely the lot of the enslaved.

I shall address myself further to the same subject during the debate on the bill. I leave it now, and raise this question of contrast between the bill and the President's statement to the governor's conference.

THE CIVIL-RIGHTS BILL COMPARED WITH FORCE LAWS

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article entitled, "Civil-Rights Bill Compared to Repealed Force Laws," written by David Lawrence, and published in the New York Herald Tribune of July 22, 1957.

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

CIVIL-RIGHTS BILL COMPARED TO REPEALED FORCE LAWS

(By David Lawrence)

WASHINGTON, July 21.—Three words—"lest we forget"—might well be included conspicuously among the millions of words being recorded in the Senate debate on the so-called civil-rights bill.

Will history repeat itself and will Congress again tamper with the machinery of local elections under the guise of protecting the right to vote? Senator ALLEN J. ELLENDER, of Louisiana, Democrat, in his speech in the Senate the other day, referred to comprehensive reports to the House of Representatives by its own committees in 1893 which tell the shocking story of what Federal intervention in local elections means and why Congress repealed then the very same type of statutes now being proposed for passage.

There is a significant analogy to present-day events. The Federal intervention took place not alone in the South, but in other regions, under laws—known as force bills—passed in the emotional days that followed the War Between the States. Federal agents and deputy marshals and supervisors were appointed to guard local elections—to insure purity of the ballot. Scandals ensued. The House of Representatives chose the New York City area to examine how these laws were being applied. Here in part is what the investigating committee formally reported to the House on January 27, 1893:

"Your committee, after a very careful study of the operations of the Federal election laws before election and on election day in the city of New York, are of the opinion that all of these laws have entirely failed to produce any good results in the direction of the purity of elections or the protection of the ballot box, and have been productive of such serious and dangerous results that they ought at once to be repealed."

SUFFRAGE CONDITIONS

Later in the year, a report was submitted to the House by the committee to which the various bills for the repeal of the statutes had been referred. It said:

"How then can the United States, by its supervisors and deputy marshals * * * scrutinize the registration—a condition of suffrage in many of the States—when the right of suffrage emanates from the State itself and the State alone can determine it?

"Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country?"

DEPRIVED OF RIGHTS

"In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment.

"Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away."

This report emphasized that the wording of the Constitution gives only the State legislatures the right to prescribe the qualifications of voters. Congress was impressed and repealed the laws.

EXTENSION OF AUTHORITY

Today a majority in Congress is proposing to set up a Civil-Rights Commission with the power of subpena, and also a Civil-Rights Division in the Department of Justice which is to have the use of tens of thousands of FBI agents in getting evidence for prosecution. These agents will be instructed to swarm into the Southern States to examine how voters are registered and to determine how election officials apply the eligibility qualifications in each State.

But the exercise of this power need not necessarily be confined to the South. If it is thought to be an effective way to regulate local elections, there is no reason why the same Federal authority will not be exercised again in New York City and perhaps in Chicago or Detroit or Kansas City or in any of the other big cities where powerful political organizations and bosses line up the voters and sometimes register them or give them certain rewards as inducements to register and vote.

If the Federal Government goes into the business of inquisition or supervision, one political party or the other will find it advantageous to demand that the machinery of inspection be used to its own advantage. The end result will be the same as it was 65 years ago. It is strange how often the same mistakes are made in American history.

INDUSTRIAL USE OF FARM PRODUCTS

Mr. HRUSKA. Mr. President, the Omaha World-Herald recently published

an editorial concerning the bill introduced by my colleague from Nebraska [Mr. CURTIS] to implement the recommendations of the Welsh Commission on Industrial Uses of Farm Products. The editorial is entitled "There's Work To Be Done."

There is work to be done, Mr. President, to get the program recommended by the Commission into operation.

The introduction of S. 2306 by my colleague, the junior Senator from Nebraska, was another step in his sponsorship of this worthy cause. The Commission on Industrial Uses of Farm Products was established by legislation also sponsored by him. He has a long record of interest in developments to enlist farm products—particularly those in surplus—in industrial processes and products.

This proposed legislation is cosponsored by 28 other Senators, including myself. The report of the Welsh Commission has won solid approval among many Senators in a short time as a constructive step toward developing more uses for our bountiful agricultural production.

Farm experts who met in Omaha last month were enthusiastic over the possibilities of the Welsh Commission report. The master of the Nebraska State Grange, Mr. G. A. Spidel, recently wrote me:

> I attended the meeting in Omaha where this report was presented and I am impressed with the need for taking an aggressive step in this direction. While I do not believe that this legislation will cure all the ills of agriculture, I do believe that it should be regarded as an essential part of our attack on the farm problem.

Another enthusiastic report on the Welsh Commission has come to me from the dean of the University of Nebraska College of Agriculture, Mr. W. V. Lambert. He wrote:

> This Commission, in my judgment, has done a most excellent piece of work in summarizing and pointing up the opportunities and possibilities of finding new uses for agricultural surpluses if the program outlined by the Commission can be developed. In my opinion, this approach to the solution of the problem of agricultural surpluses is far more promising and constructive than trying to control production through acreage controls * * *.
>
> I respectfully urge that you give your full support to implementing the program as outlined by Mr. Welsh's Commission. You may be sure that those of us at the University of Nebraska will be glad to lend any support or help that is possible in solving this tremendously important and difficult problem.

It is clear, Mr. President, that the support of the Welsh Commission recommendations is enthusiastic and widespread among farmers and farm experts.

In the other House, a companion bill has been introduced by the chairman of the Subcommittee on Research of the Agriculture Committee, Representative THOMAS ABERNETHY. The gentleman from Mississippi is to be commended for his vigorous support of this proposed legislation.

The yields of a utilization research program for agriculture will not be immediate. But they will be constructive and continuing. The contributions of such research will be positive. They will add to our standard of living. They will not destroy and control, as some of our farm programs have done in the past.

Because it will take time to reap the harvest of utilization research it is urgent that we begin the job on an adequate scale. Some $16 million a year is now being provided for research in new uses and new crops. The Welsh Commission recommends that this outlay be trebled, and that would still be but a small part of the millions of dollars a year we spend for storage charges on surpluses.

The products of test tube and laboratory take time. So again I urge that the faster we get this program underway the faster will its results be out of the laboratory so that action can be taken to turn our agricultural products into new and better industrial products.

This proposed legislation was introduced late in this session of Congress so that it could be supported by a completed report from the Welsh Commission. It is uncertain, therefore, whether Congressional action on the bill can be completed by adjournment.

It is my view, nevertheless, that work should begin laying the groundwork for final approval of the proposed legislation. It is my hope that hearings can be scheduled in the very near future by the subcommittees and committees concerned.

Even if it is not possible to enact this proposal into law during this session, the stage can and should be set for speedy enactment by the 2d session of the 85th Congress shortly after it convenes.

Good progress has been made, Mr. President, in our surplus disposal program. Our farm exports, for instance, are running more than 40 percent ahead of last year's levels.

But reports from the Midwest are of bountiful harvests this fall. Happily, the drought has been broken in many of the rich agriculture areas of the West. Reports from my own State indicate that plentiful rains give promise of large harvests this fall.

Acreage controls and the soil-bank program are in operation and are making a contribution toward control of surpluses. But they are not enough. Positive, long-range action is needed and this proposed legislation will get that action underway.

I ask unanimous consent to have printed at this point in the RECORD the editorial entitled "There's Work To Be Done," published in the Omaha World Herald, of July 11, 1957, to which I have previously referred.

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

THERE'S WORK TO BE DONE

A bill to put some steam behind the drive for increased use of agricultural products for industrial purposes has been introduced in the Senate by Nebraska Senator CURTIS. The bill is signed by 28 other Senators. A companion bill has been introduced in the House by Representative THOMAS G. ABERNETHY, of Mississippi.

"We have tried acreage reductions, price supports, export subsidies, plowing under and we are now even handing out Federal checks as compensation for doing nothing—all in earnest effort to solve the farm program. Results have been no more than partly satisfying.

"But there is one method, the most promising of all, that we have not tried, and that is to make agriculture an equal participant in the scientific revolution. Up to now, agriculture has not been able to go modern."

Whether this legislative proposal will get anywhere in this session of Congress is problematical. But we think it deserves prompt action. We also think it should be getting a shove from the United States Department of Agriculture, and from the major farm organizations.

This could even be a pertinent field of action for the reorganized Nebraska Farm Council, providing, of course, that it can spare some time from its campaign against the Nebraska highway program.

INTEREST RATES OF TREASURY BONDS

Mr. SPARKMAN. Mr. President, a little while ago the distinguished Senator from Tennessee [Mr. GORE] said something about the painful effect of ever-spiraling interest rates. In connection with the most recent offering by the United States Treasury of approximately $24 billion of bonds at a rate of 4 percent, the New York Times of yesterday, July 22, published an advertisement by one of the brokerage firms of New York concerning these bonds. It is a very significant statement. We all saw the original announcement when it was made, I wonder sometimes if we understood its full implications. The holders of the different classes of bonds which will mature this year on different dates may exchange those bonds for the new 4-percent bonds.

I notice that the holders of the 2-percent bonds which will mature on August 15, 1957, may automatically exchange those bonds for the new 4-percent bonds.

The thought crossed my mind: Why is it that no provision is ever made to permit the exchange of E-bonds by the holders of those bonds? The E-bonds are the bonds which the little man buys. He buys them through deductions from his pay each week, 2 weeks, or month.

In the early part of this year, at a meeting of the Joint Committee on the Economic Report, the Committee asked Secretary Humphrey about that. The idea seemed never to have crossed his mind. Finally, he said, "The holder of the E-bonds can get the benefits of such exchange."

The Secretary was asked, "How?"

His reply was, "He can sell his E-bonds and then buy the new bonds." Let us see how the holder of the E-bond would do that. When he sold his E-bond, he would pay an income tax on the increased value during the period of years he had held it. I call attention to the fact that the person who buys a 4-percent bond, who experiences an increase in its value, and then sells it, does not pay income tax on his gain at the same rate at which he pays the capital gains tax. That is not so of the E-bonds.

In addition, one who wishes to buy the 4-percent bonds must go to a brokerage firm and pay a commission in order to buy the bonds.

The Government has encouraged the people to buy E-bonds for patriotic reasons, and then to hold them even after they have matured. There are a great many persons who have held their E-bonds beyond maturity.

Why cannot a person who holds an E-bond which will reach maturity on August 15, 1957, have exactly the same privilege of obtaining the 4-percent bonds simply by applying to the Treasury of the United States to exchange his E-bond for an equal amount of 4-percent bonds?

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

Mr. SPARKMAN. I yield.

Mr. GORE. Is it not true that most of the series of 2-percent bonds which will mature in August, to which the Senator from Alabama has referred, are held by financial institutions and not by individuals?

Mr. SPARKMAN. Yes. My guess is—in fact, I think I have seen a statement to that effect in the press—that a very high proportion of the exchangeable bonds are held by financial institutions. The individual who buys the E-bonds in small amounts does not have the opportunity to get the increased rate of interest.

Mr. GORE. Is it not true that a financial institution which holds a 2-percent bond, which the institution will exchange for a 4-percent bond, consummates a transaction which represents a 100-percent increase in the interest which the United States Government will pay to that institution on the same amount of money?

Mr. SPARKMAN. The Senator is exactly correct.

Mr. BUSH. Mr. President, at this point will the Senator from Alabama yield for a question?

The PRESIDING OFFICER. Under the 3-minute rule, the time of the Senator from Alabama has expired.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may be allowed sufficient additional time to be able to yield to the Senator from Connecticut for a question.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUSH. I wish to ascertain whether I understand the point of the Senator from Alabama, who asked, "Why should not a person who purchases an E-bond have the same privilege of turning it in?"

Mr. SPARKMAN. Assuming that it has matured.

Mr. BUSH. Is the Senator from Alabama assuming that the bond has matured?

Mr. SPARKMAN. Yes; and I said that. I said that if a person has an E bond with a maturity date of August 15, 1957, he is not privileged to exchange it for a 4-percent bond, instead of having to cash it and pay an income tax on its increased value. If at that time he wishes to purchase one of the 4-percent United States Government bonds, he has to pay a brokerage firm to buy that United States bond for him.

Mr. BUSH. But when he buys the savings bond, he has a contract; it is written right on the face of the bond.

Mr. SPARKMAN. Oh, yes.

Mr. BUSH. Therefore, he has no rights beyond that.

Mr. SPARKMAN. Neither does the holder of a 2-percent bond have any rights beyond August 15, 1957. Nevertheless, he receives an offer from the Treasury of the United States. I ask, why does not the Treasury make the same offer to a worker who has been urged by his Government for patriotic reasons to have $7 a week deducted from his paycheck, for the purpose of buying an E-bond? Why did not the offer from the United States Government also go to him, in exactly the same way that it went to financial institutions?

Mr. BUSH. The Senator from Alabama knows that a definite maturity date has to be met in the case of the three blocks of outstanding securities.

Mr. SPARKMAN. Oh, yes. But I also know that one who buys an E-bond has a definite maturity date for that bond; and I limited my question to the bonds which have matured.

Mr. BUSH. Mr. President, the savings bonds can be purchased, I believe, at any time; and they keep maturing every day; they do not mature en bloc. The investor who purchases a savings bond can go to the Treasury or to any bank and can purchase a new savings bond on the day when the old bond matures.

But when the bonds mature en bloc, what the Senator from Alabama advocates cannot be done.

Mr. SPARKMAN. The person who purchases an E-bond, purchases a bond bearing 3¼ percent interest, instead of 4 percent.

Mr. BUSH. That is correct. But if he wishes to purchase a 4-percent bond, he can go into the market and can buy it.

Mr. SPARKMAN. I recognize the argument of the Senator from Connecticut, but it is because of the weakness of that argument that the sales of E-bonds are falling off month by month.

Mr. O'MAHONEY. Mr. President, at this point will the Senator from Alabama yield to me?

Mr. SPARKMAN. I yield.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Is the Senate still in the morning hour?

Mr. SPARKMAN. Mr. President, I realize that my time has more than expired.

The PRESIDING OFFICER. The Senate is still in the morning hour.

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

Mr. O'MAHONEY. Mr. President, I wish to comment on what the Senator from Alabama has just said, and then I wish to request the insertion of an article in the RECORD.

My comment to the Senator from Alabama, regarding the statement he has just made with respect to the savings bonds and the very large issues of 4-percent-interest bonds is this: The record of the Treasury Department itself shows that there are constantly more redemptions of savings bonds than there are sales. The savings bond is ceasing to be attractive to investors of small means. One of the reasons why it is ceasing to be attractive is to be found in the high rate of interest, constantly growing higher, which is being offered by the Treasury for the exchange of certificates of indebtedness now falling due. This is an important fact to remember. The 4-percent rate is the highest rate since 1933. There have been no 4-percent Government bonds since approximately $1,700,000,000 worth of bonds which were marketed at 4 percent in 1933, until the Treasury decided to offer the new 4-percent bonds, in order to refinance some $24 billion plus of outstanding obligations.

Mr. GORE. Mr. President, will the Senator from Wyoming yield to me?

Mr. O'MAHONEY. I yield.

Mr. GORE. Does not the Senator from Wyoming think that one additional reason why many savings bonds are being cashed is to meet the ever-increasing cost of living?

Mr. O'MAHONEY. Oh, yes; because of the increasing inflation, about which the administration will do nothing.

Mr. GORE. The administration seems to have forgotten about that.

Mr. O'MAHONEY. Yes.

Mr. GORE. Indeed so.

THE RIGHT OF TRIAL BY JURY

Mr. O'MAHONEY. Mr. President, I should like to say to some of my liberal friends on this side of the aisle that I fear that by means of the pending civil-rights bill they would deliver themselves into the hands of the executives who are on the side of the big banks and are not on the side of the common people.

Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD an article entitled "Another To Ponder," written by Ernest K. Lindley, the eminent commentator on the staff of Newsweek magazine. In the current issue of that magazine, which, of course, is recognized as one of the most important in the Nation, Mr. Lindley has published a very interesting article in which he discusses a very important question now before the Senate, namely, the right to a jury trial—a civil right. I commend the article to the attention of my colleagues, because it states the viewpoint of a thoughtful man—not a lawyer, to be sure, but a studious and careful man, who has written the article after careful search for the facts.

Mr. Lindley is also a man of commonsense. He makes the point that the jury-trial question is "much more troublesome than was at first realized by some long-standing champions of civil rights." He calls upon Americans to give careful consideration to the issue.

Therefore, Mr. President, I ask unanimous consent that the article by Mr. Lindley be printed at this point in the body of the RECORD.

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

ANOTHER TO PONDER

(By Ernest K. Lindley)

The President is not the only person in official (and unofficial) Washington who has become confused and doubtful about his Administration's civil-rights bill. One widespread misconception has been cleared up. The bill as submitted was not designed solely to protect voting rights. The full scope of the foggy part 3 may never be established. This part probably would never be employed so horrendously as some of the southerners envisioned. But it has few hearty defenders of its initial form.

Whatever the fate of part 3—deletion, amendment, or momentary survival through inability to draft a widely acceptable substitute—attention will return to another troublesome question: Jury trials. This is much more troublesome than was at first realized by some longstanding champions of civil rights. Anyone who has not been seriously bothered by it should read in full the speeches of Senators O'MAHONEY and KEFAUVER.

The right to trial by jury is at least as basic as the right to vote. Any proposed legislation permitting individuals to be punished, particularly by imprisonment, without jury trial deserves, by common consent, the sharpest scrutiny. The practical objection that juries in certain communities will not convict for certain offenses is not adequate to justify abolishing or suspending jury trials, even if that were constitutionally permissible.

TRADITIONAL USAGE

The current civil-rights bill provides for civil proceedings. It would protect voting rights through orders issued through the Federal courts. But if the orders, whether preventive or remedial, are disobeyed, the question of punishment will arise. Under the bill the punishment would be for contempt of court and would be administered by the Federal judge without a jury trial. This, according to the President, the Attorney General, and Senate backers of the current bill, is in accord with tradition. They also cite specific sanction in some 28 Federal statutes, as well as in the laws and practices of various States.

Senator O'MAHONEY has challenged this thesis headon. He says that all the 28 Federal statutes cited as precedents deal with offenses likely to be committed by artificial persons—corporations—not by natural persons. He cites instances in which Federal laws have expressly protected natural persons against punishment without jury trial for failure to comply with injunctions. He regards the bill as a sort of legal subterfuge designed to permit punishment without jury trial for offenses which are in existing law criminal and therefore require the historic processes of indictment and trial by jury.

WHO IS RIGHT?

In the morass in which constitutional lawyers are floundering it would be presumptuous for a layman to lay claim to solid footing. But one thing is plain: If O'MAHONEY is right, supporters of the bill—including the President and the Attorney General—are very wrong.

The tentative O'Mahoney amendment would require jury trials when any question of fact is at issue. KEFAUVER's amendment would draw the line at a somewhat different point, leaving Federal judges power to enforce compliance by election officials, for emample, but preserving jury trials in more complicated situations.

Both O'MAHONEY's and KEFAUVER's credentials as liberals are long and impressive. O'MAHONEY, an early New Dealer, has been on the national scene for a quarter century. KEFAUVER's stand on Negro rights was largely responsible for much of the southern Democratic opposition to his national political aspirations.

A large majority of Congress unquestionably is determined to do something to make good the Negro's right to vote. Here are strong reasons for seeing that the legislation is reasonable enough to be tacitly accepted by moderate southerners. For, as Senator LONG has pointed out, the Southern States have not exhausted legal subterfuges by which Negro voting may be kept severely restricted. But quite apart from such practical considerations, the role of jury trials in the protection of voting rights obviously merits the most careful consideration. The points raised by O'MAHONEY and KEFAUVER are too important to be brushed aside.

THE CIVIL-RIGHTS BILL AND TRIAL BY JURY

Mr. ALLOTT. Mr. President, I desire to address myself in a preliminary way, for a moment, to the question before the Senate this afternoon.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Does the Senator from Colorado realize that the Senate is still proceeding in the morning hour?

Mr. ALLOTT. Yes; and I realize that in connection with the morning hour I am allowed 3 minutes.

The PRESIDING OFFICER. That is correct.

Mr. ALLOTT. Judging from the way things are going, I should think I might be allowed 15 minutes.

Mr. President, I desire to address myself particularly to the question of jury trial. Of course, I do so only in a preliminary way.

Many statements have been made about trial by jury, and many newspapers and periodicals have gotten fairly far off base in their analyses of this subject.

A comprehensive report was made by Mollie Z. Margolin, of the American Law Division of the Library of Congress, on May 27 of this year. The report deals with trial by jury in the various States. Since the report is approximately 61 pages long, I did not think I should request that the entire report be printed in the CONGRESSIONAL RECORD. However, I have had made a series of excerpts from the report; and the excerpts deal with the status of trial by jury in the various States. The first gives a general analysis. The second is in regard to States having no requirement for jury trial in civil or criminal contempt proceedings. The third and last one deals with State laws and pertinent judicial decisions relating to the grant of jury trials in contempt prosecutions arising out of disobedience of labor injunctions.

Since this matter is of vital concern, it occurred to me it would be of service not only to the Members of the Senate but to the people of the country if it should appear in one place, consolidated as a matter of reference. Since this study was not performed by myself, but by others, and I have attempted to have it excerpted accurately, I would appreciate the comments of any Member of this body, especially as these excerpts relate to the laws of his own State, and if they should be in any way or in any manner not completely correct, I think it would be wise to have the RECORD corrected concerning them.

Mr. President, I ask unanimous consent at this time that the series of excerpts on trial by jury may be printed in the RECORD as a part of my remarks at this point.

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

STATE LAW ON CIVIL AND CRIMINAL CONTEMPT—EXCERPTED FROM A REPORT BY MOLLIE Z. MARGOLIN, AMERICAN LAW DIVISION, LIBRARY OF CONGRESS, MAY 27, 1957

(The following analysis does not include consideration of labor law, specifically the so-called little Norris-La Guardia laws pertaining to the disobedience of labor injunctions. An analysis of these is set out hereafter.)

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.

I. STATES HAVING NO REQUIREMENT FOR JURY TRIAL IN CIVIL OR CRIMINAL CONTEMPT PROCEEDINGS

Arkansas: "The provisions of our constitution and laws, guaranteeing the right to a trial by jury unless waived, do not take away from the courts the power to punish contempts in a summary mode, which right is inherent in all courts of justice and is founded upon the power of self-protection." *Neel* v. *State* (9 Ark. 259, 50 Am. Dec. 209).

Colorado: Right to a jury trial under article II, section 16, of the State constitution does not apply to contempt proceedings either civil or criminal, and a defendant who fails to follow an injunctive order cannot claim rights under this section. *Guirand* v. *Canal Co.* (245 P. 485); *Wyatt* v. *People* (28 P. 961, 963).

Connecticut: We are not aware of any case in this State or elsewhere in which it has been held that a party accused of contempt is entitled to a trial by jury. The contrary has been repeatedly held. It would seem to be necessary that the court should have the power to judge all questions of this nature. The power to protect the dignity of the court might hang by a slender thread if it was made subject to the uncertainties of a jury trial. *Huntington* v. *McMahon* (48 Conn. 174, 201).

Delaware: Certain election offenses, including bribery and failure of election official to do his duty are declared misdemeanors by constitution, article V, section 7, and trials of such offenses are to be without jury (constitution art. V, sec. 8). Since certain misdemeanors may be tried without a jury and since procedure for constructive criminal contempt provides for a hearing, it would therefore appear that contemnor would have no right to a trial by jury.

Florida: Statute authorizing courts to punish for contempt (1956 Supp., sec. 35.22 Florida Statutes, Annotated, 1943) provides that "the court shall proceed to hear and determine all questions of law and fact." This clause was not contained in the old law but was added by amendment in 1945. Its very wording would seem to indicate that an alleged contemnor would have no right to a jury trial; otherwise, the requirement that the court "determine all questions of * * * fact," would not only be meaningless but contradictory.

Idaho: No court has ever held that a party is entitled to a trial by jury in a proceeding for contempt. *McDougall* v. *Sheridan* (128 P. 954, 964 (7) 965 (13)).

Illinois: It is one of the attributes of a court of justice that it should have the power of enforcing its orders without the necessity of calling upon a jury to assist it in the exercise of that power. The fine and imprisonment which the court is authorized to impose for a contempt are not intended as a punishment for a violation of a criminal law, and punishment for contempt is not a bar to a prosecution for the same act if it also constitutes a criminal offense. The constitutional guaranties of the right of trial by jury do not apply to proceedings to punish for contempt, and those guaranties are not violated by the imposition of punishment by the court, without a jury, in a contempt proceeding, *State* v. *Froelich* (146 N. E. 733, 736).

Indiana: While it is generally held that the respondent in inquiries as to criminal contempt is not entitled to a jury trial, he is entitled to all the substantial rights of a person accused of crime, that are consistent with the summary nature of proceeding, the case is governed by analogies of criminal procedure, and the respondent is entitled to the same rules of evidence and presumptions of innocence that avail him in any criminal case. Guilt must be established beyond a reasonable doubt. *State* v. *Shumaker* (163 N. E. 272, 273). Information must be verified by oath of informant. *Denny* v. *State* (182 N. E. 313).

Guaranty, in article 1, section 13 of State constitution, of trial by jury in all criminal prosecutions, does not include prosecutions for contempt of court. *State* v. *Shumaker* (164 N. E. 408).

Iowa: That a party charged with contempt is not entitled to a trial by jury is founded on the fact that a contempt proceeding is not a prosecution for crime. The power to punish for contempt is summary in character and may be exercised in aid or vindication of the authority of the court in civil as well as criminal cases. *Flanagan* v. *Jepson* (158 N. W. 641, 642, 643 (2, 4, 5)).

Kansas: Alleged contemnor in proceedings for contempt does not have the right to a trial by jury. Section 20–1204, General Statutes of Kansas, Annotated, 1949, provides "but such trial shall be by the court or judge." Section 20–1204 deals with indirect contempts in general including cases of criminal contempt. *Frey* v. *Willey* (166 P. 2d 659, 660–661 (1–3)).

A person charged with violation of an injunction under the prohibitory liquor law is not entitled to a trial by jury. *State* v. *Thomas* (86 P. 499).

A contempt proceeding for violation of an injunction (civil, in this case) is summary in nature. *Frey* v. *Willey* (166 P. 2d 659, 662 (5–6)).

Maine: Proceedings in criminal contempt (direct) are by court without a jury. *Ex parte Holbrook* (177 A. 418, 423).

In proceedings for civil contempt, under chapter 107, section 35, Revised Statutes of Maine, 1954, it would appear that contemnor does not have a right to a jury trial. The statute reads: "* * * or if, upon hearing, he is found guilty of such disregard or disobedience, he shall be adjudged in contempt * * *." The term "hearing" would not be used if he were entitled to a trial by jury. A grand jury indictment is not required in prosecutions for contempt of court (ch. 147, sec. 1).

Maryland: In cases of criminal contempt, the statute reads "* * * the matter (shall) be tried by the court without a jury, before the judge, other than the judge issuing the citation." (Art. 5, sec. 108, Annotated Code of Maryland, Flack, 1951.)

"Although procedure does not include a trial by jury, it is plain that whether a contempt be civil or criminal, direct or constructive, the requirements of due process are satisfied if one accused is informed of the charge against him and given a fair and reasonable opportunity to present, and have an unprejudiced consideration of, his defense." *Sheets* v. *City of Hagerstown* (102 A. 2d 734, 736 (2, 3)).

Massachusetts: Contemnor in proceedings for criminal contempt does not have the right to trial by jury. *W. A. and H. A. Root* v. *McDonald* (157 N. E. 684); *Doland* v. *Commonwealth* (304 Mass. 325, 341, 342).

Trial by jury of the question whether a contempt of court has been committed would be a serious limitation of the power of 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. *Walton Lunch Co.* v. *Kearney* (128 N. E. 429, 432).

Michigan: The respondent in a proceeding to punish for contempt is not entitled to a jury trial. *In re Chadwick* (109 Mich. 588). The statute (sec. 27.529, Michigan Statutes, Annotated, 1938) reads "* * * the court shall determine whether the defendant has been guilty of the misconduct alleged."

Minnesota: In a proceeding for criminal contempt, the issue is one for the court and not for the jury. *In re Dingley* (148 N. W. 218, 220 (1, 2)). In *State ex rel Russell* v. *District Court* (62 N. W. 831), the court stated, "* * * Constructive contempts, although punishable equally with those which are direct, yet the procedure in the two cases is radically different * * *. When the accused is brought before the court, or appears in response to the order, the court proceeds to hear the case without a jury (Gen. Stats. 178, ch. 87, secs. 11, 12; now secs. 588.09, 588.10, Minnesota Statutes, Annotated, 1947)." Thus it would appear, that as long as the contempt charged is constructive, no difference exists in the procedure of hearing same without a jury, between civil and criminal proceedings.

Mississippi: In proceeding for criminal contempt, "the court was the trier of the facts." *Durham* v. *State* (52 So. 627, 628). In a proceeding for constructive contempt, defendant is not entitled to trial by jury. *O'Flynn* v. *State* (43 So. 82).

Missouri: The right to trial by jury, guaranteed by the Constitution of Missouri (art. I, sec. 22 (a)), is the right as it existed at common law, and is limited to those cases in which common-law procedure required or permitted such a trial. The right to trial by jury did not exist at common law in criminal contempt proceedings. *State* v. *Coleman* (152 S. W. 2d 640, 646 (5, 6)).

Montana: The power to punish contempt countenances trial without jury. *State* ex rel *Metcalf* v. *District Court* (155 P. 278, 281).

Willful disobedience of an order of the court may be tried as contempt of court under present section 93–9801 (civil procedure) or as a misdemeanor under present section 94–3540 (criminal procedure). *State* ex rel *Flynn* v. *District Court* (60 P. 493, 494). When tried as contempt, alleged contemnor has no right to trial by jury. (*State* ex rel *Metcalf* v. *District Court, supra.*) When tried as a misdemeanor, accused has a right to a jury trial. The constitutional guaranty article III section 16, that in all criminal prosecutions the accused shall have the right to trial by jury, includes misdemeanor as well as felonies. *State* v. *Koch* (85 p. 272).

Contemnor may be punished for contempt and may also be tried upon indictment or information for the same act if it be a criminal act, but in passing sentence for such criminal act, court may mitigate the punishment if contemnor has already suffered fine or imprisonment for contempt (secs. 94–4704, 94–4705).

Nebraska: In a proceeding for constructive contempt, no jury trial is allowed, as the question involved affects the administration of justice, and may require the prompt action of the court to prevent an obstruction of the law or a failure of justice. *Gandy* v. *State* (14 N. W. 143, 146).

New Hampshire: There is no right to trial by jury in the contempt proceeding. *State* v. *Doty* (90 Am. Dec. 671); *Town of Montclair* v. *Stanoyevich* (79 A. 2d 288). This is true even though the offense charged is indictable and the defendant would have the right to a jury trial on the indictment. In the absence of a statute, it is discretionary with the court whether to try the issue with or without a jury. However, the court must allow a jury trial if a statute so provides (Civ. Practice Rule 4: 87–3; Crim. Practice Rule 3: 8–3). No statute now provides for a jury in contempt actions generally.

New Mexico: In all proceedings for contempt of court, evidence may be introduced by both parties upon any controversial point, and the court shall decide such point upon the evidence (sec. 16-1-3, New Mexico statutes, 1953 annotated).

New York: There is no constitutional requirement that a person charged with contempt is entitled to have that question passed upon by a jury (*Soprinsky* v. *Tolman* (289 N. Y. S. 1110)).

North Carolina: Contempt proceedings may be resorted to in civil or criminal actions, and though contempt is criminal in its nature, respondents therein are not entitled to trial by jury. *Safie Mfg. Co.* v. *Arnold* (45 S. E. 2d 577, 586 (16, 17) (criminal contempt)); *In re Gorham* (40 S. E. 311 (civil contempt)).

North Dakota: The right of trial by jury, as secured in section 7 of the Bill of Rights, securing trial by jury, does not extend the right, but secures it in the cases in which it was a matter of right before. The right is as it existed at common law. *Power* v. *Williams* (205 N. W. 9).

Ohio: Defendant in contempt proceedings under procedure provided by sections 2705.03 to 2705-09 (Page's Ohio Revised Code Annotated, 1955), the ordinary quasi-criminal statutes employed in civil cases, is not entitled to a jury trial. Charges of contempt constituting a misdemeanor fully answer requirements of sections 2705.03 to 2705.09, and no jury trial is allowable. *State* v. *Arnold* (124 N. E. 2d 473 (CP)).

Oregon: A criminal contempt proceeding is not a criminal prosecution within the meaning of section 11 of the bill of rights of Oregon constitution which protects right of accused in criminal prosecution, to trial by jury. *Rust* v. *Pratt* (72 P. 2d 533).

Rhode Island: Article 1, section 15, of the Rhode Island constitution provides, "The right of trial by jury shall remain inviolate," which means simply that in those proceedings in which a right to trial by jury existed at the time of the adoption of the constitution the right shall still continue. The constitution requires simply the conservation, not an extension, of the right of jury trial. *Merrill* v. *Bowler* (38 A. 114).

South Carolina: A proceeding based on constructive criminal contempt "is more or less summary in character." *State* v. *Weinberg* (92 S. E. 2d 842, 845 (1, 2)); it may be tried under the common law. *State* v. *Babb* (159 S. E. 633).

South Dakota: The constitutional provision (art. VI, sec. 7) that "the right of trial by jury shall remain inviolate" has no application to summary proceedings to punish for contempt (for violation of injunction, in this case). 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. *State* v. *Mitchell* (52 N. W. 1052).

Tennessee: Chancery court has power to punish contempt for violating injunction, summarily, without a jury trial. *Pass* v. *State* (184 S. W. 2d, 1).

The general rule is that a constitutional guaranty of jury trial does not apply to contempt proceedings whether in a court of law or a court of equity. Id.

Texas: Under a judgment of contempt, which partakes of the nature of a criminal proceeding, one may be punished by fine, imprisonment, or both, without trial by jury. *Ex parte Miller* (240 S. W. 944.)

A party prosecuted by contempt proceedings for the violation of an injunction cannot demand a jury trial. *Ex parte Allison* (90 S. W. 492).

Imprisonment ordered in contempt proceedings without jury trial, for violation of injunction, is not illegal, though the act complained of is also a crime. *Ex parte Houston* (219 S. W. 826).

Utah: There is no specific statutory provision concerning this; nor do the cases discuss it. However, in reading the Utah contempt cases, one gets the impression that they were tried without a jury. Statute reads "* * * Court must determine whether accused is guilty of contempt."

Vermont: Apparently no cases or statutes provide for trial by jury in contempt proceedings.

Virginia: The statute reads "The courts * * * may * * * punish them summarily * * *." (Sec. 18-255, Code of Virginia, 1950, Annotated.)

There is an inherent power of self-defense and self-preservation in the courts of this State created by the constitution. This power may be regulated by the legislature, but cannot be destroyed or so far diminished as to be rendered ineffectual. It is a power necessarily resident in and to be exercised by the power of the court itself, and the legislature cannot deprive such courts of the power to summarily punish for contempts by providing for a jury trial in such case. *Carter* v. *Conn.* (32 S. E. 780).

Willful disobedience to any lawful process or order of court is contempt and summarily punishable as such. *Board of Sup'rs of Hanover County* v. *Bazile* (80 S. E. 2d 566).

Washington: Trial by jury is not a right in criminal contempt prosecution.

On appeal from judgment charging him with contempt of court for failure to comply with court's decree, appellant contended that he was entitled to a jury trial under Rem. Rev. Stat., section 2372 (present sec. 9.23.010, Revised Code of Washington), which makes willful disobedience of the lawful process or mandate of the court a misdemeanor.

Appellant's contention is not well taken. We conclude that article 1, section 22 of the State constitution, relied upon by appellant, providing for trial by jury "in all criminal prosecutions," does not apply to such a proceeding as this, which is only quasi or incidentally criminal in its nature, and that the statutes of this State cited by appellant in support of his contention are inapplicable. In courts created by the constitution there is an inherent power of self-defense and self-preservation, which cannot be destroyed by legislative enactment. The vice of an act of the legislature which seeks to deprive the court of this inherent power is not cured by providing for its exercise by a jury. *Blanchard* v. *Golden Age Brewing Co.* (63 P. 2d 397, 408-409 (26, 27, 28)).

West Virginia: The statute authorizes the courts to punish "summarily" persons guilty of contempt consisting of disobedience to lawful order of the court (sec. 6024, W. Va. Code of 1955, Annotated).

In a proceeding for contempt of court for disobedience to its lawful order or decree, there is no constitutional right of trial by jury involved. It may be tried summarily. *State* v. *Bittner* (136 S. E. 202, 207 (3)).

Wisconsin: When accused shall appear before the court, unless he admits the offense charged, the court shall cause interrogatories to be filed specifying the facts alleged against defendant and requiring his answers thereto; to which defendant shall make written answers an oath. The court may receive affidavits or other proofs, contradictory of defendant's answer or in confirmation thereof. Upon the original affidavits; such answers, and subsequent proof, the court shall determine whether the defendant is guilty of misconduct alleged (sec. 295.12, Wisconsin Statutes, 1951).

The language in article 1, section 5 of Wisconsin constitution, "The right of trial by jury shall remain inviolate" refers to the law in force at the time the constitution was adopted. *Gaston* v. *Babcock* (6 Wis. 503).

Wyoming: In describing a contempt proceeding for violation of an injunction, the court stated: "A hearing was had in the contempt proceedings, at which the following facts were shown * * *. The defendant testified in his own behalf * * *. The court thereupon made the following findings (of fact) * * *." No mention is made of a jury and it is clear that it was a hearing without a jury (see *Laramie Nat. Bank* v. *Steinhoff* (53 P. 299, 300)).

The annotations to section 3-6611, Wyoming Compiled Statutes of 1945, Annotated, point out that this statute is similar to the Ohio statute on this subject, and cite an Ohio case to prove that the court has inherent power to try, without a jury, a contempt proceeding for violation of an injunction (see *Wind* v. *State* (130 N. E. 35, 36)).

II. STATES HAVING LIMITED REQUIREMENT FOR JURY TRIAL IN CERTAIN TYPES OF CONTEMPT PROCEEDINGS, EITHER BY STATUTE OR CASE LAW

Alabama: The right to a jury trial does not apply to civil contempt cases. *Ex parte Hamilton* (51 Ala. 66, 68). Jury trials in criminal prosecutions are a right only where prosecution is by indictment. Constitution, article 1, section 6. *Tims* v. *State* (26 Ala. 165, 167). Contempt proceedings do not require indictment.

Arizona: Statute provides that trial may be by court or upon demand of defendant, shall be by jury (sec. 12-863A, Arizona Revised Statutes, Annotated, 1956). This section applies only where the act forbidden also constitutes a criminal offense (sec. 12-864).

California: In proceedings for contempt committed out of court's presence, alleged contemnor had no constitutional right to trial by jury. A respondent in contempt proceedings is not entitled to trial by jury except where it is expressly provided for by statute, and then only in the particular cases to which the statute applies, and the fact that the act constituting contempt may also be an indictable offense does not affect the rule where the proceedings is not by indictment. *Bridges* v. *Superior Court in and for Los Angeles County* (94 P. 2d 983, reversed on other grounds, 314 U. S. 252).

Georgia: It would appear from the language of section 24-105, Code of Georgia, Annotated, 1938, that the only person who has a right to a jury trial in a contempt proceeding is one who disobeys an order of the court to turn over money, when he denies that said money is in his control. This provision gives the courts power to issue attachments and inflict "summary punishment" for contempt of court. In *Wagner* v. *Commercial Printers* (45 S. E. 2d 209 (4-5)) a case of civil contempt, the court stated concerning the judgment of the lower court, "* * * The judge was authorized to find that the real cause of the assault was resentment toward Wilson * * *.", a finding of fact. This shows that no jury was involved. Likewise, in *Pedigo* v. *Celanese Corporation of America* (54 S. E. 2d 252, 259 (8, 9)) a proceeding in criminal contempt, the court states, "Was the evidence sufficient to authorize the judge to find the respondents guilty?" and then proceeds to review the evidence. "Courts are not obliged to trust the preservation of their dignity and authority to such weak agencies as information, indictment and trial by jury." *Bradley* v. *State* (36 S. E. 630, 632).

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 (sec. 432,260, Kentucky Revised Statutes, 1953).

"The statute is plain on its face and makes no distinctions in its application as between civil and criminal contempts * * *. We hold that K. R. S. section 432.260 applies to all contempts, civil and criminal." *Jones* v. *Commonwealth* (213 S. W. 2d 983, 987 (6, 7)).

Louisiana: All cases in which the punishment may not be at hard labor shall, until otherwise provided by law, be tried by the

judge without a jury. (Constitution of Louisiana, art. 7, sec. 41). See penalty in section 15.12, Louisiana Revised Statutes, Annotated, West's, 1951.

Nevada: When the contempt is not committed in the presence of the court, an affidavit shall be presented to the court, of the facts constituting the contempt. The accused may have a jury trial and the judge in whose contempt the defendant is alleged to be shall not preside at such trial over the objection of defendant (sec. 8943, Nevada Compiled Laws, 1929).

The provisions as to jury trial and right of defendant to object to the judge, are void as a substantial abridgment of the inherent power of the court to punish for contempt granted by the constitution. While the legislature may enact laws which regulate the exercise of the power of courts to punish for contempt, they cannot diminish or abridge that power. *Pacific Live Stock Co.* v. *Ellison Ranching Co.* (213 P. 700).

Oklahoma: In all cases of indirect contempt the party so charged shall, upon demand, have a trial by jury (title 21, sec. 567, Oklahoma Statutes, Annotated, 1937).

In all indirect contempts, law requires a trial by jury. *Ex parte Stephenson* (209 P. 2d 515).

Pennsylvania: In proceedings for indirect criminal contempt for violation of injunction or restraining order, accused is entitled to trial by jury (1956 supp. title 17, sec. 2047, Purdon's Pennsylvania Statutes, Annotated, 1930).

As to proceedings in civil contempt since no statutory right to jury trial is given, the guaranty of a jury trial by section 6 of the bill of rights of Pennsylvania constitution would not apply, since accused, in such proceedings did not have such right at common law.

"The purpose of the constitution was to preserve the jury trial wherever the common law gave it, and in all other cases, to let the legislature and the people do as their wisdom and experience might dictate." Per Mr. Justice Black, in *Van Swartow* v. *Commonwealth* (24 Pa. 131, 132); quoted with approval in *Comm.* v. *Andrews* (24 Pa. Super. Ct., 571, 575).

THE LIBRARY OF CONGRESS,
Washington, D. C., June 13, 1957.

To: Hon. LAWRENCE CURTIS.

From: American Law Division.

Subject: State laws and pertinent judicial decisions relating to the grant of jury trials in contempt prosecutions arising out of disobedience of labor injunctions.

California: No statute, but courts acknowledge that statutory grant of right to jury trial would probably be constitutional—*Bridges* v. *Super. Ct. of Los Angeles County* ((1939) 14 Cal. 2d 466; 94 P 2d 983, rev. on other grounds in 314 U. S. 252).

Colorado: Statutory grant of jury trial—no cases interpreting—see Revised Statutes (1955) section 80-4-9 (3)—see old case holding statute granting jury trial unconstitutional—*Fort* v. *Co-op. Farmers Exchange* ((1927) 81 Colo. 431; 256 P. 319).

Connecticut: No statute—courts apply common law and deny propriety of jury trial—*Huntington* v. *McMahon* ((1880) 48 Conn. 174, 200).

Idaho: Statutory provision for jury trial in indirect criminal contempt prosecutions arising out of disobedience to labor injunctions—Code Annotated (148) section 44-710—no cases construing this provision have been recorded.

Illinois: No statute—at present the constitutional guaranty of jury is not applicable to contempt proceedings—*State* v. *Froelich* ((1925) 316 Ill. 77; 146 N. E. 733).

Indiana: Statutory right to jury trial—Annotated Code (Burns, 1950) section 40-511—no cases interpreting, but older decisions hold jury trial improper and adhere to separation of powers doctrine—see: *Garregus* v. *State ex rel. Moreland* ((1883) 93 Ind. 239); see also *State* v. *Shumaker* ((1929) 200 Ind. 716; 164 N. E. 408).

Iowa: No statute; but old case indicates that a jury trial requirement would be unconstitutional—*Eicher* v. *Tinley* ((1936) 221 Iowa. 293; 264 N. W. 591).

Louisiana: Statutory right of jury trial in contempt prosecutions arising out of disobedience of labor injunctions—Revised Statutes Annotated (West, 1951) title 23, sections 848-849—no relative cases have been found.

Maine: Statutory provision for jury trial in contempt proceedings arising out of breach of labor injunction—Revised Statutes (1954 ch. 107 sec. 37); upheld, in a civil contempt proceeding in *Cushman Co. et al. Shoe Co.* v. *Mackesy et al.* ((1937) 135 Maine 294; 195 A/365).

Maryland: Statutory provision for jury trial in indirect criminal contempt prosecutions arising out of breach of labor injunctions—Annotated Code (Flack, 1951) article 100 section 72—no cases have been rendered construing this provision.

Massachusetts: Statutory provision for jury trial modeled after Clayton Act provision—Annotated Laws (Michie, 1955) chapter 220 section 13A—sustained in *New England Novelty Co.* v. *Sandberg* ((1944) 315 Mass. 739; 54 N. E. 2d 915).

Minnesota: Statutory provision of right of jury trial in contempt proceedings arising out of disobedience of labor injunction—Statutes Annotated (West, 145) section 185.16—no cases construing the validity of this provision have been recorded.

New Jersey: Statutory provision for jury trial in contempt prosecutions arising out of disobedience of labor injunction—Statutes Annotated (West, 1954) section 4A; 15-56—no cases construing this provision have been found.

New York: Statutory provision for jury trial in contempt prosecutions arising out of disobedience of labor injunction—Judiciary Law (McKinney, 1948) section 753-a; Civil Practice Act (Nichols-Cahill, 1938) section 882-a. The constitutionality of this provision was upheld in *Kronowitz* v. *Schlansky* ((1935) 282 NYS 564). However, this provision is held to be inapplicable to proceedings arising out of attempt to enforce cease and desist orders obtained by New York State Labor Relations Board—*In re Boland* ((1940) 19 NYS 2d 166).

North Dakota: Statutory provision for jury trial in prosecutions for contempt arising out of disobedience of labor injunctions—Revised Code (1943) section 34-0811—no cases construing the validity of this provision have been recorded.

Oklahoma: Constitutional guaranty of jury trial in prosecutions for contempt—this appears to be a general provision not limited to cases of breach of labor injunction—the statutory provision implementing this constitutional provision is also free of any restriction of a similar import—Statutes Annotated (West, 1937) title 21, section 567—no cases interpreting the latter provision have been found.

Oregon: Statutory right to jury trial in contempt prosecutions arising out of disobedience of labor injunction—Revised Statutes (1955, sec. 662.130—no cases interpreting this provision have been found.

Pennsylvania: Statutory provision for jury trial in prosecution for contempt arising out of disobedience of labor injunction—Statutes Annotated (Purdon, supp. 1956), title 17, section 2047. The constitutionality of this provision has been upheld; see *Kegg* v. *Bianco* ((1943), 151 Pa. Super. 234; 30 A. 2d 159).

Rhode Island: Statutory provision for jury trial in contempt prosecutions arising out of disobedience of labor injunctions—Laws 1951, chapter 2748, section 6. No cases construing the validity of this provision have been recorded.

Washington: The statutory provision has been held unconstitutional—RCW (1951), section 49.32.090—*Blanchard* v. *Golden Act Brewing Co.* ((1936) 188 Wash. 396; 63 P. 2d 397).

Wisconsin: Statutory provision for jury trial in civil or criminal contempt cases (other than contempt committed in the presence of the court) arising out of disobedience of labor injunctions—Statutes (1951), section 103.60. However, this provision does not apply to disobedience of an order obtained in enforcement proceedings instituted by the State labor relations board—the latter is viewed as a proceeding to enforce an order of the court and is not comparable to a breach of a labor decree obtained by private litigants. *Wis. E. R. Board* v. *Milk, etc., Union* (238 Wis. 279); *Wis. E. R. Board* v. *Allis-Chalmers* (252 Wis. 43; 30 N. W. 2d 183).

The constitutionality of this provision appears to have been indirectly acknowledged in *John F. Jelke Co.* v. *Hill* ((1932) 208 Wis-650).

NORMAN J. SMALL.

DESTRUCTION OF HAY CROP IN CONNECTICUT

Mr. BUSH. Mr. President, dairy farmers in Connecticut, and many thousands of families who are consumers of milk, are facing an emergency because of the drought which has destroyed hay crops usually harvested at this season. The destruction of the hay crops may force a rise in the price of milk unless remedial steps are promptly taken.

I have urged the White House today to bring this emergency to the immediate attention of President Eisenhower so that he may give prompt and sympathetic consideration to a request that he declare Connecticut a disaster area. This request was made by the Honorable Abraham A. Ribicoff, Governor of Connecticut, after an emergency meeting this morning with the State agricultural disaster committee at the University of Connecticut.

I have also asked the Department of Agriculture to send a representative to Connecticut immediately to determine the extent of the disaster, and confer on remedial programs with State officials and representatives of farm organizations.

I am hopeful that the Federal Government will move promptly and effectively to help Connecticut farmers recover from the effects of the drought, and thus make unnecessary a rise in milk prices which would pinch the pocketbooks of thousands of housewives in my State.

THE CIVIL-RIGHTS BILL — UNANIMOUS-CONSENT AGREEMENT

Mr. JOHNSON of Texas. Mr. President, I have a unanimous-consent agreement I should like to propose on behalf of the distinguished minority leader and myself. I have talked to various interested Senators, and I think it is acceptable. I think it is a very fair agreement. I should like to ask to have it stated as being offered on behalf of the Senator from California and the Senator from Texas.

The PRESIDING OFFICER. The clerk will state the proposed unanimous-consent agreement.

The legislative clerk read as follows:

Ordered, That when the consideration of H. R. 6127, the Civil Rights Act of 1957, is resumed, further debate upon the amendment of Mr. BRICKER striking out the word "may" on page 9, line 20, and inserting in lieu thereof other words, shall be limited to not exceeding 1 hour, to be equally divided and controlled by Mr. BRICKER and the majority leader, respectively.

That following action on the above amendment, in the event the amendment yesterday proposed by Mr. COOPER as a substitute for section 121 is reoffered, debate thereon shall be limited to not exceeding 1 hour, to be equally divided and controlled by Mr. COOPER and the majority leader, respectively.

That following action on the above amendment of Mr. COOPER, if offered, the Senate shall resume the consideration of the Anderson-Aiken-Case of South Dakota amendment to strike out section 121, and that debate thereon, when the consideration of the bill is resumed on Wednesday, July 24, 1957, shall be limited to not exceeding 5 hours, to be equally divided and controlled by Mr. ANDERSON and the minority leader, respectively.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

ORDER FOR RECESS UNTIL TOMORROW AT 10 O'CLOCK A. M.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 10 o'clock a. m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, there may be the usual morning hour for the transaction of routine business only, with statements limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to invite the attention of the entire membership of the Senate to the fact that I owe a debt of gratitude to the distinguished minority leader [Mr. KNOWLAND], to the Senator from Illinois [Mr. DOUGLAS], to the Senator from Minnesota [Mr. HUMPHREY], and to the Senator from Georgia [Mr. RUSSELL], for their understanding and complete cooperation in the orderly procedures of the Senate. Although these Senators do not view everything alike, and have rather strong differences as to the pending bill, they have all realized the problems of the leadership, and they have been helpful to me in arranging a procedure which I think is satisfactory to all the Members of the Senate.

We plan to have a vote very shortly on the Bricker amendment. Following that we shall have a vote on the Cooper amendment. I shall ask that the Senate remain in session until 7:30 or 8 o'clock tonight, if Senators desire to address themselves to the bill. The Senate will meet tomorrow at 10 o'clock and have the usual morning hour. At the conclusion of the morning hour the time will be equally divided, 2½ hours to those supporting the Anderson-Aiken-Case of South Dakota amendment and 2½ hours to those opposed to it. Then there will be a quorum call, and the Senate will proceed to vote.

I hope all Senators who are not present will be notified by the aides of the minority and the majority. Those who cannot be reached today will, I hope, read this announcement in the RECORD and be here tomorrow when the roll is called.

Mr. President, I think this represents a great step forward. It is a good omen. It reflects great credit on the Senate of the United States. When this debate shall have been concluded in my judgement the Senate will have justly earned the appellation frequently given to it as the greatest deliberative body in the world.

CIVIL RIGHTS

Mr. HUMPHREY. Mr. President, yesterday afternoon by a unanimous vote of 90 to 0 the Senate adopted an amendment introduced by the distinguished minority leader [Mr. KNOWLAND] and myself to repeal the Reconstruction era statute known as the Force Act. I want to reemphasize what was said by the Senator from California [Mr. KNOWLAND] and myself yesterday when this amendment was under consideration.

We offered the amendment in good faith to remove what we considered a mistaken and unnecessary incorporation by reference of section 1993 in the drafting of the administration bill. We felt, and the Senate overwhelmingly agreed, that reference to this unhappy period of Reconstruction had no place in the civil-rights bill and no place in the Senate debate.

As far as I am concerned, I want my part in proposing yesterday's amendment to be understood for what it was: A serious and sincere effort to conciliate, to calm, and to heal. I felt that troops and civil rights ought to be disconnected both in theory and in practice. On the basis of statements made by certain Senators on the Senate floor during recent weeks, it would seem that the troops question had become a serious emotional issue for them. Therefore, I felt that it was important to set these feelings at rest.

Mr. President, yesterday's amendment was offered not as a means of weakening part III, but of pruning it of extraneous issues that should not have been included in the first place.

An excellent analysis of the troops issue appeared in an editorial of the Washington Post for July 19, 1957. I ask unanimous consent that the text of that editorial be printed at this point in the RECORD.

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

TROOPS AND CIVIL RIGHTS

Senators KNOWLAND and HUMPHREY have effectively undercut the phony issue blown up around the possible use of Federal troops to enforce the civil-rights bill in the South. The amendment they have offered would repeal the old Reconstruction Act that empowers the President to employ land or naval forces to make effective the civil-rights provisions then enacted into law. Support for their move seems to be almost unanimous. That should dispose of the absurd fears voiced by Senator RUSSELL that the authors of the civil-rights bill had secretly inserted a provision for the use of troops to force integration on the South.

Actually, the authorization for the use of troops is not in section 1985 of the United States Code which the civil-rights bill would modify. Rather, it is in section 1993. If the authors of the bill noticed it at all, they may well have concluded that it was meaningless. For it adds nothing to the general law on use of force by the President, if necessary, to maintain order and make the law of the land effective.

The Knowland-Humphrey repealer will not, of course, impair this basic presidential authority which has been on the books since the Government was first organized. Congress has authorized use of the Armed Forces to suppress insurrection, to put down domestic violence, to cope with unlawful conspiracies and to prevent frustration of the processes of justice. Any government must have this power for the maintenance of law and order. Even if Congress had been entirely silent on the subject, the President could doubtless use the Armed Forces to preserve order, if necessary, under the constitutional command that he shall take care that the laws be faithfully executed.

President Eisenhower has said emphatically, however, that he cannot imagine any set of circumstances that would ever induce him to send troops into an area to enforce a court order, because he believes that the people are too sensible to let any dispute deteriorate to a point where troops would be necessary. This is a restrained and sensible attitude. It goes as far as Mr. Eisenhower or any President could safely go toward reassuring the South. For in the end every law must be enforced or become a dead letter. The whole point of passing the civil-rights bill is to give the Department of Justice means of enforcing the right to vote and other basic rights in areas where they are now denied, and it is not anticipated that the courts will issue meaningless decrees.

In effect, then, the Knowland-Humphrey amendment will neither change the present law nor weaken the bill. It merely disposes of a disingenuous argument raised against the bill. With this source of confusion eliminated, attention can now be centered on the merits of the proposed legislation. It is a hopeful sign that Senator WATKINS is trying to redraft part III so as to narrow its scope without completely eliminating it, as Senators ANDERSON and AIKEN would do. Hopeful also is the Kefauver amendment to allow jury trials in cases of criminal contempt and to forbid them in cases of civil contempt. Certainly this is more realistic than the O'Mahoney amendment which would call for a jury trial of any person accused of violating a civil-rights injunction if any facts were in dispute.

As the Senate moves toward a compromise, care must be taken to avoid gutting the bill. The process of making it less offensive should not make it meaningless; and any provision that every case of contempt must be tried by jury would indeed make the bill meaningless. We hope that every amendment

will be scrutinized with the object of retaining the main provisions of the bill and of softening part III without destroying it.

Mr. HUMPHREY. Mr. President, on the same day there appeared an editorial in the Minneapolis Morning Tribune entitled "Two Ways To Kill It." I ask unanimous consent that the text of the editorial be printed at this point in the RECORD.

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

TWO WAYS TO KILL IT

There are two ways to kill the civil-rights bill now before the Senate. One is to talk it to death. The other is to amend it to death. We may be sure that many southerners have explored both possibilities. They will have no compunctions about using either method.

At present the amending process is receiving attention. With 18 amendments already awaiting action, it is important to distinguish between the lethal ones, which are obviously intended to destroy the bill's effectiveness, and those which are offered in good faith by civil-rights advocates who would make no sacrifice involving basic principle.

An amendment falling in the latter category has been proposed by Senator HUMPHREY and the minority leader, Senator WILLIAM F. KNOWLAND, of California. What they seek is the repeal of a Reconstruction era statute which authorizes the use of our Armed Forces "in the execution of judicial process."

It is this venerable law which has apparently led some southerners, notably Senator RUSSELL, of Georgia, to conjure up the terrifying picture of Federal troops enforcing school integration with bayonets. Mr. Eisenhower says that he cannot imagine any set of circumstances which could induce him to use that power.

But since repeal would ease the South's fears, and since it would in no way weaken the civil rights bill, we believe it is in order. As Senator HUMPHREY says, "There is no point in rubbing salt into the South's wounds." If this gesture of reassurance would create better feeling, by all means let it be made.

Elsewhere on this page, readers will find a brief summary of the administration's civil rights bill. The real core of it, in our opinion, relates to the right to vote and to punishment for contempt, without jury trials, of those who disobey Federal court injunctions in cases involving that right. Any amendment which would impair this core would impair the whole bill. The South's insistence on jury trials may seem innocuous enough, but in effect it would blunt the bill's chief cutting edge. This is because southern juries are notoriously reluctant to convict civil rights violators.

The Senate voted to take up the administration's civil-rights bill 71 to 18, a decision of historic importance. Not a single Republican voted against the motion to consider it, nor did a northern Democrat. The mood of the Senate was plainly one for action, yet this mood may be altered by time and the forces of attrition. The South is not as impotent as Tuesday's vote might indicate, and it may yet drive a hard bargain on civil rights.

The thing to watch today is the scramble for amendments. It is here that the strength of the administration's bill may be drained away, and the civil-rights offensive broken.

Mr. HUMPHREY. Mr. President, this editorial drew a distinction between two kinds of amendments, the "lethal ones, which are obviously intended to destroy the bill's effectiveness, and those which are offered in good faith by civil rights advocates who would make no sacrifice involving basic principles."

As far as I am concerned, Mr. President, yesterday's amendment falls into the second category. Today we are moving into the first, the lethal category, in considering the Anderson-Aiken proposal. I myself feel very strongly that striking section 121 of part III would cut the effectiveness of H. R. 6127 in half. I do not say that what would remain would be ineffectual, but I do say that there is no persuasive reason for striking the critically important provisions now contained in part III.

I have been happy, Mr. President, to receive telegrams from all over the country, including many from my own State, which endorse my position in opposition to the Anderson-Aiken amendment. I ask unanimous consent that three of these telegrams from Minnesota which I received this morning be printed at this point in the RECORD.

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

ST. PAUL, MINN., *July 22, 1957.*

Senator HUBERT HUMPHREY,
Senate Office Building,
Washington, D. C.:

The St. Paul AFL-CIO Trades and Labor Assembly is opposed to the Anderson-Aiken amendments to the title 3 of the civil-rights bill. We favor the measure in its original form.

THE ST. PAUL AFL-CIO TRADES AND LABOR ASSEMBLY,
E. D. MCKINNON, *Secretary.*

MINNEAPOLIS, MINN., *July 22, 1957.*

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

Urge your all-out opposition to Anderson-Aiken amendment to civil-rights bill which would eliminate title 3. Please support constitutional rights of our fellow citizen in transportation, recreation schools, etc., by defeating this amendment.

MINNESOTA JEWISH COUNCIL.
SAMUEL L. SCHEINER,
Executive Director.

ST. PAUL, MINN., *July 22, 1957.*

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

We support the defeat of the Aiken-Anderson amendment to the pending civil-rights bill. We view this amendment to strike title 3, as a repudiation of the Supreme Court's recent decision on desegregation and as undermining the 14th amendment to the United States Constitution, which guarantees all American citizens the equal protection of the law. We support you in your steadfast position favoring passage of strong civil-rights legislation, as opposed to the uncertain vacillation of President Eisenhower and his eagerness to accept any proposal of compromise on civil-rights legislation.

Minnesota YDFL Civil-Rights Committee, Gene H. Rosenblum, St. Paul, Cochairman; Paul H. Ray, St. Paul, Cochairman; Cynthia Asplund, James Pedersen, Clinton Lee, Minneapolis; George Doty, Thomas St. Martin Herman, Joan O'Neill, Lloyd Moosebrugger, Sam Kaplan, Donald Nemer, Dean Potter, Philip Archer, Thomas McDonough, Mrs. Lloyd Moosebrugger, St. Paul.

EGYPT AND THE SUEZ CANAL

Mr. HUMPHREY. Mr. President, two items in the morning newspapers seem to give us hope that the Egyptian Government is approaching the issue of Israeli cargoes and Israeli shipping through the Suez Canal in a more moderate and reasonable manner.

The first of these items is an Associated Press dispatch from the United Nations containing an announcement that Egypt has conditionally accepted the jurisdiction of the International Court of Justice in disputes arising out of the operation of the Suez Canal.

It is not yet clear whether this acceptance precisely includes the right of an Israeli vessel to pass through the canal. However, the Egyptians have granted permission to a Danish vessel to carry a cargo of rice through the canal to the Israel port of Haifa; in other words, an Israeli cargo on a Danish ship.

The New York Times dispatch from Cairo says, among other things, that "the speed with which the decision was made was said to indicate that President Nasser was seeking to avoid any kind of crisis over the canal at this time."

I ask unanimous consent that the text of these two articles on this situation, appearing in this morning's Washington Post and New York Times, be printed at this point in the RECORD.

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

[From the Washington Post of July 23, 1957]

EGYPT ACCEPTS WORLD COURT

UNITED NATIONS, N. Y., July 22.—The United Nations announced today that Egypt has accepted the jurisdiction of the International Court of Justice in disputes arising out of the operation of the Suez Canal.

Egyptian Foreign Minister Mahmoud Fawzi told Secretary General Dag Hammarskjold of his Government's decision in communication dated July 18.

The U. N. said the Egyptian decision will be transmitted to the International Court at The Hague.

Egypt's action removed one major obstacle to agreement on operation of the canal. It means that Egypt has consented to go before the World Court, in case a dispute arises over the canal, on the condition that the other parties in the dispute also recognize the Court's jurisdiction.

Fawzi said the Court was recognized by Egypt "in all legal disputes that may arise under" an Egyptian declaration of April 24. The declaration said the canal would be kept open in accord with the Convention of Constantinople of 1888 and would be operated by an Egyptian authority.

ISRAEL STILL BARRED

The United Press reported the Egyptian acceptance had no bearing on the right of Israeli ships to pass through the canal. Egypt has barred the canal to Israel's vessels.

The agency further reported Egyptian authorities have given permission for a blacklisted Danish freighter under Israeli charter to transit the Suez Canal tomorrow en route to an Israel port, it was announced tonight. An Israeli citizen aboard the freighter was taken into custody by police in Egypt but he was expected to be returned aboard before the ship passes through the canal, the announcement added.

[From the New York Times of July 23, 1957]

EGYPT ARRESTS AN ISRAELI SEAMAN FOUND ON SHIP AT CANAL ENTRANCE

CAIRO, July 22.—Egyptian authorities granted permission tonight to a Danish vessel to carry a cargo of rice through the Suez Canal on its way to Israel.

Egyptian authorities arrested an Israeli sailor, Rafi Eilon, who had been taken on as a member of the vessel's crew. Mr. Eilon was first locked in a cabin and placed under guard and later removed to Suez, where he was handed over to Egyptian Intelligence Department officers.

While the decision to allow the Israeli-bound cargo to pass through was regarded as a sign of moderation, the arrest and interrogation of the sailor could be expected to create a furious reaction on the part of Israel.

Official sources said the decision had been made at the highest level of government. It was considered certain, however, that it was no signal for a change in the refusal of President Gamal Abdel Nasser to permit any ship flying the Israeli flag to pass through the canal.

The 3,995-ton motorship *Brigite Toft* arrived in the Suez roads this morning carrying more than 3,000 tons of rice and some crates of personal effects from Rangoon.

Her agents in Suez already had announced to Egyptian authorities that the cargo was destined for the Israeli port of Haifa.

Customs and coast guard officials, forming what the Egyptians call the War Effort Committee, boarded the vessel as she anchored in the roads near the southern terminus of the Suez Canal and inspected the cargo. The ship's captain, Hans Lolk, told members of the committee that a fire aboard the ship had destroyed the manifest papers of the cargo while the vessel was in Rangoon.

The ship was expected to join the first northbound convoy early tomorrow morning and to reach the open waters of the Mediterranean by nightfall.

If there is no last-minute hitch, the *Brigite Toft* will be the first ship to carry an Israeli-bound cargo through the canal since before the attacks on Egypt last November by Britain and France and Israel.

The Egyptians have always claimed the right to bar Israeli shipping from using the Suez Canal on the grounds that the Constantinople Convention of 1888, which regulates passage through the waterway, permits Egypt to defend herself against any enemy shipping. Egypt says that the still-existing state of war with Israel gives her this right of belligerency and that the armistice agreement between the two countries has not ended the actual state of war.

Before the attack on Egypt, the Egyptians did permit non-Israeli vessels to carry innocent cargoes through the canal to Israel. So long as the cargo was not conidered of strategic or military importance, it was allowed to pass after some delays in formalities.

The granting of permission to the Danish ship to pass through is a reaffirmation of this position. The vessel was not under charter by Israel and therefore could not be considered even indirectly as an actual test of Israel's right to use the canal.

The cargo was handled through the Mediterranean Agencies, Inc., of New York. The Suez agents, Lambert Bros., said the vessel would pay a toll of $5,000 for passage through the canal.

Egypt's nationalized Suez Canal Authority handed the responsibility for the decision on whether the cargo should be allowed to pass through to high officials in the Egyptian Foreign Office.

The speed with which the decision was made was said to indicate that President Nasser was seeking to avoid any kind of crisis over the canal at this time.

The Government's decision came as Egypt's first postrevolution Parliament opened. In a speech to Parliament, President Nasser said Egypt would guarantee freedom of navigation through the Suez Canal to world shipping in accordance with the 1888 convention.

ORDER EXPLAINED HERE

A spokesman for Mediterranean Agencies, Inc., 42 Broadway, when questioned whether any special or curious orders had been issued to the motorship, said the vessel "had been merely instructed to proceed through the Suez Canal." He added that the ship was under time charter to his company.

Mr. HUMPHREY. Mr. President, 2 months ago when I visited with President Nasser in Cairo, I came away with the feeling that he might be disposed to refer Suez transit matters to the World Court. In my recent report to the Senate Foreign Relations Committee on my study mission in the Middle East and southern Europe, I reported on this conversation, as follows:

Nasser in his conversation with me indicated that both the problems of passage through the Gulf of Aqaba and the Suez Canal for Israel ships and shipping intended for Israel could be handled peaceably. In the case of the Suez Canal, he reiterated that the matter might be settled in the World Court.

I wish only to add, Mr. President, that I recall the conversation vividly. I came away with the belief that there was some hope—I underscore "some hope"—that this situation regarding Israeli ships and the shipments of Israeli cargoes through the Canal could be handled by some form of international tribunal. While the most controversial point of the issue, that of the passage of Israeli ships, has not yet been resolved, I think today's events offer hope and encouragement for an amicable settlement of this important and irritating question.

I add, Mr. President, as a final word, if the position of our Government is unequivocal, if it is made clear that we regard transit through the Suez Canal to be on the basis of no discrimination as to the origin of ships or the destination of cargo, if we hold firmly to the freedom of the seas and the rights to international waters, we shall be performing a distinct service for the peaceful and amicable settlement of some very vexing and trying problems.

I appeal to the Secretary of State and to the President not to waver. I appeal to them not to have any of their public relations men interpret their point of view, but to speak concisely, precisely, and with determination and conviction. If they so do, Mr. President, there will be some hope of peaceful settlement.

IDEALISM AND THE TWO GENERALS

Mr. FULBRIGHT. Mr. President, last week in the President's press conference he made some extremely interesting statements, which I commented upon on Friday, I believe. In this morning's Washington Post, Mr. Walter Lippmann, with his discrimination and insight, draws from the statement of the President the meaning, I think, much more clearly than anyone else has done. I believe that his article, entitled "Idealism and the Two Generals," should be printed in the body of the RECORD, and I ask unanimous consent that it be printed in the RECORD at this point as a part of my remarks.

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

IDEALISM AND THE TWO GENERALS

(By Walter Lippmann)

Of the many long discussions about our respective doctrines which he had with Marshal Zhukov some 12 years ago, one point in particular seems to stand out in the President's mind. The Soviet commander had asserted that communism is idealistic whereas our doctrine is materialistic. The President remembers that he was very hard put to it to reply. Judging by his remarks at the press conference last week, he still feels that he did not win the argument by a knockout.

The two soldiers were agreed, we learn, that a system is idealistic if its ideal is that people should believe that their greatest satisfaction in life is in sacrificing for the state, giving to the state. Theirs, it would seem, "not to make reply, theirs not to reason why, theirs but to do and die." With this military definition of the ideal society, General Eisenhower was bound to be in trouble about the comparative idealism of communism and liberal democracy. This was especially the case when, in describing our own society, he accepted the view of Marshal Zhukov that man can earn what he pleases, save what he pleases, buy what he pleases. No wonder the argument of the two soldiers was, as the President said on Wednesday, "very tough." Both of them were hazy not only as to what were their respective doctrines but as to what was in fact the character of their two societies.

As we see him through the President's recollections, Marshal Zhukov was then a veteran professional soldier but a new, raw, and very naive amateur in the Communist Party. He had found it easy and convenient to believe that the Communist ideal is the ideal of the soldier, sworn to live and die obeying the orders of the rulers of the state. Bravely, he assured the American general that Stalin did not force the contribution of the people to the state. Stalin was teaching a people to support that contribution.

This, argued the Marshal, was very idealistic. It was more idealistic than any other social system. Is it not idealistic to give, like a soldier, everything to the state? And is it not very idealistic of Stalin to teach people to enjoy being so idealistic?

Had someone who was versed in Leninism been present at these discussions, he would have pointed out that the word "teaching" covered the whole vast apparatus of the so-called dictatorship of the proletariat. The earlier Marxists, those before Lenin, had believed that there would be a brief and regrettable, but necessary, period of dictatorship for the purpose of socializing the means of production. But then human nature would become reeducated to selflessness by the new institution of Socialist property. After that there would be no more need of coercion, and the state would wither away.

But years before he seized power, Lenin had shed the idealistic illusions of the earlier Marxists; he did not pretend to believe that human nature could soon be changed. Communism, he taught, could not be carried on without what was virtually a permanent dictatorship. Lenin, who was quite truly the founder of Soviet communism, was a harsh and implacable realist. He would have had

only scorn for the two tender-minded generals in search of idealism.

And so, no doubt sincerely but most naively, Marshal Zhukov was telling General Eisenhower an old fairy tale. It was the tale of an ideal condition of selflessness, of a community of the regenerate, which for thousands of years has been the dream of many religious communities, among them the early Christians. The dream is entirely unrelated to the realities of the Soviet state, or to the teachings of Lenin, who is its prophet.

In the liberal democratic order, the ideal is not that the highest good is to sacrifice for the state. The state exists for the good of man. The highest political good is that the sacrifice must be justified to the people of the community, that it must be explained, debated, assented to, and that there shall be an audit and a reckoning after the sacrifice has been made.

It is not true, as Marshal Zhukov said, that the liberal democratic order permits everyone to do anything. General Eisenhower should have had no difficulty replying to that. For all our economic activities take place within an environment of laws and customs which regulates them. Men, women, and children work within the laws of property and within the labor laws. They can build only within the zoning laws. They can save and they can spend only within the tax laws.

We live within a system of laws and not in a state of anarchy. The ideal of our system, which we approximate but never wholly achieve, is that this system of laws shall never be arbitrary, and that because it is debatable, it will, within the limits of human frailty, be reasonable and aim at justice.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, the Senator from West Virginia [Mr. NEELY], Chairman of the Senate Committee on the District of Columbia, has prepared for the Subcommittee on the Judiciary of the District of Columbia Committee a statement in opposition to Senate bill 1846, which is the administration bill in regard to home rule for the District. Later I shall ask to have the entire statement printed in the RECORD.

First, I wish to compliment the great chairman of the District of Columbia Committee, the Senator from West Virginia, who, in my judgment, has been one of the greatest friends in the Senate the people of the District of Columbia have ever had in the entire history of the District. No one can question the dedicated service which MATT NEELY has given over the years to the people of the District of Columbia; and I am sure that the people of the District will consider carefully and give great weight to the statement of this spokesman for them in his opposition to the Eisenhower so-called home rule bill, which is a hoax and a fraud, and in reality no home-rule bill at all. For the benefit of Senators, I wish to read a paragraph or two from the statement of the great Senator from West Virginia. In his typical style, he minces no words. He says:

> S. 1846 is not a half a loaf of democratic bread. At best, it promises the revocable gifts of a benevolent paternalism; at worse, the wormwood of despotism.
>
> But let the bill speak for itself.
>
> Section 301 states, "Except as otherwise provided in this act, the legislative power and authority of the District, as hereinafter set forth, is hereby vested in the Assembly," and section 402 states that "The Governor shall be the chief executive officer of the District Government." But under other provisions of the act, both the Assembly and the Governor are expressly made subservient to and subject to the control of one single man, the occupant of the White House.
>
> Thus, the Assembly has no power to enact legislation where it meets with the disapproval of the President and his appointed Governor. Under section 324 (d) of the act, this veto power is absolute. Please allow me to invite your attention to the specific language:
>
> "If the President approves such act, he shall sign it, and it shall become law. If he does not approve it, he shall return it to the Governor so stating, and it shall not become law."

The Senator from West Virginia continues:

> This is not the language of democracy. The assembly may play the game of legislating, but the ultimate governing and legislative power resides in the hands of one single man, who, with the ease of an emperor, may accept or destroy the will of the people, by turning his thumb up or down.

The Senator from West Virginia goes on to discuss the question of increasing the executive power. As Senators well know, I, too, am opposed to the bill because it is another dangerous example of the trend of the administration toward Government by the Executive and away from the control of the voting people of the country.

The Senator from West Virginia says further:

> Proponents of the bill attempt to justify its antidemocratic bias by saying it is based upon the Territorial concept, but, as any citizen of Hawaii or Alaska will tell us, Territorial government is not democracy; and a Territorial government for a people who cannot achieve statehood is a cruel and dangerous jest.

In the next paragraph the Senator from West Virginia cites a great historic chapter, which I would have not only the people of the District of Columbia, but Members of Congress, remember. The Senator from West Virgina says:

> For those who have forgotten, let me remind them that Washington has already suffered through one so-called Territorial period. From 1871 to 1874 the District was governed by a Governor, a Board of Public Works, and an 11-member Council—all appointed by the President—and an elected House of Delegates. As would be expected, the District was dominated by the executive branch, the people violently protested, and in 3 years the Territorial form of government was abolished. As a timely historical footnote, the chief complaint of the taxpayers was an extravagant public-works program, involving an expenditure of $18 million for 4 years, which was initiated by the executive branch.
>
> There is, therefore, no justification either in principle, fact, or history for Territorial rule of the District. It does not give or promise the people home rule. It is unworkable. It would only serve to plague the Congress and the taxpayers of the District with a host of new problems, while solving none of the old.

I can only express my suspicion, but I think it has been well borne out by the past acts of the present occupant of the White House. I have a suspicion that he never knew that at one time in the history of the country his so-called Territorial concept was tried in the District of Columbia and was found wanting and was rejected and done away with.

I say to the President of the United States, "If you are for home rule, give it to the people of the District of Columbia. Do not take the position that you are going to insist upon a controlling Executive power, under which you, the President, will decide what is good for the people of the District of Columbia."

The Senator from West Virginia and the Senator from Oregon will continue to fight in the Senate to provide the second-class citizens of the District of Columbia with the right to vote; and we will continue to oppose President Eisenhower or any other President in an attempt to prevent true home rule being given to the people of the District of Columbia.

I will not sit here in silence when the President seeks to obtain Executive authority, which I believe it is dangerous to give to any man, and when I consider President Eisenhower's home-rule bill to be a measure which cannot be reconciled with the basic principles of American democracy.

It is about time that he give some study to the history of home-rule problems in the District of Columbia.

I ask unanimous consent that the entire statement of the Senator from West Virginia be printed in the RECORD at this point.

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

STATEMENT OF SENATOR MATTHEW M. NEELY TO THE SUBCOMMITTEE ON JUDICIARY OF THE DISTRICT OF COLUMBIA COMMITTEE ON S. 1289 AND S. 1846, MONDAY, JULY 22, 1957

Mr. Chairman and members of the subcommittee, one of the most astounding paradoxes in the world today is that a nation which fought a revolutionary war to rid itself of the oppressive powers of a king, and his appointed officials, which fought two World Wars to insure the right of self-determination, and which is today spending countless billions of dollars to provide or preserve representative government for the people of Europe, Asia, Africa, and the islands of the sea, is, at the same time, a nation which deprives every resident, law abiding, taxpaying, patriotic man and woman in its Capital City of Washington of the rights of self-government.

This paradox is not solved, but only compounded, by the administration's bill S. 1846. For that bill is neither a home-rule bill nor a bill that gives the right of self-government to the residents of the District. Instead, it is an Executive-rule bill, finding no parallel or precedent in democratic government or principles.

As Thomas Stokes wrote in the Washington Star of July 12, 1957: "The Eisenhower proposal harks back to the crown colonies of the pre-Revolutionary era, with a governor appointed by the King and the royal right of veto over the local assembly."

S. 1846 is not a half a loaf of democratic bread. At best, it promises the revocable gifts of a benevolent paternalism; at worst the wormwood of despotism.

But let the bill speak for itself.

Section 301 states "except as otherwise provided in this act, the legislative power and authority of the District, as hereinafter set forth, is hereby vested in the as-

sembly," and section 402 states that "The Governor shall be the chief executive officer of the District Government." But under other provisions of the act, both the Assembly and the Governor are expressly made subservient to and subject to the control of one single man, the occupant of the White House.

Thus, the assembly has not power to enact legislation where it meets with the disapproval of the President and his appointed Governor. Under section 324 (d) of the act, this veto power is absolute. Please allow me to invite your attention to the specific language:

"If the President approves such act, he shall sign it, and it shall become law. If he does not approve it, he shall return it to the Governor so stating, and it shall not become law."

This is not the language of democracy. The assembly may play the game of legislating, but the ultimate governing and legislative power resides in the hands of one single man, who, with the ease of an Emperor, may accept or destroy the will of the people, by turning his thumb up or down.

With reference to the Executive power under the administration bill, the Governor is described as the chief executive officer of the District Government. But to whom is he accountable? It is not to the people. Appointed by the President, he can be removed by the President at any time. He occupies the office of Governor as no more than a tenant at will of the White House, and in any conflict between the needs of the governed and the wishes of his landlord, the governor's choice is simple—he will either become a Quisling or he will be dispossessed.

Proponents of the bill attempt to justify its antidemocratic bias by saying it is based upon the territorial concept, but, as any citizen of Hawaii or Alaska will tell us, territorial government is not democracy; and a territorial government for a people who cannot achieve statehood is a cruel and dangerous jest.

For those who have forgotten, let me remind them that Washington has already suffered through one so-called territorial period. From 1871 to 1874 the District was governed by a Governor, a board of public works, and an 11 member council—all appointed by the President—and an elected House of Delegates. As would be expected, the District was dominated by the executive branch, the people violently protested, and in 3 years the territorial form of government was abolished. As a timely historical footnote, the chief complaint of the taxpayers was an extravagant public works program, involving an expenditure of $18 million for 4 years, which was initiated by the executive branch.

There is, therefore, no justification either in principle, fact, or history for territorial rule of the District. It does not give or promise the people home rule. It is unworkable. It would only serve to plague the Congress and the taxpayers of the District with a host of new problems, while solving none of the old.

When the administration presents its bill as home rule, let us not be deceived. Let us not be forced later to say to the residents of the District, as Isaac said to Esau, "Thy brother came with subtilty, and hath taken away thy blessings."

My devotion to and my record on behalf of home rule for the District of Columbia yield to no person nor opposing principle. I will not, therefore, give a scintilla of support to the administration's bill.

There can be no home rule nor democracy in the Capital unless the supreme power of government is in the hands of the people. S. 1289, introduced by me and cosponsored by Senator MORSE, grants this power to the residents of the District of Columbia, by providing for the basic, although apparently still controversial, right of electing a mayor, city council, school board, and delegate to the House of Representatives. We cannot in conscience give less than this. We should in conscience give more.

S. 1289 will provide the first step, which is within the power of Congress to take, of true home rule. The next step to bring democracy to our Capital City is national representation, which can only be achieved by constitutional amendment. But let us take the first step forward now by approving, perfecting if necessary, and passing S. 1289. Let us not step backward to the 18th century by endorsing S. 1846, and the concept of territorial government.

REDUCTION OF MILITARY MANPOWER

Mr. MANSFIELD. Mr. President, the Secretary of Defense, Mr. Wilson, announced last week that the Armed Forces of our country were to be reduced by approximately 100,000 men. It reminds me of the rumors revolving around the so-called Radford plan of a year or so ago, when it became common talk that the Defense Establishment was considering the possibility of a reduction in the Armed Forces of our country by approximately 800,000 men. That would have been a reduction from the forces in being at that time.

I am wondering if the 100,000-man reduction is not the prelude to a larger reduction in the weeks ahead, perhaps in the period after Congress adjourns.

I note that, in the announced reduction, 15,000 men would be taken from the Marine Corps. I should like to remind Mr. Wilson, the Secretary of Defense, that under Congressional law the Marine Corps is supposed to have 3 combat-sized divisions and 3 combat-sized air wings, and that those 3 divisions and 3 air wings do not constitute a ceiling, but constitute a floor.

It is my belief that the 15,000-man reduction in the Marine Corps—which perhaps may be only one of others which will be made in the future—will mean that the Marine Corps will not be able effectively to operate 3 combat divisions and 3 combat air wings.

In the latest issue of the Elks magazine there appears an article on the Marine Corps under the title "Battle Tough—Combat Ready," written by Garrett Underhill. I ask unanimous consent that the article may be incorporated in the RECORD at this point in my remarks.

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

BATTLE TOUGH—COMBAT READY

(By Garrett Underhill)

During the darkest hours of the Suez crisis last fall, the Joint Chiefs of Staff, our Nation's top military planners, fearing the United States was on the brink of war, met day and night in urgent, map-cluttered sessions. Secret dispatches, alerting our Armed Forces the world over, hummed out over the Pentagon's vast telecon and radio communications system. Most of the United States Navy was ordered to sea. The Strategic Air Command was galvanized to full alert. Big jet bombers stood down on SAC airfields where they were gassed and loaded with atomic and hydrogen bombs. But during this crisis, as in so many others in the past few years—Korea, Formosa, Indochina—the Strategic Air Command, the most powerful military force in history, was the forgotten force. The Navy and the obsolete footsoldier, specifically the United States Marines, played the key role in protecting United States interests in the Mid-East, and in projecting United States power diplomacy.

Early in the crisis, a red alert flashed to Marine forces in the Far East. At 1 o'clock on the morning of November 8, a message reached the 3d Battalion, 3d Marines, engaged in field maneuvers on the slopes of Mount Fuji, Japan, "Move back to main camp." Rugged marines, fully equipped with weapons and battle dress, broke camp and within 5 hours they had assembled in headquarters. Two hours later they boarded ship ready to fight anywhere the United States Navy could take them. There was a brief pause, while the Pentagon drew up final plans, during which the embarked Marines returned to port. On the 10th of November, as they were sitting down for a special dinner to celebrate the 181st anniversary of the corps, they were again ordered aboard ship. They sailed within 2 hours. This battalion remained aboard ship in the Persian Gulf, poised throughout the crisis, to strike through the soft, sandy underbelly of the Mid-East, if needed.

In the Mediterranean itself, another Marine Corps unit, the 3d Battalion, 2d Marines, stationed aboard ships with the United States 6th Fleet, had moved into action. At the height of the crisis, the 3d landed near Cairo, with orders to see that approximately 1,500 refugees, mostly Americans, were safely evacuated from Egypt. They went ashore quietly, but prepared for any eventuality. A plan had been drawn up for the Marine unit to advance and hold the Cairo airfield long enough for United States planes to land and evacuate United States citizens, if it proved necessary (it didn't). Still another Marine battalion, the 2d Battalion, 6th Marines, was moved into the Mediterranean, and held in readiness. On the east coast of the United States, a Marine regiment with its combat equipment was diverted from scheduled maneuvers in North Carolina, and combat-loaded aboard ship. It steamed up and down the coast off Norfolk, ready to rush for the Mediterranean on an instant's notice.

As it turned out, no Marine fired a shot in anger. But the fact that lean leathernecks were on the scene so rapidly and fully prepared to fight with everything from small arms to large battlefield weapons (atomic or conventional) put force behind the United States declarations to prevent aggression and restore peace. If Russian volunteers had actually appeared—as the Kremlin warned—the full brunt of the 200,000-man corps could have been brought to bear. Three divisions with air components—the first at Camp Pendleton, Calif., the second at Camp Lejeune, N. C., and the third, scattered around the Pacific—were fully ready to fight. If shipping could have been made available in a matter of days, the divisions plus built-in aviation support could have landed in Egypt. Said one top Marine general: "Hell, with one division, we could have licked Nasser and had him in the pokey before he could turn around."

The Suez crisis was a striking test of United States military preparedness. The performance of the Marine Corps was superb and it proved—if there was any doubt—that claims by Marine generals that the corps is always read to fight is no idle boast. Marines pride themselves on being ready to fight, right now, in any kind of war; police action; brush war, as well as the all-out war either conventional or atomic.

The United States Army still thinks in terms of a long buildup and training after a war emergency begins. Not the Marines. Says Commandant Randolph McC. Pate: "The phrase 'ready forces' has been used

frequently in the press and in military circles, although the definition assigned to it seems to vary widely. But by any definition, the 3 Marine combat divisions and 3 Marine aircraft wings which Congress has provided for are ready forces. * * * There are no training divisions or training wings among them—they are all organized and equipped for but one purpose—combat." And they are not sitting around waiting. All marines assigned to combat units train like beavers the year around, "fighting" in everything from small unit exercises to realistic full-scale landings. A grim joke at Camp Lejeune: If a marine is assigned to a unit at a certain point in the training cycle, it is entirely possible for him to spend 18 months of a 2-year tour overseas in training, even though assignment to the division is considered stateside duty.

The peacetime, muscle-hardening Marine training is not usually a monotonous repetition of the standard way of doing battle. Marines traditionally pride themselves on flexible and imaginative tactics. It was due largely to Marine Corps foresight and planning that the technique of amphibious warfare—a decisive tactic of World War II—was ready in time. Had the German general staff recognized this principle they could have crossed the channel to defeat Britain. Marine aviators were the principal architects in the art of adopting the airplane in support of ground troops. Marines pushed for the bulletproof vest, and as a result many lives were spared in Korean combat. Today, in peacetime, the marines are busy working out the details of a radical new concept of atomic warfare centered around the helicopter.

This new doctrine—important to all of us—will provide the Marine Corps with even greater flexibility and readiness to cope with the wide variety of conflicts possible in the atomic age. It can best be understood by first recalling Marine amphibitous tactics of World War II.

To wrest a Pacific island from the Japanese was a long drawn-out procedure, fraught with danger and high casualties. The island was first bombed by Navy and Marine Corps airplanes. Immediately prior to the invasion, it was worked over and over again by naval guns from the protecting task force. Then Marines, in landing craft supported by Marine aircraft, stormed ashore amid a withering fire, hoping to seize a foothold on a beach. The assault elements were followed by heavier landing craft loaded with tanks, jeeps and artillery. Marines were successful in all of their landing attempts. But the battle required a tremendous concentration of men, machines, supplies, and ammunition.

In the opinion of most military leaders, the atomic bomb rendered concentrated amphibious assaults obsolete. The Marines were among the first to recognize this fact, and shortly after the war a board headed by one of the Marines' brightest generals, Merrill B. Twining, set to work to find a substitute. It was clear that even in an atomic age, a need would exist to seize islands and coastal points, for use as advance bases or missile launching sites for the Army, Navy, and Air Force, or, perhaps, to deny them to enemy forces.

Twining and other members of the board became fascinated with an unreliable, cranky, temperamental gadget known as the helicopter. Was it possible, they asked, to carry the shock troops ashore in such a monster, land vertically behind enemy defenses, and seize key points? If it could be done, they reasoned, the helicopter would offer one decisive advantage. It would put the enemy off balance: He could no longer expect to be hit only where there were beaches suited to amphibious assault. Overflying enemy shore defenses, helicopters could land Marines, 10, 20, a 100 miles inland, and on the roughest terrain. It was a promising theory, but it had disadvantages. For one thing, helicopters, in addition to being costly to maintain, and unreliable, could not lift a heavy load. Moreover, they might be highly vulnerable to enemy fire.

In the end, the Twining board ruled that the advantages outweighed the disadvantages, and the helicopter assault became a permanent and decisive element in Marine Corps strategy. The technique, laboriously perfected in peacetime training exercises, was first tried in combat in Korea, in modified form. It was a complete success—battle-tested the way Marines like to experiment with new concepts. After the Korean conflict had ended, the Marines set about to streamline and lighten the division to fit the limitations of the helicopter. At the same time, Marines persuaded the Navy to convert a small aircraft carrier, the *Thetis Bay*, to the role of a troop carrier adapted to the helicopter.

The final form of the atomic age Marine division was revealed not many weeks ago. First, it is smaller, down from 20,854 men to 18,910. The dead weight of the division has been reduced about half, and fuel demands about the same. This was achieved by eliminating the tank and its cumbersome supporting equipment from the division structure. Also gone are heavy 155 millimeter howitzers. The artillery of the new Marine division will consist of 3 battalions of 4.2-inch (107-mm.) mortars, and 1 battalion of 105-millimeter howitzers. Comparable firepower can be brought to bear with the smaller ranged weapons simply by moving them closer to the enemy. There will be no more long-range outgoing artillery fire from far behind a fixed front. Enemy tanks will be held in check by the amazing lightweight antitank weapon, Ontos, which mounts six 106 recoilless rifles atop a lightly armored hull. The entire division is air transportable.

Here is how the new concept would be applied in combat:

After achieving air superiority, Navy and Marine Corps fighters would bomb (conventional or atomic) and strafe the objective. The naval task force, including the helicopter troop carriers, improved versions of the *Thetis Bay*—would stand off some 20 to 100 miles from the enemy area to be taken. Then, on signal, combat-equipped marines would rush up from the living quarters of the helicopter-carrier, and clamber aboard the whirlybirds. (New helicopters under test might carry as many as 10 or 12 fully loaded men in one trip.) The choppers, protected by Marine and Navy planes, would thrash in toward the objective. Then, following natural terrain features, the choppers, hugging close to the ground, would zoom overland, and come to earth behind, or perhaps in the midst of, enemy defenses. The marines would pour out and quickly set up a defensive perimeter. The chopper meanwhile, would return to the ship for more marines. In a matter of 2 or 3 hours, the entire assault wave of the division—two or three thousand men—could be put ashore. Heavier equipment and supplies could be air dropped, or brought in by other helicopters.

With the enemy now concentrating on the marines behind him, or in his midst, the naval task force would close the beach. Main elements of the division, combat-loaded into armored amtracs, would move ashore, widely dispersed, crashing inland in the amphibious craft, with the immediate goal of joining up with the helicopter-landed assault wave. Behind the amtracs would come larger landing craft laden with tanks and other heavy equipment (if required), which would go ashore as support for the division. Supplies would be unloaded onto special docks; fuel would be automatically pumped ashore from tankers through a mobile pipeline. The object would be to seize the enemy area as quickly as possible, with little damage. Explains a marine: We're taking this place so we can use it. No use destroying it.

Some critics of this doctrine have challenged the elimination of the tank, particularly in light of the large number of tanks known to be in possession of the Soviet forces. But Marines say that the control of the air they must first gain to make an amphibious assault possible automatically gives them the power to wipe out mass movements of hostile armor. They say new weapons such as recoilless rifles and rockets will be sufficient to deal with the tanks marine aircraft miss. Moreover, the marines say many of their operations will occur in darkness, or partial darkness, when tanks operate less effectively, and could even be considered a liability to the enemy. Other critics say that a well-placed long-range enemy missile with a nuclear warhead could obliterate the entire operation. Says a marine: "If they did that, they would take their own men with them, and the base would be lost anyhow."

Development of the new Marine atomic warfare tactics doesn't put the Marines into competition with the Army. The Marines have always been America's specialists in attacking the land from the sea, and in defending it from seaborne assault. Like their work at seaborne worldwide police, this war job ties in closely with the sea and the Navy, of which they have been a part. Since early in the 1930's the Army has recognized the Marines' primacy in amphibious skill. Even when Army troops have spearheaded landings, it's been the marines who provided the amphibious know how, and developed the equipment. In fact, the Marines have been helping the Army this way since Washington called on them to lend a hand crossing the Delaware.

The Marines have helped the Army fight big land battles in many wars, but they leave wholly to the Army the major problems of continental land warfare. Marine strength has always been a fraction of the Army's. In World War II the Marines had 6 divisions to the Army's 90. Today they have 3 to the Army's 19.

If the proportion of Marine to Army strength now seems large, it's because of new world conditions. Since World War II, America has become the world's greatest seapower. The Communist bloc is a hugh landpower, rimmed on three sides by a fringe of free nations lying between the Reds and the seas. If America is to get to the aid of such nations, and to get at the Communist heartland from all possible angles, the sea offers the best and most numerous approaches. As a result, strategy and geography combine to give the Marine Corps of today an unprecedented importance.

The Marine Corps boasts a proud and illustrious history of combat readiness. Founded in 1775—allegedly in Tun Tavern on the Philadelphia waterfront—the old corps was modeled along the lines of the British marines. The first leathernecks served aboard United States naval vessels, to lend a tough, fearless hand to United States sailors. Marines fought in all of the 13 major naval engagements in the Revolutionary War. American novelist James Fenimore Cooper, writing from firsthand experience, said: The marines impart to a ship of war, in great degree its high military character."

Marines were very much in evidence when United States naval vessels sailed into the blue waters of the Caribbean in 1798 to do battle with the French. In the War of 1812 2 marines were killed on the *Constitution* when she earned her nickname, "Old Ironsides" by battering the British *Guerriere* into surrender. In New Orleans leathernecks played a key role in Andrew Jackson's defeat of seasoned British troopers who had only recently overwhelmed Napoleon at Waterloo. During the Mexican War marines joined up with Army troops to storm the citadel of Chapultepec, outside Mexico City, and a scene

of the battle, the Halls of Montezuma, was immortalized in the Marine Corps hymn.

A Marine battalion under Army General MacDowell gave one of the few good performances on the Union side in the Civil War's first battle, Bull Run. General Grant called on the Marines during his campaign against Vicksburg. Other Marines spearheaded east coast landings that sealed the South from the sea. Marines were aboard the battleship *Maine* when she was blown up in Habana Harbor in 1897. In World War I, the 4th Marine Brigade was assigned to the Army's 2d Division. These marines, shipped with the first convoy of United States troops to sail for France, were in place in time to help block the all-out German drive toward Paris in 1918. They fought so bravely and fearlessly in the bloody battle for Belleau Wood that the Frenchmen renamed it "le bois de la brigade de la marine" in their honor. Marine aircraft participated in the few bombing attacks against the Germans.

In peacetime, marines were amazingly busy with a variety of minor chores that kept them battle tough and combat ready. In the early days, they roved the seven seas, rooting out pirates that preyed on American merchantmen. Ashore, other Marines marched to the four corners of the United States to help put down Indian uprisings. In 1871, a small force of Marines landed in Korea to insure the country of a free government. For almost a hundred years, small contingents of Marines manned outposts in China, dealing with problems raised first by the imperialists, then bandits, and, later, Communists. Marines were active in the Caribbean and Central America during the 1920's and 1930's hunting down savage bandits and outlaws. Most of the Marine Corps' history had been compiled by an amazingly small number of men. For the first century of its existence, the Marine Corps never numbered more than 3,000. On the eve of World War II, the Marine Corps was actually smaller than the New York police force.

To fulfill World War II missions of seizing advance naval bases, the Marine Corps swelled enormously to nearly 500,000 men, organized in 6 divisions and 6 air wings. Marines slugged their way ashore on enemy-held islands more than 100 times, utilizing the modern technique of amphibious assault which Marines had developed in the thirties. When Marines landed on Guadalcanal, they became the first American troops to launch an offensive against the Axis. The names of Tarawa, Peliliu, Guam, Saipan, and Iwo Jima were permanently and proudly etched in Marine Corps' and our own national history. In the eyes of the United States public, Marines, who had suffered over 86,000 casualties in the Pacific, came to be regarded as a major fighting force, almost a separate branch of the armed services.

In the eyes of many Army generals, the Marine Corps had grown into a second land army and shortly after the war, they set about to put it back into its place. General Dwight D. Eisenhower was among those who felt the Marine Corps should be reduced to a police force. In a paper, he wrote: "The emergency development of the Marine forces during this war should not be viewed as assigning the Navy a nominal function of land warfare, fundamentally the primary role of the Army. * * * Once Marine units attain such a size they are assuming and duplicating the functions of the Army and we have, in effect, two land armies." Ike recommended that "Marine units not exceed the regiment in size," and that the whole Corps be held to a force of about 50,000 men, with future major amphibious assaults conducted by the Army. Marine Commandant Clifton B. Cates growled back: "The Marine Corps emerged from the last war feeling that it had performed creditably. * * * Thus it came as a great surprise to find ourselves at the war's end placed almost in the capacity of a culprit or a defendant."

In June of 1950 the Army generals had all but achieved their objective. During the economy reign of Secretary of Defense Louis Johnson, the Marine Corps dwindled in strength to a force of 74,000 men. Marines were starved for money and equipment. In Johnson's office there was talk of abolishing the Marine Corps outright.

This attitude changed overnight when the Communists invaded South Korea. As the Reds drove south, MacArthur dispatched an urgent appeal for Marines. Within 5 days, all available combat Marines had been pressed into a Marine brigade, which sped to Korea, arriving in time to help prevent the collapse of the Pusan Perimeter. In the meantime, in one of the most rapid and orderly mobilizations in the history of the military, Marine reserves were called up for service. By September 15, the 1st Marine Division—more than 20,000 men—had been whipped into shape, and it spearheaded the invasion at Inchon, the encircling movement that destroyed the North Korean Army as an organized fighting force. When the Chinese entered the war, Marines ordered into the Chosin Reservoir, against their will, were trapped. However, they conducted a masterful retreat, bringing out their wounded and most of their equipment. Later the division went on to hold down a major segment of the front and was not withdrawn from Korea until after the armistice was signed.

During the Korean phase, the Marine Corps expanded to about 250,000 men. To insure its future status, Marine sympathizers in Congress, Senator PAUL DOUGLAS (a former marine), and Congressman JAMES P. S. DEVEREUX (Marine hero of Wake Island), rammed through a bill that put a "floor" of 3 divisions and 3 air wings under the Marine Corps. The law also called for Marine Corps representation on the Joint Chiefs of Staff, when matters affecting the Marines were under consideration. The bill had been bitterly opposed by the Defense Department, the Army, Navy, and Air Force.

Although the law had guaranteed the Marine Corps 3 divisions and 3 air wings, it did not specify the number of Marines that would man these units. Since Korea, the Marine Corps has been steadily squeezed in size. Today it numbers some 200,000 men. Marine generals have said that this is the absolute rockbottom minimum. Any further cuts, and Marine combat units will lose a measure of readiness and training, the very factors that make them invaluable men to have around. Yet, there are signs that the Department of Defense, obsessed, or perhaps burdened, with the incredibly expensive guided-missile programs, may impose further restrictions on the Marines. This would be a violation of the intent of Congress, which believes, missiles or no missiles, that a strong, ready Marine Corps is needed, as one top Marine has put it, "to fill the gap between diplomacy and the dropping of hydrogen bombs."

Says Marine Commandant Pate: "The man on the ground with a rifle and the warship in the harbor are tangible symbols of the power of the United States of America. But the threat of nuclear attack, like the high-altitude bomber that backs it up, is impossible to see with the naked eye. It is like the electric chair; not like the policeman on the corner."

That's the head policeman talking. We all ought to listen carefully.

THE FARM PROBLEM

Mr. HUMPHREY. Mr. President, Secretary of Agriculture Benson recently spoke in Minnesota. A short time after his talk a letter signed "Interested Observer" was printed in the Cokato Enterprise, of Cokato, Minn. It was obviously from a nonfarmer expressing agreement with Secretary Benson.

Since then the Cokato Enterprise has published two indignant answers from bona fide farm people telling what farmers really thought of Secretary Benson's address.

One of them was written by Mrs. Margaret Terning, daughter of one of the township's finest farmers and wife of another one of the area's finest farmers.

Mrs. Terning asked Secretary Benson how the farmers could meet their obligations in the face of lower farm prices and rising costs. Secretary Benson's only answer was "seek other employment."

I agree with Mrs. Terning and other farmers present that such an answer indicates a rather callous attitude toward the plight of farm people and offers little hope for improvement of economic conditions confronting them.

Mr. President, I ask unanimous consent that the letters to which I have referred be printed at this point in the RECORD.

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

THE FARM PROBLEM

DEAR INTERESTED OBSERVER: It so happens that I was the person that asked Secretary of Agriculture Ezra Benson the question I quote, "How is the farmer to meet his obligations in the face of lower farm prices and rising costs?"

His answer, "Seek other employment," is not the solution to this agricultural mess we are in.

We, as farmers, have no intention of working elsewhere in connection with our farming activities. Too many farmers are doing just this sort of thing to keep their heads above water and bridge the Benson gap.

It shouldn't be necessary for farmers to take jobs away from their city cousins.

To reduce agricultural population will not reduce the production of any certain commodities. It simply means that some "big operator" will buy it and push that farm family off the farm to seek other employment. He will then run the same amount of acres, plus his own, and with modern equipment and scientific farming the yield will be larger. This is a proven fact.

Of the $5 billion set aside for the agricultural budget the farmer receives less than $1 billion. This is not a very big subsidy compared to that of other big businesses and industry.

We should bow our heads in shame when we mention surplus. When the United States has fed all the hungry and starving people of other countries and 30 million underfed in the United States, then, and only then, if there is some left over should we utter the word "surplus."

It does not do any good to send bullets alone—they need food too—the difference between life and death for many.

Poorly managed farms have never and never will create a surplus. Just because a farm is small is no sign it is poorly managed and inefficient.

Most small farmers practice thrift, efficiency, and management to the highest degree—I know, I grew up on one.

Figures show that the largest subsidy checks have been written to large farm operators such as presidents of railroads and large industries who are supposed to know efficiency.

According to the Department of Agriculture, farm population has declined in the

past 45 years from 32 million to 22 million, with the greatest reduction in the last few years. Forty percent of the boys born on the farm must find city jobs.

In the past 25 years 1,600,000 family farms have disappeared. Only 13 percent of the total population of the United States are farmers.

The large specialized farmer has no use for a small town, because he buys his feed, fuel, and supplies in large quantities at such a low figure that the small-business man cannot supply him. When it comes time for him to sell the finished product he sells to a contracted market eliminating the small town completely.

Summing it all up in a net shell—when the family-size farm is eliminated the small communities such as Cokato must go, too. This isn't what our forefathers fought and died for.

Let us all join hands and fight this thing together—keeping the family-size farm and rural communities.

After all this is the heart of America—the land of opportunity for the poor and humble.

To me an unsigned editorial is like a check without funds.

Yours truly,

MARGARET TERNING.

TO AN INTERESTED OBSERVER:

In the July 4 issue of the Cokato Enterprise, your article A Letter to the Editor, you display a complete lack of understanding of hard, cold facts.

You say that to reduce the surplus, the small and poorly managed farms should be forced out of business to be replaced by bigger, better, and fewer farms.

How will that reduce the surplus? Won't these acres still be there? And if the bigger farms are better, production will increase.

From 1952–56 there was a drop in the number of farms in Minnesota of 7,636, and 140 farms in Wright County.

The number of crop acres increased by 80,000 in the State, however.

How will that affect the small towns? Local merchants will be selling to only 1 farm family, where they probably sold to 3 or 4 or more farm families before.

It seems that you would like to go back to the system that our Founding Fathers found unbearable in Europe.

If the little guy isn't necessary in farming or business, surely we wouldn't be missed on the battlefield. How about letting the big operator serve in the Armed Forces and fight any future wars we may engage in? I'm satisfied to sit the next one out, and let the big boys get that glory.

After spending over 4 years in the infantry, including almost 9 months in the frontlines, before a German mortar shell had my name on it, I was battle happy enough to think I could come back to a decent way of life on the farm. I was so wrong. It has been a bitter struggle for mere existence, and I'm not alone in that.

Now you would like to see those who are down economically get kicked in the face. Is that what we fought for? Is that the American way?

Furthermore, a good farm program doesn't cost money. Leading economists will tell you that for every dollar the Government spends, they get it back seven times over in taxes.

If the farmer has additional income he spends more, which makes for more income on main street, and on down the line for the railroads, the truckers, the miner, and laborers and so on. And the Government collects taxes on everybody's income.

Before Benson, the farm program was relatively cheap, costing $1 billion for 20 years (1932–1952). Actually, figuring indirect benefits to everyone, there was no cost, but great gain. Under Benson it is costing $3 billion per year to destroy the family farm.

How about subsidies to others? Industry has collected $23 billion. Newspapers and magazines get many millions every year through the postal service carrying their printed material to the public at a loss.

The cost to the Government in 1952 delivering Life magazine alone was over $8½ million. And so on down the line. No list has been published since, I understand.

So you think that expanding industry should absorb the "failing farmer." With the farmer's dwindling purchasing power and the shutdown of defense plants if disarmament comes. I don't think business will expand. Also automation and refugees will thrown more laborers on the unemployment list.

Do you remember Hoover? That was supply and demand.

Did you like that? Or were you among those with money, perhaps hungrily eyeing the little guy's property wondering when he would go bankrupt so they could grab his property cheap. Perhaps to hold till the next war came along, when they could realize a handsome profit while the little guy was out fighting to protect their loot.

We've been under Benson's plan—or lack of plan—for 5 years now and it has been a complete failure.

I say, let's give the Brannan plan a fair trial. Let prices fall to where they may in the market place—consumers would buy more. Make up the difference between the market price and parity, when necessary by direct payments to the producers—that would eliminate storage problems.

Control production when necessary. We have controls now with low support prices, so that part wouldn't be any different.

Limit payments to any one farmer. Say 100 percent of parity supports to the family size farm that the family actually farms, and depends on for a living. Anything above that—no supports.

More than an interested observer.

MAURICE V. NORDLUND.

GRAIN-HANDLING PROCEDURES

Mr. HUMPRHEY. Mr. President, the Department of Agriculture has proposed a major change in grain-handling procedures from a bushel system to a hundredweight system.

Such a change is overwhelmingly opposed by the terminal elevator grain merchants of the country who disagree with the conclusions announced by the Department of Agriculture as to supposed benefits of such a change.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks a letter from Philip E. Paquette, president of the Minneapolis Terminal Elevator Association, accompanied by a statement of policy drawn up by a special committee of the Terminal Elevator Grain Merchants Association.

I also ask unanimous consent to have printed at this point in the RECORD another letter from Pete Stallcop, secretary of the Minneapolis Terminal Elevator Association, which outlines the observations of the trade to this change and the article which Mr. Stallcop wrote last December opposing the proposed change.

I believe these views should be on record for the information of our colleagues from grain-producing areas. I hope they will be given consideration by the Department of Agriculture.

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

MINNEAPOLIS, MINN., *July 12, 1957.*

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: Attached you will find a statement of policy drawn up by a special committee of the Terminal Elevator Grain Merchants Association outlining the association's position on the subject of hundredweight-versus-bushel determination on grain. This is a national association and represents practically all of the terminal storage space in this country.

The Minneapolis association concurs in the position of the Terminal Elevator Grain Merchants Association, and has passed formal resolution to that effect.

The secretary of the Minneapolis association, Mr. Pete Stallcop, is presently away on his vacation, but will forward additional information to you on his return.

Thanking you for your interest and with kindest personal regards,

Sincerely yours,

MINNEAPOLIS TERMINAL ELEVATOR ASSOCIATION,
PHILIP E. PAQUETTE, *President.*

A STATEMENT OF POLICY BY THE TERMINAL ELEVATOR GRAIN MERCHANTS ASSOCIATION CONCERNING THE PROPOSED CHANGE FROM BUSHEL TO HUNDREDWEIGHT

The Terminal Elevator Grain Merchants Association, whose members operate most of the terminal elevator capacity in the United States, definitely and vigorously opposes changing from the bushel system to the hundredweight system.

This position was officially defined by unanimous vote of the board of directors at a meeting in Minneapolis on May 21, 1957.

A USDA news release of April 26, 1957, announcing the report on the study of hundredweight versus bushel (Marketing Research Report No. 168), contained the following statement: "There was general agreement that the advantages would be lasting, while the disadvantages would disappear after a period of adjustment." We take issue with this statement. The action taken by the board of directors of the Terminal Elevator Grain Merchants Association definitely shows that this important segment of the grain trade is not in general agreement with the change to hundredweight. We are of the opinion that the disadvantages of handling and storing grain on a hundredweight basis would be lasting and would far outweigh the advantages.

The bushel is two things—a measure of volume and a measure of weight. The "volume" bushel is defined in the dictionary as a dry measure containing 2,150.42 cubic inches. The "weight" bushel has been so designated by the United States Government in establishing the per-bushel weights of grain—wheat, 60 pounds; barley, 48 pounds; oats, 32 pounds, and rye and corn, 56 pounds.

A bushel of grain at the specified test weight will occupy approximately a bushel of space. Changes in test weight will cause slight variations in the amount of space grain will occupy. Thus, even taking into consideration the variations caused by test weight, there is a close correlation between bushels and space requirements, regardless of what grain is being considered. In other words, the bushel is the common denominator for all grains.

A hundredweight is a measure of weight only and has no relation to volume. Since elevator operation is essentially a volume business, we must object as vigorously as possible to all attempts to change from the bushel system, which gives us both volume and weight, to a hundredweight system, which gives us weight only.

An elevator has a definite volume capacity or storage space. Space is essentially what an elevator operator is selling when he issues a storage receipt. The use of the bushel in handling and storing grain facilitates charging the same amount for a given amount of space whether the space is used for wheat or corn or oats. Use of the bushel also facilitates figuring storage requirements and available capacities.

MINNEAPOLIS, MINN., *July 16, 1957.*

The Honorable HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: Mr. Philip E. Paquette, president of this association, advised you in his letter of July 12, 1957, of the opposition of this association to the proposed change from the bushel to the hundredweight system. He further advised you that I would send you additional information regarding this opposition upon my return from vacation.

The statement of policy of the Terminal Elevator Grain Merchants Association which Mr. Paquette sent you was developed by a committee of industry leaders, namely, Messrs. C. C. Farrington, vice president of Archer-Daniels-Midland Co.; R. C. Woodworth, vice president, Cargill, Inc., and C. B. Green, manager, Globe Elevators, division of F. H. Peavey & Co., Duluth, Minn. I acted as secretary to this committee and know the serious thought and consideration that went into the development of this statement of policy.

I further know that many other industry leaders also concur in their opposition to this proposed change. Mr. Frank A. Theis, president, Simonds-Shields-Theis Grain Co., Inc., Kansas City, Mo., and also president of the Terminal Elevator Grain Merchants Association, vigorously opposes the change. As you probably know, Mr. Theis is not only an industry leader, but has also served his Government as a member of various advisory committees to USDA, and as a consultant to USDA.

Mr. Samuel R. Harrell, Sr., Acme-Evans Co., Inc., Indianapolis, Ind., and F. Peavey Heffelfinger, president of F. H. Peavey & Co., Minneapolis, Minn., are two very vigorous opponents of the proposed change. Both of these industry leaders have firms that have interests in not only country and terminal elevators but also in feed manufacturing and distribution, and in grain milling.

Mr. Aksel W. Nielsen, manager, Westcentral Co-Op. Grain Co., Omaha, Nebr., and a member of the board of directors of both the Terminal Elevator Grain Merchants Association and the National Council of Grain Cooperatives, also vigorously opposes this proposed change. Of course, many other industry leaders from all over the United States are just as opposed as the ones named in this letter.

I am enclosing an article which I wrote last December opposing the proposed change. The views expressed in this article represent the official position of the Northwest Country Elevator Association and the Minneapolis Terminal Elevator Association, of which I am secretary. If I can be of any further service to you in any way regarding this problem, please feel free to contact me.

Sincerely yours,

MINNEAPOLIS TERMINAL ELEVATOR ASSOCIATION,
PETE STALLCOP, *Secretary.*

ANOTHER VIEW OF HUNDREDWEIGHTS AGAINST BUSHELS

(By Pete Stallcop, executive secretary, Northwest Country Elevator Association)

Much has been written and said recently about the conversion from bushels to hundredweights. Most of the articles have been in favor of the change. This may have convinced the readers of those articles that all segments of the grain trade are in favor of the change. The principal purpose of this article is to point out some of the reasons why the change would work to the disadvantage of many segments of the grain trade. Naturally, if the change would be detrimental to large segments of the trade, it is only logical that those adversely affected would oppose it.

It seems to be the consensus, even among those who oppose the change, that accounting procedures could be simplified and some savings be made in accounting. However, many grainmen feel that the reasons for staying on the bushel basis far outweigh the advantages gained in simplifying accounting procedures. In other words, they feel that accounting is merely a record of business done. Business should never be changed just for the convenience of the accountant if the change will result in less profitable business.

A bushel is defined in the dictionary as a dry measure containing 2,150.42 cubic inches. This is the equivalent of 1.24 cubic feet. Saying it another way, an elevator or other storage space will hold 80.35 percent as many bushels as there are cubic feet of storage space in the structure.

The United States Government has fixed the per bushel weight of grain, as follows: Wheat, 60 pounds; barley, 48 pounds; oats, 32 pounds, and rye and corn, 56 pounds. These grains at these weights will occupy approximately a bushel of space. As test weight varies up or down, a bushel of grain may occupy slightly more or less than a measured bushel of space.

Thus it can be seen, even taking into consideration variations caused by test weight, that there is a close correlation between bushels and space requirements, regardless of what grain is being considered. The bushel thus becomes the common denominator for all grains.

There is no such correlation between hundredweight and space. A hundredweight of 60-pound wheat and a hundredweight of 32-pound oats weigh the same, but as to space requirements the wheat requires 1⅔ bushels of space, and the oats 3⅛ bushels of space. There is no common denominator under the hundredweight system when space requirements are being considered.

Space is what a country or terminal elevator is selling when a storage ticket is issued on any grain. This has been recognized in establishing storage rates in Minnesota, North and South Dakota, and Montana. The rate for storage is uniform in each of these States for a bushel—be it wheat, oats, barley, or corn. In three of these States the rate is set by the State legislature; in the other by a State commission. If the system were changed to hundredweight, it might be most difficult to reverse the thinking of these legislators (from hundredweight back to bushels or space) when a bill came up concerning storage rates. It takes 1.667 bushels of wheat to make 100 pounds, 2.083 bushels of barley, and 3.125 bushels of oats. It is obvious that storage rates based on hundredweights would have to vary widely among the several grains in order to provide equality of income to the storage operator. As an example—in Minnesota, the storage rate is one twenty-fifth of a cent ($0.0004) per day—be it wheat, oats, barley, or any other grain. Under the hundredweight system, comparable rates would have to be: Wheat, $0.000667; barley, $0.000833; oats, $0.00125. As mentioned before, all an elevator operator has to sell is space. It is in his interest to keep the producers and legislators thinking in terms of space, or bushels, which amounts to the same thing.

This is one of the main arguments for not changing from the present system of bushels to the proposed system of hundredweights. However, there are many more arguments in favor of retaining the present system.

Even if the change were made in marketing grain, some form of cubic measurement would have to be retained, and it would undoubtedly be the bushel. You may ask why it must be retained. To figure storage space and storage requirements. This could never be figured on a weight basis; hence, we must revert to the bushel. So even if the elevator wanted to get away from the bushel system, it is absolutely essential that it be retained.

Our present system of grading grain is on the bushel basis, and it would have to be changed. This could be done, but, certainly, part of the system would again have to be retained. Test weight is a very important factor in determining the value of grain. Test weight is established by weighing a given volume of grain—again the bushel system—so we run into another situation where volume must be retained.

Government loan and support programs are at present on the bushel basis. While they could be changed, it seems that the little advantage they would gain in accounting would undoubtedly be offset by the additional costs involved in converting records, systems, and comparable historical data.

An official of the United States Department of Agriculture recently commented that very few people realize the magnitude of the job of changing over all the United States Department of Agriculture records. The task involved would be so great as to be almost unbelievable. In addition, for several years it probably would be necessary for the United States Department of Agriculture to publish figures in both bushels and hundredweights. To do otherwise would make practically useless data published in the past. Both the changeover and the publishing of duplicate figures would be very costly.

The same sort of a gigantic task would face industry. In fact, a complete changeover of historical records used by industry would be, for all practical purposes, impossible. Most of these records have been developed on business done in past years and a complete changeover would take too much time and be too costly. Most companies would probably convert only the most important records—then be faced with the task of converting other information every time they wanted to use it.

The futures markets are all conducted on the bushel system and to change would involve untold time and expense in converting present systems and past historical records. Some exchanges have already announced their opposition to the proposed change.

Another reason, and certainly a very important one, for retaining the bushel system, is that while statistics, grades, and laws might be changed over to the hundredweight system, converting experience and memory is an entirely different matter. Efficient operation of the grain industry is based on the overall experience and memory of individuals in all segments of the trade—producers, elevator operators, merchants, and processors. That experience and memory has all been based on the bushel system.

Decisions, prices, trading, storing, processing—all the hundreds of things that are done every day in the grain growing and marketing system—are not done by constantly consulting written laws and decisions. The general overall picture of production, supplies, prices, market spreads, costs, and other relevant factors are in the minds of the people in the grain industry—and on a bushel system. Converting this memory and experience of all the people in the grain industry from bushels to hundredweights is a very formidable and risky task, for which the potential rewards are relatively small compared to the potential losses.

The arguments listed above are some, but not all, of the arguments that can be advanced opposing the change. If feed dealers, and others, want to use the hundredweight system, they can do so without trying to change an entire industry. Since they are buyers of grain, all they have to do is accept bids only in hundredweights. Surely, the sellers will be happy to make the conversion for them and quote prices on a hundredweight basis.

CONGRESS LOOKS TO THE COUNTIES

Mr. RUSSELL. Mr. President, the city of Atlanta, in my State of Georgia, was recently honored by entertaining the national convention of the National Association of County Officials. The distinguished Senator from Nebraska [Mr. HRUSKA], who at one time was an official of that organization—and, had he not been called to a broader field of service in the Senate, would have served as president of that association—delivered an address which evoked much favorable comment in the local press. The subject of the Senator's address was Congress Looks to the Counties, and it deals with the timely topic of cooperation between the Federal and local governments.

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

CONGRESS LOOKS TO THE COUNTIES

(By Hon. ROMAN L. HRUSKA, of Nebraska)

President Kersteen, Governor Griffin, Mayor Hartfield, other distinguished guests, members of National Association of County Officials, and your guests; first, I should like to extend greetings to all members of this fine association in which I was active as a member and as an officer as well. Those were interesting and profitable years for me, since they added so richly to my knowledge and faith in local government of our great Republic and since they contributed so heavily to a wide store of friends, whom I have come to treasure more highly as time goes on.

The list of these friends is long. I shall mention only three, who typify and symbolize well the caliber of scores of others: (1) Your fine president, Herman Kersteen, of Pennsylvania, whose extensive traveling and devoted enthusiasm has done so much in this past year to advance this association to an all-time high of interest and meaning to thousands of county officials and to the general public; (2) Georgia's own W. H. (Pat) Johnston, second vice president, who is gloriously representative of the Southland's constant contributions to sound local government and to leadership of this association. Pat, with whom I formed ties of friendship and respect in our Milwaukee convention, is soon to be advanced to the presidency of this association, the good Lord willing. Pat will carry on notably in the fine line of presidents who will have preceded him; including our loyal Mark Johnson, of Utah, our first vice president; and finally I should like to mention with high regard and affection our secretary and general counsel Keith Seegmiller, a constant, true advocate of local government in action. His advocacy, always advanced with fairness, has gained for our association and for him a high place in the esteem and respect in the committees and in the Halls of Congress. To this I can personally and proudly testify.

Secondly, I should like to tell all of you how happy I am to be in the State of Georgia. Governor Griffin has just related many attainments and attributes of this fine State. They compose a long, imposing list. However, for me on the basis of my daily work, Georgia to me means the State represented by two very fine Senators, the Honorable RICHARD RUSSELL and the Honorable HERMAN TALMADGE. Senator RUSSELL's long and useful service to this State and Nation are well known. Currently, he is engaged in leading a gallant fight on an issue on which he holds deep and fervent convictions in common with his junior colleague, Senator TALMADGE, and millions from his beloved Southland. He is fighting with vigor, great skill, and effectiveness, but is always the gentlemen. There are sharp differences of views in the Senate on the issue before it presently, but there is no one who disagrees with the idea that every Member of that body accord Senator RUSSELL the high respect and esteem which is merited by the integrity and patriotism which are his.

The press of Atlanta has been kind to this large convention. That it has captured the meaning and true place of our organization, is seen in the headlines of one of the morning newspapers: "Grassroot Chiefs Gather in Atlanta."

County officials are grassroots chiefs. Therein lies their true nature. Therein is their sterling value to the vitality and the workability of all government in the Republic.

Congress looks to the counties for many reasons and in many fields. The particular one I should like to discuss this morning is this: In government lies vast responsibility in the affairs of its citizens. But in government—as in other fields—responsibility implies restraint as well as action.

America is in sore need of restraint in its National Government. Many of us in Congress are keenly aware of this and we are looking to the counties for help in this regard.

We are all aware of the vast and rapid encroachment of national jurisdiction onto grounds till lately reserved for local authorities. The bulk of this headlong movement has happened in the adult lifetimes of virtually all of us in this room.

A study of the situation indicates that in the light of recent Supreme Court decisions, and in our present highly interdependency society, there are very few activities in Government in which there is not sufficient degree of national interest to prevent the Federal Government from participating therein with constitutional authority. To put it the other way: The effect of recent Supreme Court decisions is that the Federal Government may participate in most activities of government at all levels.

This being true, it follows that if there are to be degrees and limits of Federal participation, they will have to be achieved by the exercise of balanced judgment. They will have to be the product of restraint of the National Government from the doing of certain things which it has the constitutional power to do, but which it will refrain from doing, for reasons of sound policy.

Again I should like to say, "responsibility implies restraint as well as action." The States have responsibilities not only to do efficiently what lies within their competence, but also to refrain from action injurious to the Nation; the National Government has responsibilities not only to perform, within the limits of its constitutional authority, those public functions the States cannot perform, but also to refrain from doing those things the States and their subdivisions are willing and able to do.

By way of reminder, let us briefly note some of the reasons for the vast expension of national activities.

"Economic crisis," these are fancy words for depression.

War.

Industrialization, with population shifts from rural to urban areas.

New advances in transportation and communication with a resulting greater mobility of people and interchange of ideas.

A big one—one of the most serious of all menaces: The growing number of people who believe that the Federal system is absolute; that we should discard State and local units of government except for nominal administrative purposes, and that we should vest all decisions and powers of government over persons in the National Government.

And, while we are at the business of refreshing our memories, let us recall the great strengths and necessities of a system of many independent and responsible governments within the sum total of our governmental structure:

Many independent and responsible governments are indispensable to bolster the principle of consent of the governed, to facilitate wide participation in government, to furnish training grounds for research and experimentation in the art of government, to foster competitions among lower levels of government in serving as outlets for local grievances and for political aspirations, and to induce and sharpen reference to government as "we" instead of "they."

All of these things strengthen our capacity for true and enduring self-government. These values fully warrant every effort to preserve and strengthen the essence of Federal Government as distinguished from socialized and concentrated government.

President Eisenhower, in his recent address before the Conference of Governors at Williamsburg, subscribed fully to the principle of diffusion of power. He pointed out that Americans must gain renewed determination to hew to that idea if we expect to avoid drifting irretrievably into some form of centralized government. He warned against a continued trend which in the measurable future, is sure to result in our States degenerating into helpless satellites of the National Government in Washington.

He highlighted our historical emphasis upon individual initiative and community responsibility. He pointed out that problems of government are almost always capable of solution in a variety of ways. Hence, the desirability of the diversified approach made possible by a coordinated effort of many units of independent government. It is only through the functioning of the many governmental units that unlimited experimentation is made possible. This in turn leads to sound solutions with the effect of errors held to a minimum. Calamitous mistakes are avoided. The general good can be more surely determined. The genius for self-government can be constantly renewed.

All of these things show that in the conflict between concentrated and diffused governmental power, the desirable goal and rule is easy to determine. It is: People should be allowed to do as much for themselves on all levels as is possible to do, free from government. When government must enter the scene, it should be that level of government which is closest to the people and which can get the job done.

The difficulty lies in applying this rule. Let us take two specific examples:

HIGHWAY ACT OF 1956

It was just a little over a year ago that President Eisenhower and the 84th Congress enacted into law the greatest highway program ever undertaken anywhere in the world. The Federal Aid Highway Act of 1956 set in motion a program involving the expenditure of some $50 billion in Federal and State funds over the next 15 years.

And what will we get for it? First of all, we will get a 41,000-mile network of superhighways, crisscrossing the Nation and making up the National System of Interstate and Defense Highways.

Secondly, but not necessarily in the order of importance, hundreds of thousands of

miles of primary, secondary, and urban roads will be constructed and reconstructed.

Of course, the Interstate System has received the most attention from the press because it has the most glamour. But actually, the so-called ABC systems are equally important to the program and are recognized as such.

To modernize the primary, secondary, and urban or ABC routes, Congress appropriated an average of $850 millions a year for 3 years. To place these sums in their proper perspective, I might point out that in the first 9 years following the end of World War II, the regular Federal-aid highway program authorizations averaged $500 million a year.

It is expected that Congress will continue to appropriate about $900 million annually for these ABC roads in addition to the interstate program. As a matter of fact, and this is a revealing statement, more Federal-aid highway funds will be available in the first 4 years of the Eisenhower program than in the previous 40 years.

First year's progress

Well, the program is a year old, and how are we doing?

We have progressed at a gratifying rate, and we are on schedule.

On the National System of Interstate and Defense Highways, we have awarded contracts for 562 projects involving construction of 1,536 miles of the most modern type highways. At the same time, contracts have been awarded for work on 24,000 miles of the ABC systems.

At the beginning of fiscal 1957, we set a goal of $2,225 million in Federal obligations for surveys and plans, acquisition of rights-of-way, and construction. At year's end, actual obligations totaled $2,223 million, only $2 million short of the goal. This represents $840 million in primary, secondary, and urban funds and $1,383 million in interstate funds.

There is no lagging in this historic program. Everywhere there is enthusiasm—in Federal, State, and local governments—and the reason is easy to see. The promise of literally changing the face of the country, with sound economic, social, and recreational benefits is evident. Those working on the program are welcoming the opportunity and challenge.

The progress described here is a real testimonial to those who made it possible: the State highway departments and engineers, the county authorities, the cities, and, of course, the Federal Bureau of Public Roads.

What is the justification for this program so heavily effected by Federal influence? Chiefly because of the physical connections and relationships of roads as they cross State lines and embrace the entire Nation. The great volume, the high speeds, and the Nation's dependence on highway transportation imposed on those physical characteristics make inescapable the present role of our National Government in this area of activity.

But, even so, the heavy restraint which is exercised by the National Government is notable. The execution of the program stays with the several States. The State highway departments and engineers draw the plans and specifications, advertise and award contracts, fix the locations, and supervise the actual building. Each State continues to set its own speed limits and traffic rules.

The program is based on a 40-year history and experience. It is well seasoned and well accepted.

It is commonly agreed that in the road program is an activity of legitimate activity of the National Government. We can keep it that way if we match it closely and retain its built-in restraints.

THE SCHOOL PROGRAM

Now, let us consider another sphere of governmental activity in which real pressure is being exerted for intervention of National Government in a big way.

Education is historically, traditionally, and logically for the State and its local political subdivisions. There has been no proof of financial inability of any State to take care of this activity. Intervention by the Federal Government would raise difficult legal questions and policy issues.

Notwithstanding these things, there is an effort to put Uncle Sam in the school business. Reasons assigned are that classroom construction has fallen behind due to depression and wars. To coach up, emergency action of limited tenure is advocated. Control by Federal power is denied as a result or goal.

As against these points, it is noted that, since the program has been proposed, there has been tremendous, almost phenomenal building of classrooms by present school districts.

As to temporary program, and lack of Federal control, it is pointed out that the many similar Federal grant-in-aid programs show a uniform lack of temporary nature and lack of freedom from Federal control as well.

There is much in the record to indicate that pending bills for Federal aid to classroom construction will not be temporary measures. They bid fair not only to be permanent, but they bid fair also to expand to other aspects of education as well. Such expansion would inescapably result in Federal control.

The cause of diffusion of governmental power would be well served by a refusal to extend Federal encroachment in the field of education.

Highways and schools are but two examples involved in the struggle between concentrated and diffused power in Government.

The struggle is on a wide front. It covers many types of activities and fields. There are now about 60 Federal grant-in-aid programs. Federal aid expenditures have about tripled between 1947 and 1958. They increased from about $1.7 billion to $5.5 billion.

The drive continues unabated. More and more funds and fields are sought to be added to the already staggering total.

We hear much of the utter necessity to cut Federal spending in order to head off runaway inflation and to preserve the purchasing power of the dollar. It is the studied judgment of many that with armament requirements being what they are, such spending cuts will not be possible in substantial degree without a cutback in the grants-in-aid programs. And, of course, refraining from adding new ones.

County officials are in a key position to assert telling resistance to continued erosion by National Government of local areas of activity.

First, they can easily recognize such efforts, since they are experienced in government. They also know the evil results of these efforts, the unnecessary added costs and the removal of control from local to distant points which almost always follow if such programs are once embarked upon. County officials can speak with authority in these regards.

Secondly, county officials, serving at grassroots level, are in the best of possible places to combat effectively the new lobbying techniques which are used to secure adoption of new Federal programs, or expansion of present ones. You see, such modern lobbying is done only in small part and chiefly in its final stages in Washington's Halls of Congress. It is done on a wide scale on a grassroots level. There wide publicity is given to gain popular sympathy and support for a program, to create a demand for it, to induce a favorable political climate in its favor. Then such sentiment and pressure are carried to Washington to be pressed hard there in the final stages of getting a new program approved or a present one expanded.

County officials are therefore well qualified and well situated to effectively combat the moves for increased concentration of power.

Having almost daily contact with the people they serve, they can do much to counteract and defeat the lobbying approach to which I have already referred. They can thus give support to those in Congress who are like-minded in these things.

Thus we can see that the role of county officials of America in this battle is a crucial one. They fall squarely in the words of the Good Book (Luke 12: 48): "For unto whomsoever much is given, of him much shall be required; and to whom men have committed much, of him they will ask the more."

To county officials much has been given and committed. They are charged with relations between government and persons on the local level. On the most direct of these contacts, and hence the most important in many ways, they manage affairs of government. Through them, the "principle of consent of the governed" is best made to work. Through them, the American form of government as we have known and wanted it can best be preserved. They enjoy the confidence of the people who elect them.

They can help much to bring fruition to Thomas Jefferson's wisdom when he said:

"If we can prevent the Government from wasting the labors of the people under the pretense of taking care of them, they must become happy."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 192) to provide that members of the Board of Education of the District of Columbia may be removed for cause.

The message also announced that the House had passed a bill (H. R. 2474) to increase the rates of basic salary of employees in the postal field service, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 192) to provide that members of the Board of Education of the District of Columbia may be removed for cause, and it was signed by the Vice President.

HOUSE BILL PLACED ON CALENDAR

The bill (H. R. 2474) to increase the rates of basic salary of employees in the postal field service, was read twice by its title, and placed on the calendar.

CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER. If there is no further morning business, morning business is closed, and the Chair lays before the Senate the unfinished business.

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. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. BRICKER].

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Do I understand correctly that under the unanimous consent agreement the Senator from Ohio controls 30 minutes, and the majority leader controls 30 minutes?

The PRESIDING OFFICER. The Senator from Texas is correct.

Mr. JOHNSON of Texas. I do not know that it will increase the attendance, but if the Senator from Ohio will yield for the purpose, I should like to suggest the absence of a quorum, and then ask that the order for the quorum call be rescinded after Senators have been notified.

Mr. BRICKER. That is agreeable.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that, without the time being charged to either side, I may sugggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The chief clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRICKER. Mr. President, the pending question is an amendment which I submitted yesterday to substitute the word "President" for the words "Attorney General" in part III of the bill now before the Senate. There is a great document in the history of the rights of human beings which is a landmark in the processes of law and of jurisprudence throughout the world. It contains an outstanding paragraph, one of the great paragraphs of all times, I think, drafted for the benefit of the individual human being and his rights. Drafted by the great Thomas Jefferson, it says:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

The important part of the pronouncement I have just read is the phrase:

> Deriving their just powers from the consent of the governed.

The last part of the paragraph I have read was the inspiration for the Bill of Rights, which became an integral part of the Constitution of the United States, and which was submitted to the States by the first Congress, after an assurance during the debate on the Constitution that such amendments would be submitted. Ten of the twelve amendments proposed were adopted. The action of the States in the adoption of the 10 amendments has proved, I think, to have been very wise.

Government in the United States by the consent of the governed means that this is a popular Government. But the process by which the popular will and the popular vote are interpreted is through representatives elected to the legislative branch of the Government and the election of the Chief Executive of the United States.

There has been a tendency in recent years for government to be taken further and further away from the people.

Administrative boards, bureaus, and commissions, which the people do not choose, have been interposed between the people and their Government. They are composed of persons most of whom the people do not know, and many of whom are unapproachable from the public point of view. So the Government has been taken further and further away from the ideal concept of government with the consent of the governed.

The Senate has before it a bill drafted by the Attorney General, a bill which places great power in the office of the Attorney General. I creates a new office, a special assistant to the Attorney General, whose purpose would be to administer civil rights, but whose duties are not definitely defined in the bill. It is uncertain as to what they might be in the future. They would be determined largely by what the Supreme Court, in its various moods of thinking, might decide those civil rights to be.

I am one who has not agreed with the Supreme Court in all its decisions since I have been a Member of the Senate. Many times I have voted, as have other Members of this body, to reverse decisions of the Supreme Court which have entered into the policy-making field, a field which has been reserved throughout the history of our country primarily to the Congress of the United States, where I believe it was originally placed, and where I think it ought to remain.

But the Supreme Court, in its various interpretations of the statutes, has seen fit to do what I believe is to amend the law as enacted by the policy-making department of the Federal Government.

Now I come to the amendment which I have submitted. It would take from the Attorney General the discretion to determine wherein his Department or the Federal Government should move in in the field of civil rights. This is a great power. It is a power which dovetails the positions of the State and local governments into the whole structure of the Federal Government.

As I said before, the Attorney General is appointed; he is not elected by the people. He is not so well known as is the President of the United States. The President is subject to the electorate. He is subject to the guiding influence of the voice and votes of the people of the United States.

Now we are setting up the office of the Attorney General as a bulwark between the voters and the President of the United States in this great policy-making function of government. I believe that is wrong in principle; I believe it is unsound governmentally. I believe the one who exercises this great power of the Federal Government, to the deprecation of the local authorities, ought always be one who is close to the voters of the country and who understands what they are thinking and what they believe, and who in the end is responsible to them.

For that reason, and that reason alone, I have submitted the amendment. It has no relationship to the various functions of the Senate involved in the debate. The amendment is neither a product of the left-wing thinking nor a product of the right-wing thinking nor a product of the thinking of any other group or clique of this body.

The amendment is submitted only in what I believe to be the best interests of the people of the United States, for the purpose of keeping this Government as near the people as possible, for the purpose of keeping it subject to their guiding will, and to make it as nearly as possible a Government with the consent of the governed. In view of the complexities of our social life, the great development of our industrial life, and the expansion of the great cities, it is natural, communications being what they are, that there be an evolution of the power of the Central Government at Washington. It has been going on, in my judgment, at too rapid a pace. Too many things being done in Washington ought to be done by the local governments. There has just been created by the President of the United States a commission to study where the field may be delimited and how there may be restored to the States and local governments some of the functions of the governmental power which generally is exercized throughout the country in the Federal structure.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Ohio yield for a moment to me? I must leave the floor.

The PRESIDING OFFICER. (Mr. TALMADGE in the chair). Does the Senator from Ohio yield to the Senator from Texas?

Mr. BRICKER. I yield.

Mr. JOHNSON of Texas. I ask unanimous consent that the distinguished Senator from New Mexico (Mr. ANDERSON), who will act as acting majority leader, may yield the time under my control in opposition to the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? None is heard by the Chair, and it is so ordered.

Mr. GORE. Mr. President, will the Senator from Ohio yield to me?

Mr. BRICKER. I yield.

Mr. GORE. I am highly respectful not only of the legal talents of the able senior Senator from Ohio, but also of his determination to exercise his responsibility as a Member of the Senate. I do not wish my questions to imply any other understanding.

I have examined the amendment submitted by the Senator from Ohio. I am prompted to ask him how specific would be the direction by the President. As I read the amendment, it does not specify regarding the manner of direction; it does not say the President shall direct the Attorney General in writing; it does not say the President shall give direction in each specific case. The amendment merely says "whenever so directed by the President."

I wish to ask the Senator from Ohio whether in his opinion the requirements

of his amendment would be met if at the time of appointment the President were to give a general direction to his Attorney General, or whether the amendment would require a specific direction in writing in each case.

Mr. BRICKER. I think the amendment would require a direction by the President in each case in which the Attorney General would exercise his own option. My intention is to make the determination the responsibility of the President, rather than that of the Attorney General. It would not have to be in writing; but there would have to be a record of it, of course, as a foundation for the authority exercised by the Attorney General. The situation under the provisions of the amendment would be the same as that under the bill as drafted: namely, the authority would be in the hands of the President, and would be delegated by the President himself to the Attorney General.

Mr. GORE. Mr. President, will the Senator from Ohio yield further to me?

Mr. BRICKER. I yield.

Mr. GORE. Does not the Senator from Ohio think that if what he has stated is his intent, then his amendment may need clarification?

Mr. BRICKER. I do not think so; I think the amendment is perfectly clear. It places the responsibility on the President himself. The action would be void, and the Attorney General would be devoid of power, unless the President saw fit to give him that authority. Whether the President would wish to give it to him in general, or whether he would wish to give it to him in specific cases, I think should be left to the President himself to decide.

Mr. GORE. Mr. President, will the Senator from Ohio yield further to me?

Mr. BRICKER. I yield.

Mr. GORE. Then is it the intention of the distinguished senior Senator from Ohio, the author of the amendment, that as the multitude of cases, to which reference has already been made, is processed, only at such time and in such instances as the President shall give specific direction, will the Attorney General be authorized to proceed under the terms of section 122 of part III?

Mr. BRICKER. I can conceive of a situation in which the President would wish to give blanket authority in a certain area and a certain kind or a certain list of cases. Nevertheless, then the responsibility would be that of the President of the United States, not that of the Attorney General.

Mr. GORE. Mr. President, will the Senator from Ohio yield further to me?

Mr. BRICKER. I yield.

Mr. GORE. Then, if the President could give a blanket direction in a certain area, by what interpretation would not the President be empowered to give a blanket direction in a wider area or in several areas or in the entire area?

Mr. BRICKER. That might be, but still the purpose of my amendment would be fully complied with, because then the responsibility would be that of the President, rather than that of the Attorney General. I wish to put this responsibility—and the power to be exercised under the bill is great—as close to the people of the United States as possible. The closest it can be placed to the people is by placing it in the hands of an elected public official who is responsible to the people. The Attorney General is never voted on; and, as I have said, not a great many persons know the Attorney General. But everyone knows who is President of the United States; and the people of the country have confidence in him or lack confidence in him, according to the approach they make to his personality and to his exercise of the office he occupies.

In short, by means of the provisions of my amendment, the Senate would not be setting up a bulwark between the people of the country and their elected representatives. I want the Government to be as nearly responsive as possible to the will of the people of the United States; and I know no better way to do it than by means of my amendment.

Mr. GORE. Mr. President, will the Senator from Ohio yield further to me?

Mr. BRICKER. I yield.

Mr. GORE. I agree with the Senator from Ohio that the Attorney General is not an elected official, whereas the President is. I submit that the President is responsible for the action taken by the Attorney General, whether the Attorney General has had specific instruction or whether he has had general instruction. I respectfully suggest to my able colleague and friend, the Senator from Ohio, for whom I have a warm affection—of which he is fully aware—that he has said two things to the junior Senator from Tennessee: The Senator from Ohio has said, first, that it is his intent that the amendment require specific direction.

Mr. BRICKER. Not in each individual case. I would not want to tie down the President to the details of a thing of that kind. But I wish it to be very clear that the President is the one who is responsible for the exercise of this great power. There has been a tendency—as the Senator from Tennessee well knows, since he has been a Member of this body—for the Congress to turn over to the Executive more and more power, and then for the Executive to give more and more power to the administrative departments. The Congress has been responsible for a great deal of that, also.

So as we separate the actual functioning of Government from the people themselves, we set up a barrier between their elected representatives and the real force of Government as it applies to the people themselves.

We have given up to a considerable extent, control of the pursestrings, for example, within the past few weeks. This Congress has been called upon to give authority to borrow, in the international field, $2¼ billion for the conduct of our foreign-lending program, thus taking that matter entirely out of the hands of the Congress. We have authorized the President to grant billions of dollars worth of American goods to an international agency in the atomic-energy field, without leaving the control where the Constitution lodged it, in the hands of the Congress. So there is a weakening, day by day, and month by month, of the control of the Congress over the pursestrings and over property, which actually belongs to the people of the United States.

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

Mr. BRICKER. I yield further.

Mr. GORE. To some extent, I share the Senator's apprehension in this regard, although not to the same extent, but I respectfully submit that this is not involved in the amendment. No amendment to this bill is necessary, I will say to the distinguished senior Senator from Ohio, to place upon the President of the United States responsibility for the action of his Attorney General or for the action of any other member of the Presidential Cabinet. That responsibility is clearly fixed. If a general direction to the Attorney General would satisfy the requirements of the Senator's amendment, then I say, in all candor, I do not see that any substantive matter is added to the bill or taken from the bill. However, if in the other case, according to one interpretation the able Senator gave, a specific authorization is required by the President to the Attorney General before the Attorney General is authorized to act, then that does add not only substantive matter to the bill, but it also adds burdens and responsibility specifically upon the President, such responsibility being already generally his.

Mr. BRICKER. In regard to the responsibility of the President, much has been said. Much was said last night in regard to burdening the President with detail. I do not know any field in which the President of the United States ought to be more interested, or ought to be charged with greater responsibility for preserving and for protecting, than the field of human rights, the field of civil rights—whatever one may care to call it—under this proposed statute. So that rather than burdening a President, the amendment would leave him with the responsibility that really ought to be the responsibility of an elected public official.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining to him.

Mr. BRICKER. I shall yield at this time and reserve the remainder of my time.

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

Mr. BRICKER. If the Senator is opposed to the amendment, I would rather yield the 12 minutes to those who wish to speak in support of it.

Mr. ANDERSON. Mr. President, I yield 5 minutes to the Senator from South Dakota.

Mr. MUNDT. Mr. President, it grieves me when I find myself in disagreement with the Senator from Ohio, who is the author of a great amendment which seeks to limit the powers of the Central Government. I have supported the Senator in that amendment and have been a cosponsor of it, but I cannot follow him now, when I find him moving in the opposite direction in favor of legislation which would magnify and enhance the

power of the President and of the Central Government.

To me the very fact that the proponents of part III have found it necessary or advisable or expedient to offer this amendment tends to dramatize the fact that they, too, are worried along with some of the rest of us, about the unlimited scope of the autocratic power being authorized by part III.

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

Mr. MUNDT. I have only 5 minutes. I will yield if the Senator will yield me some of his time.

Mr. BRICKER. Yes. The amendment is proposed not by opponents or proponents of part III; it is offered only in the interest of keeping the Government responsible to the electorate.

Mr. MUNDT. Good. When I find another Senator worried, I feel fortified in my opinion that part III is too great a delegation of power to the Central Government, regardless of which executive official wields it. I hope we can pass a right-to-vote bill devoid of such extra and dangerous grants of power to the central state.

Proponents of section III tried to find a more responsible official than the Attorney General, because they recognized the magnitude of this power and picked out the President, because he is elected and perhaps more responsive to the public. I think that is true, but they forget to look at the other side of the coin. It is also true that, because the President is elected and more responsive to the wishes of the people, he ordinarily is also more partisan than the Attorney General.

If we are to have a vast delegation of power in this area, for me, I would rather have it go to a legal officer, such as the Attorney General, than to a man who necessarily is a partisan because he is an elected official, to wit, the President of the United States.

The argument might be offered that under present circumstances the Attorney General and the President think alike on this question, that there is no great difference; but if we go back just a few years in recent American history, I think I can dramatize that there is a difference between a partisan official who is given this great power and a legal officer such as the Attorney General.

I say this in no sense in disparagement of the two names I am about to mention. We all recognize Harry Truman as a man who was a highly partisan President and a very successful candidate. He was also one who used partisan ways to achieve his ends, a man who was by disposition impetuous and impatient. The correspondence files of the United States will verify that fact. I say to my colleagues, ask yourselves, "Would you rather have had Harry Truman as the one exercising this autocratic power, or any of the Attorneys General or legal officers whom he had selected?" As for me, if we are going to delegate this power, which I hope we will not, let us at least put it in the hands of a legal officer rather than a political leader.

I go back to the President preceding, and I mention his name with no disparagement, Franklin Delano Roosevelt. There was a partisan. There was a man who was not a legal officer. There was a President who told the Congress, in regard to the Guffey Coal Act, "Pass it, regardless of its unconstitutional implications."

I ask my colleagues, would you rather have had Franklin Delano Roosevelt moving around the country exercising this great autocratic power, or would you rather have had it in the comparatively temperate hands of his legal officer, the Attorney General?

I submit recent American history points out the danger of delegating power to a centralized source, and certainly to one engaged in partisan activities. So I suggest that the Senate defeat the Bricker amendment, lest we step from the frying pan into the fire.

Mr. KNOWLAND. Mr. President, will the Senator from Ohio yield?

Mr. BRICKER. I yield 5 minutes to the Senator from California.

Mr. KNOWLAND. I rise to support the amendment offered by the Senator from Ohio. I wish to say that those who have generally supported an effective civil-rights bill have attempted during this debate to be both reasonable and moderate in their approach to the problem. For instance, the supporters of H. R. 6127 on yesterday offered an amendment, which was adopted by a yea-and-nay vote of 90 to 0. It was designed to eliminate an old Reconstruction statute, against which a case had been made that, at least under some rather far-reaching circumstances, the use of Federal armed forces might be invoked in order to carry out the integration cases against local school boards.

As has been pointed out, that was not the intention of the President of the United States. It was not the intention of the Attorney General of the United States. It was not the intention, in my judgment, of any Member of the House, when the House, by a vote of more than 2 to 1, passed the bill which is now before the Senate. Nor was it the intention of any of the Members of the Senate who are supporting this proposed legislation, on either side of the aisle.

Mr. President, a number of statements have been made that under the bill we would be creating in the Office of the Attorney General a 20th century Caesar, to quote one of the distinguished opponents of any civil-rights legislation at all.

I think the Senator from Ohio, mindful of the criticisms which had been offered, himself deeply devoted, as he has made plain, to keeping the Government close to the people, has felt it would be a more constructive approach to put this power, whatever the power may be, in the hands of an elective, responsible official of the Government of the United States; and that official, of course, is the President of the United States.

It seems to me that both those who support the pending bill and those who oppose it could with propriety support the amendment offered by the Senator from Ohio.

Other amendments will be offered, in order to meet some of the valid objections which have been raised to certain features of the bill, such as an amendment to require confirmation of the Chairman of the Commission by a vote of the Senate, to do away with the voluntary help feature, and to require reports to be submitted to the Congress of the United States as well as to the Executive. These represent an attempt to find an area of agreement.

I think the amendment offered by the distinguished Senator from Ohio is one which deserves the support of Senators on both sides of the aisle.

I request, Mr. President, that the yeas and nays be ordered on the amendment of the Senator from Ohio [Mr. BRICKER].

The yeas and nays were ordered.

Mr. ANDERSON. Mr. President, I yield 2 minutes to the senior Senator from Oregon [Mr. MORSE].

Mr. MORSE. Mr. President, will the Senator yield me 2 additional minutes?

Mr. ANDERSON. I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 4 minutes.

Mr. MORSE. Mr. President, I rise in opposition to the amendment. I read the pertinent language of the bill:

> 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.

Mr. President, we are talking about a legal procedure, not a political procedure. The chief legal officer of the United States Government is the Attorney General. The chief political officer of the United States Government is the President of the United States. There is a great difference.

We must not forget that the chief legal officer, the Attorney General, is an officer of the courts. He is the legal counsel to the President, but he is also an officer of the courts. The President of the United States, in his capacity as President, is not an officer of the courts.

Mr. President, when it comes to instigating legal proceedings, the officer of the court who initiates such proceedings is subject to the rules of the court, and sometimes, if necessary, subject to the discipline of the court.

I wish to point out that this is a very important distinction in legal procedure, under our system of government by law. When the Attorney General of the United States goes into court to institute a proceeding in the name of the United States before the judicial branch of the Government, he has a grave responsibility as an officer of the court to stay well within the realm of the rules of the court.

I happen to be one who believes that cases involving civil rights should be nonpolitical cases. I happen to be one who believes that when cases are filed before the courts they ought to involve legal issues and not political issues.

Not speaking of the present President, or of any President as an individual, I

think we would be grossly unfair to any President to write this amendment into the law and put on his doorstep this political potato in connection with civil rights. The determination as to whether a case should be filed should rest on the law and not on politics.

As pointed out by the able Senator from South Dakota, many Presidents are not lawyers. It may be said, "Oh, but the President can follow the advice of his Attorney General, and can direct the Attorney General." But that is a far cry, Mr. President, from the act of the Attorney General, who has the solemn obligation to perform his duties as the chief legal officer of the Republic, in going before the court as the Attorney General and saying in his capacity as a lawyer, "I think legal wrongs are being committed and as the Attorney General of the United States I file this case for legal action."

Let me say that the administration of the law should be impersonal, and it should not be political. The rights of the American people ought to be determined before the bar of justice on the basis of the legal principles involved, and not the political principles involved.

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

Mr. ANDERSON. Mr. President, I yield 3 additional minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from New Mexico yields 3 additional minutes to the Senator from Oregon.

Mr. MORSE. Mr. President, I shall take only 1 minute.

The issue to me is perfectly clear. It is whether we are to stay within the realm of legal procedure by having cases filed by the chief legal officer of the Government, or whether by this amendment we are to say to the President, as the chief political officer, "We will leave it to you to determine whether the legal rights of citizens of this country should be protected by legal processes before the courts."

I am for part III of this bill, Mr. President, unchanged, for reasons I shall set forth in a major speech later this afternoon, or tonight, or in the wee hours of the morning. I shall give my reasons in my major speech, but for now, in this brief speech, I wish to say the issue is whether we are to vest in the chief legal officer of the United States Government, under our form of government by law, the responsibility of going before a court as an officer of the court and a member of the bar to say, in effect, "Your Honors, because I think the legal rights of some fellow Americans are being violated, I file this action in protection of their legal rights." To me, Mr. President, that is the issue, and it dictates my vote.

Mr. ANDERSON. Mr. President, I yield 5 minutes to the Senator from New Jersey [Mr. SMITH].

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. President, this is a troublesome amendment to me, because of my great devotion, allegiance, and loyalty to the President, and my complete confidence in his judgment, ability, and fairness.

To me it appears totally inappropriate for us to try to "pass the buck" to the President of the United States in a matter of this kind. I share the views of the Senator from Oregon that what we have before us is a legal question, so far as the law is concerned, and is not a matter to be possibly handled one way by one President and another way by another President in the future. I am apprehensive concerning such a possibility.

Furthermore, I cannot see how putting the responsibility on the President meets the main objection I have to part III. As I stated yesterday, my objection to part III is not based upon the question of the man who administers it. It is based upon the substance of the proposal itself.

I object definitely to the incorporation by reference of the post-Civil War legislation passed during the unfortunate Reconstruction era. I shall continue in that opposition. I think it would be totally wrong to go back to Reconstruction-day legislation in this bill. So, from that angle, it is difficult for me to see how substituting the President for the Attorney General would meet the objections which I have to part III itself.

I feel strongly that we should go to the heart of this issue, and deal with the right to vote as the essence of what we are trying to do. I am hopeful that we can reach an agreement on that issue. I do not feel that I can support the suggestion that we make part III more palatable by injecting the President of the United States into it.

Again, let me say that I have the greatest respect for the political and legal acumen of the distinguished Senator from Ohio [Mr. BRICKER], my very good friend. I think he has done what he has done in the spirit of trying to reach a satisfactory adjustment, but I cannot agree with his approach to the situation.

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

Mr. SMITH of New Jersey. I yield.

Mr. MUNDT. Let me say to the Senator from New Jersey that I share his great admiration for the present occupant of the White House. However, I think that is entirely beside the point. What we are enacting is permanent legislation, and we cannot evaluate permanent legislation in terms of the personality of anyone who temporarily holds any office in the land.

Mr. SMITH of New Jersey. I thank the Senator for his comment.

Mr. ANDERSON. Mr. President, I yield 5 minutes to the able senior Senator from Vermont [Mr. AIKEN].

Mr. AIKEN. Mr. President, it is always with reluctance that I oppose a proposal of the distinguished Senator from Ohio; but in this case I can see nothing else to do. The best I can do is to make the statement of my opposition as brief as possible.

It was pointed out yesterday that the proposed added imposition on the office of President would make that job more onerous than ever. The Hoover Commission worked very hard to try to devise ways of lightening the work of the President, but the office of President is still the hardest job in the world. We should not add to what is already entrusted to him by necessity.

Moreover, the President should not be required to determine what persons or groups should be prosecuted for violation of any kinds of crime. That is a legal determination, as has been pointed out by the Senator from Oregon [Mr. MORSE].

However, the most important reason for my opposition to the proposal of the Senator from Ohio is that if we were to adopt it, we would be relinquishing the power of the Congress. If the Attorney General now takes an action which is contrary to the intent of the Congress, or of which the Congress disapproves, the Attorney General can be called before a committee of the Congress to explain his action. That would not be true in the case of the President.

Also, if the Attorney General should take action at the direction of the President, he then could claim immunity from testifying as to what passed between them which resulted in the action which he took. So I hold that we would be very remiss in voting to surrender the control which the Congress now has over the office of Attorney General. It is imperative, in my opinion, that the amendment offered by the Senator from Ohio be rejected.

Mr. BRICKER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. BRICKER. How much time has the opposition?

The PRESIDING OFFICER. Fourteen minutes remain to the Senator from New Mexico.

Mr. BRICKER. I yield myself 3 minutes.

Mr. ANDERSON. Mr. President, the Senator was very generous to the Senator from Tennessee. I have requests for 10 more minutes. I have a total of 14 minutes remaining. I shall be glad to yield 4 minutes to the Senator from Ohio.

Mr. BRICKER. I thank the Senator, but I shall not need any more time than the 3 minutes.

Mr. President, there is nothing mysterious about this amendment. It is only a natural result of the tendency in Government that we find ourselves in this position. Government power breeds government power, and bureaucracy feeds upon bureaucracy. I have never known a public official—with very rare exceptions—either in a State or Federal Government, who did not want more power than he had. If he did not have jurisdiction he felt that he should have it. The tendency has always been to reach out and assume jurisdiction. That has been the attitude on the part of every board, bureau, commission, and Government official.

The pending bill was drafted in the Attorney General's Office. It is a bill which would give almost unlimited power in this field to a Government official. The Attorney General is not an elected official. He would be set up as a barrier between the electorate, who voted for

the President of the United States, and the power of the Presidency.

Mr. President, the purpose of the amendment is not to make the bill more palatable, as was suggested by the distinguished Senator from New Jersey [Mr. SMITH]. It is in the interest of good, sound government, and is designed to keep the power of government as close as possible to the people, as was intended by the Constitution of the United States, inspired by the Declaration of Independence, which I quoted a moment ago. I think it reflects sound government. I think it is sound in principle.

We can call the President of the United States a political officer if we wish. However, he is no more political than the Attorney General, and he does not approach his office with any greater political aspect. The power which he assumes is tempered by the fact that the people of the United States voted for him. They have confidence in him, and he will not betray their confidence. The Attorney General has not the same high responsibility which the President of the United States has. He has not come in contact with the people, as has the President, in the campaign. He does not know their ambitions, aims, yearnings, and desires. He does not know how they live, as does the President of the United States.

The bill represents unlimited power in this specific field. It represents a great grant of authority to some official of the Government. When we enter a field so ticklish as this one is, and so fraught with emotions, as has been shown in the debate, I think the responsibility should be in the man who most nearly comprehends the yearnings, the desires, the interests, and the feelings of the people of the country as a whole. That man is the President of the United States.

I believe that my amendment would have a very sobering effect upon the unlimited exercise of Government power, if the responsibility were placed in the hands of the President of the United States, where it belongs.

My amendment was not prompted by any desire to make the bill more palatable or less palatable. It is not a product of leftwing or rightwing thinking. It is not a product of the thinking of the proponents of the bill or the opponents of part III. It came from my own thinking. It was prompted by a desire to place the responsibility where it should be, and to stop the everlasting growth of power in Government among bureaucratic officials and department heads.

Mr. ANDERSON. Mr. President, I yield 1 minute to the Senator from Oregon [Mr. MORSE].

Mr. MORSE. Mr. President, the legal rights of the people under civil-rights legislation should not be determined by the discretion of any President. They should be determined by the law. After the proposed legislation is enacted, if such rights are violated, it is the duty of the Attorney General to bring the necessary action.

We certainly should not be voting this afternoon for a proposal which would leave it up to the arbitrary discretion of a President to decide whether or not an action should be brought. What kind of government by law is that? That is government by men. That is government by the discretion of a President.

When we are through passing civil-rights legislation, I want the law-enforcement agency of the Government, under the chief officer of the courts, namely, the Attorney General, to see to it that the law is enforced. I do not wish to see Congress enact a law, and then say to the President, with a wink of the eye, "We will leave it up to you to decide whether or not you will enforce the legal rights of all citizens to first-class citizenship."

That is what is involved in this issue, and that is my reply to those who wish to develop in this country government by the Executive rather than government by law.

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

Mr. MORSE. I yield on the Senator's time.

Mr. KNOWLAND. I should like to ask this question of the distinguished Senator: Who under the Constitution is the chief executive officer of the Government? Who takes a solemn oath of office when he is sworn in to see to it that the laws are faithfully executed, and to protect and defend the Constitution of the United States? It is the President of the United States, of course. He is not the chief political officer. He is the chief executive officer under the Constitution, charged with seeing to it that the laws are faithfully executed.

Mr. MORSE. I will answer the Senator from California by saying that the President of the United States is the chief executive officer. He is not the chief legal officer. He is not an officer of the court. He is not subject to the discipline of the courts, under an obligation to see to it that the laws are enforced. If an Attorney General is not enforcing the laws, a court has the right to take legal action against him for not carrying out his duties as an officer of the court.

I ask the Senator to show me a court that would take action against the President of the United States as the chief executive officer and the chief political officer of the Government. It could not be done. That is of vital importance. If we are to have a civil rights bill, it is necessary to make it clear to the Department of Justice that it will carry out the law.

Mr. BRICKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 5 minutes remaining.

Mr. BRICKER. I shall merely read from the Constitution.

Section 1, article II provides:

> The executive power shall be vested in a President of the United States.

Section 3 of article II provides:

> He [the President] shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

I have searched in vain through the Constitution for any description of what the powers of the Attorney General of the United States may be, or even any mention of the Attorney General.

The President of the United States is the responsible Chief Executive, and he shall take care that the laws are faithfully executed.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, we find an analogy of what is sought to be accomplished by the amendment in the statute relating to the interstate transportation of petroleum products.

The act prohibits the interstate transportation of contraband oil. Any person knowingly violating any provision of the act is subject to criminal prosecution. Whenever it shall appear to the President that any person is engaged or about to engage in any acts or practices that constitute or will constitute a violation of any provision of the act, he may, in his discretion, by the Attorney General, bring an action to enjoin such acts or practices.

That is substantially what is being argued in favor of the pending amendment. I see no harm in the amendment.

It is interesting to note that the opponents of the amendment, with the exception of the distinguished Senator from Oregon, are the same Senators who do not wish to see part III improved.

I shall answer the argument of the Senator from Oregon, a very distinguished lawyer, in this way: The Attorney General is no less an officer of the court and no less a lawyer, because he has a client, to wit, the President of the United States. I know some lawyers who refuse to take a case even if their client wants them to take it. Therefore, that fact is not in derogation of the validity of what is being argued here, although the Senator is entitled to his opinion, and I respect it very highly.

Finally—and this is very important—I believe the amendment is very much like the amendment which was voted on yesterday. It is complained that the Attorney General will be a creature of whim and caprice, and that he will roam through the country starting suit after suit.

We argue that this matter is of the greatest importance and responsibility, and that suits will be brought only in the broadest public field. The Attorney General will not be prying into every county and into every community to see where he can get some business. If the President is brought into this matter, we have the right to assume that his decisions will be in the broadest public interest.

It is for those reasons that I say the amendment should be adopted.

Mr. ANDERSON. Mr. President, I yield myself 3 minutes. I should like to say that I was very happy that the able minority leader [Mr. KNOWLAND] referred a few moments ago to the vote we had yesterday on the amendment then pending. On matters which do not involve section 121, we will continue to have unanimity of opinion. When he brings up his amendment with reference to confirmation, I hope we will have the same unanimity on that vote which we

had on the vote on the amendment yesterday, a vote of 90 to 0.

I suggest, Mr. President, that many Senators are perplexed whenever we take up a proposed change of part III.

I was very much intrigued by the suggestion made by the able Senator from South Dakota [Mr. CASE], and the able Senator from Oregon [Mr. MORSE], with respect to the fact that the Attorney General was the legal officer of the United States, and that the President was the Executive officer. My mind goes back to the time when I was an administrative officer of the Government and the Senate of the United States sent me a subpena to come before it to testify in a grain speculation case. I referred the matter to the President of the United States, as the chief political officer of the United States, but I went to the Attorney General for legal advice. I went to the Attorney General because he is the legal officer of the United States. He told me what the law was, and I acted on his advice.

I refer to the statement of the Senator from South Dakota [Mr. MUNDT], when he noted that there was one President who always expressed very forthrightly his belief as to how things should be done.

It seems to me, Mr. President, that we should not add additional duties to those the President already has. I point to the fact that some of us at one time suggested that the President should be relieved of a part of the mere handwriting tasks which are imposed upon him. This bill would add to the President's duties, and direct him to do certain things. I wonder whether the President, if he were required to take action according to his judgment, could take the time to do these things, and to make the investigations which would be necessary. In other words, we would be starting off a new trend in connection with these matters, which I do not believe we should do.

The Attorney General of the United States, with his Federal Bureau of Investigation, is in a position to make the necessary investigations, and I do not believe the President of the United States, with his Secret Service, should be asked to do this work.

Therefore, Mr. President, I hope that the amendment will be voted down, because I certainly do not believe that any new responsibilities should be placed on the President. I hope the Senate will proceed to vote on the amendment and reject it.

I wish to compliment the majority leader and the minority leader in being able to obtain agreement to vote on the other amendment to be considered by the Senate.

I yield the remainder of my time to the able majority leader, the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I yield myself as much time as I may need.

We are approaching the point where I think the Senate can finally get down to brass tacks. We have before us the so-called Bricker amendment to part III. The motives of the author of the amendment are very honorable. He seeks to have these vast powers lodged in the hands of the elected head of the executive department, the President of the United States. But, with all due respect, I submit that the amendment of the Senator from Ohio represents a distinction without a difference. I think it would add only one feature to part III. It would require that the Attorney General advise the President to direct the Attorney General to do what the Attorney General would do anyway.

Aside from this, the amendment has only one practical effect. It must be disposed of before we can get at the real basic issue, part III itself, on which the Senate has agreed to vote 5 hours after the conclusion of the morning business tomorrow.

This is one broth which has been stirred by too many cooks. Practically everybody has tried to find some way to patch up part III. The winds have blown hot, and the winds have blown cold. We have marched up the hill with various amendments, and then we have marched down the hill again. In all the days of the debate, no one has produced a satisfactory solution to part III. To my mind, this is simply evidence that this part should not have been in the bill in the first place.

The people of the Nation are looking for effective action. It is time to abandon a useless and time-consuming enterprise. I hope we can dispose of this issue without great delay. I hope we can proceed to the task of working out meaningful legislation which will meet with the approval of a substantial majority of the Members of this great deliberative body, and be received with approval by a substantial majority of the American people.

I hope the Bricker amendment will be rejected, as I hope other amendments to part III will be rejected. I believe that, when the roll is called tomorrow, the Senate, in its wisdom, will determine that we can have an effective right-to-vote bill without the complications attendant upon part III.

The PRESIDING OFFICER. Will the Senators in control of the time yield back the remainder of their time?

Mr. JOHNSON of Texas. I will yield back the remainder of my time upon condition that those in control of the time on the other side will do likewise.

Mr. BRICKER. Mr. President, I cite again the fact that the Constitution of the United States makes the President of the United States the chief executive officer. It says that he shall take care that the laws be faithfully executed.

Nowhere in the Constitution is anything said about the Attorney General. The Attorney General prepared the bill. It places a great area of power in the Office of the Attorney General, without any control by the elected representative of the people—and I have great confidence in the man who is the elected representative today.

The administration of the law, if section 121 is included in the bill when it is finally passed—and nobody knows whether it will be—will be in the interest of all the people of the United States.

Mr. JOHNSON of Texas. Mr. President, I yield back the remainder of my time, provided the Senator from Ohio will yield back the remainder of his time.

Mr. BRICKER. I yield back the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

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

The PRESIDING OFFICER. A quorum is present.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. What is the question on which the Senate is about to vote?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [Mr. BRICKER] on page 9, line 20, after the words "Attorney General," to strike out the word "may" and in lieu thereof insert ", whenever so directed by the President, shall".

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

I further announce that if present and voting, the Senator from West Virginia [Mr. NEELY] would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas

[Mr. SCHOEPPEL] are absent because of illness.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "yea."

The result was announced—yeas 29, nays 61, as follows:

YEAS—29

Allott	Cooper	McNamara
Barrett	Dirksen	Morton
Beall	Douglas	Neuberger
Bennett	Hruska	Pastore
Bricker	Ives	Potter
Bush	Javits	Purtell
Capehart	Knowland	Revercomb
Carroll	Kuchel	Watkins
Case, N. J.	Lausche	Wiley
Clark	Martin, Pa.	

NAYS—61

Aiken	Hayden	Mundt
Anderson	Hickenlooper	Murray
Bible	Hill	O'Mahoney
Butler	Holland	Robertson
Byrd	Humphrey	Russell
Carlson	Jackson	Saltonstall
Case, S. Dak.	Jenner	Scott
Chavez	Johnson, Tex.	Smathers
Church	Johnston, S. C.	Smith, Maine
Cotton	Kefauver	Smith, N. J.
Curtis	Kennedy	Sparkman
Dworshak	Kerr	Stennis
Eastland	Langer	Symington
Ellender	Long	Talmadge
Ervin	Magnuson	Thurmond
Flanders	Malone	Thye
Frear	Mansfield	Williams
Fulbright	Martin, Iowa	Yarborough
Goldwater	McClellan	Young
Gore	Monroney	
Green	Morse	

NOT VOTING—5

Bridges	Neely	Schoeppel
Hennings	Payne	

So Mr. BRICKER'S amendment was rejected.

Mr. ANDERSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. AIKEN. Mr. President, I move that the motion of the Senator from New Mexico to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. COOPER. Mr. President, I call up my amendment identified as "7-22-57-C," and ask that it be stated.

The PRESIDING OFFICER (Mr. FREAR in the chair). The amendment will be stated.

The CHIEF CLERK. On page 9, beginning with line 12, it is proposed to strike out down to and including line 8, on page 10, and to insert the following:

SEC. 121. If two or more persons in any State or Territory conspire for the purpose of preventing or hindering the constituted authorities of any State or Territory, or any legal subdivision or agency thereof, from complying with any order of a court of the United States issued for the purpose of securing to any person within such State or Territory the equal protection of the laws, the Attorney General may institute for the United States a civil action for preventive relief, including an application for a permanent or temporary injunction or restraining order.

Mr. COOPER. Mr. President——

The PRESIDING OFFICER (Mr. FREAR in the chair). May the Chair inquire how much time the Senator from Kentucky yields to himself?

Mr. COOPER. Twelve minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 12 minutes.

Mr. COOPER. Yesterday I spoke at some length on the amendment I have proposed to part III of H. R. 6127. Today I shall only sum up the argument before the amendment is brought to a vote.

The amendment would authorize the Attorney General to institute an action for preventive relief upon behalf of the United States, including restraining orders, temporary injunctions, and permanent injunctions, against individuals who conspire to prevent a State governmental body from complying with the orders which had been issued by the court to secure any person the equal protection of the law.

It differs from part III in that the United States would not be authorized to file action until after a private individual had instituted an action claiming the deprivation of a right, until after the court had adjudicated that the individual was entitled to the right, and until after the court had entered an order of compliance against the governmental body which had deprived the individual of his right.

I point out that even when these steps are taken the United States must prove its case before the local court, the conspiracy, the necessity of the United States becoming a party, and the necessity of injunctive relief. Surely these questions can be decided best by the local United States court.

I know it may be questioned, and it was questioned yesterday, whether this amendment has any value. I believe it has great value. It would give assistance to the courts in the enforcement of their orders which established an individual's right to the equal protection of the law.

I may say that the record of cases seeking civil rights which have been heard to this point indicate that it is exactly at this point—the point where the courts have issued their orders—that assistance is needed. Today individuals come into the courts to secure an adjudication of their rights. There is no doubt that the courts of the United States will enter appropriate orders to secure their rights when a deprivation has been established or proved. But the principal difficulty at this time in the actual enforcement and assurance of an individual's rights—and, let it be remembered, after the court has established that right—is the lawless intrusion and intermeddling of other parties to conspire, hinder, delay, and prevent, if possible, the carrying out of the court's order. This is the exact case at Clinton, Tenn.

I do not see how anyone can reasonably contend that the United States should be powerless to act in such circumstances, that it should be denied the power to move, in its own name, to uphold the dignity and authority of the decrees of its own court. That is what my amendment provides.

It is evident, from the debate of yesterday, that the amendment does not meet the requirements of every group, or perhaps of any group, in this Chamber. Yesterday it drew the opposition and the fire of those who opposed any kind of civil-rights bill, and, on the other hand, of those who want the strongest kind of civil-rights bill. For that reason I am perfectly aware that it is not likely that my amendment will be adopted; but if it is not adopted, and if no other amendments are presented and adopted, the Senate will proceed to vote on the amendment proposed by the junior Senator from New Mexico [Mr. ANDERSON] and the senior Senator from Vermont [Mr. AIKEN] to strike part III.

While I do not attempt to predict the result, it is generally conceded that their amendment will prevail, and part III will be stricken.

If part III is stricken, I suggest that it will be extremely difficult thereafter to secure the adoption of any amendment in the place of part III which will take cognizance of the United States interest, so far as legislation is concerned, in any right other than the right to vote. For that reason, I say to those who believe H. R. 6127 should include the interest of the United States, and rights additional to those of voting, that my amendment does mark an advance in that direction.

To those who oppose H. R. 6127, I pointed out yesterday that my amendment cannot be construed as an instrument of force. One of the strong arguments that has been made against H. R. 6127 is that it is a force bill. This amendment cannot be so construed, because the United States would not intervene and become a party until jurisdiction had been established by a court of the United States. Further, it answers the objection to H. R. 6127 that rights enforced under it are incapable of determination, and would stretch, as the able senior Senator from Georgia [Mr. RUSSELL] has said, and I quote him, "from horizon to horizon."

Under my amendment, the exact right to be enforced and the persons entitled to the right would be determined by a court of the United States before the Attorney General would be authorized to institute an action.

Again, there are those who consider that part III and part IV are wholly different. May I say that, in my opinion, this is a misconception which is evident in this Chamber, in the press, and among the people of this country. Some have taken the position that the principles and issues involved in part III do not obtain in part IV. We will all agree that the right to vote is one of the most important rights. It is true also that part IV deals with one right, and the right of voting only. But I will say to Senators who may believe that different principles are involved in the consideration of part III and part IV they will find, and rightly so, when part IV comes up for debate, that the same arguments of those who oppose H. R. 6127 and part III of the bill—the argument of unlimited intervention by the United States, the argument of force, the argument concerning trial by jury—will be raised again, and they will be just as applicable as they are to part III.

My amendment would serve to uphold the authority of the courts of the United States, and in doing so, the rights of in-

dividuals to the equal protection of the law against the intervention of lawless individuals conspiring to obstruct the order of the court.

As I tried to point out yesterday, argument against this amendment at this time, other than the question of the right of trial by jury, fails to recognize that it is to prevent the lawless people from conspiring to obstruct an order of a court which has been entered to correct the deprivation of an individual's right.

I recognize the difficulties, which obtain when legislation affects a society, or a great section of our country. Certainly we must take that into account. I believe I am familiar, from my experience and my residence in Kentucky with some of the problems and the way they affect particular States and people of those States. But we would be less than frank not to acknowledge that many of the rights which are the subject of the bill under consideration are not recognized as rights by many people in this country. This is true because of custom, tradition, and belief.

I have listened in friendship to the speeches which have been made by many colleagues from the Southern States, and on the other side of the aisle. I must say, when the speeches had been made, conclusion was that they were arguments for the status quo, and there was no suggestion on the part of those speaking as to any move to make progress in this field of admitted rights. I say that with deference and regard for the Senators, because I know the difficulties which obtain in their States.

Congress cannot legislate acceptance of custom, tradition, and belief, and Congress cannot legislate to change the nature of a society. But, on the other hand, the nature of these Federal rights, these constitutional rights, is such that the Congress cannot let them go by default. As the courts have said, "It should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them."

I am not going to speak any longer. Almost 2½ hours were devoted yesterday to the debate over this amendment. I simply say I believe the amendment makes a start toward the assurance of rights, additional to the voting right.

If part III is stricken out of the bill, no start will be made in so doing. I do not believe there will be any substitute adopted after part III is stricken. The amendment I have proposed does make a start in this field.

For these reasons I have insisted upon a vote upon the amendment. I believe it deals with a situation of fact, a real situation of fact involving the obstruction of the orders of a court, which have been issued to assure a civil right, and their scope is large. It deals with reality.

I hope my amendment will be adopted.

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

Mr. COOPER. I yield.

Mr. BUSH. Mr. President, I wish to congratulate the Senator from Kentucky not only upon his statement today, but upon his position on the civil rights issue from the very beginning. I think there is no Senator who has thrown more light on this very difficult and controversial issue than the distinguished senior Senator from Kentucky. He is one who has lived in an area which has been confronted with the problem at close range for a long time. He is one who has served as a judge of the court. He is one who has applied himself to the understanding and explanation of this issue with great diligence during the past week. I, for one, am very grateful to the Senator from Kentucky for the light he has thrown on this very difficult subject.

I think by submitting this amendment the Senator from Kentucky is offering a very moderate substitute for the controversial section 121. I intend to support the Senator's amendment, and I hope it will be widely supported. However, if the amendment fails, then I shall join with the Senator, very happily, in voting against the amendment to strike out section 121. I very much hope, however, that the Senator's amendment will prevail.

I congratulate the Senator on the care with which he has prepared and presented his amendment to the Senate. He has made a fine impression. Whether we are for his amendment or against it, I think we all agree that the Senator from Kentucky has made a very significant contribution to this debate.

Mr. COOPER. I thank my friend, the Senator from Connecticut.

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

The PRESIDING OFFICER. Does the senior Senator from Kentucky yield to the junior Senator from Kentucky?

Mr. COOPER. I yield 5 minutes to my colleague from Kentucky.

The PRESIDING OFFICER. The junior Senator from Kentucky is recognized for 5 minutes.

Mr. MORTON. Mr. President, I rise in support of the amendment offered by my senior colleague from Kentucky.

Yesterday I followed in its entirety the able presentation on the floor of the Senate of the senior Senator from Kentucky, and I have been here today during the summation of his remarks.

I wish to point out, Mr. President, that I am very sympathetic to the problems faced by those who represent the great Southern States in this body and in the other body. Among my own forebears are those who served the cause of the Confederacy, as well as those who served the Union cause, during the War Between the States.

The problem with which we are dealing, and for which we have been attempting to find a solution in these days and weeks of debate in the Senate, is one which is not new to my State and one which has had the consideration of leaders in Kentucky of both political parties for years. I am happy to say it is a problem as to which progress is being made.

Mr. President, the amendment which has been offered by my colleague from Kentucky goes a long way to meet criticisms of section 121, which have been so ably presented during the past 2 weeks on the floor of the Senate by the representatives of the Southern States. It certainly answers the criticism, if the criticism is justified, that the Attorney General can, under the terms of section 121, embark on a fishing expedition to try to obtain punitive action against some group or against some section of the country. Certainly under this amendment the Attorney General would be proscribed completely from going around the country hunting business, as has been implied would be the case if section 121 were adopted.

As my colleague from Kentucky has pointed out, the purpose of his amendment is to give real assistance to the courts in the enforcement of their orders which establish an individual's right to equal protection under the law. Certainly the United States as a Nation, and its people, should be able to act in those instances where a lawless conspiracy or lawless action negates the enforcement of a court order. That is exactly what the Cooper amendment provides. I think it meets the opposition, both real and imagined, which has been expressed on the floor to section 121, and makes a real contribution toward the enforcement of law and the elimination of lawlessness in this important field.

For a moment, Mr. President, let us observe what the alternatives are. Where do we stand? None of us like to make predictions, but for the past few years I was employed in another branch of the Government, in the executive branch, and one of my duties was to anticipate the action of this body in certain matters, if I may state it that way. I feel that if the Cooper amendment shall be rejected, section 121 will be rather decisively eliminated from the bill under consideration. I address this remark to those who are interested in having something in the bill more than a right-to-vote feature. I predict that approximately 53 votes will be cast in support of the amendment of the Senator from New Mexico [Mr. ANDERSON], and that once such action is taken it will be extremely difficult to walk up the hill again and put anything in the bill in place of section 121.

I therefore plead with those who want the bill to go beyond merely the right to vote to support the Senator from Kentucky in his worthy amendment. I think it is a proper step in the right direction, and will alleviate the fears, real and imagined, which have been expressed not only in this body, but throughout the length and breadth of this land.

I trust the amendment will be adopted.

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

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. Mr. President, I yield 3 minutes' additional time.

Mr. MORTON. I yield to the Senator from Tennessee.

Mr. GORE. I appreciate the remarks of my able friend and neighbor. I ask him to yield in order that I may advise the Senate with respect to an Associated Press dispatch from Knoxville, Tenn. It reads as follows:

> An all-white jury today convicted John Kasper and six Tennessee defendants in the Clinton segregation trial.

If the Senator will further yield, I do not presume to assert that the jury was right or that the jury was wrong. I only advise the Senate that a southern jury has acted. I am advised that it found some of the defendants not guilty and others guilty.

I do not believe that this incident would support the argument that we should now abolish trial by jury. I have heard a number of Senators express doubt about the action of the jury which tried Mr. Hoffa. But the Senate did not hear the evidence. The Senate was not the jury. Whether we disagree with the action of the jury which heard the evidence presented against Mr. Hoffa, or whether we agree or disagree with the action of the jury which heard the evidence against Mr. Kasper and his codefendants, neither example, in my opinion, would justify abolition or infringement of the right of trial by jury.

I thank the Senator from Kentucky.

Mr. MORTON. I thank the Senator, and I commend that great and strong section of the country, east Tennessee, for always doing what is right.

Mr. ANDERSON. Mr. President, I yield myself 1 minute.

I regret very much to oppose the amendment of the Senator from Kentucky. He well knows the high regard and great respect I have for him. We have been on the same side in many battles, sometimes when our position was unpopular on his side of the aisle, and sometimes when it was unpopular for me on my side of the aisle.

Therefore, before I proceed to yield time to other Senators, I assure the Senator from Kentucky that my high respect for him does not change, even though I am unable to understand his amendment.

As I read the amendment, it seems to provide that if any person disobeys an injunction in a civil-rights case, the Attorney General of the United States may bring a civil action for another injunction. In other words, it is as though, when the wallpaper does not stick, we plaster on more wallpaper to see if it will stick. I recognize that this is probably not the legal interpretation, but those of us who are not lawyers find it difficult to follow this amendment. Therefore, I shall oppose this amendment, as I shall oppose other amendments, until I can study them and ascertain their implications.

I yield 10 minutes to the Senator from Arkansas [Mr. FULBRIGHT].

Mr. FULBRIGHT. Mr. President, I wish to address my remarks particularly to the Anderson-Aiken-Case of South Dakota amendment.

We do indeed live in a paradoxical world. We all know that one of the urgent needs of our country is increased support for our schools, and yet instead of considering a bill to build schools and provide a living wage for teachers, we find ourselves today most seriously considering ways and means of how our local officials may be most efficiently imprisoned without the inconvenience of a trial by jury.

Mr. President, the debate on the pending measure has to a high degree been objective, searching and informative. Some of the best legal minds in this country have exposed the dangers which inhere in this proposal to enlarge the powers of the Attorney General to imprison our citizens without a trial by jury.

Legal constitutional arguments by their very nature induce an impersonal, objective attitude on the part of the participants and even the observers. One tends to regard the issues as affecting those impersonal entities which we call the state, or the court or a school board, and to forget that these issues affect the most intimate personal relations, personal aspirations and desires for improvement of millions of the best people of our land—the everyday men and women who do their best to keep our public schools going.

The men and women who served upon the local school boards, who attend the parent-teachers association meetings and pie suppers to raise money, who try their best to make the meager inadequate financial resources meet the needs of their children—these people need encouragement and understanding, not intimidation.

Mr. President, despite their shortcomings, the public school systems of the several States are, probably, the finest achievement of American State and local governments.

Why is this so despite all the difficulties inherent in the relationships between teacher and child, teacher and parent, administrator and child and administrator and parent? All the relationships—social and economic and psychological?

Surely a substantial part of this success is attributable to the fact that, by and large, the control of the public schools of this country is vested in local school boards, composed of men and women selected for the most part by the persons who have the greatest concern for the welfare of the schools—the parents and the patrons of the generation whose education is at stake.

Who are these citizens? They are citizens in the finest sense of that word. They are the leaders of their communities. They are the same people who sacrifice time and money and toil for the Red Cross, the Community Chest, the local civic organizations. They do these things not for personal advancement. They are not even paid for their time or expense. They do it because it must be done, and their friends and neighbors and children look to them to do it.

They are not seekers of fame, nor political advancement, nor money, nor even gratitude or recognition.

They are law-abiding; they are not race-baiters; they are not haters. They go about their business quietly, with dedication, but without false pride.

Now it is these people, in the South, upon whom the great burden of the Supreme Court opinion of 1954 descended, with all its import. It is they, and the other citizens whom they serve, who must decide what they will do and when they will do it, despite all we say and do here. They alone know what can be done in their communities.

I believe in local control of our public school systems. I believe that the Supreme Court decision—far from diminishing the necessity for local control—has enhanced it beyond dispute and description.

Despite all we say and do here, or in any public forum, this great issue of our times will be settled by the minds and hearts of the people whom I have described. Shall we make their job more difficult? We should not say to them: "Your decision is subject to the discretion of the Attorney General. This is a man whom you do not know, and who does not know you or your children—nevertheless, he—not yourself, not one of your aggrieved fellow citizens—he will pass judgment on your acts. If he determines, in his discretion, that you are wrong—you may well be so adjudged. Whether you are or not, you will be harassed, you will have to defend yourself. If you are so adjudged, that judgment may not be tempered by the justice and mercy of your peers, as it would in the case of a murderer, a rapist, or a common thief."

I am proud of the way the people of my own State have met this impact, with a minimum of rancor, even though at some cost in amicable race relationships. I believe I can say they have met it as well, or better, than in any State with comparable problems.

How and why have they been able to do so? Through the patriotism and devotion to duty of the very people I have tried to describe. School-board members and school administrators, and parent-teacher associations, and civic clubs—people who know what they have to do and what they can do—have consulted with one another, and with others and have reached their own judgment of what their people can, and will, and must do, and how they can do it.

In the end, this problem—as with most others of comparable import—will be solved by people of good will and moderation.

I appeal to that same sense in this body. I urge my colleagues to vote for the Anderson-Aiken amendment. We ought to reject part III of this bill.

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

During the delivery of Mr. FULBRIGHT'S speech:

Mr. JOHNSON of Texas. Mr. President, will the Senator from Arkansas yield to me for the purpose of making a unanimous-consent request?

Mr. FULBRIGHT. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Arkansas may yield to me for the purpose of asking unanimous consent for the present consideration of Senate Resolution 165, with the understanding that the time consumed will not come out of the time allotted to him. This is an emergency resolution providing for the printing of 1,500 additional copies of the hearings entitled "Investigation of the Financial Condition of the United States." The Senator from Vir-

ginia [Mr. BYRD] is the author of the resolution. He has discussed it with members of the Committee on Rules and Administration. I have discussed it with the minority members of the Committee on Rules and Administration, and there is no objection.

If the resolution is acted upon today, the cost will be $1,159.21. If the printing is done at a later date, it will cost almost $2,000 to reset the type. Therefore it is desired to have action on it today.

Mr. President, I move that the Senate Committee on Rules and Administration be discharged from the further consideration of Senate Resolution 165.

The motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I now ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, reserving the right to object, this, of course, would be intervening business with respect to the subject which is at present engaging the attention of the Senate.

Mr. JOHNSON of Texas. I ask unanimous consent for the present consideration of the resolution, with the understanding that the time will not be charged to either side. If the resolution can be adopted, we shall save $900.

Mr. DIRKSEN. I have no objection, with the strict understanding, of course, that it have no impact whatsoever on the unfinished business.

The PRESIDING OFFICER. Is there objection to temporarily laying aside the unfinished business and considering Senate Resolution 165?

The Chair hears none, and the question is on agreeing to the resolution.

Mr. JOHNSON of Texas. Mr. President, I move to amend the resolution by inserting on line 2, after the word "Finance", the figures "1,500," so as to make the resolution read:

Resolved, That there be printed for the use of the Committee on Finance 1,500 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.

The amendment was agreed to.

The resolution submited by Mr. BYRD on July 18, 1957, as amended, was agreed to.

Mr. JOHNSON of Texas. I thank my friend from Arkansas. I am grateful to my friend from Illinois, and I appreciate the contribution of the Senator from New York.

VISIT TO THE SENATE BY JIMMY DURANTE

Mr. KNOWLAND. Mr. President, I should like to take the opportunity of introducing a distinguished Californian, who is present in the family gallery. He is a man who not only has contributed a great deal to the entertainment of the American people, but has also been a great civic leader and citizen of southern California. He is Jimmy Durante. [Applause, Senators rising.]

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. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. COOPER].

Mr. ANDERSON. Mr. President, I yield 5 minutes to the Senator from Iowa [Mr. HICKENLOOPER].

Mr. HICKENLOOPER. Mr. President, I shall speak only a few minutes on the amendment offered by the Senator from Kentucky [Mr. COOPER]. Like other Senators, I regret the necessity of disagreeing with the Senator from Kentucky on this subject, because I know his sincerity. However, as I sat on the floor yesterday, when I first heard the amendment discussed, I realized that it not only does nothing for the legislation which is under consideration, but adds confusion indeed.

As I read the amendment, it provides, first, that an individual must go into court and must secure a court order protecting a right which the court finds is being denied. That flies, as I said, squarely in the face of the contention of those who most strongly advocate the whole bill, that the people are intimidated from going into court, and therefore they need legislation of this character.

The amendment would require that they do the very thing that the strong advocates of the bill say they are prevented, in certain areas, from doing.

Therefore, it would defeat the purpose the bill seeks to accomplish and would not contribute anything to protecting civil rights. What the amendment proposes to do, can be done now. It can be done regardless of the proposed amendment.

Secondly, Mr. President, the amendment of the Senator from Kentucky provides that if two or more persons who are not a party to the suit conspire to prevent the exercise of a right on the part of an individual, or to prevent the constituted authorities from guaranteeing such a right, the Attorney General may institute, on behalf of the United States, a civil action for preventive relief. It is to be done by injunction, and punishments are provided, without the right of trial by jury.

I do not say it is the purpose of the Senator from Kentucky, but the net result of the amendment is to circumvent jury trial. That is the effect, whether that is the intention or not. I do not allege it one way or another.

As I said yesterday, the amendment does not propose to protect any right which is not already protected under existing law, and cannot already be exercised, with the one exception, that presently if two or more people conspire to prevent the carrying out of an order of the court, they are accorded a jury trial. The Attorney General can move in and indict them and bring them to trial.

We heard the very dramatic statement on the floor of the Senate by the Senator from Tennessee [Mr. GORE] only a few moments ago that the jury system did work in the Knoxville, Tenn., trial of the Clinton case. I do not say that it worked properly. I do not know the facts. Right or wrong, it can no longer be said that juries in the South arbitrarily refuse to convict when a jury believes the evidence is sufficient on which to convict those who violate mandates of the court.

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

Mr. HICKENLOOPER. I yield.

Mr. GORE. Not only did the jury act with a sense of duty, but also with discrimination—again whether right or wrong—in finding some defendants guilty and acquitting others.

Mr. HICKENLOOPER. I thank the Senator from Tennessee. I would add two other words to the words duty and discrimination. I believe the jury acted with conviction and with honesty, whether we agree with its decision or not. I am not pretending any disagreement or agreement.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. I shall yield in a moment. Certain people may think that in the Hoffa trial there was a miscarriage of justice. I make no allegation either way. However, do those who believe there was a miscarriage of justice, also say that we should abandon the jury system? Do they therefore say we should let a judge pass on these matters and dispense with a jury?

The only thing I can say in connection with this amendment is that there are no protections added either under the law or under the procedure. However, there is an elimination of the jury trial in connection with an injunction against two or more people who may be found to be conspiring to prevent a public body from carrying out the mandate of a court with respect to a civil right.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. I yield.

Mr. JOHNSON of Texas. I applaud and concur heartily in what the Senator has said. He has, in his remarks, made some reference to the Hoffa trial. Where was that trial conducted?

Mr. HICKENLOOPER. The Senator from Tennessee [Mr. GORE] may correct me, if I am wrong, but I believe it was conducted in Washington, D. C.

Mr. JOHNSON of Texas. Where was the Kasper trial conducted—in what northern State? [Laughter.]

Mr. HICKENLOOPER. The Senator from Tennessee will correct me if I am wrong, but I believe the Kasper trial was—as it runs in my mind—conducted in Tennessee.

Mr. JOHNSON of Texas. It ill behooves an Attorney General who cannot get a conviction in Washington, D. C., to talk about the failure of southern juries to do their duty.

Mr. HICKENLOOPER. I shall be noncommittal on that particular observation.

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

Mr. HICKENLOOPER. I yield.

Mr. COOPER. The Senator made a statement to the effect that there is no

distinction between the present situation in law and the situation if my amendment were adopted.

Mr. HICKENLOOPER. Except that under present law a jury trial is necessary.

Mr. COOPER. The Senator is mistaken. Does the Senator admit there is a difference between equitable relief granted to prevent crimes and criminal action after a crime has been committed?

Mr. HICKENLOOPER. I think it is well established, and has been for a generation, that there is equitable relief for the prevention of crimes. That is not the distinction. The question is, Should criminal contempts be subject to jury trial?

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

Mr. HICKENLOOPER. May I have an additional 3 minutes?

Mr. ANDERSON. I yield 3 additional minutes to the Senator from Iowa.

Mr. HICKENLOOPER. It is a question of jury trials in criminal contempt cases. Under the pending amendment I submit there is a circumvention of the jury trial. Under it, a judge, in a criminal matter, would have the power to put violators in jail without a jury trial, so far as criminal contempts were concerned.

Mr. COOPER. I do not believe the Senator has studied the amendment. He misses the whole point. He does not understand the amendment, I am afraid. The purpose of the amendment is to prevent criminal action.

To describe the amendment as an effort to circumvent jury trial is an easy way to attack the amendment, but it is not the fact.

Mr. HICKENLOOPER. I understand what the Senator said.

Mr. COOPER. The purpose is to prevent lawless people from acting criminally. That is entirely different from prosecuting them and putting them in jail after the acts have been committed.

Mr. HICKENLOOPER. I understand what the Senator has said. He has said that his proposal will bring the power and majesty of the Government to bear, and that it will overawe the people and cause them not to commit all kinds of acts of that sort, and thus will tend to keep transgressors from committing offenses.

Mr. COOPER. It will tend to prevent crime.

Mr. HICKENLOOPER. But I still submit that every protection is now in existence. A citizen can go into court today and get an order enforcing the guaranty of his rights. If today two or more persons conspire to prevent a public body or anybody else from carrying out that mandate, they can be prosecuted by the Attorney General now; the proposed statute is not needed.

Mr. COOPER. That is entirely different from taking action before a crime is committed.

Mr. HICKENLOOPER. Certainly it is different.

Mr. COOPER. But the Senator did not say that.

Mr. HICKENLOOPER. In one instance, the judge could put the person in jail; in the other the jury would put him in jail, which I believe is the proper procedure.

The PRESIDING OFFICER. The Senator from Kentucky has 8 minutes remaining; the Senator from New Mexico has 10 minutes remaining.

Mr. ANDERSON. Mr. President, I yield myself 1 minute.

I thank the able Senator from Iowa [Mr. HICKENLOOPER], who is a lawyer and a former governor of his State, for his discussion of the legal phases of the amendment. Frankly, I did not understand some of its implications; therefore, I appreciate his contribution to the discussion.

Mr. President, I desire to yield 2 minutes to the Senator from South Dakota [Mr. CASE]. The Senator from South Dakota has made a very careful study of the whole subject, particularly of part III. I express publicly to him my appreciation for the study he has made and the contribution he has made to me, which has straightened out my own thinking. For that, I am deeply grateful.

Mr. CASE of South Dakota. Mr. President, I appreciate the kind remarks of the Senator from New Mexico.

The problem with respect to part III, which has bothered me persistently, has been the apparent purpose to bring the power of the Federal Government into play as against the operation of State authorities without the request of the State itself. An illustration of that point appears in this amendment.

The amendment as offered reads:

> If two or more persons in any State or Territory conspire for the purpose of preventing or hindering the constituted authorities of any State or Territory—

And so forth. The amendment is not directed to a conspiracy against the operation of the constituted authorities of the Federal Government. The amendment would become operative if there were a conspiracy for the purpose of preventing or hindering the constituted authorities of any State or Territory from taking some action.

In my own State, I am certain that if there were a conspiracy to prevent the constituted authorities of the State from taking some action, relief would exist in the laws of South Dakota. I think that is true of most States.

This is a proposal to have the Federal Government bring its power to bear for the purpose of giving protection to State officials, protection which normally is provided by the laws of their own States.

A similar principle presented itself during the consideration of the Federal Highway Act in 1954 and 1956. The proposal was made, particularly in connection with the interstate highways, that the Federal Government should have a right by condemnation to buy land for the purposes of road building. There was long deliberation over that question, and finally the committee decided that the Federal Government should be permitted to buy highway land and to exercise eminent domain only upon the invitation of a State.

Apparently some States do not exercise the right of eminent domain with respect to the acquisition of land for highway purposes. So in that case we faced the issue by conditioning any entry by the Federal Government upon a request by a State. If the State authorities—the governor or other constituted authority of a State, or the State legislature—should request the Federal Government to exercise its power, that would be something else, in this instance, it seems to me, as well as in the other.

For that reason, I have suggested, in such conferences as I have had with other Senators, that any action to have the Federal Government extend its authority within a State should rest upon an invitation by the State.

The platforms of both parties and the resolutions of many conventions are replete with statements to the effect that the imposition of the Federal Government upon the States has been too great; that there should be a stop to further centralization of power in the Federal Government.

Therefore, I am constrained to oppose the pending amendment, as I have opposed certain other features of the bill. It seems to me that there ought not to be a further centralization of power in the Federal Government, when the power exists in the States.

Mr. ANDERSON. Mr. President, I yield 4 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, it is my firm belief that the Senator from Kentucky contemplates an amendment which would make possible the adoption of Part III, and thus to insure for the citizens of the United States a full enjoyment of all constitutional rights and, in addition, the right dealt with in Part IV.

I believe he has in mind the removal of the objection which comes through giving to the Attorney General of the United States the all-embracing powers which resided with Caesar when he ruled over the Roman Empire.

I join with the Senator from Kentucky in his purpose of wanting to work out a bill which will provide for all Americans the full enjoyment of their constitutional rights. However, I am of the opinion that in what he attempts to achieve he creates a situation under which constitutional rights will be taken from one segment of our citizenry. To me, the subject of jury trial is of such importance that I would not yield in a single degree in my effort to cure wrong if by yielding I should contribute to eroding the right of trial by jury.

I respectfully submit to my colleagues and to the most ardent supporters of the civil rights bill that what we are trying to do is to declare that the right of trial by jury shall be inviolate at all times except when Congress determines that justice is not being done in a certain area. Then the right of trial by jury shall be suspended, and trial by judge shall be instituted. I ask Senators to reflect upon that statement. Is not that what we are seeking to do? It is said that in some parts of the country trial by jury is not resulting in justice; therefore, we say there shall be trial by judge.

The PRESIDING OFFICER. The time yielded to the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, I should like to have 2 additional minutes.

Mr. ANDERSON. Very well, Mr. President; I yield 2 additional minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 additional minutes.

Mr. LAUSCHE. I thank the Senator from New Mexico.

Mr. President, I shall give my support to a civil-rights bill which will support the constitutional rights of all American citizens. I want that civil-rights bill to insure the civil right of trial by jury. In my opinion, the punishment for civil contempt can be imposed by a judge. The punishment for criminal contempt, however, has to be decided by a jury. That is my view of this measure; and I respectfully say to my colleagues that I have given hour after hour of study to it.

I respect the knowledge which other Senators have of this subject; but I know I have given it attention; and through my experience as a judge, and as a result of 6 years of service as a teacher of the law of equity, I know something about the substantive law and the procedural rights in equity.

I thank the Senator from New Mexico for yielding to me.

Mr. ANDERSON. Mr. President, I wonder whether the Senator from Kentucky cares to yield time at this point.

Mr. COOPER. Mr. President, I yield 3 minutes to the Senator from West Virginia [Mr. REVERCOMB].

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 minutes.

Mr. REVERCOMB. Mr. President, throughout the extended debate on part III, the point has been made time after time, and with some force, that if part III is adopted in the form in which it now appears in the bill, powers described as excessive, and even described as tyrannical, will be vested in the Attorney General of the United States, so that at some time, some Attorney General might make his own decision as to where he would use the forces and the power of the laws of the United States to apply to some situation which might arise, leaving to his own judgment, to his own ipse dixit, as one might say, and his own order the decision of where he would use the power the bill would vest in him.

As I view the amendment of the able Senator from Kentucky [Mr. COOPER], its purpose is, wisely, to remove from the bill and from the law any such gift of power to a Federal executive officer.

Under the amendment, the Attorney General could not select where he would act. Under the amendment, the Attorney General would not initiate proceedings until a court had decided by its decree and hearing that a civil right had been taken from a citizen. It seems to me that is a wise move; it is an earnest effort, one for which I heartily commend the Senator from Kentucky.

Under the amendment, the Federal Government could not move until a court had made its decision, and had entered its decree in connection with its decision, that a civil right had been violated; and even then, that the Federal Government could not move in until some persons had conspired to destroy and to block and to hinder and to prevent the carrying out of the decree of the court. Certainly there can be nothing wrong with such procedure.

Therefore, Mr. President, I commend the Senator from Kentucky for offering this proposed solution of a problem which has arisen and a point which has been ably made in the Senate, namely, the vesting of too much power in the Attorney General who might be serving at any given time.

The PRESIDING OFFICER. The time yielded to the Senator from West Virginia has expired.

Mr. KEFAUVER. Mr. President, will the Senator from New Mexico or the Senator from Kentucky yield some time to me, in order that I may ask a few questions of the Senator from Kentucky?

Mr. ANDERSON. If I have any time remaining, I shall be happy to yield.

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes remaining under his control.

Mr. ANDERSON. Then, Mr. President, I yield to the Senator from Tennessee such time as he may require, up to 3 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for up to 3 minutes.

Mr. KEFAUVER. Mr. President, I know the Senator from Kentucky has spent a great deal of time in preparing the amendment, and I believe it deserves very serious consideration.

Personally, I feel favorably inclined toward the general purpose of the amendment of the able Senator from Kentucky. I should like to ask him 1 or 2 questions about his amendment.

As I understand, the initiation of any action would not be in the hands of the Attorney General, but would come only if a citizen in a local community had felt that his rights under the equal-protection-of-the-laws clause of the constitutional amendment had been violated. Is that correct?

Mr. COOPER. The individual would file an action, of course—as can be done now—and would claim that he was deprived of his right, and would request that relief be given.

Mr. KEFAUVER. By limiting the scope of the action to that allowed under the terms of the equal-protection-of-the-laws clause, the Senator from Kentucky has purposely excluded many violations which might be embraced within the broader scope of section 1980 of the Revised Statutes; is that correct?

Mr. COOPER. That is correct. The amendment refers to the equal protection of the laws.

Mr. KEFAUVER. It would be only after a citizen brought action and secured an injunction under the equal-protection-of-the-laws clause of the constitutional amendment that the Attorney General could come into the case in any event; is that correct?

Mr. COOPER. Yes; after the right had been adjudicated, and after an order directing compliance had been entered against a governmental body.

Mr. KEFAUVER. I mean, after an individual or group of individuals had secured a decree; that would be a prerequisite to the coming of the Attorney General into the picture at all; is that correct?

Mr. COOPER. That is correct.

Mr. KEFAUVER. Then, when the Attorney General came into the picture, he could bring an action only for preventive relief; and preventive relief means for enforcement of the decree, as distinguished from punitive relief or punishment for violation thereof. Is that correct?

Mr. COOPER. That is correct.

Mr. KEFAUVER. So the applicability of the jury-trial provisions would, of course, be subject to whatever the Senate may decide later, when it considers those provisions. But as the matter now stands, the Federal judge——

The PRESIDING OFFICER. The time yielded to the Senator from Tennessee has expired.

The Senator from Kentucky has 5 minutes remaining.

Mr. COOPER. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for an additional 2 minutes.

Mr. KEFAUVER. I thank the Senator from Kentucky.

The Attorney General in his suit for preventive relief would not be bringing suit for punishment for criminal contempt; instead, he would be bringing suit only for compliance with the decree of the court. Is that correct?

Mr. COOPER. That is correct.

Mr. KEFAUVER. In an action of the Attorney General to secure compliance, a person might be punished only so long as he refused to comply. Is that correct?

Mr. COOPER. That is correct.

Mr. KEFAUVER. In other words, such a person would have within his own hands the power to purge himself of contempt because of noncompliance; is that correct?

Mr. COOPER. Yes. The maxim is that the defendant can always unlock the jail by complying.

Mr. KEFAUVER. Mr. President, I think the Senator from Kentucky has prepared a well-conceived substitute for part III; and it is my intention to vote for the amendment of the Senator from Kentucky.

Mr. COOPER. I thank the Senator from Tennessee.

Mr. President, almost all the available time has been used.

In conclusion, I wish to repeat what I said at the beginning, namely, that the arguments which have been made against this amendment will be made again against part IV. The argument that intervention by the United States denies the right of trial by jury will be made against part IV, just the same as it is made against part III, and just the same as it is made against this amendment.

By means of the amendment, I have tried to narrow the bill to a situation which we know needs relief.

Those who want everything in the civil rights bill want to prescribe for every situation which may arise—actual, speculative, or potential. Those who oppose any civil rights bill are, of course, going to oppose any amendment. But an actual situation exists now where, under Supreme Court decision, individuals are seeking their equal rights, and courts are adjudicating their rights and are issuing orders to secure their rights. But third parties, lawless people, intervene and say, "We will not permit the Court's orders to be followed out."

My amendment would assure that in such cases, and it is only in such cases that progress is being made, the United States would have the right to protect an individual whose rights have been adjudicated, and help enforce his rights which are assured by the Constitution. It is a beginning. It is a start. There will be nothing in this bill to assist in the enforcement of any rights, except the voting right, if part III is stricken. If my amendment is adopted, many other rights will be protected.

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ANDERSON. Has all time on the amendment expired?

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

Mr. ANDERSON. Will the Chair state what the question before the Senate is?

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment offered by the Senator from Kentucky [Mr. COOPER], as a substitute for section 121.

Mr. COOPER. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

Mr. MORSE. 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. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Kentucky.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] and the Senator from West Virginia [Mr. NEELY] would vote "nay."

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

The Senator from Nevada [Mr. MALONE] is detained on official business, and, if present and voting, he would vote "nay."

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "nay."

The result was announced—yeas 8, nays 81, as follows:

YEAS—8

Bush	Kefauver	Revercomb
Cooper	Mansfield	Wiley
Dirksen	Morton	

NAYS—81

Aiken	Fulbright	McNamara
Allott	Goldwater	Monroney
Anderson	Gore	Morse
Barrett	Green	Mundt
Beall	Hayden	Murray
Bennett	Hickenlooper	Neuberger
Bible	Hill	O'Mahoney
Bricker	Holland	Pastore
Butler	Hruska	Potter
Byrd	Humphrey	Purtell
Capehart	Ives	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N. J.	Jenner	Scott
Case, S. Dak.	Johnson, Tex.	Smathers
Chavez	Johnston, S. C.	Smith, Maine
Church	Kennedy	Smith, N. J.
Clark	Kerr	Sparkman
Cotton	Knowland	Stennis
Curtis	Kuchel	Symington
Douglas	Langer	Talmadge
Dworshak	Lausche	Thurmond
Eastland	Long	Thye
Ellender	Magnuson	Watkins
Ervin	Martin, Iowa	Williams
Flanders	Martin, Pa.	Yarborough
Frear	McClellan	Young

NOT VOTING—6

Bridges	Malone	Payne
Hennings	Neely	Schoeppel

So the amendment of the Senator from Kentucky was rejected.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND] to lay on the table the motion of the Senator from Texas [Mr. JOHNSON] to reconsider.

The motion to lay on the table was agreed to.

Mr. MORSE obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Oregon yield so that I may make a brief announcement?

Mr. MORSE. I will yield, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Oregon yields to the Senator from Texas.

ANNOUNCEMENT OF PROCEDURE

Mr. JOHNSON of Texas. Mr. President, the Senate will remain in session as late this evening as Senators may desire in order that they may have an opportunity to address themselves to the pending business. I anticipate no more quorum calls and no yea-and-nay votes.

As Senators are informed, the unanimous-consent agreement provides that the Senate shall meet at 10 o'clock tomorrow morning. We shall have the usual morning hour for the transaction of routine business. Statements will be limited to 3 minutes. At the conclusion of the morning hour, the time will be equally divided on the Anderson-Aiken-Case of South Dakota amendment, 2½ hours to be controlled by the authors of the amendment and 2½ hours to be controlled by the minority leader. I should think that by 10:30 we will be able to conclude the morning hour, and perhaps at 3:30, 4, or 5 o'clock we will have a vote. There will be a quorum call before the vote is taken. If all time is used, it will take approximately 5 hours from about 10:30. I wish to make this announcement, so that all Senators will be on notice.

I express to each Senator, and especially the minority leader, my gratitude for the complete cooperation of Senators on both sides of the aisle.

The PRESIDING OFFICER. The Senator from Oregon [Mr. MORSE] has the floor.

Mr. MORSE. As Senators know, I always try to accommodate my colleagues before I start a speech. With the understanding that I do not lose my right to the floor, I shall be happy to yield to my colleagues for insertions in the RECORD, and, in the case of the Senator from Arkansas, for a brief statement.

Mr. KEFAUVER. For a long time now there has been much talk about whether Southern juries would or would not convict violators in civil-rights cases.

Many loose words have been uttered here on the floor about it.

I have always said that in my own State of Tennessee I was confident that jurors would not violate their oaths.

I am delighted with the word from Knoxville today in the now famous Clinton trial, where the jury returned guilty verdicts against Kasper and 6 of the 10 local defendants.

Many of the people on this jury were not in favor of integration—they said as much when they were being qualified. But all of them said that they were in favor of law and order. All of them recognized the Supreme Court decision ordering integration, as it applied to the Clinton school, to be the law of the land. All of them recognized that the local district judge, Judge Robert L. Taylor, had ordered the integration in compliance of the decision and that his injunction against the violence had to be obeyed.

They stood up like law-abiding citizens and convicted the violators. Their action should answer those who say Southern juries will not convict white defendants in civil-rights cases.

The jurors showed that they took their oaths seriously and acted in a discerning manner, acquitting some and convicting others, as they felt the facts justified.

Their action should show us that the kind of jury-trial amendment I have proposed to the pending bill—one which grants a jury trial only in criminal cases—will not detract from the enforceability of the bill. I hope the Members of the Senate will give careful consideration to the amendment I have submitted in view of the result of the Clinton case.

Mr. FULBRIGHT. Mr. President, I shall vote for the Anderson-Aiken amendment.

I have listened to the debate on part III of this civil-rights bill with close interest and with concern. Until but a few short days ago none of us, I think, had any real understanding of what part III of the bill proposed to do, or how it proposed to do it.

The debate has clarified and made meaningful what 2 weeks ago was generally regarded as a minor provision of the bill. The proponents of part III did not themselves, I am convinced, comprehend the full impact, the broad sweep, and the dangers of these new enforcement techniques for section 1985 of title 42 of the United States Code.

It is now clear to us all that section 1985 purports to cover, virtually without limitation, every civil right which the courts in the past and the courts in the future may define as within its scope. That language is not specific. It is not definite. It is as broad as the general language used in the constitutional provisions from which the power of Congress to legislate in the field is derived.

And yet, to this broad and indefinite language it is now sought to apply the unusual and extreme enforcement measure of injunction and contempt proceedings by Federal courts.

We are told that there is ample precedent for using the injunction-contempt enforcement techniques in the 28 or more statutes which Congress has enacted to regulate different commercial activities.

The analogy does not, in fact, exist. I defy anyone to examine any of the statutes in which Congress has heretofore permitted the use of injunctions as an enforcement weapon and conclude that there is any real parallel between the subject matter dealt with or the legislative framework in which the injunction-contempt power is exercised.

In every other statute passed by Congress—the Securities Exchange Commission statutes, the Federal Trade Act, the Interstate Commerce Act, the Federal Communications Act, the Packers and Stockyards Act—explicit substantive rights were created and carefully defined; precise standards of conduct to guide the persons subject to the acts were established; procedures were developed for the determination of factual and legal questions arising in the administration of the acts; and, prior to the time that any Federal court can be called upon to issue an injunction, a specific administrative procedure, involving public hearings, findings, and conclusions, resulting in quasi-judicial orders, is provided.

Part III contains none of these safeguards. For the statutes relied upon to be a valid analogy to what is sought to be done in this bill, there would have had to be a simple, very broad statutory provision, restating the general language of the commerce power of the Constitution, and brief provisions empowering the courts to enforce the statute by injunction. This would be a true analogy and parallel to what is contemplated by part III. But this is a far cry from what actually has been done in the prior instances in which Congress has determined to use the injunction enforcement remedy.

The only real parallel to the situation sought to be created by part III of this bill is the labor situation which prevailed at the time of the passage of the Norris-La Guardia Act. Then there was no specific Federal labor legislation. Our Federal courts established Federal labor law by injunction, issued upon the broadest complaints of United States attorneys.

Partially to correct the abuses of this unusual enforcement procedure, Congress enacted the Norris-La Guardia Act in 1932. In 1935, the further corrective step was taken of legislating a very specific Federal statute in the field of labor relations. The Wagner Act spelled out in great detail the specific rights, conduct, and procedures which Congress intended to be followed in the settling of labor disputes. In addition, it created an administrative agency to determine labor disputes before the courts could exercise the injunctive powers conferred by the act.

Only after the administrative agency had exercised its full jurisdiction, held hearings, and issued orders was a court empowered to issue an injunction to enforce the agency orders.

We should not now—25 years after George Norris and Robert Wagner focused the attention of Congress upon the evils of government by injunction—return to that practice in a field as complex and delicate as civil rights.

This would scarcely be progress. It would surely creat a precedent for some future Congress, in some other field, to seek legislative shortcuts which disregard basic individual rights and liberties.

I find no support for what part III would have us do in the field of civil rights in any of the Federal statutes which have been referred to in our debates. I do find, and with alarm, a very close parallel to the situation which existed in the field of labor disputes before passage of the Norris-La Guardia and the Wagner Acts.

I am sure no Member of this body will want to trade, in the name of expediency, the right of all individuals to be free from government by injunction—in its most vicious, abbreviated form—for what is claimed to be a more effective method of protecting civil rights. I, for one, consider the legislative scheme contrived in part III of this bill to be a distinct step backward in the vital relations of man and his government.

I shall not vote to take that step backward.

Mr. JAVITS. Mr. President, one of the main arguments with respect to part III—and I shall vote against the Anderson-Aiken-Case of South Dakota amendment, as I think is by now well known—has been that all we are doing is giving to the Attorney General an opportunity to seek an injunction when the individual already has that right, which is even less than—certainly not more than—coterminous with the power to have criminal relief, that is, indictment and trial under criminal statutes.

When I was debating the issue a day or so ago, the question was raised as to the absolute right of an individual himself to sue for injunctive relief. I ask unanimous consent that there may be printed in the RECORD as a part of my remarks a memorandum of law on the subject.

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

MEMORANDUM CONCERNING THE RIGHT OF A PRIVATE INDIVIDUAL TO INJUNCTIVE RELIEF FOR CIVIL RIGHTS VIOLATIONS BY THE LAW

The pending civil-rights bill (H. R. 6127) seeks to amend section 1985 of title 42. This section now provides for an action at law by an individual stemming from a conspiracy to interfere with civil rights. It provides in pertinent part that the injured party may have an action for the recovery of damages, occasioned by such injury or deprivation against any one or more of the conspirators.

The major effect of the section is to provide damages for deprivation of equal protection of the law provided in the Constitution. The Supreme Court has held that generally equal protection can only be deprived by State officers or those acting under the color of State law (*Collins* v. *Hardyman* (341 U. S. 651)).

A companion section (1983, title 42) provides as follows:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress (R. S., sec. 1979)."

Since it is obvious that most of the cases under section 1985 also involve section 1983, which latter section provides specifically for suit for equity, it is clear that by reading the two statutes together the Federal courts have ample equitable power to provide for injunctive relief at the suit of individuals.

The following cases hold injunctive relief proper (by no means an exhaustive list):

Kasper v. *Brittain* (U. S. C. A. 6th Circuit, decided June 1, 1957 (not officially reported)).

Brewer v. *Hoxie School District No. 46* (238 F. 2d 91 (and cases cited)).

Bell v. *Hood* (327 U. S. 678).

Morris v. *Williams* (149 F. 2d 703).

Condra v. *Leslie & Clay Coal Co.* (101 F. Supp. 774).

Providence Journal v. *McCoy* (94 F. Supp. 186).

Brown v. *Board of Education* (347 U. S. 294).

Dawson v. *Mayor* (220 F. 2d 386).

Indeed the Federal courts have held generally where the right is safeguarded by the Constitution injunction will lie. *Brewer* v. *Hoxie School District No. 46, supra,* where the Court said:

"The remedy prayed for was injunction and jurisdiction of the Federal courts to issue injunction to protect rights safeguarded by the Constitution is well established. See *Philadelphia Co.* v. *Stimson* (223 U. S. 605, 32 S. Ct. 340, 56 L. Ed 570); *Hays* v. *Port of Seattle* (251 U. S. 233, 40 S. Ct. 125, 64 L. Ed. 243); *Pennoyer* v. *McConnaughy* (140 U. S.

1, 11 S. Ct. 699, 35 L. Ed. 363); *City Railway Co.* v. *Citizens' St. Railroad Co.* (166 U. S. 557, 17 S. Ct. 653, 41 L. Ed. 1114); *City of Mitchell* v. *Dakota Cent. Telephone Co.*, (246 U. S. 396, 407, 38 S. Ct. 362, 62 L. Ed 793); and *Bell* v. *Hood, supra* (327 U. S. at page 684, 66 S. Ct. at page 777) '* * * where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief. And it is also well settled that where legal rights have been invaded, and a Federal statute provides for a general right to sue for such invasion, Federal courts may use any available remedy to make good the wrong done.' An injunction will issue wherever necessary 'to afford adequate protection of constitutional rights', *Spielman Motor Sales Co.* v. *Dodge* (295 U. S. 89, 95, 55 S. Ct. 678, 680, 79 L. Ed 1322). Federal courts have the power to afford all remedies necessary to the vindication of Federal substantive rights defined in statutory and constitutional provisions except where Congress has explicitly indicated that such remedy is not available."

Injunctions have been issued at suit of a private individual, specifically to protect the right to vote.

Baskin v. *Brown* (174 F. 2d 391).

Boyce v. *Byrd* (201 F. 2d 664).

Mitchell v. *Wright* (154 F. 2d 924).

Hall v. *Nagel* (154 F. 2d 931).

See also section 1651, title 28, which provides in part:

"(a) The Supreme Court and all courts established by act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

CONCLUSIONS

It conclusively appears that a private individual has a right to seek injunctive relief for protection of civil rights.

Mr. JAVITS. Therefore, as I state in my conclusion, it conclusively appears that a private individual has a right to seek injunctive relief for protection of civil rights. I state advisedly, Mr. President, that every single right which can be protected by the Attorney General in suits under part III of the bill can be sued for by the individual under the law as it stands today. That fact, it seems to me, emphasizes and underlines—and I know we will hear a great speech on the subject by the distinguished senior Senator from Oregon [Mr. MORSE], who is a noted lawyer—the reason why, when this matter is followed down, and the individual's rights are not secured by the power which he already has in himself, it is necessary to invoke the authority of the United States so that the majesty of the law and justice may be maintained.

CIVIL RIGHTS AND CIVIL REMEDIES

Mr. MORSE. Mr. President, I should now like to proceed with my speech on civil rights and civil remedies. This will be my major speech on the substantive issues before the Senate in connection with civil rights legislation, and I shall make this speech without interruption and without yielding to other Senators.

I wish to be very frank with my colleagues as to the reason I am following what, for me, is an extraordinary course in that regard, because I know of no one who has been more willing to yield during debate, in the 13 years I have been a Member of the Senate, than the senior Senator from Oregon.

However, it is a fact that thus far in this historic debate my remarks have been confined to positions I have taken on what I consider to be important and vital procedural safeguards essential to the legislative processes of the Senate. I stand on that record, and I am proud of it. I shall be perfectly willing to be judged by it when the echoes of the debate have died away, and students come to study the printed proceedings of the debate.

I would be less than frank if I did not also point out that the position I have taken in support of what I consider to be the essential and orderly procedural processes in the debate has been misunderstood by many who are laboring under the misapprehension that the senior Senator from Oregon has changed his views on the substantive civil-rights issue.

Therefore, Mr. President, I have prepared my speech, in which I set forth my views, and they are not one iota different from the views I have held ever since I have been a Member of the Senate. I have consistently insisted that first-class citizenship be assured and made available to all citizens within our country irrespective of the color of their skin.

In view of some of the unwarranted criticisms which have been made, in recent days during the debate, of the position I took on procedure, a position which has not been shared by some of my liberal colleagues in the Senate, I owe it to my own record to make this speech in continuity, so that it will be in suitable form for reprint purposes. At the conclusion of my speech I shall be very happy to submit myself, both tonight and tomorrow, to whatever cross-examination my colleagues wish to put me to on the positions I take in my speech.

I wish to say one more thing about the position I have taken on orderly procedure in the Senate in regard to this issue. I believe time has already proved me to be right. As I have listened to the debate—and I say this respectfully—I have noted that it has been characterized by a considerable amount of confusion. The confusion would have been largely eliminated if we could have had available a critical analysis of the bill by way of a committee report on the part of both the majority and a minority of the committee with respect to various sections of the bill.

As I said the other day, when I urged that the bill be sent to the Committee on the Judiciary, with instructions to report back in 7 days, the courts are entitled to a committee report and to the statements made in debate by a committee leader on the floor of the Senate, so that the courts could refer to the report and to the committee leader's statements in connection with any judicial construction they might have to make in the future of ambiguous language of the bill.

As I have listened to some of the arguments which have been made in the course of the debate, my sympathy has gone out to the courts in the years ahead, when they will be called upon to interpret whatever bill we finally pass, assuming, as I prayerfully do, that we will pass a bill, and pass a good bill.

I make that procedural reference at the beginning of my speech today because I have received a very interesting telegram from the spokesman of a minority group, which felt it was of importance that I attend a civil-rights meeting and discuss my record in the debate on civil rights. My reply will be in effect, "Just read the RECORD." I am proud to stand on my record in the field of civil rights both in respect to procedural and substantive issues.

I should like to say to these very sincere and well-intentioned representatives of minority groups, who seem to be so concerned about the position the senior Senator from Oregon has taken on the procedural issues involved in bringing this bill to the calendar of the Senate, I do not yield to any Member of the Senate when it comes to sincere and devoted and dedicated support in the Senate for what I consider is long overdue, namely, first-class citizenship for the colored people of the country and other minority groups who do not have first-class citizenship, including some Indians.

For almost 2 weeks the Senate has been considering how it should proceed with one of the gravest issues of our time. History does not record any parallel situation. For alone among the civilized nations of the world, the United States is a nation peopled by immigrants drawn from all regions of the world, and their posterity. No other nation has confronted the problems born of the fact that a major portion of its population derives from imported slaves. No other nation has been plunged into a civil war of the dimensions which racked the United States less than a century ago, precipitated in major part by the issue of human slavery.

Nor has any nation from its inception been so self-consciously dedicated to the principles of human freedom.

As a result, no nation has been so torn by the schizophrenia derived from the historical fact of a large slave population on the one hand and the love of individual freedom on the other.

No century has seen the progress that has taken place within our Nation since the Emancipation Proclamation of January 1, 1863. Yet, this Nation is not wholly free of the results of two centuries of human slavery. The forced inequality of those heavy years has consequences not yet dissipated. Our Negro citizens still endure social, economic, and political disabilities which derive from the bondage of their forefathers. The areas in which they live in greatest numbers have yet to make those accommodations to freedom and equality before the law which are the ideals of all our people.

It is not for me to undertake a social, economic, and political catalog of the progress made nor the problems which remain. While a century is a short time in history, it is more than a life span for most mortals. We forget what has been and how far we have come. A brief reminder of the historical setting of the

problems of full and equal civil rights, therefore, has seemed in order.

We cannot divorce ourselves from the history of inequality which has shaped the problems we now confront. Nor is it right or just to indulge in facile condemnation and moralization upon the conduct of those who have gone before us. Human nature is weak and human nature is also grand. From the sorry chapters that have been written we have progressed remarkably.

At this present juncture of history, we must be mindful of not merely what has been, but of what must and can be achieved.

We must hold before us, as men of good will, the basic truths of our way of life. It is easy to indulge ourselves in the grievances of the past, both real and fancied. Man is endowed by his Creator with a measure of free will that no other creature approaches. We must divest ourselves of past wrongs and approach, as quickly and as steadily as lies within our power, the realization of the principles of justice and equality before the law which are our Nation's proudest heritage.

THE EQUALITY WE SEEK

The equality we seek is not the equality of all men in all things which society can offer. Diversity in natural endowment renders this impossible, even if we would have it so.

The equality that all of us seek is equal justice under law, the motto enshrined upon the brow of the Supreme Court of the United States. The equality we seek is not merely negative; it consists of much more than freedom from persecution and legal disabilities. Rather, the equality we seek consists of equal access to and participation in the activities which are the mark of citizenship. The equality we seek is not merely of form, but an equality which in substance renders to all the blessings of full participation in the official life of our communities, local and national. The equality we seek is the equal application, in fact as well as form, of laws which themselves are just and apply equally to all.

HOW FAST?

It is my honest belief that most Amercians in all regions share these aspirations. They are aspirations because it is beyond debate that we are far from achieving the goal set by our basic national beliefs. The principal argument advanced against legislation of the type we are now considering is that no region can be forced into such an equality as I described. If it is possible to summarize the view, it boils down to this: let us progress in our own way and in our own good time.

But whose way is this to be? More importantly, whose time? The stuff with which we are dealing is not abstract. We are concerned not with a theoretical ideal or an abstract principle. Personal liberty and equality before the law are the rights not of an abstract mass which live in perpetuity; they are the heritage and due of each individual human being who lives and breathes for a few score years and then is gone from the earth.

The individual who dies tomorrow cannot be made whole by reforms decades in the future. There are today more than 16 million Negroes who live within our borders. The very word "millions" causes us to lose the lively appreciation that they are more than 16 million individual human beings.

Few nations have been so concerned and compassionate as we as to the well-being of our children. What of the millions of Negro children who are alive today? What of the hundreds of thousands of youngsters in their early teens who are colored? Their lives are not lengthened by the idea that sometime in the future they will achieve the equality which is our national symbol. How long must they wait to enjoy the blessings of full liberty? How long must they wait to engage upon equal terms in the pursuit of happiness? Can it be claimed that there are other children who have superior interests which require that Negro children wait their turn, indeed that their turn may not come to those who are alive today but only will be bestowed upon some indeterminate generation of the future?

Our Declaration of Independence, our Constitution, our way of life all proclaim that equality before the law is the heritage of every human being as he lives his life. If we are to be true to ourselves, our law and practice must be bent to the most immediate achievement of the equality of which I speak.

Does such a concept of equality mean that we must demean some in order to advance others? Certainly not. That there are practical problems, no one can deny.

It is asserted, for example, that integrated schools are unfair to white children because Negro children are less well prepared. Let us put aside the reasons why this is so, if it is so. We know that individual Negroes—even without advantages and in the face of grave disadvantages—have achieved distinction in many fields. The achievements of a Ralph Bunche, winner of the Nobel Peace Prize; William H. Hastie, judge of the United States Court of Appeals and former governor of the Virgin Islands; Charles Houston, distinguished lawyer and tireless fighter in the field of civil rights who was taken from this life years too early; Mordecai Johnson, great educator and president of Howard University; George M. Johnson, dean of the law school, Howard University; Thurgood Marshall, lawyer, who has a brilliant record in cases before the United States Supreme Court and other Federal and State courts; Mrs. Mary Church Terrill, former president of the National Association of Colored Women; the Reverend Martin Luther King, minister, a young leader, who has been likened to Gandhi; Mrs. Mary McLeod Bethune, former president of the National Council of Negro Women and of Bethune-Cookman College; Walter White, former head of NAACP, brilliant writer and selfless leader of his people, and many others, far exceed the capabilities of most white men. How many unsung Negro Miltons have been buried in potter's fields of the living none can guess. They are a common loss to us all.

Let me also stress that the problems of school integration are not limited to the Southern States. There is great prejudice in many northern communities against Negroes and against school integration. I have little sympathy with attacks on the South by so many northerners in view of the extent to which racial prejudice against Negroes exists in many northern communities. In fact, I sometimes wonder if prejudice against the Negro in many places in the South is as intense as it is in some of our heavily Negro-populated areas in the North, or if it may not be less intense. The record of race riots in the last quarter of a century in some northern areas gives credence to the claim of some southern spokesmen that at least they have learned to live with their Negro problem, which is not true in some northern communities.

Of course, the reverse side of this sociological coin bears an inscription that all white persons in all parts of the country should ponder, namely, "When will the colored man be allowed to live in equality side by side with the white man?" In other words, it is one thing to say that the South has learned to live with its colored problems; but those of us who are urging equal civil rights for all, irrespective of color, know that in many communities in both the South and the North, the East and the West, colored persons must learn to live with the problems of social and economic inequality imposed by the white community.

School integration poses vast problems which are not restricted to areas of heavily mixed population alone. Certainly they are more critical in many areas in which integration is only beginning or is not yet begun.

Do we need schools? Then let us build schools. Do we need teachers? Then let us use our substance to train more and better teachers. This is not the work of a day, a week, or a month.

But, let us begin. Let us join as men of good will and seek to solve the problems—not run away from them. We do not make the duration of the problem shorter by delay.

So it is with the other manifold fears which are put forward as objections to equality in all things which are the rights of citizens as citizens. It is alleged that rapid extension of the franchise to Negroes is premature because too many are uneducated. The allegation cannot be taken for the fact. But the simple answer is that all we seek is to have applied to Negroes who wish to vote the same rules and fair rules that are applied to whites. And let us get on with the job of improving education for all—for all stand in need.

Three years ago, the Supreme Court of the United States ordered integration of the public schools with all "deliberate speed." In many areas, without recourse to court order, compliance with the constitutional principles enunciated by the Court has been achieved. In many communities, it has proceeded with court order, but without incident.

Unfortunately, the officials of some States and communities have declared their complete opposition to compliance, and have done all within their power as officials to prevent and evade compliance. What is to be done when they reach the bottom of their bag of tricks and undertake, as is possible, open and stubborn defiance?

A start must be made. Let those who preach the attainment of equality before and under the law "in our own way and in our own time" reconcile such a course with the defiance of constitutionally declared principle which under our system is final.

Official discrimination against Negroes and organized private efforts to defeat their civil rights constitute in my judgment the principal problem requiring the enactment of legislation. In less than a century, the Negroes of our Nation have made magnificent advances, individually and as a people. They have done so with sympathetic assistance in all regions, but also in the face of great odds in all regions. No section can claim a clean record.

Despite these impressive advances, the residue of past inequality before the law remains as a drag and anchor upon this sorely tried people. There is no question in my mind that in the mid-twentieth century, law and conscience demand that they not be hobbled longer in the achievement of their full rights as citizens.

THE PRESENT BILL—PROCEDURE

The fact that I believe the Senate has acted unwisely in the procedure it has followed in making this bill the present business, needs no repetition. At the beginning of my speech, I summarized my position on that phase of the problem.

What, then, are we who disapprove of that procedure to do? For myself, I find no alternative to coming to grips with the proposed legislation on the merits. The legislation now before us is too important to be made the victim of what I believe to be the shortsightedness of some of its supporters.

The procedural precedent cannot now be undone. I have a strong suspicion that the debate has convinced many that they would not repeat the procedure, if given the opportunity to make a fresh start. To that extent, at least, a repetition of the mischief may be avoidable in the future.

Let us get on with the business of considering the proposed legislation.

THE MERITS OF THE MEASURE

Given the objectives of the proposed legislation, three main questions are presented:

First. Will the separate provisions of the bill substantially promote equality before the law, and remove existing hurdles to its achievement?

Second. Are there some provisions whose disadvantages outweigh their need, or which are so irreconcilable to free institutions as to prevent their use to achieve equality before and under the law?

Third. If there are such provisions, can they be eliminated or otherwise amended, and still leave a meaningful bill? Indeed, are there amendments which would affirmatively improve the measure?

The debate and documents submitted to date are more than sufficient to cause the most blind partisan to pause, study, and reflect.

In all candor, I have been deeply disturbed at the charges leveled against the pending measure. My path has not been made easier by the Attorney General's partisan activities of the past and his lack of complete openness and candor in the discussions of this measure.

For example, I agree with the Senator from North Carolina [Mr. ERVIN], that the Attorney General was evasive when he was questioned about the applicability of the 1871 law for the use of naval forces and the militia. The Attorney General was not open and candid in expressing his views as to whether Part III could be used in aid of school integration. Congress is entitled to know. Personally, I believe that it can be and, in cases of organized obstruction, should be. The point is that the chief legal officer of the Government, the head of the agency which drafted this measure, is under the obligation to give his opinion and the basis for his opinion, for Congressional study and scrutiny.

Whatever some others may do, it has never been my practice to reach my conclusions on proposed legislation on the basis of my estimate of either its supporters or its opponents. To speak facetiously for at least one moment, the United States would have very little legislation if all Members of Congress had to like and admire every last one of their colleagues who were supporting a given measure. That is too exacting a test.

Seriously, it is no test at all. But the proponents and opponents of this measure, the advocates of amendments, and public comments have sent me to the law library and the solitude of thought in considering the merits of the bill and proposed amendments—all of which, probably, are not yet before us.

I say to the principal pleaders, the Senators from Missouri and Illinois and their associates, and the Senators from North Carolina and Georgia and their associates, that they have presented arguments and analyses of the pending legislation which have deserved the most careful study and consideration by each one of us in the Senate. Although I may disagree with each one of them in part, at the same time I am indebted to each one of them for the greater enlightenment which I think they have helped me to develop in respect to the total problem of civil rights. The pending bill involves the basic fabric of our constitutional system. It involves values which are fundamental to the very perpetuation of our American way of life and system of self-government.

As such, the bill requires the most sober study and analysis on the part of each of us. This I have tried to bring to bear on the pending bill.

CIVIL RIGHTS COMMISSION SHOULD BE LEGISLATIVE AGENT

The trend to further concentration of power in the executive should not be aided by this measure. Parts III and IV grant to the executive additional power for its constitutionally assigned duties, enforcement of the law.

However, the proposed Commission should not be an executive agency. In the main, its purpose will be to assemble information and to analyze it for possible legislative action. That is a legislative purpose.

It also seems to me to be desirable that the powers conferred upon the Attorney General be subject to constant scrutiny by Congress. For that reason, I support and urge adoption of the Kefauver amendment to have the Commission appointed by the Congress and be responsible to it.

The Commission's duties are set forth in section 104 as follows:

(a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

That is a desirable and reasonable assignment.

A commission whose sole duty it is to consider deprivation of the right to vote by reason of color, race, religion, or national origin, and to study legal developments relating to denial of equal protection of the laws, and to conduct an appraisal of Federal law and policy with respect to equal protection of the law, can perform a highly useful service for the Congress.

The Commission can bring together in organized fashion a factual catalog and analysis of civil rights in current times. There is much evidence of limitations upon the exercise of the right to vote and the exercise of other rights which are the due of full-fledged citizens. But there has yet to be an impartial investigation and organized survey of the field by a major organ of the United States. The study will be good for the country and good for the Congress, so as to let us know as clearly as can be where we stand and what remains to be done. The public should have the benefit of such a study. So, also, the Executive and Congress stand in need of such a study.

The duties assigned to the Commission are no greater than those required in order to develop reliable and solid information about the subject. I think we shall find that our basic constitutional health is sound. We shall also have a reliable catalog of the soft spots in our constitutional system, as it ac-

tually operates in the field of the individual rights of citizens.

The rules of procedure specified in section 102 are excellent. They incorporate many of the reforms which I have urged for many years upon the Congress. They provide for formal hearings, the right to counsel, protection of persons adversely affected by testimony, protection against premature release of executive testimony. They are not perfect. In all candor, I must say that I would wish that the Senate would adopt more of the same provisions for all of its committee investigations. Especially noteworthy is the following provision:

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpena additional witnesses.

The proposed amendment to the Commission proposal should help allay some of the fears expressed that the Attorney General will be clothed with new and unusual powers without check. In addition to the protections of our court system, Congress would be assured that the administration of this new law would receive close legislative surveillance. At the same time, additional information will be gathered to guide us further in this sensitive field.

I wish to stress that it should be a legislative commission, not an executive commission. I point out that legislative commissions in legislative investigations in the past have been very helpful in the legislative process. We have had many historic ones. Of course, we had none greater, I suppose, so far as concerns its impact on legislative reform, than the La Follette investigation in the 1930's in regard to industrial relations. That happened to be more limited in its organizational setup than is proposed by the Kefauver amendment; but I think it is of the utmost importance that we have such a legislative commission to make the investigative study called for in this field of civil rights.

AN ASSISTANT ATTORNEY GENERAL

Proposals for an additional Attorney General for a Civil Rights Division are not new. If this class of cases is to be transferred, in effect, from the Criminal Division, it would seem eminently desirable to have a separate division for the purpose.

There is the clear advantage that responsibility will be concentrated in one officer, who is subject to Senate confirmation, thereby insuring periodic Congressional review of the division's activities.

LIMITING THE BILL

It disturbs me in this debate to know that apparently a considerable number of my colleagues are willing to limit this proposed legislation to the very narrow confines of a so-called right-to-vote statute. One of my colleagues was quoted in the newspapers on Sunday as saying that if we pass a bill which seeks to carry out the 14th and 15th amendments, involving the constitutional rights of Negroes, it will fail for want of enforcement, as did the Volstead Act.

However, I point out respectfully that the so-called right to vote is not self-implementing. It does not stand alone, apart from other civil rights. In fact, a so-called right-to-vote statute divorced from support in the legislation of other civil rights might very well, in fact, reduce, rather than increase, the amount of voting on the part of nonwhites.

This was well stated in an interesting article in the Sunday Washington Post by George McMillan. The article reads in part:

The controversial voting rights provisions of the civil rights bill may be keeping the Senate up nights, but the threat that it may be enacted into law is having curiously little effect on the practical southern politicians.

In fact, as the bill is viewed by politically wise southerners, both Negro and white, it will, if passed, have little or no immediate effect on southern politics. * * *

A Negro college professor agrees with this estimate and adds:

"The fight for the ballot has far less appeal to the southern Negro today than things like the Montgomery bus boycott, or school integration, things that involve a more direct fight for personal dignity."

Outside the South where things look simple, and where southern politicians sometimes try to make them look even more simple, the debate over the voting rights bill seems like a profound cause involving clear rights and unmistakable wrongs, depending on where you stand.

But in the South, where nothing is ever quite what it seems on the surface, it looks only like one, and perhaps at the moment, not the most important of the many points at which the Negro is seeking to upgrade himself.

Mr. President, I happen to believe that it is important to carry out the 14th and 15th amendments in their entirety. For reasons which I shall set forth later in this speech, I cannot reconcile myself to voting for a civil-rights bill so narrow and limited in its scope that I fear it will bear naught but a label so far as its practical effect on civil rights is concerned.

CIVIL SUITS TO PROTECT CIVIL RIGHTS

The pending amendment of the junior Senator from New Mexico [Mr. ANDERSON] and the senior Senator from Vermont [Mr. AIKEN] would strike the major part of Part III of the bill. As modified yesterday, it would leave only private suits for damages or equitable relief for the denial of civil rights in general, including voting rights.

Part III would add two new subsections to 42 United States Code 1985. I ask unanimous consent that section 1985 be printed in the RECORD at this point in my remarks.

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

§ 1985. Conspiracy to interfere with civil rights

(1) Preventing officers from performing duties: If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror: If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators (Revised Statutes, sec. 1980).

Mr. MORSE. Mr. President, let us see what section 1985 is all about. It is a statute prohibiting conspiracies, as follows:

First, to prevent interference with the performance of duties by a public officer;

Second, "to deter, by force, intimidation, or threat" parties, witnesses, or jurors and cause obstruction of justice;

Third, to deprive citizens of "equal protection of the laws, or of equal privileges and immunities under the laws";

Fourth, to use "force, intimidation, or threat" to interfere with voting and the support of candidates for Federal office.

Yet we are asked to eliminate from this bill Part III to give adequate enforcement of those protections. Adequate enforcement is long overdue. I

do not know what meaning the 14th and 15th amendments have if the protections they guarantee are not to be implemented by the Congress.

In fact, Mr. President, in my judgment Part III of the bill breathes light, substance, and liberty for the individual into the 14th and 15th amendments. It is time that we implement those great amendments granting equality of rights, in legal theory, to the Negro people of America.

It is time that we take those sound abstract principles of constitutional law and make them the living law of America. That is why I shall not even think of voting to strike any major portion of Part III from the bill.

The section presently provides for money damages.

The proposed additions would authorize the Attorney General to institute a civil proceeding "for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any act or practices" covered by section 1985.

Let me repeat, the prohibitions of section 1985 all apply to conspiracies. A conspiracy cannot exist in the mind. It requires some overt act between two or more persons before there is the stuff of which conspiracies are made. It requires some action before "two or more persons" can be "about to engage in any acts or practices" covered by section 1985. As a lawyer, I cannot imagine what the Attorney General had in mind by language italicized. It is meaningless and for that reason probably harmless, unless it were to reach solicitations to engage in a conspiracy of the kind condemned by the existing law.

Such solicitations hardly seem to carry such imminent danger as to require preventive action of the kind to be authorized. Therefore, I shall offer, and I now do offer, for the purpose of printing, so that the amendment may be at the desk and be called up at the appropriate time in this debate, an amendment to strike the language in section 121, lines 16–18, on page 9, reading "or there are reasonable grounds to believe that any persons are about to engage," and the same provision in Part IV. These amendments have the purpose of requiring overt acts before the new procedures would be available. This is a reasonable and prudent requirement. If special remedies are to be available, the law should be clear that supposition is not to be a ground for the exercise of the power and remedies conferred by the bill.

Mr. President, I send to the desk the amendment just described, and I ask to have it printed and lie on the table until, at an appropriate time, I can call it up for a vote.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MORSE. I ask unanimous consent, also, Mr. President, that the amendment be printed at this point in my remarks.

There being no objection, the amendment intended to be proposed by Mr. MORSE was ordered to be printed in the RECORD, as follows:

On page 9, lines 16–18, strike the following: "or there are reasonable grounds to believe that any persons are about to engage"; and—

On page 11, lines 17–19, strike the following: "or there are reasonable grounds to believe that any person is about to engage."

Mr. MORSE. Mr. President, as for the remainder, it cannot be claimed that the rights to be protected from interference by section 1985 are not valuable.

Indeed, who can say that without freedom from "force, intimidation, and threats" to deter exercise of rights and to prevent "equal protection of the laws" an individual is receiving the full benefits of citizenship?

Can we eliminate all but voting rights and still claim that citizens without effective protection against conspiracies to use force, intimidation, and threats to deprive them of equal protection of the laws are receiving their due as free men and women and children? Of course not.

What the Anderson-Aiken proposed amendment boils down to, Mr. President, is a proposal that not now shall full rights and protection be given to the Negro people of this country under the 14th and 15th amendments. What it boils down to, Mr. President, when the proposal is made to strike Part III of the bill, is that the civil-rights bill shall not be a civil-rights bill, except in label only, because there would be eliminated from the bill the effective protections to the Negro people against conspiracies under section 1985 of the code.

Oh, I know, Mr. President, this is a technical matter. I fully appreciate that the senior Senator from Oregon is discussing abstract legal principles, but precious human rights are embedded in those constitutional principles. What we have to do in some way, somehow, is to pull back the curtain so that the American people can see into this debate and recognize, behind the language and the verbiage, what we are dealing with, the great issue of the dignity of men, women, and children.

Negroes are born, as are white men, in the image of the Creator; so do not tell me, Mr. President, now is not the time for action. My answer is, "The time is long overdue. The time has come to see to it that the colored people of America, and any other minority group which might be subject to the coercion, the duress, and the infringements of conspiracies, shall be protected."

That is the issue. I stand for their protection by the orderly processes of law. That is why I have been such a "stickler" thus far in the debate for orderly procedure. I am a Member of this body who believes in the judicial processes and for the enforcement of civil rights by judicial processes.

I think every colored man, woman, and child in this country should be protected effectively from the conspiracies covered by section 1985. They not only are not now protected, but it is obvious that there is a concerted drive on the floor of the Senate to make certain they shall not be. That is why I want to say to my liberal friends, some of whom I understand are inclined to go along with the proposal to strike a major portion of Part III, "You cannot protect one civil right unless you effectively protect all civil rights guaranteed by the Constitution."

Mr. President, if we select one small segment and call it voting rights, and deliberately deny by a vote in the Senate protection against conspiracies now covered by Part III, we weaken the judicial opinions already rendered with regard to the other civil rights of colored people.

The call of the amendment against which I am speaking today is a call for retreat on civil rights. I issue the call for an advance, and for the passage of the bill, so as to place upon the courts of America, through the judicial and legal processes available to the Attorney General of the United States, the clear obligation to breathe human liberty into the 14th and 15th amendments by way of practice instead of merely profession.

Citizenship does not come in such divisible packages that we can say to any group that Congress will provide effective protection for half or one-third of their rights as citizens.

The fact is that constitutional civil rights are really inseparable. In modus operandi it is difficult for me to see how the right to vote can be protected anywhere if segregation, for example, prevails in public places, including voting places. It is the setting of the minority group to one side that is a vital part of the denial of constitutional civil rights, because such a physical discrimination breeds practices and administrative procedures that vitiate the exercise of the right to vote.

Will racial discrimination prevail in administering the voting places? Will it carry over into poll judges, ballot clerks, and the rest of the voting procedures?

Right-to-vote legislation sounds good. It has political sex appeal for all those who want to do some political mating, but I fear it will be productive only of sterility unless we breathe into it the very life of nondiscrimination in schools, in the use of public places, in public employment, in transportation, and all the rest of the areas of present denial of first-class citizenship to colored people everywhere in the United States.

Let me repeat, I am making no criticism of practices in the South any more than I am of practices in the North, where discrimination also exists. I would stress that there is, to a degree, a serious false assumption in the argument of those who want to limit this bill to just a so-called right-to-vote bill when they seek to leave the impression that all that needs to be done is to give the Negro the ballot, and the abuses and denial of civil rights will vanish.

In my opinion, that is so much nonsense. He cannot vote himself civil rights. In most of the communities where his civil rights are denied either he is in the minority or local practices are such that fear and economic pressures and a whole constellation of practices keep him a second-class citizen. He would still, even if he had the temerity to stand up under a segregated system and exercise his right to vote, make very

little impression through his ballot in changing the local system. George McMillan brings that out very well in his article, to which I have previously referred.

What we must face up to in this historic debate is that we have no right to authorize legislatively an installment-plan system of civil rights to the American Negro. All the American Negro is saying to us—and we have to answer for him by way of rebuttal no matter how much verbalism is used to becloud—I say, all the American Negro is asking for is the constitutional right to move and have his being within our society as an equal before the law and under the law.

That is what I mean by first-class citizenship. It carries with it the right to have his home and raise his family, go to church, send his children to school, attend public places, and participate in governmental activities on a footing of equality with the rest of us.

What is wrong with that? Why so much excitement about it?

I do not ask these basic questions unaware of the social mores, community customs, and historic background of large numbers of my white fellow Americans; but I say to them that I am deeply convinced that now—today—July 1957, is the time for all forward-looking Americans to recognize the inevitable.

I cannot accept the arguments of the proponents of a narrow, limited, diverting, right-to-vote bill—eventually, yes, but not now. To them I reply—if eventually, why not now?

I have listened in vain for any argument in support of denial of full civil rights now on any other grounds than a willingness to pass on to our children and grandchildren and great-grandchildren these social, economic, political, and constitutional problems because we are not willing or ready to face up to it.

Shame on us, I say. We are made of sterner stuff. We are the beneficiaries of the greatest system of free education in the world. On the average, we are the most enlightened people in the world. The history of the future is pressing down upon us with foreseeable lessons and inevitable events that will surely come to pass in a series of alternatives depending upon the course of action we follow in our generation.

We cannot justify morally, or on any other grounds, passing the buck on the civil-rights issue to our children's children.

For 3 years now the Supreme Court, supported by one local Federal judge after another in one southern community after another, has sustained the constitutional right of Negroes to nonsegregation in the public schools. The proposal of some of my colleagues to limit this legislation to a so-called right-to-vote bill will be interpreted across the Nation—no matter how they verbally clothe it—as a failure on the part of the Congress of the United States to give its support to that great emancipation proclamation consonant with the Constitution and to carry out the constitutional mandate of the United States Supreme Court, in the great education cases.

As politicians, are we really afraid to stand up to the ballot box ourselves? As politicians, do we really want to say to our voters: "We are for civil rights in theory, but in practice we are only for letting nonwhite people have a little bite of it at a time"?

No, we cannot evade our moral obligations and be content with a civil-rights bill that has little more than its name. The elimination of Part III would leave the bill all but an empty shell.

I have always said, and repeat today, that I am not an overnighter in the advocacy of reforms for America's racial problem, neither am I a retreatist. This is no time in the Senate of the United States or throughout America to issue commands for civil-rights retreat, I care not how eminent the general who issues the order, even though he may occupy the White House. Neither is it the time to mark time. It is time to march forward toward the goal of social, economic, and political equality for all Americans, irrespective of the color of their skins.

However, this forward movement must be orderly, constitutionally lawful, devoid of carpetbagging and strong-armed tactics. It must be based upon appeals to reason and the instinctive sense of all patriotic Americans to fair play and moral justice. It must be strengthened by a determination on the part of the Federal Government to enforce Federal rights by fair procedures that will guarantee a heritage of Government by law. It must be buttressed by a determination to maintain the integrity of our Federal judicial system which, subject only to check by constitutional amendment, is not only the receptacle but the guardian of the constitutional rights of every American, irrespective of the color of his skin.

Mr. President, having mentioned the check upon the courts, I ask unanimous consent that there may be printed at this point in my remarks article V of the Constitution, which sets forth the constitutional procedure for amending the Constitution.

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

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

Mr. MORSE. Mr. President, speaking most respectfully, I suggest to those who think this is not the time to carry out the meaning of the 14th and 15th amendments, that they propose a constitutional amendment denying the rights of human liberty which those amendments provide, and then let them see what will happen.

Reference has been made to submitting this matter to referendum. A form of referendum procedure exists in the Constitution. It is by way of constitutional amendment. Let those who wish to deny first-class citizenship to American Negroes propose a constitutional amendment which would make it the constitutional law that there shall not be freedom from discrimination in the schools of America, on the transportation systems of America, and in every place where today we know rank discrimination exists.

A referendum procedure is provided. Our constitutional fathers had the foresight to write into the organic law the procedure for constitutional change.

We know the answer to my proposal. We know that any spokesman for segregation who sought to carry on a nationwide program for a constitutional amendment constitutionalizing segregation would not get very far.

Therefore, I have not been greatly moved by the referendum argument. I believe we ought to stand by the procedures of the organic law, the Constitution itself.

THE COURTS—DEFENDERS OF LIBERTY AND CONSTITUTIONAL RIGHTS

Neither have I been moved in the slightest by comments during the debate which would seek to leave the impression that we cannot trust the courts. As a lawyer I am deeply convinced that the preservation of human liberties and civil rights are more dependent upon the courts functioning under the Constitution, with the checks upon the courts provided by the Constitution, than upon any other kind of procedure.

Therefore, not one word shall I utter in this historic debate, which will be read by my descendants, which will in the slightest degree imply that the senior Senator from Oregon does not have complete faith in the great Anglo-Saxon system of jurisprudence, written indelibly and emblazoned in the Constitution for the protection of the very rights in defense of which I raise my voice today.

As a Legislature we owe it to the courts to give them the legislative implementation necessary to carry out the administration and effectuation of those rights.

Part III, I respectfully submit, goes a long way toward accomplishing it. Yet the proposal is to strike out the heart of Part III. If we strike it out—again I say this most respectfully—we strike at the Supreme Court of the United States, in effect. We help those who would use the argument that Congress, as indicated by the action it took on Part III, was not ready for the legal carrying out, by judicial processes, of the decision of the Supreme Court on the school problem.

I wish to stress that point, Mr. President, on the floor of the Senate, as I have in the cloakrooms, because there have been those among my colleagues who do not share my view on the importance of retaining Part III. They are overlooking the fact that if they succeed in striking Part III, they will set back the day when the schools of America will be nonsegregated. Until they are nonsegregated, we cannot say to the rest of

the world that first-class citizenship prevails in America; any more than we can say to the rest of the world, that first-class citizenship prevails in America unless we bring an end to the denial of civil rights in other fields of behavior in our body politic, and until we end the discriminations which cannot be reconciled with the 14th and 15th amendments.

The great guardian of the Constitution, the legal interpreter of the Constitution, is the Supreme Court, which is coordinate and coequal with Congress and the executive branch of the Government.

In my judgment, we have no right to follow a course of action in the Senate which can possibly be subject to the historic interpretation that this Congress was not ready and willing to provide procedural implementation to carry out the Supreme Court decision on the segregation issue.

This is no time to substitute legal forms for substantive legal rights. This is no time for legislative sleight of hand which seems to give a needed civil right protection in one hand only to snatch it away with an emasculating dilatory procedural tactic. This is no time to offer the colored people of America a plausible fine sounding slogan called The Right to Vote, only to find it an empty shell with its original germinal yolk removed and inert distilled water substituted.

Let us never forget that the basic cause of our civil rights problem is to be found in the hearts and attitudes of people, spelled out in their prejudices. Likewise, let us never forget that one of the great strengths of our system of government by law is to be found in the protections which our constitutional forefathers wrote into the Constitution to protect not only minority groups from the prejudices of the majority, but to protect the majority itself from its own prejudices. This maxim that we bespeak so frequently about our Government being a Government of laws and not of men would soon become meaningless if there had not been built into the foundations of our constitutional system great procedural checks that frequently have protected the majority from self-destruction so far as maintaining the precious rights of self-government is concerned.

It does not follow that under our system of representative government, under all circumstances and in respect to all issues, the will of the majority is to prevail. Theoretically, after all procedural checks with their time-consuming guarantees for sober reflection and public discussion have been carried out, a majority of the American people, acting through the constitutional amendment procedure, could deny under the Constitution equality of rights to some one or more minority groups based upon race, color, or creed. But, as I have already pointed out, each one of us knows that to argue the probability of such a constitutional amendment would be pure fantasy. Thus, we are confronted in this historic debate with the situation on the one hand where there is common agreement that the American people would never adopt a constitutional amendment legalizing the beliefs of anti-civil rights by way of constitutional amendment.

On the other hand, we are confronted with the fact that equality of constitutional civil rights is being denied to millions of our fellow Americans and proposals are being made in this debate to weaken and circumvent the arm of the Federal Government that has the constitutional duty to enforce the protection of those civil rights.

I realize that it is easy for those of us in the legislative branch of the Government to victimize ourselves by yielding to the temptation of assuming that civil rights are for legislative determination; but they are not. In a very real sense, Congress does not and cannot through legislation create civil rights, as that term should be used in its constitutional sense. Those rights as now existing, as I have previously implied, can change only by constitutional amendment. I say respectfully that those among us who would deny those rights by massive resistance on the part of the people of a community should not be aided and abetted by attempted legislative escape exits, but should be asked to propose constitutional amendments calling upon the American people as a whole, through the amendment procedures of the Constitution, to sanctify legally their racial biases and desires for legal discrimination based upon race, color, or creed.

We all know what would happen to any such proposal for constitutional amendment. Yet at the heart of the great civil rights issue involved in this historic debate is the fallacious assumption on the part of many that the determination of an individual's civil rights under our constitutional representative form of government falls within the purview and jurisdiction of the Congress. I deny it.

We can enact legislation setting up fair and reasonable and constitutional procedures for administering through governmental processes civil rights, but we cannot by legislation deny equality of civil rights; neither, in my opinion, should we attempt to legislate procedures which would permit groups of citizens to take the law into their own hands by rendering verdicts or official judgments that can, through the form of considering the violation of a court decree in a civil rights case by a given individual, circumvent or deny those rights in substance and fact.

THE INJUNCTION ISSUE

The opponents of the bill and those who advocate the elimination of Part III raise serious objection to the use of injunctions, preliminary injunctions, and temporary restraining orders which would be an additional means for the enforcement of existing law. The same issue is raised in regard to Part IV, dealing with the protection of voting rights.

Parenthetically, it should be pointed out that the rights for which Part III would provide additional protection include other political activity preliminary to voting, which cannot be separated if voting rights themselves are to be meaningful. Advocacy of candidates is quite as important as voting. Why should a potential voter not also be secured in his right to advocate and oppose candidates? Such a separation is unthinkable.

CIVIL REMEDIES

The present remedy for violations dealt with in Part III of the bill is a suit for damages. The present sanction for violation of voting rights, dealt with in Part IV, is fine and/or imprisonment as a result of a criminal trial.

The law has made steady progress toward remedial and preventive court action as opposed to penal action and damages.

It is nothing new in our laws to provide remedial process as a parallel or alternative remedy to damages or jail sentence and fine. That is the scheme of the antitrust laws, the Fair Labor Standards Act, several provisions of the Securities Act, and many, many other Federal statutes.

Civil remedial action has proved to be far preferable to punitive action either by way of sentence, fine, or damages. Lawyers among us will recall the long legal antitrust battle in the American Tobacco case. After the Government was successful, its legal victory was found hollow indeed. The criminal fine imposed was all but useless, and the statute prevented an affirmative remedy by mandatory decree for the defendants to divest themselves of their monopoly control.

The modern trend of our laws is to seek beneficial action or the prevention of continued antisocial conduct. It does not seek victims for a vengeful government.

So much has been said of injunction that it has been all but overlooked that the proposed provisions would enable the issuance of mandatory decrees after full trial on the merits. Such orders are presently enforcible by contempt action for violations of the statutes.

Under the National Labor Relations Act, orders are enforcible by court decree after an administrative trial on the merits. Orders of the Federal Trade Commission are similarly enforcible.

There are other major agencies which conduct administrative hearings, with only limited court review and enforcement. Those orders are subject to enforcement by contempt proceedings.

Many Federal agencies have such power, and those procedures have been held repeatedly to meet the test of due process although there is no court trial of the issues of fact. The bill in both Parts III and IV would require a full adversary hearing on the facts and law in court prior to final order.

The question has been raised in the course of the debate whether the bill would provide due process. I submit that the procedural precedents which I have just cited, and the court decisions sustaining the actions of those procedures, leave no room for legal doubt that the bill provides procedures which meet the test of due process of law.

But let us turn to the impressive and disturbing arguments employed by the opponents of the bill in their attack upon the injunctive provisions of both Parts III and IV.

COMPARISON WITH LABOR INJUNCTIONS

They argue with vigor and some initial persuasiveness that the bill would revive the shameful abuses of the injunctive power which led to the enactment of, first, certain provisions of the Clayton Act in 1914 and thereafter to the Norris-La Guardia Act in 1932.

Our colleagues cite to us the arguments of great liberals such as Norris, Walsh, and Borah. They are names to conjure with.

The labor injunction, and the history of its abuse are subjects with which I can claim some familiarity. As dean of the University of Oregon Law School, I taught a course in administrative law and legislation which included an analysis of the law of labor injunctions. A major part of my experience as a lawyer and arbitrator concerned labor controversies. My work in the Senate as a member of the Committee on Labor and Public Welfare has included active participation in the committee's consideration of both the Taft-Hartley Act and the 1949 proposals for its revision. Chief among the controversies involving both measures were the employment and procedures of injunctions.

The opponents argue that the labor injunction and the present proposals are analogous, and that the abuses of the former can be renewed if we enact the injunction provisions of the pending bill.

Mr. President, argument by analogy is a useful tool. It is a favorite device of the legal advocate. Analogies, however, are no better than the similarities of the things compared. Is employment of the injunction in a labor dispute analogous to its possible use in a case involving denial of the rights of citizenship by official action or by the conspiracy of private persons?

In the first place, a labor dispute involves opposing parties in interest to an economic controversy. An employer and a union, in a strike or boycott situation, have competing interests—usually economic, but sometimes a step removed from direct economic interest, such as in a dispute over the justification for dismissals or promotions of individuals. These, too, are economic, even if once removed.

Is that the case in a civil-rights controversy? First, let us consider denial by a local official of the right to remain registered to vote. Are the competing interests similar to those in a labor dispute? Clearly, the interests of the local official are not the same as those of an employer or employees. The local government official, if he is honest, does not have any economic stake in the problem.

What is the economic interest of a local official in the removal of Negroes from a jury list? He has none. What is the economic interest of a sheriff who refuses to protect a Negro prisoner or the sanctity of the deliberations of a jury? He has none.

Can it be said that a conspiracy of private citizens presents a different set of rights or interests? Search as I might for a distinction, I cannot imagine what substantial interest, let alone direct economic interest, such conspirators could have.

A civil-rights case is not a private suit between private individuals. Rather, it is a proceeding to determine the rights of individuals and groups under the Constitution and the laws enacted for the enforcement of the major amendments. It is, in effect, a proceeding in which the public—yes, the Republic—has a vital interest.

In such cases, as in many other fields of public interest, the Federal Government is at least a party in interest, and can appropriately be the plaintiff. What of the defendants? They have no direct economic stake in the outcome. They may be public officials whose conduct is called into question. They may be groups who are alleged to attempt some denial of constitutional guaranties or legislation in aid of the 14th amendment. They are alleged interlopers in the constitutional process—not individuals whose own rights are directly involved, for what right can a man have in denying another his constitutional due? This is not to say that he does not have rights as a defendant. I only contend that his stake is quite different from that of a conventional defendant in a conventional court proceeding.

So it would follow that the consequences of a temporary restraining order or a preliminary injunction—which can only prevent change from the status quo—are not the same in a labor dispute and in an action of an official who would depart from existing situations and practices which threaten the civil rights of an individual.

Let me point out that the permanent injunction will be had, if at all, only after a full trial on the merits. The interest of the official or alleged conspirators in being right as a matter of law can finally be vindicated in a trial on the merits.

The crucial difference between the subjects covered by the bill and the labor injunction is that the temporary restraining orders and temporary injunctions are, in fact and experience, dispositive of the contest between the employer and the union.

Mr. President, I consider the point I have just made to be of vital significance in connection with the important distinction between an injunction in a labor-dispute case and an injunction in a civil-rights case.

The organizational picketing campaign, strike, or boycott is an economic weapon of last resort. When they are denied the union, the union loses much of its leverage, particularly in the organizational campaign or the first phases of bargaining by a newly recognized union. It was in these situations that the injunction was most abused before 1932. In the strike and boycott situation, the time element can be a crucial factor.

Frankfurter and Greene, in the classic work on the subject The Labor Injunction, emphasize this fact in their final chapter, under the heading "Conclusions," pages 200–201, as follows:

> The preliminary proceedings, in other words, make the issue of final relief a practical nullity. Undoubtedly, the law is here confronted with a very perplexing situation. Where the plaintiff on the surface presents a meritorious case, he should not be exposed to the peril of irreparable damage before the court can make available to him its slower, though much more scrutinizing, processes of factfinding. This form of relief presents no difficulty when the temporary suspension of defendant's activities results in no very great damage to him, at least no damage that cannot be adequately compensated by money, security for which is provided by plaintiff's bond. In labor cases, however, complicating factors enter. The injunction cannot preserve the so-called status quo; the situation does not remain in equilibrium awaiting judgment upon full knowledge. The suspension of activities affects only the strikers; the employer resumes his efforts to defeat the strike, and resumes them free from the interdicted interferences. Moreover, the suspension of strike activities, even temporarily, may defeat the strike for practical purposes and foredoom its resumption, even if the injunction is later lifted.

Mr. President, I stress the point that in the entire field of labor relations it is elementary that time is of the essence. But the timing of court orders is not of the essence in these civil-rights-injunction cases—for reasons which I shall point out soon.

However, as the history of the labor-injunction fight shows, what was happening was that the temporary injunction—ex parte in many, many instances—ended the strike. It amounted, in fact, to a decree in favor of the employer, without a trial on the merits. That is what disturbed great liberals who have been cited during this historic debate—great liberals of past decades, the imprint of whose records greatly influences still the Members of the Senate, and, Mr. President, will continue to do so for the life of the Senate.

I respectfully submit that the argument by analogy that is being used by those who would strike Part III from the bill and by those who argue that a jury-trial provision should be written into the bill in respect to civil-rights cases is an argument by false analogy. The fact situations are substantially different. As I have pointed out, a labor case is between private parties. A civil-rights case might be described as one between an alleged offending Government official or conspirators and the Constitution of the United States. So there is quite a difference.

Second, Mr. President, the labor-injunction cases in most instances are dispositive; they dispose of the case, to all intents and purposes. In case after case, they broke the back of the union. The hearing was ex parte. Was there a trial on the merits, Mr. President? There was none in the usual case.

But, under Part III and Part IV of the pending bill, trial on the merits is assured. In the case of a trial on the merits, time is not of the essence. If it is believed the lower court is wrong on the law, we "go upstairs," as we lawyers say, to an appellate court, and finally to the constitutional citadel itself across the plaza, on the facade of which, as I have said, is emblazoned the great hope and ideal of freemen, "Equal Justice Under Law"—which means, Mr. President, in part, equality of constitutional rights. Who should determine the existence or denial of those rights?

The courts. So, as a constitutional liberal, Mr. President, whose political philosophy has unquestionably been greatly influenced by the great liberals of a prior age whose names have been mentioned in this debate, I wish to say that to quote them on labor injunction does not justify the inference that they would insist on jury trials in the field of civil rights.

I should like to hear Borah, La Follette, Norris, and Hiram Johnson. I should like to see that galaxy of great constitutional liberals, whose names have been used in this debate in connection with labor injunctions, walk on the floor of the Senate and discuss the procedure which should be followed in protecting the constitutional rights of all men and women in this country under the 14th and the 15th amendments.

I do not purport to prophesy what the exact tenor of their speeches would be, Mr. President, but I do purport to say it is presumptuous to assert they would argue for jury trial in civil-rights cases. I do not know of, and I have yet to find, a quotation or a citation in any of the statements or writings by any of those Senators, that is a statement, as we lawyers say, "on the nose" with respect to the issue now before the Senate; but I do know from their writings that they were great constitutionalists.

I completely agree, for the reasons I have set forth, with their position on the question of trial by jury in private actions between unions and employers, in injunction cases where preliminary orders were dispositive of the cases; where ex parte proceedings were the rule and not the exception and the temporary or preliminary orders were breaking the back of the free labor movement in America.

I said earlier in my speech, Mr. President, that I have great confidence and faith in the judicial process, and I now write indelibly into the CONGRESSIONAL RECORD this sentence: I am perfectly willing to have the courts of America, with final appeal to the Supreme Court, determine the constitutional rights of American citizens in civil-rights cases. I happen to believe, that only through the exercise of such judicial process can there be a complete guaranty that constitutional rights will be protected.

Note, Mr. President, that Greene and Frankfurter, in their great book The Labor Injunction, not only emphasize the time factor, but declare it to be the special consideration in labor disputes differentiating them from other controversies.

Objective evidence supports the conclusion that temporary restraining orders and preliminary injunctions are dispositive in labor disputes. Frankfurter and Greene reported: "Most of the decrees are never appealed." State Court Injunctions, 81st Congress, Second session, Document No. 7, dealing with recent experience on the labor injunction field, shows that this pattern remains. It should be borne in mind that only final trial court orders are appealable, and most labor injunctions do not reach that stage. Even when they do, the effect of reversal or modification is slight in this special area.

The time element may be important in some civil-rights cases for the purpose of maintaining the status quo by temporary restraining order and preliminary injunction. But, the final, permanent result is of far greater import in civil-rights cases, at least as compared with labor cases.

Take the example of an attempt to prevent registered Negroes from voting. If a court order is issued to prevent removal, they could vote under challenge, and the final effect of their votes would be determined by the final outcome of a trial on the merits or an appeal. An expedited procedure is provided by rule 65 of the Federal Rules of Civil Procedure.

It may be asked: If the time considerations are different in a labor dispute and a civil-rights case, what is the need of an injunction?

All I have argued to this point is that a preliminary injunction in a labor dispute can effectively determine the outcome, and hence renders ineffective later proceedings.

In a civil-rights case, a permanent injunction after a full trial is the determining court action. The decree is remedial and far more effective than damages or court sentence of an offender, for the latter do not change the wrong committed and prevent its renewal.

Preliminary injunctions and temporary restraining orders in a civil-rights suit are needed to insure that the defendants will not frustrate a final decree by being permitted to acomplish their illegal purpose before a full trial is possible.

As I shall demonstrate in a moment, the limitations upon injunctive relief before a full trial on the merits are stringent. Such effective safeguards were not observed during the hey-day of the labor injunction for a variety of factors. To that aspect of the injunctive issue I now turn.

PROCEDURAL ABUSES IN LABOR INJUNCTIONS

Frankfurter and Greene described not only the history of the abuses of the labor injunction, but also the attempts to remedy the situation. So they observe, "In the earlier phases of the movement, labor evinced little understanding of how much turns on rules of procedure."

I say good naturedly, by way of digression, Mr. President, that is a great lesson, and it needs to be repeated many times in the legislative process as well as in the field to which Frankfurter and Greene applied it. So much turns on rules of procedure.

The great Edwin Witte, of the University of Wisconsin, emphasizes this aspect of the problem in State Court Injunctions, already cited:

> The "abuses" which were altogether too prevalent in the use of injunctions in labor controversies at that time appear clearly from the provisions of the Norris-La Guardia Act. That act was passed by large majorities in both Houses of the Congress, commanding strong support in both parties, and was approved by President Hoover.
>
> As appears clearly from the reports of the Congressional committees and from the debates in Congress, that act was not designed to prevent the issuance of injunctions in labor cases by the Federal courts, but to prevent abuses which enabled employers, unfairly, to aline the courts on their side in disputes with unions and operated to weaken the confidence of workers in the judiciary and the Government of the United States generally.
>
> It did this by two different methods: (1) It imposed procedural restrictions which litigants had to observe to get injunctions in the Federal courts in labor cases; and (2) it restricted the substantive content of the injunctions which the Federal courts might issue in such cases.
>
> Among the procedural restrictions, the one which was most extensively commented upon and which received almost unanimous approval was that designed to end the abuse of ex parte injunctive orders in labor cases. Ex parte orders were very unfair because most labor disputes are of short duration and it is impossible to preserve the status quo in such disputes. The great majority of injunctive orders in labor cases in the Federal (and also in the State) courts were issued without according the defendants any hearing or opportunity to present their side of the case. In most labor cases, the ex parte order was the last action taken by the court, the matter never coming to any sort of hearing. Most hearings held, moreover, were only arguments of counsel based upon the pleadings. Permanent injunctions issued after hearing witnesses in court, with cross-examination by the adverse party, were very unusual. To correct this serious abuse the Norris-La Guardia Act requires that in all cases in which temporary restraining orders are issued they shall become void within 5 days, unless continued after trial in court within such period. It further required that even ex parte orders must be based upon the testimony of witnesses presented in a hearing in court. It also included provisions to expedite appeals from injunctive orders in labor cases.

After the past 2 weeks of debate, let alone my 13 years in the Senate, it will come as no news to my colleagues that I repeatedly emphasize the importance of procedure in the protection of basic rights.

So we see that a major reason for the abuses of the labor injunction was the lack of procedural due process, consisting mainly of ex parte orders, the duration of ex parte orders, the failure of judges to require probative evidence, the failure of judges to require a strong showing of irreparable damage if the injunction were to be denied. To Witte's description should be added the general and shotgun nature of court orders and the failure to make precise findings of fact.

Underlying these defects was the dispositive effect of injunctions in the labor field.

The ease with which Federal judges issued labor injunctions is also intimately related to the history of equity doctrine in that special field. In summary, showings of the factual elements prerequisite to an injunction—which did exist in a set of general maxims—were not required because the equity law on strikes and boycotts had erected a series of presumptions which were sufficient in the minds of judges to be tantamount to fact.

Even the great Oliver Wendell Holmes of an early day conceded the assumed validity of certain equity presumptions on the strike and boycott. So, in *Plant* v. *Woods* (176 Mass. 492 (1900)) he said, of a threatened strike and boy-

cott for a closed shop, "I agree that the conduct of the defendants is actionable unless justified. *May* v. *Wood* (172 Mass. 11, 14), and cases cited. I agree that the presence or absence of justification may depend upon the object of their conduct, that is, upon the motive with which they acted."

In other words, even as great a judge as Oliver Wendell Holmes endorsed assumptions which placed upon defendant unions the burden of showing justification for their conduct. This is a major explanation for the fact that before 1932 judges were not exacting in requiring facts which would justify an injunction. The common attitudes of an earlier judicial day, based upon the development of this one branch of law—labor law—substituted assumptions and presumptions for a recital and at least prima facie proof of facts.

This, then, is at least one explanation for the failure of the courts to require strict compliance with the procedural requirements of the Clayton Act limitations on labor injunctions.

It is an explanation of the fact that in no other field of American law has there been widespread and repeated abuse of the injunctive power.

PROCEDURAL PROTECTIONS AGAINST INJUNCTION IN FEDERAL COURTS

Aside from the present Federal rules, which I shall discuss in a moment, the best insurance we have today is the widespread revulsion against labor injunction abuse. That abuse has not spread to other fields; the reform in that field is itself a protection against its spread to other areas, especially the area of civil rights.

The prejudices and presumptions which led to abuse of the labor injunction are absent in the field of civil rights. So far as the South is concerned, the Federal judiciary—without exception white—if anything would share the subjective feelings of the dominant white groups. In fairness to Federal judges in the South, it should be said that, with but one or two exceptions, they have been impeccable in their application of the Supreme Court's school desegregation decision and other similar cases.

But we certainly know that they will not go overboard in the opposite direction. That is doubly assured by the Senate's confirmation power for Federal judges and the still undisputed prerogative of Senators to declare nominees to Federal office in their States personally obnoxious. Even in the early flush of the New Deal, Franklin Roosevelt was unsuccessful in attempting to change that practice.

THE FEDERAL RULES OF CIVIL PROCEDURE

The principal protection against abuse of the injunctive power is to be found in the Federal Rules of Civil Procedure, primarily rule 65, aided by rule 52.

I ask unanimous consent, Mr. President that rule 65 of the Federal Rules of Civil Procedure be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). Is there objection?

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

RULE 65. INJUNCTIONS

(a) Preliminary; notice: No preliminary injunction shall be issued without notice to the adverse party.

(b) Temporary restraining order; notice; hearing; duration: No temporary restraining order shall be granted without notice to the adverse party unless it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every temporary restraining order granted without notice shall be indorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set down for hearing at the earliest possible time and takes precedence of all matters except older matters of the same character; and when the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if he does not do so, the court shall dissolve the temporary restraining order. On 2 days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(c) Security: No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained. No such security shall be required of the United States or of an officer or agency thereof.

A surety upon a bond or undertaking under this rule submits himself to the jurisdiction of the court and irrevocably appoints the clerk of the court as his agent upon whom any papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court who shall forthwith mail copies to the persons giving the security if their addresses are known.

(d) Form and scope of injunction or restraining order: Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

(e) Employer and employee; interpleader; constitutional cases: These rules do not modify any statute of the United States relating to temporary restraining orders and preliminary injunctions in actions affecting employer and employee; or the provisions of title 28, United States Code, section 2361, relating to preliminary injunctions in actions of interpleader or in the nature of interpleader; or title 28, United States Code, section 2284, relating to actions required by act of Congress to be heard and determined by a district court of three judges.

Mr. MORSE. Mr. President, rule 52 requires that a court must set forth with definiteness and particularity the findings upon which an order is based. This rule makes a judge think through what he is doing, with the knowledge that the findings may be scrutinized on appeal. As I shall shortly show, even a preliminary order is subject to collateral review in certain cases.

What are some of the major protections afforded by rule 65? They are:

First. Absolute requirement of notice as a prerequisite to a preliminary injunction. No ex parte hearing is involved. There is no such problem as the great liberals deplored at the time of the fight against labor injunctions, to which I have already alluded.

In summarizing the cases, the most authoritative commentary, Moore's Federal Practice, observes " 'Notice' implies a hearing"—(volume 7, page 1637). And "Notice implies an opportunity to be heard. Hearing requires trial of an issue or issues of fact. Trial of an issue of fact necessitates opportunity to present evidence and not by only one side of the controversy." *Sims* v. *Greene*, 161 Fed. 87, 88–89 (CA 3, 1947). In that case, the court also cited the "findings" requirement of rule 52 as a further basis for requiring a "hearing" and trial of facts in cases heard without a jury.

What is the next protection of rule 65?

Second. Requirement of notice before issuance of a temporary restraining order unless showing of "immediate or irreparable damage" can be shown would result before notice served and hearing had.

Third. Temporary restraining order not to exceed 10 days; can be extended only for good cause shown or by consent of defendant.

Fourth. Expedited procedure for hearing.

Fifth. Specifity of injunction orders.

Sixth. Injunctions and orders binding only on those with actual notice.

Thus I say that rule 65 makes clear that preliminary injunctions and temporary restraining orders are extraordinary remedies and difficult to obtain. Rule 65 derives from rule 73 of the Supreme Court's Equity Rules of 1911. It was incorporated into the Clayton Act of 1914. I believe I have shown why it was not effective before passage of the Norris-La Guardia Act.

A review of the cases shows that the Federal courts have been exacting in requiring conformity with the rule. Indeed, in Sims against Greene, already cited, the court of appeals did not permit the district court to avoid some of the requirements of preliminary injunctions by repeated extensions of temporary orders. The last few decades of administration of the rule should remove apprehensions that temporary restraining orders and preliminary injunctions

will be easy to obtain and that the notice, hearing, duration and expedition provisions will not be vigorously enforced.

In the course of this debate, fear arguments have been raised on the floor of the Senate, to the effect that the passage of the pending bill would bring back the abuses of Government by injunction, such as prevailed in a previous era in connection with labor disputes, and the ex parte, temporary orders of courts which broke the backs of labor unions.

Mr. President, I respectfully say that the proponents of that argument either are not aware of rule 65 of the Federal Rules of Civil Procedure, supplemented by rule 52, or they are ignoring the protections, which I have just enumerated, which in our day, in my opinion, make it impossible that there should be any return to the past abuse of labor injunctions in private actions.

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

Mr. MORSE. I announced that I would not yield until I had concluded my speech. I appreciate the fact that the Senator wishes to discuss a certain subject with me, but I must be consistent in the position I took at the beginning of my speech. I shall soon be through, and I shall be glad to yield then.

When reference is made in Congressional debate to Norris, La Follette, Borah, Hiram Johnson, and the other great liberals who made the historic record which they made at the time of the so-called labor-injunction fights, no mention is made of rule 65 or rule 52. So I call the argument which is advanced a scarecrow argument. I call it a fear argument. I call it an argument which has no relation to facts of today in the injunctive field.

The argument makes good copy. It sounds plausible. The average layman is not a lawyer. He is not aware of the Federal court rules.

That is one of the difficulties in a debate such as this, when the issue is so charged with political connotations, when emotions run high, when feelings are deep, and even when a little partisanship creeps in. Arguments are made which tend to leave the impression in the minds of many that the two fact situations referred to in the argument are analogous. I repeat that the argument by analogy which is being used in this debate, seeking to relate the civil-rights situation to the labor situation of years gone by, is an argument based upon a false analogy, and is an argument which does not take into account, for example, the protections of rule 65, supplemented by rule 52, of the Rules of Federal Procedure which are binding upon the courts.

Let me make perfectly clear that if a given lower court does not follow those rules, it is subject to reversal. Let me repeat that there must be a trial on the merits. We are not talking about an ex parte hearing. Probative evidence must be offered.

Let us never forget even for a moment in the debate that when we are talking about a civil right, we are talking about a constitutional right. We in the Senate cannot determine it. As I shall point out later, a jury cannot determine it. We in the Senate can neither give nor take away a constitutional right. A jury can neither give nor take away a constitutional right. A jury can deny a civil right in a given case by an acquittal. However, the acquittal does not destroy the constitutional right. The acquittal puts the defendant in the position where he goes free, even though he has followed a course of action which has denied someone else the enjoyment of a constitutional right. That is being lost sight of in the jury trial debate. That is why I said earlier in my speech that the citadel of the protection of civil rights is not to be found in the Senate; it is not to be found in the jury box; it is not to be found even in the White House. It is to be found, in the last analysis, in final appeal in the temple of justice, a stone's throw away from where the Senate convenes, the Supreme Court of the United States.

That is all involved in the amendment to strike Part III. I wish I had the ability so to phrase this thesis that all would understand. Of one thing I am sure, and that is that there cannot be any answer to the fact that it is not for the Senate, it is not for the jury, it is not for the White House to either give or take away a constitutional right.

Constitutional rights are embedded in the organic law, for the Supreme Court to enunciate under the law, until the people, with the precious check upon the Supreme Court, decide to change a constitutional right or grant a new one by amendment.

Thus I point out that in the case of permanent injunctions, full trial is required.

In summary, I conclude that the analogy between labor injunctions and civil-rights injunctions is without substance because:

First. In labor cases the time element is crucial and often dispositive, while that is not true of civil-rights cases;

Second. The defendant in labor cases has a direct economic interest and in civil-rights cases does not;

Third. The equity history which led to injunctive abuses was peculiar to the labor field.

Finally, the present protections of the law in matters of procedure are sufficient, are vigorously enforced, and there is no reason to believe that they will not continue to be scrupulously observed.

ALLEGATIONS THAT POWER TO INITIATE INJUNCTION SUITS CAN BE ABUSED

It is argued that the authority the bill gives to the Attorney General to initiate injunction suits is subject to abuse.

Official notice may be taken of the fact that I am no admirer of the present Attorney General.

However, I point out that he can only initiate proceedings. Thereafter, the orders to be issued and judgment rendered are up to the district courts, subject to full review. Moreover, his actions are subject to Congressional review by the Judiciary Committees at any time, and annually by the Appropriations Committees. If the courts reject his applications for remedial orders and preliminary injunctions and restraining orders, that will be a proper subject of Congressional inquiry. Repeated failure to win court approval will be a subject not only of Congressional comment, but press comment as well. We can be sure that the press will follow these cases closely and give them wide publicity.

Is the grant of power so unusual as is contended? The fact is that United States attorneys today are subject to the directions and orders of the Attorney General. As prosecutors, they have the sole power to decide what cases shall be prosecuted and what cases shall not be prosecuted, subject only to the Attorney General's supervisory authority.

In vital civil proceedings, such as antitrust suits, it is up to the Attorney General whether cases shall be initiated.

It is up to the Attorney General to decide what cases to which the Government is a party and loses shall be appealed.

This is in the nature of the Attorney General's office. It is subject to many legislative checks, and political checks which are very real and effective in a democratic, representative form of government.

The principal check is that of the courts. There is no reason to believe that the courts can be stampeded or pressured into doing his will. To the contrary, the Attorney General will constantly be put to his proof in any case brought under part III or part IV of this bill. His burden of proof will counsel any incumbent of the office to proceed with care and deliberation.

THE JURY TRIAL ISSUE

The arguments in favor of requiring jury trial are based in part upon the suggestion that injunctions and restraining orders are subject to judicial abuse, and hence it is dangerous to permit contempt trials without juries.

To the extent that the injunction argument is unsound, this part of the jury trial argument is also unsound.

Further, restraining orders and preliminary injunctions are subject to collateral attack in contempt proceedings for the purpose of securing compliance. ("Civil contempt, which is remedial in nature, falls with the reversal of the injunction." 7 Moore, Federal Practice 1616, citing *U. S.* v. *UMW*, 330 U. S. 258, 294 (1947)).

With the problem thus narrowed, let us turn to the law and policy of the jury trial issue.

There is no claim made that in trials for contempt of court decrees there is any constitutional right to a trial by jury either as a matter of explicit constitutional provision or due process.

Let us get that behind us immediately.

I repeat that statement: There is no claim I have heard made during the debate that in trials for contempt of court decrees there is any constitutional right to a trial by jury either as a matter of explicit constitutional provision or of due process.

Yet a reading of some of the articles in the newspapers leaves the impression that those of us who are opposing the jury trial amendment are seeking to deny a constitutional right to parties involved in a civil-rights case.

Such simply is not the fact, because there is no constitutional right to a jury trial in a case involving proceedings for contempt of a court's decree.

Mr. Justice Cardozo held in *Palko* v. *Connecticut* (302 U. S. 319 (1937)):

The right to trial by jury and the immunity from prosecution except as the result of an indictment may have value and importance. Even so, they are not of the very essence of a scheme of ordered liberty. To abolish them is not to violate a "principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental." *Snyder* v. *Massachusetts*, supra, page 105; *Brown* v. *Mississippi*, supra, page 285; *Hebert* v. *Louisiana* (272 U. S. 312, 316). Few would be so narrow or provincial as to maintain that a fair and enlightened system of justice would be impossible without them.

That statement by the great Cardozo, in my judgment, goes to the heart of this controversy. Are we dealing with a slogan "trial by jury" or a reality? I submit that the trial-by-jury argument is a slogan born of old battles and past conditions which are not relevant today.

On a somewhat similar issue, I wrote, in 1931, when surely I did not anticipate this debate:

It will be noted from table 43 that 176 judges believe that the indictment method is superior to the information system because, in their opinion, political influence and control are not so dominant. Many judges—especially those in indictment States—fear that it is dangerous to give one man, the prosecutor, practically complete power in the initiating of criminal prosecutions. Probably these judges are influenced by the historical traditions behind the grand jury system. Undoubtedly, in the times when the masses suffered from the tyrannies of an absolute monarchy, the accusing jury was truly a bulwark of liberty and a protection for innocent. But today, under representative government, the argument that the people have much to fear from the information system, because it gives the prosecutor too much power, no longer holds good, and is highly tinged with emotional connotations. (A Survey of the Grand Jury System, WAYNE L. MORSE, X Oregon Law Review, 263-264 (1931).)

Is this not also the case with trial by petit jury? I submit that it is. Let us read what Blackstone had to say:

And it will hold much stronger in criminal cases, since, in time of difficulty and danger, more is to be apprehended from the violence and partiality of judges appointed by the Crown, in suits between the King and the subject, than in disputes between one individual and another to settle the metes and boundaries of private property. Our law, therefore, wisely placed this strong and twofold barrier, of a presentment and a trial by jury, between the liberties of the people and the prerogative of the Crown.

Note, however, that Blackstone refers to "suits between the King and the subject" and contests "between the liberties of the people and the prerogatives of the Crown."

The prerogatives of the Crown involved far different issues from those involved in the action of the executive in seeking enforcement of the laws in its representative capacity. The King of Blackstone's commentaries was concerned over his own purse and prerogatives as an individual, at a time of contest not only with citizens, but with Parliament. The executive power of the United States has no such personal interests and stake in our constitutional system. The Executive serves for a fixed term and is subject to checks and balances unknown in Blackstone's day.

The jury trial argument belongs to another day, another time, a wholly different set of problems. For the King was attempting to use the Court of Chancery and Star Chamber to force his will. The view took form on the basis of cases from which there was no effective appeal.

How different is the situation today. The appointing President is elected to a fixed term. The judge is subject to Senate confirmation, impeachment, and review in the court of appeals and the Supreme Court of the United States. He is subject to the limitations of rules 65 and 52 of the Federal Code of Civil Procedure, which I have already discussed.

The Supreme Court observed in *Michaelson* v. *U. S. ex rel. Chicago, St. P., M. and O. Ry. Co.* (266 U. S. 42 (1924)):

In criminal contempts, as in criminal cases, the presumption of innocence obtains. Proof of guilt must be beyond reasonable doubt and the defendant may not be compelled to be a witness against himself. (p. 66.)

The protections against abuse are, indeed, our whole constitutional system. Those who insist that liberty is unsafe without trial by jury, cite Hamilton in The Federalist in support. With all due regard, I must observe that Hamilton's excellent commentary discusses the utility, not the necessity, of trial by jury. So he says:

The excellence of trial by jury in civil cases appears to depend on circumstances foreign to the preservation of liberty. (The Federalist, No. 83, p. 544, Modern Library Edition.)

The utility of jury trial in 18th century England, when there were more than 100 capital offenses, the advantages of jury trial under a despotic king with special judges and special courts, in the 17th century, are a far different thing from 20th century America operating under a constitutional system of checks and balances.

A form of trial by jury was used, but did not moderate the savagery of the French Revolution's reign of terror. We must recognize that juries, too, are subject to passion, prejudice, and community pressure. It gives me pause, in this regard, to read in the New York Times of May 31, 1957, that in the Montgomery, Ala., trial of two white defendants on charges of bombing a Negro church:

The defense appealed for a verdict that would "give encouragement to every white man, every white woman, and every white child in the South who is looking to you to preserve our sacred traditions."

It is only partially pertinent that the defendants were acquitted. The appeal to prejudice, the force of community pressure, were there.

The selection of Federal juries is a pertinent factor. I cannot improve on the summary by the Senator from Illinois [Mr. DOUGLAS] in the CONGRESSIONAL RECORD of June 10, 1957:

Mr. DOUGLAS. The Knox report—and the famous Federal judge, John C. Knox, was chairman of that committee—points out that in many districts the practice of making up a jury was substantially as follows: A jury commissioner, and a clerk of the court, are appointed, one from each party. I may say in that connection that in the past, and, to a large extent at the present time, the South is largely a one-party area. There is usually only 1 clerk and and 1 jury commissioner.

These men, according to the Knox report, write to so-called "keymen" in the various counties and ask these keymen to suggest jurors. It is a little mysterious as to who these keymen are who are chosen to nominate jurors.

Sometimes they are businessmen, and sometimes they are local political leaders. In any event, they tend, certainly in the South, to be white citizens. If there are any Negroes who are designated as "keymen" and who therefore are given the power to make nominations, it would be most interesting to have that fact established for the record. However, my information is that in practice they are almost exclusively white southern businessmen and white southern political and professional leaders. These are the men who make up the original lists.

The list is then sent to the jury commissioner in the Federal court for that district. Then these commissioners make their selections, in some cases by turning a wheel, and in other cases by picking the names. Very few Negroes, I think—certainly a very small proportion of Negroes—find their way onto the lists. Still fewer are selected for jury duty. Therefore, Mr. President, the juries which will try these contempt cases, if the amendment is adopted, will be carefully winnowed, and the Negroes of the South will have very little representation on them.

Mr. President, in making those remarks I think the distinguished Senator from Illinois [Mr. DOUGLAS] pointed out a factual situation which those of us who wish to protect civil rights in the United States dare not ignore during this debate, because certainly we should not go through the process of making an empty gesture. Certainly we should not provide the Negroes of this country with merely the label of civil rights. Instead, we must provide them with a procedure which will enable the courts of the United States—which are the guardians of the constitutional rights of the citizens—to guarantee in practice to every citizen, regardless of color, his constitutional rights. As I said at the beginning of my speech, that is the issue, and I refuse to retreat from it; I refuse to qualify it; I refuse to modify it. I insist, Mr. President, that pursuant to my duty under the oath of office I took when I became a Member of this body, I must oppose these amendments, which in my judgment will, in effect, continue to deny to the colored people of America their full civil rights, which already are long overdue.

The jury system is subject to abuses peculiar to it. In this case, the very situation of local passion and the method of jury selection intensify the many drawbacks which the jury is recognized to have as an institution.

A cliché of lawyers is that "prejudice is the 13th juror." The currency of that characterization is reported by a great lawyer and judge, Jerome Frank, in his

book Courts on Trial. He also recalls Balzac's definition of a "jury" as "12 men to decide who has the better lawyer."

As a lawyer, I would not say that juries are without their value. I want to make clear that I defend the jury system in cases of controversies between individuals, in damage suits, and in other private controversies within the limits of publicly declared policy. But to enshrine the institution of the jury as the indispensable handmaiden of justice, the palladium of human rights, or the watchdog against tyranny is to indulge in legal fantasy.

If our judicial system is to be preserved, a strong case exists for the maintenance of the contempt powers of the courts, in order to enable them to protect their own authority to enforce the laws from any attempt by legislation, no matter how plausibly phrased, to weaken our court system through a jury-trial procedure, when it is known that sometimes, under some circumstances, some juries are inclined to subordinate constitutional rights to local social, economic, and political attitudes and biases.

My learned friend the junior Senator from Wyoming [Mr. O'MAHONEY] proposes an amendment to grant jury trial in criminal contempt cases arising under the proposed act. I always hesitate to disagree with him on questions of law. But I must take issue with the speech he made on last Tuesday, July 16, in behalf of his proposal.

A central contention underlying his proposal is that the bill in its present form would "take away" the right of a trial by jury. He contends that because acts similar to those covered by the bill are crimes, the addition of civil remedies removes the existing right of trial by jury where contempt proceedings are instituted for violation, not of the law, but of the decrees of Federal courts.

The answer to this, I have already given: Many statutes provide for both criminal and civil enforcement of the rights declared.

His answer to this is that the statutes cited, under which there is injunctive relief enforceable by contempt, apply, not to natural persons, but only to corporations. He cites the antitrust laws as an example. In this connection, I refer to the CONGRESSIONAL RECORD for July 16, 1957. Yet the Goldman case he cites on the same page was a criminal contempt proceeding against individuals in an antitrust case. That case, *U. S.* v. *Goldman* (277 U. S. 229), only stands for the procedural proposition that a criminal contempt proceeding under the antitrust laws is generally subject to the Criminal Code. It did not involve the jury-trial issue.

Mr. President, I am sure that was an oversight on the part of my friend, the Senator from Wyoming; but it is a serious one, because much of his case is based upon it. I wish he were in the Chamber at this time, because I love him so. If he were present now, I would have a little fun with him.

No, Mr. President; the law does not say that the statutes apply only to corporations. The cases clearly show that the statutes apply to natural persons, as well.

The junior Senator from Wyoming also cited the case of United States ex rel. Chicago Ry. against Michaelson for the proposition that "the provision for trial by jury * * * is mandatory." The Senator from Wyoming pointed out that it was mandatory, but he failed to point out that it was in that case only because of the statute—not that it was mandatory as a matter of right. Mr. President, that is very important. So again I lay down the proposition that trial by jury in criminal contempt cases under the antitrust laws does not exist as a matter of right. In the Michaelson case, there was a statute which required it. That is entirely different from a proposition that, someway, somehow, in this bill those of us who are supporting the court procedure by way of injunction are denying a basic right of jury trial.

The Michaelson case was a private injunction suit in which contempt proceedings were brought upon relation of the plaintiff railroad. The statute—the Clayton Act—provides that in private suits, criminal contempt proceedings shall be tried with a jury on the defendant's demand, if the defendant's action also constitutes a crime under Federal or State law. The question decided by the Court was whether such a legislative provision impaired the inherent rights of the inferior Federal courts. The Supreme Court held it did not.

Mr. President, let me state the matter in somewhat different words: In that case, there was a statute requiring a jury trial in certain kinds of criminal contempt cases; and the issue before the Court was whether that statutory requirement in any way impaired the inherent right of the lower Federal courts to protect themselves. The Court held that it did not. That is the only sense in which the jury trial issue was involved. That case had nothing whatsoever to do with the broader, more general proposition of whether the right of jury trial is a mandatory right. I repeat that it is not a mandatory right in that particular line of cases, in the absence of a statute requiring it.

There is not, and never has been, a right of trial by jury in contempt proceedings, either civil or criminal. Civil contempt is action by the court to require compliance, and it may be purged by compliance.

Criminal contempt is in aid or vindication of the court's authority as a court to punish willful disobedience. To interpose a jury between the Court and the defendant would be to deprive the courts of their historic power to preserve their own integrity. If a defendant believes a decree to be wrong, his remedy is appeal—not to take the law into his own hands. If he believes the act of Congress, on which the decree is based, is wrong, he has the right to appeal to a three-judge court to consider the constitutional issue. These are powerful and adequate safeguards.

I respectfully submit that those who propose trial by jury in either civil or criminal contempt proceedings to which the United States is a party ask for what has not been. They ask for a procedure that can only serve to hamper enforcement of the proposed measure or defeat it altogether.

LIMIT OF PUNISHMENT

I believe that there is an omission in the bill. It does not prescribe maximum penalties for criminal contempt. I shall, therefore, in due course, propose an amendment to set limits which are the same as for other criminal contempts, fine of $1,000 or 6 months in jail, or both, for each violation. That is the same formula as contained in the Clayton Act—title 18, United States Code, page 402.

Mr. President, I ask that the amendment, which I now send to the desk, be printed and be available at the desk when I am ready to call it up for further debate and vote, and that the amendment be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. CASE of New Jersey in the chair). The amendment will be received, printed, and lie on the table, and, without objection, will also be printed in the RECORD.

The amendment intended to be proposed by Mr. MORSE is as follows:

At the end of the bill to add a new part as follows:

PART V—LIMITATIONS ON PUNISHMENT IN CRIMINAL CONTEMPT PROCEEDINGS IN CIVIL RIGHTS CASES

SEC. 151. Criminal contempts in civil-rights cases: Punishment for the willful disobedience by any person of any lawful writ, process, order, rule, injunction, decree, or command of any district court of the United States or any court of the District of Columbia, under any provision of this act or any provision of any statute as amended by this act, by doing any act therein or thereby forbidden, or by failing to do any act therein or thereby ordered, shall be by fine or imprisonment, or both, but in no case shall the fine exceed the sum of $1,000, nor shall the imprisonment exceed the term of 6 months.

STRONG, WEAK, PUNY, PUNITIVE—WHAT KIND OF BILL?

Mr. MORSE. Mr. President, in conclusion, let me say the pending bill has been called many things, including "strong," "weak," "puny," and "punitive." My own choice of language would be "minimum."

For my part, what is needed is a bill to protect all basic civil rights. The bill in its complete form does no more than provide additional, and possibly more effective, remedies for denials of civil rights by officials or private conspiracies.

In my judgment, Congress should adopt nothing less.

This bill is not a panacea. It is no touchstone to transform society or any major segment of it. At best, it provides limited tools against denial of equal protection of the laws and privileges and immunities of citizens.

Let us make this modest start. Let us not give ground to expediency. Let history record that the Senate of the United States met its challenge to do justice. We are not called upon to enact a sweeping or radical measure. It is minimal. The time does not call for heroes. All we need is a modicum of determination. For my part, I can think of nothing more important for us to do than to stand fast, stand our ground, and see this bill

through without so-called compromises. If the so-called compromises succeed and the bill is passed, the administration and the majority voting for such a compromised bill will perpetrate a fraud upon the people of the United States.

Mr. President, I conclude on the same thesis that I used in the beginning of my speech. The time has come to breathe life and meaning into the 14th and 15th amendments. The time has come to end second-class citizenship in America. The time has come to recognize that full enjoyment of civil rights in America is inevitable. Let us make it a reality now.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. SMATHERS. First, I should like to congratulate the very able senior Senator from Oregon for the very comprehensive and scholarly statement of his views with respect, not only to section 121 of part III, but with respect to the question of trial by jury and other matters which he covered in his speech, which I was not fortunate enough to hear in its entirety. As always, he presented well his side and his views of the question. I think, of course, he would be the first one to admit that there are always two sides to any question, and that in nearly every instance the good English language is, unfortunately, or possibly fortunately, susceptible to two interpretations. As a matter of fact, were it not for the fact that different persons can give different interpretations to language which some persons believe to be clear and unmistakable, we would not have so many lawyers as we have, nor would we have the great need for the judicial system which we have in the United States today. As a matter of fact, we in the Congress would not have to be continually rewriting legislation which we thought we had previously correctly written at some previous session possibly 5 or 10 years ago. However, I wish to congratulate the Senator for making a fine statement of his views, as he always does. It is always a privilege to listen to him, and I always learn a great deal from his statements.

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

Mr. SMATHERS. Yes.

Mr. MORSE. I would be less than human if I did not appreciate his remarks, coming as they do from such a distinguished lawyer as is the Senator from Florida. Let me tell him I have sat at his feet as a student in more than one debate. I shall read with great interest the speech he is about to deliver. I wish to apologize to him for the fact that I shall not be able to remain to hear his speech, since I am already late for a prior commitment. I hope he will not view my leaving as the slightest act of discourtesy on my part. Tomorrow morning I will demonstrate to him that I have read his speech by the time I see him.

Mr. SMATHERS. I thank the Senator. I might say I have at no time observed any discourtesy on the part of the Senator from Oregon. Not only is he a great lawyer, but, as we say in the South, he is a gentleman, who has always demonstrated the very highest level of courtliness and friendship. I understand perfectly that it is a late hour and that he must depart.

Mr. MORSE. I thank the Senator for his kind remarks.

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

Mr. SMATHERS. I shall be happy to yield to my friend, the able junior Senator from Massachusetts.

Mr. KENNEDY. I wish to thank the Senator from Florida for always exhibiting the qualities of courtliness which he has just ascribed to the Senator from Oregon.

Mr. President, I intend to vote against the elimination of part III of H. R. 6127, the civil-rights bill. No such amendment is necessary, in my opinion, to make this a bill which can pass without undue delay, irreparable dissension, or unreasonable rancor on either side—a bill which is neither so weak as to constitute nothing more than a hypocritical political snare, nor so oppressive as to be unenforcible by a reasonable administration and judiciary and unacceptable to reasonable people—a bill which does not inflict incurable wounds on the country, the Senate, or either political party.

In answering the call of the roll this afternoon on the pending amendment, we are no longer concerned with the procedural method by which this bill was brought before the Senate. We are concerned only with the necessity of completing our consideration of this measure and returning to other critical issues that confront this body—and specifically with the merits of the pending amendment.

Part III of H. R. 6127, as I understand it, creates no new civil rights, provides no unprecedented judicial procedures, and is based on no radical principles of constitutional law, but simply offers civil procedures as a supplement to criminal procedures now available. It is a moderate provision in a moderate bill, lending itself not to fear, hatred, or vengeance but to reasonable debate—as we have seen in this body—and to intelligent implementation, such as we may expect from any administration.

Perhaps most important of all, the debate over part III has resulted in persuading the Nation and the watchful world, whether correctly or not, that our vote this afternoon is to be an endorsement for or against the Supreme Court decision on school desegregation, even though the Attorney General has recently given his assurance that it will not change in any way the deliberate pace at which this decision is to be implemented by the local courts. My own endorsement of that decision, and its support in the State I have the honor, in part, to represent, has been too clear to permit me to cast a vote that will be interpreted as a repudiation of it.

Finally, I want to remind the Senate of 10 inherent safeguards that underlie part III and the entire bill, inasmuch as their implementation rests primarily on local Federal attorneys and local Federal judges, acting under the watchful eye of Congress as well as the President. These 10 inherent safeguards which I am confident will militate against any harsh or politically malicious enforcement of part III are as follows:

The President, responsible to all 48 States—

First. May refuse to nominate, or may subsequently remove from office, any Attorney General, any new Assistant Attorney General in charge of civil rights, or any United States district attorney implementing this bill in the local courts.

Second. May reverse any policy or plan of action which he deems unwise that may be determined upon by the above officials who are subordinate to him in executing the laws of the United States.

Third. May refuse to nominate as a member of the Federal judiciary any individual in whom he lacks confidence with respect to the implementation of the act.

The Federal judiciary, sworn to do impartial justice and uphold the Constitution—

First. May refuse to entertain the action sought by the Attorney General under part III or part IV of the bill, or to approve it after hearing the evidence, or to cite those in violation of it for contempt.

Second. May render null and void any part of this bill, its application to a particular case, or any denial of rights flowing therefrom, on grounds of unconstitutionality.

The Congress, including in particular the Senate itself, which possesses the greatest power to check excesses in the administration and interpretation of any such law—

First. May refuse to consent to the nomination of any Attorney General, Assistant Attorney General, or other Federal official whose capacity to carry out the intent of Congress reasonably and impartially is doubted. The control of the Congress over the appointment of local Federal district attorneys is particularly great.

Second. May refuse to consent to the nomination of any member of the Federal judiciary on the same grounds.

Third. May refuse to appropriate funds for the Department of Justice for the administration of this bill.

Fourth. May impeach and oust any President, Attorney General, judge, or other official who, in his action under this measure, is unfaithful to his public trust.

Fifth. May, by a simple majority in both Houses and at any time, enact amendments designed to eliminate defects and abuses arising out of the bill's administration.

In short, if we have confidence in ourselves, in our form of government, in the American people and in their chosen representatives, there need not be any fear of this bill. Only if the President, the Congress, and the entire judicial system simultaneously fail their constitutional oaths and traditional reasonableness, and are upheld in that attitude by the people, is there any danger of harsh and radical treatment under this bill; and I, for one, am confident that this Nation and this people will never tread that path.

I wish to express again my appreciation to the Senator from Florida for his courtesy in yielding to me. I yield back to him the floor.

Mr. SMATHERS. Mr. President, I am happy to have yielded to my good friend, the distinguished junior Senator from Massachusetts. I was a little alarmed at first, when I did yield, believing that his request for 5 minutes might have been a senatorial 5 minutes rather than a Longines 5 minutes. But the Senator from Massachusetts, as always, is accurate and fair. I am glad he took only 5 minutes.

I am sorry, of course, the Senator had to make the particular announcement he had to make, but I understand that. I, of course, do not agree with him, but I respect his right to arrive at any conclusion which he sees fit.

Mr. KENNEDY. I thank the Senator.

Mr. SMATHERS. Mr. President, I am proud of the Senate thus far in this debate on the so-called civil-rights bill, for it has been conducted on a plane in keeping with the best traditions of this great deliberative body.

I have listened attentively to the discussion both in support of and in opposition to the measure. I have also conducted my own independent study and examination of the various provisions of the bill, in the light of what has been said up to now.

I have limited my participation of the debate thus far to questioning the various opponents and proponents, but at this time I desire to go a bit further and to discuss briefly some of the provisions of this proposal. In doing so I shall endeavor to uphold the high plane of reasonableness and responsibility which my colleagues have thus far established.

I speak not only as a Member proud of this great body—one privileged to serve a great Southern State—but also as a lawyer, a former assistant United States attorney, whose training, whose education, and whose experience have been devoted to the protection of justice, under law, for all men.

Preliminarily, therefore, let me say that as a lawyer, I am constrained to characterize the pending measure in its present form as a most insidious piece of legislation. It reminds me of an iceberg. I think it could well be referred to as iceberg legislation. Ten percent of it is seen, that part of which is out of the water, but 90 percent of it is hidden, and that part is ominous and foreboding, and obviously very dangerous to the unwary.

Tonight I propose to confine my remarks to an analysis and a discussion of section 121 of part III of the bill, for the Anderson-Aiken-Case of South Dakota amendment proposes to strike out section 121 of part III, and indeed that should be done.

I would be presumptuous indeed if I were to imagine that one could improve upon the brilliant analysis of this section of the bill which was made by the very distinguished senior Senator from Georgia [Mr. RUSSELL]. His was a masterful dissectional analysis. It was filled with truths, and great truths, such as bear repetition.

We have already witnessed the fruits springing from the seeds of truth and wisdom which the Senator from Georgia [Mr. RUSSELL], the Senator from North Carolina [Mr. ERVIN], and other Senators have implanted here. Because of their sincerity and their ability to inform this body and the public of the dangerous contents of the pending proposal, light has already, to some extent, dawned.

The able minority leader, the Senator from California [Mr. KNOWLAND], joined by the Senator from Minnesota [Mr. HUMPHREY], following those discussions, submitted an amendment which was, on yesterday, unanimously adopted by the Senate. The amendment was designed, of course, to cure one of the latent evils which had been revealed by the discussion, namely, the use of armed forces to enforce judicial process that could be obtained by the Attorney General under the powers which he seeks in this bill. Both of these distinguished Members are, of course, dedicated advocates of the pending measure, and both endorsed the bill in its original form. In so doing they were echoing a similar endorsement by the President of the United States himself, who termed the bill a reasonable and moderate measure. Yet every single Senator voting on the amendment yesterday admitted by his vote that this bill contained dangerous and unwarranted provisions and that it was not a moderate measure in any form, but that it had to be changed.

Mr. President, if the President of the United States could err so grievously, without malice, it is not difficult to understand how so many others can so easily go astray.

Because the expected occurrence of incidents such as these, I voted against placing this bill on the Senate Calendar without its first going through the usual committee process. I still feel that we will live to regret the day we bypassed the established committee procedure in the case of proposed legislation of such magnitude, solely for the purpose of political expediency.

The Knowland-Humphrey amendment recognized that the measure contained at least one iniquitous provision in part III, and it recognized it was completely obnoxious to decent men and women in every part of America. I have no doubt that as the debate continues the Senators I have mentioned, and other Senators, will be moved to eliminate the many other assaults upon settled concepts of American jurisprudence and justice which yet remain as iceberg provisions in the pending measure.

Three great Senators have already seen the basic evils inherent in section 121 of part III of this proposal; namely, the able and distinguished Senator from New Mexico [Mr. ANDERSON], the equally distinguished Senator from Vermont [Mr. AIKEN], and the distinguished Senator from South Dakota [Mr. CASE]. They have proposed an amendment which would strike all of part III of the bill, because they can see in no part of it any good. I urge support of this amendment upon all Members of this body, for reasons which I shall now set forth.

Section 121 of part III of the proposed legislation would add two paragraphs to the three paragraphs which are now contained in section 1980 of the Revised Statutes—title 42, United States Code, section 1985. The fourth paragraph which would be added confers upon the Attorney General the authority to institute a civil action or other proper proceeding for preventive relief, including injunctive relief for the United States, 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 set forth in paragraph 1, 2, or 3 of section 1985.

The fifth paragraph that would be added by this bill confers jurisdiction on the district courts of the United States of proceedings instituted by the Attorney General without regard as to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided for by law.

Because of the direct reference which is made to these three paragraphs of existing law, an examination of them becomes necessary to see what causes of action are authorized by them.

Paragraph (1) concerns a conspiracy to interfere with the acceptance or performance of a Federal office. Paragraph (2) concerns a conspiracy to interfere with the testimony of witnesses in United States courts or to obstruct justice in any State or Territory with the intent to deprive a citizen of equal protection of the laws. Paragraph (3) concerns a conspiracy to deprive a person of the equal protection of the laws, equal privileges and immunities, or the right to vote in Federal elections. It is provided that in any of these instances a person whose rights are thus injured may institute a civil action for damages against the offending parties.

In each of these instances the present law, however, requires the commission of an overt act in furtherance of the conspiracy before an action for damages may be instituted by the injured party. It is of importance to note that the same course of conduct which would give rise to a civil cause of action by the injured party under these provisions of the statute, also constitutes criminal offenses under the provisions of sections 251, 242, and 243 of title 18, United States Code. Thus the same course of conduct gives rise to first, a civil cause of action; and second, at the same time merits punishment in a criminal prosecution in a Federal court by the Attorney General.

It is also interesting to note that in the annotations of this act the cases which have been brought under it have almost uniformly involved the third paragraph of section 1985. As a matter of fact most cases have involved one single clause within paragraph 3, namely, the "equal protection of the laws" clause, an all-embracing one indeed. Nowhere is the broad scope of this clause better illustrated than in the recent decisions of the Supreme Court. It will be recalled that for more than 50 years it was thought that the clause meant separate and equal facilities. We now discover, however,

that the clause is not satisfied by separate and equal facilities as was so construed in the case of *Brown* v. *The Board of Education* (346 U. S. 483), which held that segregation in public schools was a denial of equal protection of the laws. I am sure the Members of this body are all thoroughly familiar with this case.

Since the Brown case decision is based upon equal protection of the laws and since identical language is used in paragraph 3 of section 1985, it necessarily follows that any action taken by two or more persons acting in concert to prevent school integration could result in the filing of a civil suit alleging denial of equal protection of the laws. A fair analysis of the language of section 121 of part III of this bill beginning on page 9, line 21, and continuing to line 8, on page 10, makes abundantly clear that the Attorney General would be empowered to institute in the name of the United States a civil action, or an application for injunctive relief whenever persons have engaged in actions or practices giving rise to a cause of action under paragraph 3 of section 1985. As a matter of fact, this bill goes far beyond the present law in that regard. It gives to the Attorney General the right to seek such injunction or institute such civil action whenever he has reasonable grounds to believe that persons are about to engage in conduct which would give rise to such cause of action. This novel power which we are asked to confer upon the Attorney General exceeds the right or power conferred upon an injured citizen himself, under existing law. Because, under section 121 of part III of this bill the Attorney General may institute a civil action even before an act has been committed in furtherance of the conspiracy, whereas the citizen must show that an overt act has taken place in furtherance of the conspiracy designed to injure him or otherwise he cannot be said to be an aggrieved party.

Moreover, under section 121 of part III there is created an unusual situation whereby, for example, in disputes arising out of the integration of the schools, the Attorney General may apply for a temporary restraining order or injunction against a school board, alleging conspiracy, without the necessity of showing the commission of a single act in furtherance thereof. But, amazingly enough, such power is not limited to school boards. It can be aimed in a variety of directions, as I shall show. These injunctive proceedings, as you well know, are usually ex parte in their initial stages and no adverse party appears and opposes the application for such relief. Temporary restraining orders and injunctions are usually based upon affidavits submitted by the applicant, many times predicated upon information and belief. If the injunction is broadly phrased, as we know many of them are, even though it may be prohibitory in nature, the school board in its subsequent actions proceeds at its peril, for it is not necessary that the disobedience of the order of the court be willful in order for the person to be cited for civil contempt.

I could not help but be particularly interested in the statement of the distinguished senior Senator from Oregon [Mr. MORSE]. He referred to the protections which people had, even though a preliminary injunction could be obtained. He went on to cite rule 65 of the Federal Rules of Civil Procedure. Among the major protections of rule 65 cited by the Senator from Oregon were:

(1) Absolute requirement of notice as a prerequisite to a preliminary injunction.

(2) Requirement of notice before issuance of a temporary restraining order unless showing of "immediate or irreparable damage" can be shown would result before notice served and hearing had.

As the able Senator must know, and as Senators who have practiced law at all well understand, when a person goes into Federal court to seek injunctive relief, he does so under the belief that immediate damage may result to him. The proceeding is an ex parte hearing. Upon his own affidavit, and upon his own testimony, in ex parte proceedings, an injunction is granted. So when the able Senator talks about all the protections which would be made available under the system of injunctions which he recommends, and when he quotes rule 65, he should give special attention to section 2, which, of course, indicates that whenever any person comes into court and indicates that immediate damage might result to him, all the provisions and all the protections which are provided by rule 65, including the requirement for early notice, may be waived.

I believe it is appropriate to discuss at this point in my remarks the recent decision of the Supreme Court in the *Girard College* case (353 U. S. 230).

That case involved a trust fund established to provide funds for the operation of a college for poor, white, male orphans between the ages of 6 and 10 years. Because the will named the city of Philadelphia as trustee, and because since 1868 the college has been operated by the "Board of Directors of City Trusts of the City of Philadelphia," the Supreme Court held, when 2 Negroes applied for admission, that the board's refusal to admit them constituted a denial of "equal protection of the laws" under the 14th amendment. As some qualified legal commentators cogently pointed out, the legislative act creating this board varies only slightly from those generally used to endow groups such as corporations, labor unions, and redevelopment builders with other than common-law rights—See volume 104, Pennsylvania Law Review, page 549. Earlier, some courts, like the Court of Appeals of New York (299 N. Y., 512; 87 N. E. 2d 541 (1949); cert. denied, 339 U. S. 981 (1950)) had held that no State action was involved in the denial of tenancy to Negroes by a privately financed housing corporation which, pursuant to statute had bought at cost, property assembled for it by the city through the power of eminent domain, had closed off and acquired public streets, and had gained tax exemptions on the improvements for a 25-year period. In the light of the Girard College case, however, such situations may well be construed now to involve State action and any alleged conspiracy to discriminate against Negroes in a similar case may bring an application for injunctive relief for deprivation of the "equal protection of the laws." Some people have seen in this decision a possibility that a court may be compelled to hold that where a license is issued by the State that license makes the recipient an agent of the State and any denial of "equal protection of the laws" by that person in the operation of the business permitted by the license may subject him to suit for damages. If these extensions are made as an outgrowth of the decision in the Girard College case, private groups which have been granted a corporate charter by the State to operate a private club may be confronted with suits for violation of the equal protection of the laws if admission is denied to any person by reason of race, creed, or color. Bear in mind that the only requirement necessary to trigger such action within the purview of section 1985 with these new proposed amendments is a conspiracy. And a conspiracy, while it must involve two or more people, may be held to be established where persons work toward a common objective, even though each may not know that the other is working toward the same object—11 American Jurisprudence 38. In other words, it need not be shown that they conversed and discussed the details of the conspiracy if in the end it can be shown that there was a common design—*Picking* v. *Pa. R. Co.* (5 F. R. D. 76 (1946)).

Thus, the Attorney General, under the bill, may apply for injunctive relief against any chartered private club, religious group, or nationality group, on the ground that by its nature it denies admission to other persons because of their race, color, or creed. This is a logical conclusion of the powers now sought in the present part III of the bill, and such is the vast scope of a bill which is being considered by the Senate without ever having been submitted to the Senate Committee on the Judiciary.

There is tremendous possibility and temptation in this bill for interference by a single Federal officer, the Attorney General, in the affairs of State and local governments. The members of boards of education, compensation boards, city officials, housing authorities, even schoolteachers, would all live under the constant threat of abuse of such vast power which would be placed at the discretion of the Attorney General of the United States. These officials of State and local governments would draw no comfort from the fact that appropriate remedies now exist, for one of the amazing provisions of this bill is that the Attorney General may institute an action or apply for an injunction, and the Federal court shall have jurisdiction without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

Even in integration cases, this is a considerable departure from present law, for in the case of *Carson* v. *Board of Education of McDowell County* (227 Fed. 2d 789 (1955)) the Court of Appeals for the Fourth Circuit vacated and remanded an action against a county board of education for failure of the plaintiff to

exhaust State administrative remedies. Judge Parker wrote:

An administrative remedy is thus provided by State laws for persons who feel that they have not been assigned to the schools that they are entitled to attend; and it is well settled that the courts of the United States will not grant injunctive relief until administrative remedies have been exhausted (pp. 790–791).

Thus, the settled principles of law and equity as we have come to know them, such as the exhaustion of administrative remedies, are swept away by the provisions of this bill. Speaking as a lawyer, this is shocking in and of itself.

Furthermore, section 121 of part III confers upon the Attorney General unusual powers for which there is no comparable precedent in the annals of American jurisprudence to date. I refer to the proposed power which would authorize him to institute a civil cause of action involving a person or a group of persons whom he has no duty imposed on him by law to represent or advise, and whose consent need not even be first obtained. In fact, he would be empowered to force or impose himself upon a person against the will of that person and assume the right to act on his behalf and in his stead. He need not even first receive a request to act from such person. This is Government paternalism of the most rampant kind and offends every concept of American law and individual personal rights. Its only foundation must rest upon a concept of statism which is in full flower behind the Iron Curtain countries, where the state does not permit the exercise of free will to any human being because it denies the existence of the right of any individual to exercise his own free will.

Mr. President, it is important that I emphasize the singular fact that the provisions of part III of the bill empower the Attorney General to act with respect not only to voting rights, but to an undefined and unclassified group of civil rights, which even the Attorney General himself cannot define with certainty. This was disclosed during the course of hearings before the Senate Judiciary Committee on S. 83, a comparable bill. The Attorney General was pressed by the very able and distinguished Senator from North Carolina [Mr. ERVIN] to define and classify if he could what civil rights would fall within his power to enforce under a provision therein similar to part III of this bill.

Needless to say the Attorney General was unable to do so orally. He submitted a written list after ample time for research and study was allowed him. This list is found on pages 245–247 of the record of the hearings. The Attorney General in submitting the list qualified and hedged by stating, "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"—page 245 of the record of hearings on civil rights before the Senate Judiciary Committee.

Let us imagine, if we can, the sweeping breadth and scope of these so-called civil rights which the Attorney General himself states are merely illustrative and not all-inclusive. There is not the slightest doubt in my mind that the Attorney General, an ardent advocate of the proposed legislation in its original form, is designedly seeking a "blank check" from the Congress for unlimited power. Such a delegation of power is unthinkable, and reminds one of the remark made by Clarence Darrow, the well-known criminal attorney, when he stated before a House Judiciary Committee in 1900:

If you give men arbitrary power, the tendency is to enlarge from year to year and day to day.

The lodging of such unlimited power and permitting it to drift in the latitude of the judgment of any one man—be it the Attorney General or anyone else—is an invitation to rend asunder our democratic processes. It is an assault upon government by law and a substitution in place thereof of government at the whim of a single individual—the Attorney General. Granting the Attorney General such unlimited power would launch him on an uncharted sea which knows no bounds. There is little wonder then that the very able and distinguished Senator from North Carolina was moved to say the other day:

The bill undertakes to delegate authority to the Attorney General of the United States whoever he may be, authority which no good man ought to want and no bad man ought to have.

Upon what facts are we being asked to issue to the Attorney General such sweeping powers? Where is the basis or the necessity for such a radical departure from our basic concepts of American jurisprudence? It is, in fact, totally lacking, and I feel confident that the proponents must know that it is lacking. This is made apparent by virtue of part I of the bill, which would create a commission—a commission, mind you, Mr. President, which would possess more power than is now possessed by any Federal grand jury, for its jurisdiction would be nationwide; a roving grand jury, if you please—to collect facts. Facts for what? Facts to justify, if it can be done, the enactment of the very proposed legislation we are asked to pass upon now. In effect what we are being called upon to do is to "act in haste and repent at leisure."

Mr. President, the authority which would be given to the Attorney General under the provisions of section 121 of part III of the proposed legislation is so vague and ill defined that no lawyer can precisely state where it begins and where it would end. Who is to determine, for example, whether there are "reasonable grounds to believe" that a person is about to do anything in the absence of the commission of an act. The thought has occurred to me as to how the Attorney General, seated in the marble halls of a Constitution Avenue building, can penetrate the innermost thoughts of American citizens thoughout the length and breadth of this Nation and determine through some magic crystal ball whether they are about to engage in any actions or practices which would allow him to institute court proceedings against them. Yet I am expected to believe that the Attorney General possesses some mysterious powers of predetermination and can examine into the mental process of law-abiding citizens, enjoin them, and bring them before a court for trial because he believes they may intend to do something at some future date.

I do not pretend to be a great constitutional lawyer. Seated in this great deliberative body are men much more learned in the law. Yet I must state that, insofar as I am concerned, future behavior is never susceptible to present proof. No man can prove what another man might do tomorrow. To adopt section 121 of part III of the bill would make our Government no longer one of law, but a Government of caprice, whim, guess, and fancy, not even by many men, but by one—the man who happens to be Attorney General. I care not if that man is Herbert Brownell, Tom Clark, Homer Cummings, or Francis Biddle. I would give to no one of them this unbridled power to judge today what other men might do tomorrow.

Mr. President, there are many other highly objectionable features contained in the pending bill which I have not touched upon today, such as the denial of trial by jury, and the creation of a commission with broad sweeping powers tantamount to a roving grand jury, whose direction and course of action would be dominated by the Attorney General; a commission, which proposes to use volunteer investigators, who would not be subject to security investigation or check, but who would have access to every file, paper, or record in every department or agency of the Government which they would demand. I will have more to say about these features of the bill at a later date.

I say with all the sincerity and charity at my command: Let us not commit an injustice in the name of justice. Let us not sweep away civil rights in the name of protecting civil rights. Rather let us, like reasonable and responsible men, have the courage to say "No" as to section 121 of part III of the bill, and to give overwhelming support to the Anderson-Aiken-Case of South Dakota amendment.

Mr. JOHNSON of Texas. Mr. President, I commend my friend from Florida for one of the most able addresses I have heard delivered in the Chamber. I concur heartily in what he has said. I hope that his predictions about the outcome of the vote tomorrow on the Anderson-Aiken-Case of South Dakota proposal will be confirmed by the wisdom of this body.

Mr. SMATHERS. I thank the majority leader.

RECESS UNTIL 10 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate now stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 54 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Wednesday, July 24, 1957, at 10 o'clock a. m.

NOMINATION

Executive nomination received by the Senate July 23 (legislative day of July 8), 1957:

DEPARTMENT OF LABOR

John J. Gilhooley, of New York, to be an Assistant Secretary of Labor, vice Harrison C. Hobart, resigned.

WITHDRAWAL OF A TREATY

The following treaty withdrawn from the Senate July 23 (legislative day of July 8), 1957:

Executive H, 84th Congress, 1st session, the treaty of friendship, commerce, and navigation between the United States of America and the Republic of Haiti, signed at Port-au-Prince on March 3, 1955, and submitted to the Senate on June 22, 1955.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 23, 1957

The House met at 12 o'clock noon.

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

O Thou God of all goodness, as we turn our minds and hearts to Thee in prayer, may we experience the blessedness of fellowship with Thy spirit.

Make us more keenly aware of the priceless worth of character, the inevitable influence of conduct, the sacred obligation of duty, and the need of faith and courage.

Grant that we may stand in the noble succession of all who, in every generation, have given themselves sincerely and sacrificially for the freedom and welfare of mankind.

Show us how we may participate more effectively in persuading nations everywhere not to submit their disputes and disagreements to the dreadful arbitrament of war but to the high court of reason and righteousness.

Hear us in the name of the Prince of Peace. Amen.

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

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday this week may be dispensed with.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. Mr. Speaker, as I understand the situation on the bill pending before us, which is the unfinished business, the postal pay-raise bill, we are considering it under a rule, not from the Rules Committee but one that comes before us by reason of the discharge petition that was signed. My parliamentary inquiry is whether or not a motion to recommit with instructions to include either the Rees amendment or the Cederberg amendment would be in order under the rule under which we are presently operating?

The SPEAKER. The Chair would hold that that would be tantamount to amending an amendment that has already been passed. Everything after the enacting clause was stricken from the bill.

Mr. HALLECK. The only motion to recommit, then, that would be in order under the rules would be a straight motion to recommit?

The SPEAKER. The gentleman is correct.

THE LATE ELMER A. LEWIS

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, it is with deep regret that I announced to the House the death of Elmer A. Lewis, for many years Superintendent of the Document Room and one of the most important and esteemed employees of all time of the Congress.

After his service in World War I, covering a period of over 2 years in the United States Navy, Elmer A. Lewis started his service at the Capitol on September 16, 1919, as Assistant Superintendent of the House Document Room. On July 1, 1926, he was promoted to the responsible position of Superintendent of the Document Room, a position of great trust to the Members. He served in that capacity until his death, which occurred yesterday, July 22.

Elmer Lewis loved the Congress of the United States. It was his life's work. I can say with confidence that every Member, as well as members of their staffs, who served in Congress during his long and brilliant and honorable, as well as trustworthy, service knew Elmer Lewis and deeply respected him. He had a photographic mind. He knew every bill and its contents introduced by Members. Every detail of bills filed, committee reports, recommendations of the President, and department and agency heads, was known by him—at his fingertips, so to speak.

His ability was outstanding. His devotion and loyalty to duty, to the Congress and its Members, will always be a monument to his memory.

His personality was a magnet that quickly drew others to him. Members came and Members went, but Elmer Lewis was an accepted and recognized institution within the Congress itself.

In the death of Elmer Lewis I have lost a close and valued friend. I profoundly respected him. I valued deeply his friendship.

The passing of Elmer Lewis takes from our midst a valued and trusted associate; it takes from our midst a real friend.

In the great loss that Mrs. Lewis has sustained, knowledge on her part of the honorable and trustworthy manner in which Elmer so faithfully and brilliantly for years performed his responsible duties, the deep respect and strong friendship entertained for him by the many hundreds who served in Congress, as well as by their staffs, and all other employees of both branches of the Congress, will bring consolation to Mrs. Lewis in her sorrow.

To Mrs. Lewis and the brothers of our late friend I extend my deep sympathy in their great loss and sorrow.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Missouri.

Mr. CANNON. Mr. Speaker, I have no regrets for E. A. Lewis. There were no regrets in his life. His life was filled with success and achievement and loyal service.

His service touched intimately the lives and the activities of 10,000 Congressmen and Senators. And his associations with them were a long succession of rare friendships.

The House document room is necessarily one of the information centers of the Capitol and the Congress. There he and his staff came in almost daily contact with the office of practically every Member of the House and the Senate. They serve the colleges, the universities, the foundations, the libraries, the metropolitan press, the information centers of the Nation and the world.

There are few places in which a man can render greater service than in that distinguished and important position, and E. A. Lewis rendered that service with remarkable efficiency and fidelity. He had an analytical mind. He saw, inheriting the obsolete system of past generations, the many defects of that long outmoded office. He completely reorganized it. He modernized it and made it as it is today, one of the most efficient of the many efficient activities of the Congress.

He married Miss Mary Lois Howell of my hometown and their marriage and their years together were among the finest phases of his useful and busy life. I am certain I express the sentiment of every Member of the House when I say that we extend to her our deepest sympathy.

There are no regrets. No backward look. A full life rich in its rewards. A sense of duty well performed—and now completed.

Mr. MORANO. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Connecticut.

Mr. MORANO. Mr. Speaker, Mr. Elmer Lewis was a personal friend of mine of long standing. I grieve his passing. As the gentleman from Missouri [Mr. CANNON] has said, he was a walking encyclopedia. He reorganized the Document Room. He made it an efficient, working organization. One had only to call and in 2 minutes would receive information that otherwise might have required hours to get, if not days. He was an able hard-working public servant of great honesty and integrity. He performed his duties without regard to public acclaim, deriving satisfaction from the knowledge he was always putting forth his best effort. He was a grand fellow.

I extend my profound sympathy to his widow and the other members of his family.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the distinguished Speaker.

Mr. RAYBURN. Mr. Speaker, in the passing of Elmer Lewis, the House has lost one of its most faithful and efficient helpers. His character, his pleasing personality appealed to everyone, and all who knew him were his friends. We will miss him much. To his wife and other loved ones I express my deepest sympathy.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PRICE. Mr. Speaker, the news of the death of Elmer Lewis just given to the House by the distinguished majority leader, Mr. McCORMACK, comes as a shock to me.

Mr. Lewis has served the House of Representatives, as Mr. McCORMACK stated, since 1919. His long years on Capitol Hill were marked by loyal and able service to the Members of this body. Even before I came to Washington as a secretary on March 4, 1933, Elmer Lewis was superintendent of the Document Room. His genius in this capacity is well known to all of us.

I recall that when I was selected by the late Honorable Edwin M. Schaefer as his secretary, a former boss of mine, Mr. W. Ray Loomis, editor of the East St. Louis, Ill., Journal, gave me a bit of good advice as I headed for Washington, and that was "Be sure to contact Elmer Lewis."

I followed that advice on my first day on my new job. Elmer Lewis and I became close friends. He was most helpful to me in my early days as a Congressional secretary, just as he has been helpful to hundreds of others over the long years in charge of the House Document Room.

To Mrs. Lewis I extend my deepest and most sincere sympathy.

Mr. CANFIELD. Mr. Speaker, Elmer Lewis is no longer with us. It is difficult to believe for he was such an important part of our House operation. Every Member of Congress and his office staff will feel this loss.

I first met Elmer when I came to Capitol Hill as a young Congressional secretary 33 years ago last January. I immediately saw in him a gentleman of high character and deep dedication. He was determined that the House Document Room, in his charge, had to be the last word in efficiency and so it was.

Elmer has been described here today as a living encyclopedia and that is just what he was. Member and secretaries might be hazy about the numbers and contents of some bills but never Elmer. And the real secret of his amazing success was that he liked the people he served both in and out of Congress and he played no favorites.

Somehow, I associate Elmer Lewis with the late William Tyler Page, famed author of The American's Creed, who worked on Capitol Hill for 61 years. Each exalted the other in service and each lived the creed.

I have been grieved no end to hear the announcement of the passing of one who went out of his way to serve me and mine. My heart goes out to his lovely and loyal wife Lois and his true and stalwart brother Ted.

Mr. VAN ZANDT. Mr. Speaker, the announcement of the death of Elmer Lewis, superintendent of the House of Representatives Document Room, is a source of profound sorrow, and I tender sincere expressions of deepest sympathy to his loving wife Mary Lois Howell Lewis and his two surviving brothers.

It was my good fortune to have the opportunity of meeting Elmer Lewis when I came to Washington in the early 1930's as commander in chief of the Veterans of Foreign Wars of the United States and as a traffic representative of the Pennsylvania Railroad. We became close friends over the years, and when I was elected to Congress in 1938, my legislative training as a freshman in the House of Representatives was greatly enhanced by being able to rely upon Elmer, whom I found to be a veritable fountain of wisdom in identifying legislative measures with uncanny ability and lightning speed. His prodigious memory enabled him to trace a legislative measure through various Congresses—a feat that earned him the admiration of Members of Congress over a span of 38 years—the period of his association with the House Document Room.

As a fitting tribute to Elmer Lewis' ability, efficiency, and worthiness as an employee of the House of Representatives, his appointment as superintendent of the House Document Room was made permanent, in 1933—through legislation—thus removing the length of his tenure of office from the realm of political preferment, which depends upon the whims of partisan politics.

For nearly two score years Elmer Lewis enjoyed the respect and admiration of Members of Congress regardless of their political affiliation, because he was an ideal Congressional employee, dedicated to performing the duties of his position with efficiency and thoroughness which enabled him to compile an enviable record of loyalty and service.

Mr. Speaker, I join my colleagues in this and past Congresses in expressing profound sorrow as we mourn the death of Elmer Lewis.

Mr. MILLER of Maryland. Mr. Speaker, all of us who knew him are saddened by the death of the late superintendent of the House Document Room, Elmer Lewis. The thoughts of many are expressed in a tribute written by my constituent and recent page, Robert Bauman, which follows:

THE PASSING OF A FRIEND—ELMER LEWIS

(By Robert Bauman)

Whenever a well-known personage dies many people are sorrowed by his death, but each day many people pass away whose names never make the front pages. In their own way they may have been as great or greater, but their work did not perhaps lead them into the daily limelight. Such a man was Elmer Lewis.

To a new page in the 83d Congress, Mr. Lewis appeared as a man who was not to be trifled with, sitting behind his familiar roll-top desk, distinguished by his iron-gray hair and his serious mien. He seemed to be a man who knew his business and truly he was. For over a generation he ran the House Document Room, revamped its antiquated bill system, organized and streamlined it into a smooth-running part of the legislative machinery. Much can and will be said about the work he did as superintendent, but he had another and more personal side that he often displayed.

He was warm and human underneath his stern dignity. He was not too busy to engage a young page in political discussion about his own Wisconsin or the page's native State. He greeted you with a reserved but friendly "Good morning" amidst ringing phones and buzzing activity. He always knew the answers to innumerable questions, or at least where to find the answer.

In recent months he had been ill and many were the people who inquired at the Document Room as to his health. The boys in the Document Room chipped in and bought him a TV set to occupy his hours. It was taken for granted that he would soon be well enough to return to the job which he had served for 37 years. But that was not to be. On last Monday afternoon he passed away in his 61st year, a victim of cancer.

Many friends will mourn his passing and remember him kindly for years to come. Life here at the Capitol goes on as usual, but Elmer Lewis has left his mark on the job he filled so capably and on the many of his friends. We are perhaps all better for having known him, even if but for a short time. May he rest in peace.

Mr. GATHINGS. Mr. Speaker, on arriving in Washington for the first time as a fledgling Member of the House, one of the first recollections I had was that of a visit to the House Document Room where I met Elmer Lewis. He was cheerful then, as he has consistently been since that time, whenever any occasion arose to ask his assistance—which was frequently.

It was a genuine pleasure to have known and to associate with Elmer Lewis. He was not just another House official. He was zealously attentive to his duties. He rendered superb services to this House and its Members for more than a quarter of a century. He was not just efficient—he excelled. He mastered his job from the very beginning. He had a memory that indelibly impressed on his mind the passage of an act or the issuance of any official report. If favorable action was taken on a proposal, Elmer Lewis knew it, recalled it instantly, and could locate the document with dispatch. For the many years I dealt with him, not once did I ask for information with respect to legislation that I failed to obtain. He enjoyed his work; he made friends readily. His life and services are exemplary to all of those with whom he worked and served. He was a real—a true public servant.

I was saddened at the news of the passing of Elmer Lewis. He leaves a place in our hearts and minds that is difficult to fill. To his loved ones I would like to convey my deepest sympathy.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, FISCAL YEAR 1958

Mr. MAHON submitted a conference report and statement on the bill (H. R.

7665) making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes.

COMMITTEE ON THE JUDICIARY

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight to file reports.

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

There was no objection.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from Kentucky [Mr. SPENCE], I ask unanimous consent that the Committee on Banking and Currency may sit during general debate while the House is in session today.

Mr. VANIK. I object, Mr. Speaker.

POSTAL PAY INCREASE

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

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

There was no objection.

Mr. McDONOUGH. Mr. Speaker, I rise in support of H. R. 2474 as submitted to the House by the Post Office and Civil Service Committee which will provide for an increase in postal pay amounting to $546, and in opposition to the Reece amendment which provides only a 5-percent increase and the Cederberg amendment, which provides for 7½-percent increase.

It is my opinion that the committee amendment to the original H. R. 2474 should be adopted. I signed the discharge petition to bring H. R. 2474 to the House for action, believing that due to the increased cost of living the postal employees were entitled to an increase in pay. Since the committee has amended the original bill to provide for $546, I am prepared to vote in favor of the committee's recommendation, which I feel confident will be approved by the President, and if it should not be, I will vote to override a veto, if that should occur.

I believe that the United States postal service gives to the people of this Nation one of the most important services which the Government provides, and the American people as a whole depend upon the postal service and want that service maintained at peak efficiency.

However, it is becoming increasingly difficult to keep up the high efficiency standard of the postal service when the ever-increasing cost of living and low pay standard of the service is causing many experienced postal employees to seek employment in private industry, where pay rates are higher. At the same time it is almost impossible to attract new recruits to the service when the pay rate is much lower than in other fields.

An examination of the scale of pay raises granted to postal employees in recent years as compared to the increased costs of living show that the postal employees have not received an adequate pay increase to allow them to maintain an adequate living standard to which they are certainly entitled.

It was established during previous hearings by the Post Office and Civil Service Committee that it would take at least a 21-percent pay increase to restore the 1939 purchasing power to all Government employees, including employees of the postal service. However, in 1951 a mere 8-percent increase was granted which left Government employees with 13 percent less purchasing power than they received in 1939.

Since the pay increase in 1951, the cost of living has risen steadily, and while there was some increase in the rate of pay for postal employees in 1955, it still did not bring the postal pay into line with the pay scale in private industry, nor did it restore the purchasing power which they received in 1939.

America needs prompt, efficient and accurate mail service. It is vital to our national economy, and without it, the efficient conduct of the Nation's business would be impossible. The United States postal service is used by everyone, and the benefits received by all of us from its use, both for personal and commercial purposes, are enormous in comparison with the small cost for its use.

The welfare and working conditions of the postal employees depends entirely upon laws enacted by the Congress, and it is the continuing and immediate business of the Congress to keep the postal pay scale on a par with comparable pay for industrial employees and in line with the present cost of living.

The employees of the postal service have contributed faithful and loyal service to the people of the Nation, they have carried full responsibility for the safe delivery of the mail regardless of the difficulties that might be encountered in the pursuit of their duty, and they have maintained efficient service in spite of inadequate compensation, increased work loads resulting from ever-increasing population in many sections of the country, and the loss of a percentage of trained postal personnel forced to seek other employment where pay is higher.

I believe that we must increase the rate of pay for postal employees now to maintain the efficiency of the postal service and to provide a salary for postal employees which will permit them to support their families and to maintain a reasonable standard of living.

I, therefore, sincerely urge the Members of the House to vote in favor of the committee's recommendation of H. R. 2474 which will increase the pay of postal employees by $546.

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I regret I cannot support the untimely increase, postal pay increase, legislation that was debated in the House yesterday.

That does not mean I am opposed to postal-pay legislation. It means I do not support this bill. I am in favor of proper pay for the loyal postal employees of this country. In fact, the largest increases ever granted by this Congress were sponsored by me as chairman, and the present chairman, who was then ranking minority member of the committee.

I want to be realistic. I do not believe the amended bill providing for $546 lump-sum increase will be enacted into law. I do not want our postal employees to be disillusioned or disappointed. Am only expressing my personal opinion.

I offered a proposal that I felt had a chance of being enacted into law at this session. It provided for increases on a percentage basis. It also provided for increases in starting grades for more than 300,000 clerks and carriers. I thought, and still believe, my proposal would care for the situation for the present. I still believe postal employees would rather have increases on a percentage basis, and should be sufficient to take care of increased cost of living. There is no need of distorting the present pay scale in making such adjustments.

POSTAL EMPLOYEES PAY RAISE

The SPEAKER. The unfinished business is the passage of the bill (H. R. 2474) to increase the rates of basic compensation of officers and employees in the field service of the Post Office Department.

The question is on the passage of the bill.

Mr. MORRISON. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 379, nays 38, not voting 15, as follows:

[Roll No. 151]

YEAS—379

Abbitt	Boggs	Coffin
Adair	Boland	Collier
Addonizio	Bolling	Cooley
Albert	Bolton	Cooper
Alexander	Bonner	Corbett
Allen, Calif.	Bosch	Coudert
Allen, Ill.	Bow	Cramer
Andersen, H. Carl	Boyle	Cretella
Anderson, Mont.	Bray	Cunningham, Iowa
Andresen, August H.	Breeding	Cunningham, Nebr.
Andrews	Brooks, La.	Curtin
Ashley	Brooks, Tex.	Curtis, Mass.
Ashmore	Broomfield	Curtis, Mo.
Aspinall	Brown, Ga.	Dague
Auchincloss	Brown, Mo.	Davis, Ga.
Ayres	Brown, Ohio	Davis, Tenn.
Bailey	Brownson	Dawson, Ill.
Baker	Broyhill	Dawson, Utah
Baldwin	Buckley	Delaney
Barden	Burdick	Dellay
Baring	Burleson	Dempsey
Barrett	Byrd	Dennison
Bass, N. H.	Byrne, Ill.	Denton
Bass, Tenn.	Byrne, Pa.	Derounian
Baumhart	Canfield	Devereux
Becker	Cannon	Diggs
Beckworth	Carnahan	Dingell
Belcher	Carrigg	Dixon
Bennett, Fla.	Celler	Dollinger
Bennett, Mich.	Chamberlain	Donohue
Bentley	Chelf	Dooley
Berry	Chenoweth	Dorn, N. Y.
Betts	Chiperfield	Dorn, S. C.
Blatnik	Christopher	Dowdy
Blitch	Chudoff	Doyle
	Church	Durham
	Clark	
	Coad	

Dwyer
Eberharter
Edmondson
Elliott
Engle
Evins
Fallon
Farbstein
Fascell
Feighan
Fenton
Fino
Fisher
Flood
Flynt
Fogarty
Forand
Forrester
Fountain
Frazier
Frelinghuysen.
Friedel
Fulton
Garmatz
Gary
Gathings
Gavin
Gordon
Granahan
Grant
Gray
Green, Oreg.
Green, Pa.
Gregory
Griffin
Griffiths
Gross
Gubser
Gwinn
Hagen
Hale
Haley
Harden
Hardy
Harris
Harrison, Va.
Harvey
Haskell
Hays, Ark.
Hays, Ohio
Healey
Hébert
Hemphill
Henderson
Herlong
Hess
Hiestand
Hill
Hoeven
Holifield
Holland
Holmes
Holt
Horan
Hosmer
Huddleston
Hull
Hyde
Ikard
Jackson
James
Jarman
Jenkins
Jennings
Jensen
Johansen
Johnson
Jones, Ala.
Judd
Karsten
Kean
Kearney
Kearns
Keating
Kee
Keeney
Kelley, Pa.
Kelly, N. Y.
Keogh
Kilday
Kilgore
King
Kirwan
Kitchin
Kluczynski
Knutson
Krueger
Landrum
Lane
Lanham
Lankford
Latham
LeCompte
Lennon
Lesinski
Lipscomb
Long
Loser
McCarthy
McConnell
McCormack
McCulloch
McDonough
McFall
McGovern
McGregor
McIntire
McIntosh
McMillan
McVey
Macdonald
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magnuson
Mahon
Marshall
Matthews
May
Meader
Merrow
Metcalf
Michel
Miller, Calif.
Miller, Md.
Miller, N. Y.
Minshall
Montoya
Moore
Morano
Morgan
Morris
Morrison
Moss
Moulder
Multer
Natcher
Neal
Nicholson
Nimtz
Norblad
O'Brien, Ill.
O'Brien, N. Y.
O'Hara, Ill.
O'Hara, Minn.
O'Konski
O'Neill
Osmers
Ostertag
Passman
Patman
Patterson
Pelly
Perkins
Pfost
Philbin
Pilcher
Pillion
Poage
Polk
Porter
Preston
Price
Prouty
Rabaut
Radwan
Rains
Ray
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers
Roberts
Robeson, Va.
Robsion, Ky.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Mass.
Rogers, Tex.
Rooney
Roosevelt
Rutherford
Sadlak
Santangelo
St. George
Saund
Saylor
Schenck
Scherer
Schwengel
Scott, N. C.
Scott, Pa.
Scrivner
Scudder
Seely-Brown
Selden
Sheehan
Shelley
Sheppard
Shuford
Sieminski
Sikes
Siler
Simpson, Ill.
Sisk
Smith, Calif.
Smith, Miss.
Smith, Wis.
Spence
Springer
Staggers
Stauffer
Steed
Sullivan
Talle
Taylor
Teague, Calif.
Teague, Tex.
Tewes
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wyo.
Thornberry
Tollefson
Trimble
Udall
Ullman
Utt
Vanik
Van Pelt
Van Zandt
Vinson
Vorys
Walter
Watts
Westland
Wharton
Whitener
Whitten
Wier
Wigglesworth
Williams, Miss.
Williams, N. Y.
Willis
Wilson, Calif.
Wilson, Ind.
Winstead
Withrow
Wolverton
Wright
Yates
Young
Younger
Zablocki
Zelenko

NAYS—38

Abernethy
Alger
Arends
Bates
Budge
Byrnes, Wis.
Cederberg
Clevenger
Cole
Colmer
Dies
Ford
Halleck
Harrison, Nebr.
Heselton
Hoffman
Jonas
Jones, Mo.
Kilburn
Martin
Mason
Miller, Nebr.
Mills
Mumma
Murray
Norrell
Poff
Reece, Tenn.
Reed
Rees, Kans.
Simpson, Pa.
Smith, Kans.
Smith, Va.
Taber
Tuck
Vursell
Wainwright
Weaver

NOT VOTING—15

Anfuso
Avery
Beamer
Boykin
Bush
George
Hillings
Holtzman
Knox
Laird
Mailliard
Powell
Teller
Thompson, N. J.
Widnall

So the bill was passed.

The Clerk announced the following pairs:

Mr. Anfuso with Mr. Avery.
Mr. Holtzman with Mr. Hillings.
Mr. Boykin with Mr. Knox.
Mr. Thompson of New Jersey with Mr. Mailliard.
Mr. Teller with Mr. Widnall.
Mr. Powell with Mr. Bush.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to increase the rates of basic salary of employees in the postal field service."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MORRISON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALGER. Mr. Speaker, I believe the postal workers should have a pay increase at this time, the guideline being mainly a cost-of-living adjustment. I voted for a 5-percent, even the 7½-percent increase, although the cost-of-living increase is estimated to be 4.6 percent. As I see it, any pay increase must be a percentage of present pay—not a flat fee which is self-defeating since, for example, it gives the janitor a larger increase than anyone else—19 percent as compared to 13 percent for clerks in third-class post offices. The existing pay levels and steps are based on specific duties and skills, and salary should be, whenever possible, on an incentive basis, a reward for those skills and thus a stimulus to greater productivity job by job. Therefore, the flat increase of $546 is wrong in principle and will breed unrest and discontent among workers since it recognizes not their particular duties. A responsible national representative of the people, as I see it, must not vote for just any increase when an increase is justified, but one based on the right principles.

Further, I voted for an escalator clause to provide automatic readjustment every several months increasing postal pay along with cost of living. Only a handful of us extended this advantage to postal workers, which seems fair and right to me. Also, it will relieve the postal workers from having to pay for and the Congressman being subjected to the unceasing lobbying by the paid postal organizers with their large salaries and expense accounts.

I disapprove the discharge petition method of bringing legislation before the House and the hasty, almost careless, and very political manner in which this pay increase was brought before us. Further, I suspect the very pressure exerted for this particular pay increase will result now in no increase since the President is obliged to weigh the inflationary character of an additional $325 million cost at this time. A 5-percent increase most certainly would be approved, possibly even a 7½-percent, but most certainly I feel the 12-percent flat increase will be disapproved and so there will be no pay increase at all.

The blame then for not securing a pay increase would rest squarely on those postal union leaders who forced, through the discharge petition, a most irregular procedure. Only once, since 1932, has any piece of legislation so presented become law. Both the House Committee and the Rules Committee were bypassed. In fact, the petition bill is not even the bill here considered, but rather an irresponsible $1,500 per person across-the-board pay increase which would have cost the Government an additional $1 billion payout per year at a time when the Government is in the red $1½ million per day in postal operation.

Mr. JONAS. Mr. Speaker, it is most unfortunate that we could not have had record votes on the substitutes offered by the gentlewoman from New York [Mrs. ST. GEORGE] and the gentleman from Michigan [Mr. CEDERBERG]. I think either of their proposals has a much better chance of becoming law than the bill we passed today.

Unfortunately, those of us who favored the Cederberg or St. George substitute, have no way of disclosing to the postal workers of our country our interest in their problems and our desire to vote for a pay increase, because the decisions on both substitutes were made in the Committee of the Whole without record votes.

I have been struggling with my own conscience ever since the debate began, trying to determine the wise course to follow. I did not finally decide to vote against the bill until the Clerk started calling the roll. While of course I may be wrong about it, my judgment is that the bill we passed today will not become law and I very much fear that the session will close without any pay increase being granted unless the proponents change their minds and agree to a compromise along the lines of the Cederberg or St. George substitutes.

I have repeatedly said to the postal employees who have urged me to vote for increased pay legislation, that we cannot consider postal employees alone. If we vote an increase in pay for postal employees, we are duty bound to vote an increase for the more than a million other civilian employees of the Government. If we vote increases in pay for the civilian employees, how could we refuse an increase in pay for our boys in uniform? I do not believe we can separate this problem and grant an increase to one group and deny increases to the others. So the problem we must consider does not just involve the $317 million annually which this postal pay increase bill would cost, but it involves $2 billion or $3 billion annually in increased payroll costs. Members of Congress must ask themselves where the money will be found to take care of such a substantial increase in Government expenditures.

Surely it will not be contended that a return to deficit financing which would be involved in an increase of several billion dollars a year in Government spending, will contribute anything to the effort to reverse inflationary trends. On the contrary, I think all will admit that such action will materially accelerate the inflationary spiral and will have the ultimate effect of driving the cost of living still higher than it is today.

I think those who have refused to compromise upon a bill that has a fair chance of becoming law are being unrealistic. It seems to me that it would be far better for the postal employees to accept the proposal advanced by Mr. CEDERBERG or the proposal advanced by Mrs. ST GEORGE, and thereby be reasonably assured of receiving an increase right away, than to run the very serious risk of not getting any increase at all this year.

A lot of very complimentary things have been said on the floor during the course of this debate concerning the postal workers of our country. I am happy to associate myself with those remarks. I have many close and personal friends among postal employees and freely acknowledge their need for an increase in pay. But the postal workers cannot translate compliments into money and all of the words spoken here in their behalf will not put an extra dime in their paychecks. If I were a postal worker, I would rather see my Representative support and vote for a pay increase bill that has a fair chance of becoming law than have him spend so much time telling me what a deserving person I am and then expend all of his effort on a bill which has only a very outside chance of becoming law.

For all these reasons, I am announcing that I favored and on a rollcall would have voted for either the Cederberg or the St. George substitutes. The only way left to indicate my belief that the proponents of the Morrison bill have made a serious mistake in refusing to accept a reasonable compromise, and therefore unwittingly have worked against the best interest of the postal workers, is to vote against the bill.

Mr. DOOLEY. Mr. Speaker, I stand firmly for the passage of H. R. 2474 because I believe it is a step in the right direction. To my mind, the amount is insufficient to meet the needs of the postal employees but it is better than no increase at all.

The postal workers are the representatives of our Government. They deserve to be treated as regular employees who have the best interests of their country at heart. They perform an arduous multitude of tasks daily and the monetary reward should be sufficient to meet the requirements of this inflated period and enable them to live without resorting to duplicate employment and borrowing.

The average postal employee, be he clerk or carrier, is proud of his job but he is disheartened because of the apathy of his employer, the United States Government, to give him his due. The lag in equitable pay for post office employees is regrettable. This bill will offset some of the deficiency. Despite my succession of votes for cuts in the budget, I fully believe that I am justified in supporting this measure.

Mr. BAUMHART. Mr. Speaker, under leave to extend my remarks, I welcome this opportunity to comment on H. R. 2474, the long-overdue postal pay raise bill which we have just overwhelmingly passed by a bipartisan vote of 379 to 38.

I am certain that, in retrospect, we will find no reason to doubt the wisdom of our balloting today, for we have approved legislation designed to cushion 500,000 civil servants against continued advances in the cost of living, with an across-the-board annual raise of $546 per employee.

Many of us had hoped that this remedial legislation would advance to the floor through conventional channels. Our committee system can be relied upon, in most instances, to bring to our chamber bills like this which have strong public sentiment behind them and deserve to be debated fully. We were urged two months ago to sign a discharge petition to force a pay raise bill out of our House Committee on Post Office and Civil Service. But, like many of my colleagues, I refrained from such a step because I felt that we owed it to our colleagues on that important committee to give them adequate time to consider and report out a sound bill. Only when it appeared that continued forbearance would play into the hands of opponents of this much-needed legislation, did I add my name to the discharge petition.

We heard many well-motivated objections to H. R. 2474 in our debate, but they were found to hold little weight when compared with the overriding merits of the postal worker's case. We realized that we could not expect to provide full wage parity for the postal worker; he had been overlooked too often in the past for us to give him his full due. Instead we have come up with a blanket increase which will serve to ease the pinch of inflation on the postal employee and his family, without adding an irresponsible amount to the 1958 budget.

To those who criticize our actions as being inflationary, we can justifiably point out that civil employees should not be singled out to hold the line against inflation while other segments of the population demand and receive protection against the cost-of-living spiral. We can also refer our critics to many areas of the 1958 budget request which we have been able to trim of fat and waste, in amounts far greater than the cost of this pay raise. Then, too, we can reasonably expect a pay raise will effect tangible reductions in costly personnel turnover, and will substantially improve employee morale and efficiency.

Our postal establishment has made great strides in meeting the service needs of 48 million homeowners. Increased productivity has enabled the Post Office Department to provide the finest service in the world with fewer employees than it had 5 years ago, despite unprecedented increases in mail volume to be handled and households to be served. This record has been compiled by our postal employees even in the face of inflationary pressures which have forced many of them, their wives and their children, to take part-time jobs in a vain effort to make ends meet.

The $546 pay increase voted today will not solve the problems of these families, but will bring some measure of relief. At the same time it will free many postal workers of financial anxieties which unconsciously keep them from achieving optimum efficiency.

Much remains to be done, however, if we are to pay more than lipservice to the need for a constantly improving postal establishment. Action should have been taken long ago to revise our postal rates upward from their unrealistic levels. Postal careers should be made more attractive to qualified people through revision of our pay levels in a way that more closely relates salary to efficiency and responsibility. As confident as we are that we have done the right thing in voting for this pay raise, we should now finish the rest of the job.

FIGURES AND FLUORIDES

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD and to include a magazine article.

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

There was no objection.

Mr. FOGARTY. Mr. Speaker, Dr. Louis I. Dublin, world renowned statistician on health and disease has made another valuable contribution to the cause of public health. I wish to commend Dr. Dublin for his painstaking statistical research, for his critical evaluation of the fluoridation controversy, and for his excellent presentation of the facts about fluoridation as a public health measure in a new booklet, "Fluoridation Facts, Not Myths."

Of all chronic diseases, tooth decay is the most universal afflicting 95 percent of our people and every year costs hundreds of millions of dollars. Two-thirds of the cavities in the teeth of our children are neglected and the average person will have lost half his teeth by the age of 40. Fluoridation is presently the most practical, effective, safe and economical method of controlling the ravages of dental caries. Dr. Dublin has concluded that the case for fluoridation is absolutely solid, and he has done a public service for the people of this country.

The American dental profession again should be congratulated for its pioneering efforts in the discovery of this public health measure, for its leadership in getting fluoridation adopted, and for its carefully documented studies which made Dr. Dublin's analysis possible.

The July 22 issue of Time magazine carries a review of Dr. Dublin's booklet. Time's article is a fine example of the way the American press can bring to the attention of the American people the true facts about public health measures.

FIGURES AND FLUORIDES

Citizens who want to get their teeth into solid facts on effects of water fluoridation had their answer last week in a 28-page pamphlet by a statistician who has at his

fingertips more figures on health and disease, life and death, than any man living—Louis Israel Dublin.

Dr. Dublin's conclusion: The case for fluoridation is watertight.

It was one of the most authoritative blows yet struck for the pro-fluoride side on the passionate United States-wide controversy over doctoring public drinking water. For half a century Lithuanian-born Dr. Dublin, 74, has been translating statistics into weapons for the war against disease. From 1909 to 1952, as head of the Metropolitan Life Insurance Co.'s statistical branch, he amassed data from the health records of 30 million policyholders.

FROM CONTROL TO PLANS

Statistician Dublin's punch-card tabulators accurately foresaw, 20 years in advance, the great United States decline in the incidence of TB. He was among the first to focus attention on the growing menace of diabetes and the role of obesity in shortening life; and he sometimes spotted epidemics-in-the-making in faraway cities before local health officers did. A stocky, peppery father of four, he cried alarm in the 30's over the declining United States' birthrate, persuaded birth-control proponents to change their pitch to planned parenthood, and was delighted when the post-World War II baby boom invalidated his forecast that the United States would become a Nation of oldsters.

Now retired from Metropolitan but still working hard, Dr. Dublin dug into the fluoridation controversy, spent a year in statistical research. In his report (Water Fluoridation: Facts Not Myths, published by Manhattan's Public Affairs Committee), he likens the opposition to fluoridation to the bombing of Cotton Mather's house in 1721 because Mather urged vaccination against smallpox and the early 20th century fanaticism that drove public health workers out of some towns for advocating chlorination of water.

Statistician Dublin's most sweeping statistic: "Next to the common cold, tooth decay is probably the most universal disease suffered by mankind." His most precise: Men and women aged 40 to 44 who have spent their lives in areas with naturally fluoridated water average only three missing teeth; those in non-fluoride communities average 14. Tooth decay has declined 54 percent to 60 percent among youngsters in city after city where fluoridation has been practiced for about 10 years.

BY THE BATHTUBFUL

Are fluorides poisonous? Yes, says Dr. Dublin—in the same way as common salt oxygen and water, which "can kill you if you get too much of them." But he adds: "To absorb a lethal amount of fluoridated water would require drinking 50 bathtubfuls at a sitting * * * To produce even the mildest symptoms of fluoride poisoning would require that the victim swallow two-and-a-half bathtubfuls * * * during a single day."

Dr. Dublin's smallest statistic is his most impressive. Searching for cases where any harm to health, even among the aged and ailing, is attributable to fluorides, he found not one.

SCHOOL CONSTRUCTION ASSISTANCE ACT OF 1957

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 358 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1) to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Education and Labor now in the bill and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and at this time yield myself such time as I may consume.

Mr. Speaker, House Resolution 358 provides for the consideration of H. R. 1, the Federal school-construction bill. The resolution grants an open rule, waives points of order and makes it in order to consider the committee substitute as an original bill for purposes of amendment. Four hours of general debate are provided.

The bill authorizes three methods of Federal assistance to State and local communities for school construction:

Title I provides payments to State educational agencies for assistance on a grant basis to local school districts. The Federal Government will pay 50 percent of the total costs of constructing all of the projects receiving Federal assistance within a State. An annual appropriation of $300 million for 5 consecutive years, beginning July 1957, is authorized. One-half of the funds appropriated are to be allotted among the States on the basis of school-age population between the ages of 5 and 17. The remaining one-half are to be allotted to the States on the basis of relative State income per child of school age and school-age population.

The second method, title II provides that the Commissioner of Education may purchase bonds issued by school districts which are capable of financing their own school construction, but cannot obtain financing from ordinary sources on reasonable terms. The obligations purchased will bear interest at the current rate for long-term Federal obligations, plus one-half of 1 percent. Appropriations aggregating $750 million would be authorized for the 5 fiscal years ending June 30, 1962.

The third method outlined in title III enables the Federal Government to assist States to issue and market obligations to finance the construction of public elementary and secondary school facilities. The Federal Government will share equally with the State in the cost of establishing and maintaining a reserve fund equal to 1 year's payment of principal and interest on the bonds issued by such agencies. Appropriations are authorized for 5 fiscal years not to exceed an aggregate of $150 million in order to provide the initial Federal advances to the basic reserve funds of State school financing agencies. To maintain the full Federal share of the basic reserve fund, the Commissioner of Education is authorized to issue obligations to be purchased by the Secretary of the Treasury with the total amount to be outstanding at any one time limited to $10 million. This legislation terminates at the end of 5 years.

SCHOOL CRISIS IN CONGESTED AREAS

It is estimated 2½ million children are enrolled in our schools in excess of normal capacity.

In a survey made by the Gallup poll in February of this year, it was revealed that 76 percent of the public favor Federal construction aid and 19 percent oppose. A subcommittee of the Labor and Education Committee conducted a series of hearings and investigations in critical areas over the country and their findings reveal startling negligence on the part of our Government in not taking steps to aid communities which are not able to handle the influx and pupil increase in their localities. Any local school community which qualifies with its State educational department can take advantage of this Federal construction aid.

The various State educational departments must determine if the local school community has exhausted all resources and has made every effort to finance its proposed construction.

The school construction crisis exists in certain pocket areas located in or close to expanding metropolitan cities. The Calumet industrial area adjoining Chicago on the south shore of Lake Michigan is one of those critical areas.

GARY, IND.

Gary, Ind., had a population of 110,000 in 1941. In 17 years it has almost doubled. Each year since World War II, the city has bonded and taxed itself to the hilt in order to relieve the school crisis.

Last week I wired for an official school report on the school crisis in this great industrial center. I hold in my hand the result of a survey made by Dr. John Herrick of Ohio State University which sets out factual data on the lack of adequate school facilities in Gary, as of November 1, 1956.

The result of Gary's survey: Total student enrollment as of October 31, 1956, was 34,907. Total normal student capacity of all school buildings, 18,675. The city has 16,232 students over its schoolroom capacity.

Yesterday I telephoned Superintendent Blankenship of the Gary schools to learn if this critical situation was improving. He stated that five new schools will be available when school opens in September which will accommodate 3,500 students but it will not improve or relieve the shortage because 3,480 additional students will be added to the total enrollment over last year. He stated on ac-

count of the influx and increase in population, 10 percent of the total enrollment is added to the Gary school population each year.

I have in my hand a page from last Sunday's edition of the Gary Post-Tribune containing four columns outlining Gary's critical school problem. It outlines the facts I have just stated but I will read one paragraph which sets out the maintenance and teacher problem:

Space of course, is only one phase of the problem. Pupils need teachers and textbooks, and buildings require custodial help and maintenance. To get these necessities requires money and planning. One hundred new teachers for instance, means almost $500,000 added to the school budget and scheduled salary increases, ranging from 5 to 7 percent will cost another $500,000. In short, it looks like a million dollars more will be needed for just new teachers and salary increases for present personnel. Putting new schools into operation, however, does require extra money. Building service employees, fuel and supplies must be provided. Fifty-three new custodial employees will have to be added to maintain the 11 new schools when they are all in full use. New schools for more students mean new principals and clerical assistants also, so the 1957–58 budget will have to include funds for those additional personnel.

Mr. Speaker, I have briefly outlined conditions in Gary. I hold in my hand reports which reveal the same critical situation in other localities in the industrial Calumet region.

East Chicago, a city of 70,000, and Hammond, Ind., with a population of 100,000, are suffering similar critical school building shortages. The most devastating situation exists in the dozen or more smaller communities adjoining the metropolitan areas of this industrial center.

I have here letters from Hobart, Hobart Township, Griffith, Dyer, Merrillville, Crown Point, Munster, and Highland, stating that the taxpayers cannot begin to keep up with the influx and increased school population. In 7 townships in this region, the school population has increased in degrees ranging from 87 percent to 220 percent in the last 10 years.

The bill provides that the Federal Government shall not have any control over the operation of local schools.

PLATFORM

In 1952 and again in 1956 the Democratic and Republican National Conventions placed strong planks promising Federal aid for school construction in their platforms.

All Members elected to the Congress in both parties are in duty bound under our political system to carry out those planks and promises to the people.

I hold in my hand the 1956 platform of both major political parties. The Democratic Party promised aid in the following words:

We are now faced with shortages of educational facilities that threaten national security, economic prosperity and human well-being. The resources of our States and localities are already strained to the limit. Federal aid and action should be provided, within the traditional framework of State and local control. We pledge the Democratic Party to the following: 1. Legislation providing Federal financing to assist Sates and local communities to build schools and to provide essential health and safety services for all schoolchildren.

The Republican Party uses the following words promising Federal aid in our schools:

Through the White House Conference on Education, our Republican administration initiated the most comprehensive community-State-Federal attempt ever made to solve the pressing problems of primary and secondary education. Four thousand communities, studying their school populations and their physical and financial resources, encouraged our Republican administration to urge a 5-year program of Federal assistance in building schools to relieve a critical classroom shortage.

If promises in party platforms mean anything, this H. R. 1 should be enacted into law by a unanimous vote both in the House and Senate.

I know thousands of the people in my district believed that Republican school platform, and they believed Candidate Eisenhower last fall when he promised Federal financial school aid, because he carried my district by 8,500 votes. I talked to voters in my district, and they stated that they heard President Eisenhower, and they read the Republican platform's promise to do something to relieve the critical school situation, so I do not think there should be much opposition to this legislation on the Republican side of the House.

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

Mr. MADDEN. I yield to the gentleman from California.

Mr. ROOSEVELT. I just wanted to point out that the next paragraph of the Republican platform pledges that the Republican Party will renew its effort to enact a program based on sound principles, and so forth; in other words, the Republican Party, not just the administration, is pledged to this program.

Mr. MADDEN. I thank the gentleman from California. Mr. Speaker, I have used more than my allotted time.

I now yield 30 minutes to the gentleman from Illinois, who, I hope, Mr. Speaker, is for this school-construction program, because he, as a Republican, certainly was very instrumental in building the Republican national platform a year ago when it promised the American people Federal financial aid for school construction.

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as I may need.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. ALLEN of Illinois. Mr. Speaker, the able gentleman from Indiana, a member of the Committee on Rules, of which I am a member also, has explained the rule and he has also explained all the details in the bill.

My chief reason for being opposed to the bill is that it will cost about $2,400,000,000. In my opinion, and I have sought the best information possible, there is not a State in the Union that is not in better financial condition than our own Federal Government. I am certain I need not remind you that our national debt, the Federal debt, is $275 billion. That is probably about equal to the total assessed valuation of all the real estate west of the Mississippi River. The annual interest on that $275 billion debt amounts to approximately $7,500,000,000. So I say, Mr. Speaker, that is the chief reason I am opposed to this legislation.

Another reason grows out of my experience during my 26 years of service in the Congress that once the Federal Government starts giving out money it continues to do so. While this bill starts off with only 6 years, I am certain that all Members of Congress who have been here for any length of time know from experience that this would continue indefinitely.

I ask you if it is not true that if the Federal Government started participating in building schools in some communities there would be a slowing down of local school construction in most communities. In other words they all would wait for the Federal Government participation.

There are communities in the United States that contemplate raising money through bond issues to build schools. If a community 10 miles away was to be given Federal funds for the building of their schools, it would be probable or likely that the various communities surrounding them would not go ahead and speed their own program and borrow money through a bond issue in order to build their own schools. In my opinion, there would be a general slackening of school construction and that is not what we desire.

The gentleman from Indiana has mentioned the Republican platform. I have it before me and part of it reads as follows:

The Republican Party will renew its efforts to enact a program based on sound principles of need and design to encourage increased State and local efforts to build more classrooms.

I wonder if anyone can construe that as meaning that the Federal Government will provide funds for school construction. Let me repeat that part of the Republican platform of 1956:

The Republican Party will renew its efforts to enact a program based on sound principles of need and design to encourage increased State and local efforts to build more classrooms.

As far as I am able to understand that language, there is no implication in there that the Federal Government under this platform, which I subscribe to, will guarantee any Federal funds for school construction over a definite number of years.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Illinois.

Mr. MASON. In connection with the gentleman's statement that the local communities would have a great tendency to slack up in their effort, let me give a concrete example. My little hometown of 5,000 people voted $500,000 of bonds for a new school building. La Salle, right across the river, voted $1 million for a new school building. Mendota, 15 miles away, voted $1 million for a new school building. Those little communities, neither one of which are half as large as Gary, Ind., have taken

care of their school needs. Now, why should they be taxed again to supply the needs of Gary, Ind.?

Mr. ALLEN of Illinois. The gentleman mentioned Gary, Ind. It is true that there has been a great influx of population in the district in and around Gary, Ind. It is true that there are immense steel mills in that district and they should have a large assessed valuation. I do not believe there is any community in the United States which has the value of railroads as has the district of Gary, Ind. It is likewise true that the city of Gary, Ind., probably has less unemployment than any district in the United States. It is also true that the people of that district are receiving as high wages as any community in the United States.

I have gone out through Gary, Ind., and I have seen thousands of homes. Their value has gone up from $5,000 to $10,000 or $15,000 or $20,000. So I would say to my good friend from Gary, Ind., in that situation it seems to me that the gentleman should be back in his district having the assessed value of that property raised in order to take care of the needs of his district and to provide for the local children. I am sure they do have a certain pride in their schools.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Indiana.

Mr. MADDEN. I wish to answer the question the gentleman propounded in regard to the steel mills. An effort was made to increase their assessed valuation a year ago and they appealed the revaluation to the Indiana State Tax Board. The result was disappointing as the small taxpayer received little relief. I would like to clarify the statement made by the gentleman from Illinois [Mr. MASON]. Mr. MASON speaks about certain cities in Illinois. May I say that the hometown of the gentleman from Illinois [Mr. ALLEN], Galena, has increased from 8,000 to 9,000 people in 20 years. The rural cities and towns of which Mr. MASON boasts, should have no trouble taking care of their school load as their population has not increased to any major extent in the last 25 years.

Mr. ALLEN of Illinois. First of all, my city must be very small, because the gentleman has not even mentioned where I live. But, notwithstanding that, I also know that in my district there have been at least 7 or 8 schools built recently. The parent-teachers associations, the Lions Clubs, the chambers of commerce, and patriotic and civil organizations, having great pride and wanting a good school system, went out and put across bond issues for the purpose of constructing these schools. My own little city of Galena, Ill., has under construction a school worth about a million and a half. They raised the assessed value of our homes and property, and they are taking care of that responsibility. So far as I know no one has complained.

Now, may I say to the gentleman, does it seem fair to those communities that have parent-teacher associations, the teachers themselves, and civic and patriotic clubs who want to take care of their own responsibility, whereas here is a little town maybe 10 miles away that does not have that same pride, that has been neglectful. Now, is it right that these 6 or 8 communities in my district who have taken upon themselves that responsibility should continue to pay through increased assessments on their homes in order to float a bond issue and at the same time send money in the form of taxes down here so that part of it could be sent back to those communities who have been a little negligent along that line?

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

Mr. ALLEN of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for commenting on the argument of the gentleman from Indiana [Mr. MADDEN]. It is incongruous to me that a city such as Gary, Ind., with its vast industries and payrolls, and with an increase of 50 percent in population, does not have sufficient funds with which to construct schools. Certainly, Gary ought to broaden its tax base to provide necessary tax revenues. I do not believe Gary, Ind., is a very good example to use in furtherance of the provisions of this bill.

I want to ask the gentleman why points of order are waived on this bill.

Mr. ALLEN of Illinois. As to that, there was a great deal of discussion. We took it up with the Parliamentarian, and I believe the majority felt that that was the best thing to do.

Mr. GROSS. This is the third bill in succession on which points of order have been waived, and I wonder if the Committee on Rules has given consideration to abolishing altogether those provisions of the rules with respect to points of order. We may as well toss out the rules on points of order if every bill is to come to the floor with points of order waived.

Mr. ALLEN of Illinois. Another question raised is this: They say that in certain communities they have reached the limit of their bonded indebtedness. There are certain communities in the State of Illinois where a shortage of schoolrooms exists. So, the State of Illinois has appropriated $10 million out of their own State funds to take care of those communities where there is a shortage.

I know—and I have heard this many times, because before I come to Congress, as a young man, I was a schoolteacher—that many people say, Why, it costs me $25 a month to live in my own house. That is likewise true, perhaps, in the district represented by the gentleman from Indiana. Many people own their own homes, but the value of those homes has increased maybe 4 times since 1937 or 1938. Furthermore, they might have, maybe, four children. In the State of Illinois it costs about $500 a year to send a child to school. So I would say to many of those people back in Indiana who have 4 children, whose taxes amount to $25 a month, or approximately $300 a year, on their homes, that they are getting a pretty good deal if they have 4 children going to school at a cost of $500 a year. That amounts to $2,000 a year in benefits that they are receiving. Besides that, they receive police and fire protection.

They have the benefits of beautiful parks and many other benefits. To those people who are paying $25 a month to live in their own homes, especially if they have children, it seems to me that they are getting value received for their money.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

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

Mr. GAVIN. Mr. Speaker, I want to call attention of the gentleman to the fact that the great State of Pennsylvania which I am proud and honored to represent, has expended, I understand, $450 million in the last 5 years in building new schools. I understand that they anticipate spending in the immediate future approximately $450 million more on school construction. In other words, close to $1 billion will have been spent in the past 5 years and in the immediate future in building schools in the great State of Pennsylvania. So that my State is certainly turning in a magnificent performance in the school-construction program.

Mr. ALLEN of Illinois. Mr. Speaker, I am not going to ask for a rollcall on the rule. I think it would be more satisfactory to the membership, and I am convinced, after the general debate has been completed, that there will be very few Members who will be for this great expenditure of Federal funds in a field which is a local responsibility.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 additional minutes to the gentleman from Virginia [Mr. SMITH].

The SPEAKER pro tempore. The gentleman from Virginia [Mr. SMITH] is recognized for 15 minutes.

Mr. SMITH of Virginia. Mr. Speaker, I want to discuss this bill a little bit. I do not expect to speak on it during general debate, so I am taking my time now to discuss the merits, if any, of this piece of legislation which is now before the House after such a long period of time.

As the gentleman from Illinois [Mr. ALLEN] has told you, the bill involves an expenditure from the Federal Treasury of $2,410,000,000. I say that because I want to remind my friends here how enthusiastic a lot of us were in the early part of this session about eliminating unnecessary Federal expenditures and about balancing the budget.

I want to talk about the facts of this bill. I want to analyze the figures. I think there are some people in this House who are interested in facts of legislation.

I spoke to a gentleman a few minutes ago about this bill and said, "Are you interested in facts?" He said, "No, I am interested in politics." Perhaps that has something to do with the attitude of some Members on this bill. My distinguished friend from Indiana [Mr. MADDEN] awhile ago was reading party platforms. I am not interested in platforms. I am not interested in politics. But I

am interested in the Federal Treasury. I am interested in education. I am interested in facts. If there is anybody else here who is interested in facts and figures concerning this measure, I would suggest that he get a copy of this bill and the report, because I expect to base my remarks on the actual figures given by the Department of Health, Education, and Welfare. It is the nearest to any official estimate that we have.

This baby of somewhat doubtful parentage was conceived in 1954. It has had a long period of gestation. Now we come to the point where we must deliver the infant.

When this bill was first conceived, the Department of Health, Education, and Welfare said there was a shortage of schoolrooms of 407,000. Keep those figures in mind. Then a little bit later, in April 1954, Mrs. Hobby, who was then Secretary of the Department of Health, Education, and Welfare, said there were 340,000 schoolrooms needed. Note that it was coming down. A year later, in 1955, the President said there was a shortage of only 300,000 schoolrooms. Now, Mr. Folsom, the present Secretary of Health, Education, and Welfare, says that in 1957 there is a shortage of only 159,000 schoolrooms left. He says that during this year there will be 69,000 built. So, according to the authentic figures of the Department of Health, Education, and Welfare, we find at this time, when the baby is about to be born of this great necessity for 407,000 schoolrooms, that the States and local communities themselves in that time, without calling upon the Federal Treasury, have built all but 90,000 of those schoolrooms.

I know there is going to be a lot of talk here about "Let's educate the children." We are all in favor of that. But I want the people who are advocating this bill, when they get up to talk about it, to first educate the House of Representatives. I want them to answer me—no, do not answer me. I want them to answer the Department of Health, Education, and Welfare, whose circular 490 will be found on the back page of their report. I take the figures I am giving you now from the Department of Health, Education, and Welfare, which the majority of the committee in this report say are the most accurate figures that can be obtained.

I am speaking to those who advocate this bill. I want them to answer the figures of their own Department of Health, Education, and Welfare upon which their bill is based. If they cannot do it, if they cannot give you the facts, if they cannot educate you about this bill they have drawn, then they had better stop trying to educate the children of the United States.

So, we get down to the point where you need only 90,000 more schoolrooms after those that are now in course of construction by the States are built.

The most significant thing, though, that I find about the report of the Department of Health, Education, and Welfare, which is found on page 62 of the report, which I hope you have before you, is that if you look at the very first line in the report, where it tells you how many schoolrooms are now needed, they tell you that 159,000 are needed, and that 69,000 of them are in course of construction this year, and of those 159,000 only 80,000 are needed for new school buildings. The other 79,000 are needed merely for the purpose of replacing present school facilities which some people think are not as fine as they would like to have them. That information is found on page 62 of the committee report, in circular 490 of the Department of Health, Education, and Welfare.

Will somebody answer that? In other words, looking at page 62, at the figures of the Department of Health, Education, and Welfare, when you boil it down and say, "We will use the present schoolrooms for a year or two longer until we are in better shape," you have only 10,000 schoolrooms that are needed, not according to my figures, but according to the figures of the Department of Health, Education, and Welfare.

I want to call your attention to something else. This should interest many of you folks who have done a fine job in your States of building schoolrooms and will soon complete your program.

What will happen if you pass this bill? If you look at pages 33 to 37 of the bill, you will find figures in the minority report taken from this same circular 490 of the Department of Health, Education, and Welfare. It shows that five States have met all their needs. Five States do not need any of this money and will not get any of it. Four States are building enough to complete their needs this year. They do not need the money and they will not get it. Ten more States, under their present plan and program, will complete their needs next year, which will be before any of this money will possibly be available. So that leaves 19 States that will complete their programs before this bill becomes effective. Mark you, this whole bill is predicated upon future construction of buildings. No State, no county, no municipality can get a dollar of this money unless they have a program approved by the Department of Health, Education, and Welfare—to do what? Not pay for buildings they built this year and last year. They have to provide that they are going to build some more buildings that they do not need and have no use for and spend that money for it. Do not take my word for it. Look at the bill itself, and look at the report. No State that has done the job when this bill is completed will get a dollar's worth of this money unless they build schools that they do not need. That seems to me very important. It is so important that I am going to call your attention to where you can find it. Page 37 of the bill itself says that they must submit a plan in which they set forth a program under which the funds paid to the State will be expended.

Now, you Members from the 19 States that are going to complete your programs and spend your money before this bill is completed, just look at that report from the Department of Health, Education, and Welfare. Do not pay any attention to what I say, but look at the report and see what your folks back home will think about your voting for a bill to spend $2,400,000,000 to supply schools in other States, and you pay for it, and you are not going to get $1 of the money. That applies to 19 States of this Union. But if we did adopt this program, these same figures of the Department of Health, Education, and Welfare show that if the States continue their building programs as they are now doing, every State in this Union except 7, without the use of $1 of Federal money, will have completed the construction of their needed schoolrooms before the program provided in this bill has been completed.

Now I come back again to the question of facts, and I want to appeal to you. You know some of you were fooled about the facts a few weeks ago. We were told certain things about a certain bill relating to civil rights; what it did and what it did not do; and we were assured that it was all right. My good friends on the left, who are conscientious, were sure that that was what the President wanted and nothing else would suit him.

Now we find that it was not so at all. I imagine there are some red faces about that. I imagine some fellows now would like to consider the facts a little bit. I am not asking you to make any great research; I have not made any, but I do appeal to you if you are conscientious, as I know you are, if you believe in saving on Federal expenditures, as I know you do, and if you believe what you have been saying this whole session about cutting down on needless expenses, here is the most needless one that, according to the figures of the Department of Health, Education, and Welfare, that has been presented in my time, and I just appeal to you to look at the facts which you will find in these few pages. You can satisfy yourself about it in a few minutes. Do not be satisfied with the advocates of this bill waving their arms and shouting, "We must educate the infants of this country." Make them give you the facts, and make them dispute and disprove what I have told you.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. DIXON].

Mr. DIXON. Mr. Speaker, in response to the challenge of the gentleman from Virginia, I shall confine my remarks to a statement of facts pertaining to the need for Federal aid for school construction, as testified by Secretary Folsom in the committee hearings, part I, pages 28 to 29. I verified statements with the Secretary only last night.

The two great fallacies in the argument of the gentleman from Virginia are these: In the first place this flood of increased enrollment has probably reached the sixth grade. When it reaches the seventh grade, there will be over a million more in the schools; when it reaches the eighth grade, there will be over 2 million more; when it reaches the ninth grade, there will be 3 million more; when it reaches the 10th, there will be 4 million more, and so forth. The gentleman apparently has failed to take into consideration this continuous increase that will go on for several years to come.

The second fallacy is that it fails to consider that it costs at least 33⅓ percent more to build classrooms for high-school use than it does for elementary-school use and that on account of laboratories, shops, and so forth, the average class size is reduced by at least 25 percent in high schools. The students reaching junior high now will soon be in high school where money will not go nearly as far as in elementary-school construction.

Secretary Folsom testified that we needed 159,000 classrooms. He testified that 69,000 are being built. Despite this great number of new classrooms being built this year, the shortage will remain acute, for it is estimated that we need 45,000 new classrooms each year for the next several years just to keep up with the 1 million new and additional pupils entering the schools each year. Therefore, we must subtract 45,000 from 69,000 which leaves approximately 24,000 classrooms. We cannot even subtract the 24,000 from the 69,000 shortage for a part of this figure must apply against the estimated 14,000 to 20,000 classrooms that are abandoned as obsolete. In the year 1955–56, 14,000 classroom units were closed due to obsolescence.

Then the Secretary goes on to say that our net gain at the present rate of construction is only from 4,000 to 10,000 classrooms a year, and at that rate of construction it will take about 16 years to catch up unless there is help.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, the gentleman from Virginia suggested that the proponents of this legislation concentrate on facts. Then he referred to some figures and asked us to demonstrate how these various figures regarding the classroom shortage which exists in the Nation can be reconciled. In the limited time I have at my disposal, I would like to start out by saying that the best estimate we can get now, and this is subject to some challenge, is that there is a shortage of classrooms in the Nation of 159,000. As of the fall of 1952 there was an estimate, again by the Department of Health, Education, and Welfare, of a nationwide shortage of 312,000. In other words, the backlog of need has been almost cut in half since 1952. We can expect it will be further reduced in the years ahead.

One of the reasons that the 312,000 estimate cannot be compared exactly with the latest estimate of 159,000 is that it was based on a report made back in 1953 and published in December of that year. It reflected the desirable educational goals, not the bedrock need demonstrated by apparent overcrowding, double sessions and so forth. In other words, in that first figure there was, as a natural part of the estimate, a higher total for replacement needs than we now have in the current estimate.

The two estimates were based on surveys made at different times. Still another estimate, made in the fall of 1954, in comparison with the most recent figure, suggested there would be a shortage of 176,000 classrooms in the fall of 1959 if we continue the present rate of construction. We do know roughly what the backlog of need is, and that this shortage is persisting. As the gentleman from Utah has pointed out, in spite of the increased construction each year, that backlog is being eliminated very slowly. The Federal program is to accelerate the elimination of that backlog.

I hope this clarifies at least some part of the confusion which might have arisen in the mind of the gentleman from Virginia.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GAVIN].

Mr. GAVIN. Mr. Speaker, I want to call to the attention of the House that Federal aid programs such as Federal aid for school construction, which we are considering today, are based on the fallacy that Uncle Sam is everybody's rich uncle, whose pockets are inexhaustible; and that when you secure Federal aid you are receiving something for nothing. Why fool ourselves? We all pay the bill.

The truth is that we, his nephews and nieces, all support our Uncle Sam, who over the past 25 years has run up the biggest debt in all our history—approximately $275 billion that must be paid—if it is ever paid—by the American people earning the money to pay the taxes to retire the debt. What a legacy to leave to future generations. If we paid it off at the rate of $3 billion a year, it would take 90 to 100 years to pay the debt.

The trouble is that Uncle Sam has been spending our money, and in effect we have signed the notes for the hundreds of billions of dollars he owes.

The surest way to increase his debts and add to this gigantic debt is to embark on a new program of Federal aid for school construction.

The great American public has waked up to the fact that the only way to get relief from the taxes that burden our Nation is to curb our spending for programs that can be better handled by municipalities and the respective States.

To me, the most obvious place to cut the budget is to cut out new proposed programs of Federal aid.

I would start cutting by completely eliminating the proposed program to provide $1.5 billion for Federal aid to school construction over the next 5 years at a rate of $300 million a year.

Certainly, we need new school buildings, particularly in many fast-growing suburban areas. Schools are costly, and the way to make them more expensive still is to embark on a program to bring the Federal Government into the picture.

Every dollar spent on Federal School aid construction will come, sooner or later, from the pockets of American taxpayers, whether it is under the supervision of the Federal or the State Government. As for me, I would rather have the States handling this problem.

As in the case of every other Federal aid program, many of these dollars will be skimmed off the top to pay more Federal officials to distribute the payments, to administer the program, to think up more rules and regulations which may well result in more delay and red tape.

It is the habit of Federal supervisors to make dollars shrink instead of stretch. If there is ever a necessity for stretching dollars, it exists now in making the tax dollar go as far as possible to build needed new schools.

Local responsibility and local self-government are keystones of the American way of life. Federal aid is always accompanied by a greater or lesser degree of Federal control. It is the opening wedge toward having directors in Washington tell local school boards, superintendents, principals, and teachers what they can do and what they can't do.

I believe that citizens in every community should take a good, hard look at their local school systems. There are many problems to solve, and they can best be solved on local levels.

Federal grants can encourage extravagance. When school costs are not directly paid for by local taxes, but are transferred in part into the general Federal tax burden, cause and effect become confused, and construction can become unnecessarily expensive. If this bill is passed, Washington will tell local authorities what can and cannot be done, and let no one tell you otherwise.

What is true in the case of Federal aid to school construction holds true in regard to many other Federal aid programs. The same job can be done better, and done cheaper, on a State and local level.

A large part of the problem we have today is one of self-discipline on the part of the Government and on the part of the American people themselves. The Government within the executive branch must make a constant effort to curtail and eliminate nonessential expenditures. Special groups, rather than popular demand, are responsible for the push behind most Federal aid programs. The American people themselves must make an effort to curtail the constantly new and expanding demands upon the Federal Government for services, benefits, and free money—for the people themselves must pay heavy taxes to the Federal Government before the Government can return part of it to the States, and the States return it to the counties and municipalities for these various programs.

Once a program of Federal aid is established, it almost invariably continues to grow and become more expensive.

To the outside groups which worked for its establishment and continue to support it, there is added another group within the Government. This is the group who administer the program—and who keep pressing for more money for it.

Each bureau within an agency is ambitious to build a little empire—with more employees to supervise, with higher salaries for the top men, with more money to spend, at the expense of the taxpayer. Larger and larger budgets result—such as the huge spending program proposed this year.

But the time has come when the American public is justifiably fed up with all Federal aid programs, now realizing that we all pay the bill. In my opinion we can secure better results for our schools under the supervision of municipalities and States rather than

under the direction of the Federal Government.

The administration recently recommended that we look toward decentralization of government—that we return to the States certain responsibilities. Here is one place we can make a good start, by rejecting this new proposed Federal aid to school construction. This rule should be voted down.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, I come to the well of the House today to plead the cause of humanity and the preservation of the Republic. I want to urge the adoption of the pending rule and at the same time remind my colleagues that swollen profits and balanced budgets are not the overriding issues that face the Nation and the Congress today.

I am constrained at this time to recall the last words of the late and lamented and well-loved Vice President, Alben Barkley, in addressing the students at the University of Virginia. He said:

> No free nation such as ours can long endure when its duly elected representatives in the Congress, in the name of economy, neglect the vital bastion on which the Republic stands—the education of its citizens.

I demand, here and now, a reevaluation by the Congress of the values and principles that make our Nation great. Government in these United States was not instituted to amass profits and to create millionaires. It was created to provide for the general welfare of all its citizens—not a select group of "money grabbers" who masquerade under the name, United States Chamber of Commerce.

For the past 6 months, the Congress has concerned itself with material things. We, the Members of Congress, are prone to forget that our greatest asset is our youth—our citizens of tomorrow—who must carry on the traditions of our Republic and our American way of life.

These all-powerful groups, including the chamber of commerce, which represents not more than 5 percent of voting strength, is out to tack a dollar sign on the door of every schoolroom in the land. I say to you that you cannot measure in dollars and cents the question at issue here today. Will our emblem be the almighty dollar, or will it be an educated citizenry prepared to cope with problems of the atomic age in which we must live and, I hope, survive?

On Friday last, the Congress approved the Mutual Security Act to provide in excess of $3 billion of military and economic aid abroad. In whatever amount the Congress may later appropriate, there will be American taxpayers' money spent for educational programs that the opponents of H. R. 1 would deny to our American boys and girls.

This Congress has voted a $26 billion Federal highway program. Both of these proposals had the support of the groups that today would kill this effort to keep America strong.

Once more I implore you, my colleagues, to forget material things. Let us return to the fundamentals and give thought and support to the ideals we have in mind when we sing "land that I love."

Mr. Speaker, I hear rumors that a move will be made to defeat this rule. I am at a loss to understand the length to which the opponents of this legislation will go to attain their desire to avoid meeting this question squarely in floor debate and let the majority rule in the American tradition.

In closing, let me ask you if you want to renege on your party commitments. You make the choice. I will abide by your decision.

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

Mr. BAILEY. I yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I appreciate the kindness of the gentleman in yielding to me. I merely wanted to comment on the statement he made that he hoped that the rule would prevail. I want to join the gentleman in that statement. While I am very bitterly opposed to this piece of legislation I think the rule ought to be adopted. I think we ought to hear the debate, and I am sure, as the debate develops, that the weakness of the bill will be further shown.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LANE. Mr. Speaker, it would be interesting to compare the tens of billions of dollars that this Nation has spent on new industrial plants and equipment since the end of World War II, with the amount spent for new school buildings.

The comparison would be interesting and shocking, because we have not and are not now investing enough money to provide enough safe and suitable school buildings for the training of the children who will soon inherit the responsibilities of our industrial society.

This problem cannot be postponed.

The more than 32 million school children in this country are presently lacking the 159,000 additional classrooms that are needed to accommodate them during regular school hours.

As the Federal Government collects the major portion of tax revenues, the communities and the States cannot finance the critical need for the construction of more classrooms.

This puts the problem squarely up to the Federal Government.

It is not a new problem.

In our preoccupation with wars and the economic recovery of other nations we have neglected the prime responsibility that we owe to the children of the United States.

There is need for reasonable economy but not at their expense.

It is encouraging to note that the President, and the Secretary of Health, Education, and Welfare, governors and municipal officials, PTA groups and leaders in both political parties, endorse the bill that is before us for consideration.

After all other possible solutions had been carefully weighed, they came to the inescapable conclusion that Federal aid is necessary to finance public elementary and secondary school construction.

H. R. 1, as amended, authorizes an annual appropriation of $300 million for 5 consecutive years, beginning July 1, 1957.

H. R. 1, as amended, is designed to provide a method whereby the Federal Government can join with the States in meeting the classroom shortage problem. It was the intention of the majority on the Committee on Education and Labor that there be no Federal interference in the direction of the Nation's educational problem.

The school plant is not only suffering from a present shortage of 159,000 classrooms. About 45,000 new classrooms will be needed each year simply to accommodate the increasing enrollment. In addition, we will need 14,000 to 20,000 additional classrooms each year to replace rooms that become obsolete, or for replacements resulting from population shifts, school consolidations, or losses due to fire or natural disasters.

The existing school plant is run down, and has been so for a number of years.

The States and the communities, beset by other problems, have not been able to build the schools needed to meet the demand. Even many of the older schools presently in use lack elemental conveniences.

Overcrowded schoolrooms, sometimes operating on a two-shift basis, and with antiquated heating and lighting, are responsible for a deterioration in educational standards.

Even opponents of this bill admit that there is a classroom deficit but they can offer nothing better than a policy of delayed action trusting that the future will somehow automatically solve the problem.

And how about the average age of the American classroom?

Business and industry could not operate without making provision for depreciation and replacement. But the old schoolhouse in too many cases, and in defiance of all physical laws, is supposed to function forever.

I have personal knowledge of a number of red-brick schoolhouses that were old—50 years ago.

They are still in use.

Are we to wait for a major schoolhouse disaster to galvanize us into belated action?

Consider the testimony given by Mr. Robert R. Martin, superintendent of public instruction in Kentucky, to the effect that in his State 7,620 out of 18,700 rooms in use are unfit, 80 percent of the State's schools do not have central heating, 38 percent of the children have outdoor toilets, and 50 percent of the children are in overcrowded classes with many rooms ranging from 50 to 70 pupils.

Consider the disclosure that, in Rhode Island, 14 out of 19 schools in 1 district were found to be fire hazards, and 9 of these schools are being abandoned. Why not the other five? Has economy come to this desperate pass, that we must take

chances with the lives of children at school?

The Washington Post and Times Herald on February 10, 1957, reported that the Gallup poll showed support for Federal aid to schools by a 4-to-1 landslide. This included endorsement by every major group in our population.

American public opinion on this issue is right, and by an overwhelming margin.

I hope that this emphatic mandate will not be circumvented by legislative stratagems designed to thwart the will of the people.

Crippling amendments will not deceive the American people.

They insist upon temporary, emergency assistance from the Federal Government, with the clear understanding that once the backlog of accumulated shortage is eliminated, the States and communities can meet future needs on their own by maintaining their current rate of construction. Because the classroom needs of their children come first.

Mrs. GREEN of Oregon. Mr. Speaker, as I have in the past, I shall continue in the future to support every possible measure to relieve the classroom crisis. I only wish that I could be as certain of the support for this measure on the part of the present administration.

The record of this administration is one of pulling and hauling, of backing and filling, and of vacillation without end. Only very reluctantly has the administration been brought to admit the need for this legislation; its own proposals have been inadequate and its support totally ineffective. I submit to you that the voter, who seeks to discern what the administration's policy on this question is, is entitled to more than vague generalities on a theme which jumps from key to key with current and shifting election trends.

In 1954, the administration opposed emergency legislation providing $500 million in Federal aid. President Eisenhower said at this time, after acknowledging the school shortage problem, "I do not accept the simple remedy of Federal intervention." His Secretary of Health, Education, and Welfare, Mrs. Hobby, held that Federal funds would actually deter schoolhouse construction, on the grounds that communities would not issue local bonds while waiting for Federal aid.

Reluctantly, so it would seem, the administration in 1955 actually proposed a program of its own—albeit a highly inadequate one, providing for grants-in-aid over a period of 3 years to the amount of $200 million. Mrs. Hobby insisted that there were relatively few districts in need of Federal grants, and Mr. Eisenhower said "As quickly as you start spending Federal money in great amounts, it looks like free money. The shibboleth of free money from Washington can certainly damage." He also said that the role of the Federal Government had wisely been confined to encouragement of assistance—whatever that might mean.

As Congress opened in the election year of 1956, the administration took another look at the problem and produced some eloquent speeches. "Our history has demonstrated," said President Eisenhower, "that the Federal Government, in the interest of the whole people, can and should help with certain problems of nationwide scope and concern when States and communities—acting independently—cannot solve the full problem or solve it quickly enough. Clearly, this is the kind of situation we face today in considering the school classroom shortage." The administration proposed a measure calling for $1.25 billion in Federal grants over a 5-year period, which Mr. Eisenhower said "should overcome the Nation's critical classroom shortage."

Congressman KELLEY's bill—H. R. 7535—was approved by the Education and Labor Committee and brought to a vote on the floor of the House. This bill provided for more than a token recognition of the schoolroom shortage, entailing $1.6 billion in Federal grants-in-aid over a 4-year period.

Not only did the administration offer a completely inadequate bill and fail to support the bill on which action was taken in the House. But an attempt was made to contend that it was the Democrats who killed the bill—Congressman KELLEY's bill—when it was defeated in the House by a vote of 194–224.

Whence were derived the figures on which to base this devious assertion is a great mystery. An analysis of the votes on the floor shows that 53 percent of voting Democrats—119 for and 105 against—as against 39 percent of voting Republicans—75 for, 119 against—voted for final passage, even after the highly controversial Powell amendment was attached to the measure.

All discussion of the merits of the bill aside, the assertion that it was the Democrats in Congress who killed the school-construction bill in 1956 is a patent falsehood. The figures themselves cannot be forced to lie.

The President has pronounced this year that "It cannot be said—realistically—that the States and communities will meet the need."

We are pleased, of course, by any glimmer of liberalism or realism. But in view of recent history, we are inclined to ask: Which is the real shibboleth, Federal aid or the President's promises? If the administration really wants to see Federal aid for school construction materialize, more will be required than speeches. I urge the adoption of the rule so that the true facts concerning the crisis facing the schools of this country can be fully presented to full membership of this House and to all the American people.

Mr. MADDEN. Mr. Speaker, I yield the remainder of the time to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, when we debated this bill in the 84th Congress one of the most important parts of that debate concerned the amendment offered by the gentleman from New York, who is not present today, on the question of funds in segregated schools. There were a number of us who voted for that amendment at the time the bill was under consideration. We believed in a fundamental principle then. We emphasize, we believe in it now.

But, on behalf of some members of the committee, as well as myself, we would like to make it clear at this time that we believe the situation is quite different at present. In the first place, we have had a civil rights bill enacted by the House and it is now under consideration in the other body. During the 84th Congress, the other body obviously would not consider such a measure. The question of what its form will be is, of course, undetermined and for some time yet we will not know.

We have had a national election, where two of the major parties made very clear their position on this bill. The Democratic platform states:

> Every American child, irrespective of race or national origin, economic status or place of residence, has full right under the law and the Constitution, without discrimination, to every educational opportunity to develop his potentialities.
>
> We are now faced with shortages of educational facilities that threaten national security, economic prosperity and human well-being. The resources of our States and localities are already strained to the limit. Federal aid and action should be provided, within the traditional framework of State and local control.
>
> We pledge the Democratic Party to the following: (1) Legislation providing Federal financing to assist States and local communities to build schools, and to provide essential health and safety services for all school children.

The Republican declaration stated:

> Four thousand representatives of communities, studying their school populations and their physical and financial resources, encouraged our Republican administration to urge a 5-year program of Federal assistance in building schools to relieve a critical classroom shortage.
>
> The Republican party will renew its efforts to enact a program based on sound principles of need and designed to encourage increased State and local efforts to build more classrooms.

We believe that this year there should be a clear-cut determination on the basis of fundamental issue of aid to school construction, and that it should not be clouded by another civil-rights debate. There can be no question that the civil-rights issue was used last year to confuse. It is notable that 96 Republican Members who voted for the civil-rights amendment then turned around and voted against the bill. Last year, a majority of Democrats voted for the bill—119 to 105; a majority of Republicans against—75 to 119. In view of the views expressed by a Republican President and the Republican platform, certainly there can be no excuse for a repetition of such a performance if the issue is half clear.

Therefore, we reserve the right and duty at the proper time, when the matter comes up under the appropriation bill to act for protection of the basic principle which we believe in now, as we did last year. After consultation on the parliamentary situation, there is no question that an amendment not subject to a point of order as being legislation on an appropriation can be, in fact, has been drawn. We hope no one on either side of the aisle will force the committee to consider any amendment

which would detract in any way from the fundamental purpose of the bill.

I speak particularly on behalf of the gentlewoman from Oregon [Mrs. GREEN], the gentleman from Michigan [Mr. DIGGS], the gentleman from New York [Mr. ZELENKO], and myself.

Mr. DIGGS. Mr. Chairman, I rise to confirm, from my standpoint, the position just announced by the distinguished gentleman from California [Mr. ROOSEVELT]. Mr. ROOSEVELT's established reputation for liberality, integrity, and aggressiveness in the field of civil rights, undoubtedly inherited in no small part from his esteemed father, the late President of the United States, and his highly respected mother, long associated with right-thinking individuals and groups, cannot be questioned. After considerable deliberation, it is my opinion that the objective we seek to provide a remedy in school segregation cases can best be achieved by means other than an appropriate amendment to this bill. This opinion is qualified based upon the sustaining of certain other pending factors which were not present during previous debates on the anti-segregation school amendment. I, therefore, see in the current situation an opportunity for a clear-cut vote on the singular and all-important issue of Federal aid to education. This is not in any way to be construed as a retreat from our advocacy and support of the principle enunciated by the 1954 Supreme Court decision. It is rather to be interpreted as a strategic withdrawal from using the present proposed school construction measure as a vehicle to supplement that decision. I for one, am willing to utilize other means to settle this question in order that the American people regardless of color who are concerned with the shortage of classrooms in this country can examine the record after the vote on this bill and determine who is for and who is against this proposal without any complications. For these and other reasons, unless there is some dramatic change of current events, if an anti-segregation amendment comes to a vote on the school construction bill now under discussion, I shall vote "present."

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. GAVIN) there were—ayes 140, noes 55.

So the resolution was agreed to.

Mr. BARDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1) to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1), with Mr. WALTER in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from North Carolina [Mr. BARDEN] will be recognized for 2 hours, and the gentleman from Pennsylvania [Mr. McCONNELL] will be recognized for 2 hours.

The Chair recognizes the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, much has been said of the pending legislation. Some have called for the consideration of it on the facts. Some have called for it to be considered on the basis of cost. I would like to appeal to you to consider it as one of the most important pieces of legislation that has come to the floor of this House during this session of Congress. I would like for you to consider it from the point of view that we are considering giving to an agency of this Government more power and authority, initially, yes, over a part of our school system, the educational system of this country, than we have ever seriously considered before. I think if there is any one thing that you could classify as the nerve center of the American people, it is our educational system, of which we have been so proud, and rightfully so, for all of these years. And then look around all over the world among other nations that have not taken the pride in their educational system that we have and see just what has happened to them.

I not only love children but I love our educational system. I love our way of life. Here we are writing all of these pages of power that will never be returned to the people. Never forget that. We are putting all these powers in an agency of this Government that heretofore was limited to the gathering and dissemination of information. Now they are tired of passing out information. They want authority. They want power, and this bill provides it. When you tell me that the prime objective of this bill is to build school buildings, I question that seriously. It was not necessary to have all this power; it was not necessary to lay down a precedent here that will rise and haunt us for years to come, because they will use this as an argument to say, "Well now, we started with the impacted school bill, then we went further with the general construction bill, and what is harmful about that?" Everybody will be happy with the money for a time, and then we will go into general Federal aid to teachers, and so forth. This will mean the Federal Government cutting the pattern for education, and that will be the end of our educational system as we have known it.

That is the picture, and you will hear it said there has not been any Federal control or interference through Public Law 815, the Federal impacted area bill. I tell you there has been some of the most horrible illustrations of interference and wrongdoing under that bill that you can imagine, and I challenge anyone to deny that statement.

It has not been 2 years since the United States Commissioner of Education flatly and determinedly, and I will almost say intentionally and willfully misinterpreted the language we had written into that law which was intended to take care of some military installations so they could move the children out if there were not enough to warrant the operation of a separate school. And what happened? He issued an order closing the Quantico High School of approximately 150 pupils, and he persisted in closing that school even though it would have required children to travel from 13 to 26 miles to schools that had no hope of having room for them for more than 1 year. I called him before the committee. He still persisted in interpreting the word "suitable" to mean adequate; and the entire committee just said, "You are wrong, and you know you are wrong." We had to pass a Federal law, and you gentlemen voted for it virtually unanimously, to make that Commissioner of Education do what? To follow the intention of Congress and drop that order he had issued to close the Quantico school. The Senate passed the bill, and the President signed it.

Now we find before us a bill with 10 or 15 pages of discretionary powers. You first say what the States must do; they must file their plans, and then from there on the Commissioner has the right to do this and the right to do that, and so it goes.

Going back to our Public Law 815, and being cautious about our experience with such legislation, let me tell you something else about that act. We passed Public Law 815 with the Bacon-Davis Act in it. The Bacon-Davis Act, properly administered, is a good piece of legislation. I have no complaint about it—properly administered. But I say to you it has been horribly administered.

The Department of Health, Education, and Welfare did just what it has the power to do, they delegated the handling of construction contracts to the Housing and Home Finance Administration; and what do you think they did? They wrote into the law two statutes that the Congress had not authorized, and they enforced them from 1950 until about 3 weeks ago, which caused school districts to pay hundreds of thousands of dollars more for schools than was otherwise necessary.

When I asked the Department of Labor: "Why did you do that?" they said: "We did not have anything to do with it. We just reported violations."

I said to HEW: "Why did you do that?"

They answered: "We did not have anything to do with it. We just authorized the Housing and Home Finance Agency to handle building contracts."

Then I went to Housing and Home Finance. They said: "Well, the Labor Department told us to do it." So they started me around the mulberry bush again. I said: "All three of you, come up here before the full committee." And they all appeared before the full committee, and the committee members know this is so. All three agencies tried to deny responsibility, but they did not deny that they had forced some contractors to pay penalties and increased the cost of the school buildings by hundreds of thousands of dollars; they did not deny a word of it. They wanted to deny responsibility. The HEW said, "It is not

our responsibility because we designated Housing and Home Finance Agency to approve construction contracts." I asked the General Counsel of HEW: "Do you regard yourself as relieving yourself of all responsibility for the administration of a plan when you pass it on?" Frankly it is quite interesting to read the record of this hearing, and when read, it serves as a warning to Congress.

Then, what happened? All three of them got up and said, "So help us, we will never do that again. It was just an accident." My reply was that from 1950 to 1957 is a long time for an accident to last. Then they issued an order to stop quick, "We have been caught." The very next week a situation came up in reference to some college campus building and complaints were made to me again by contractors. I called up and the department said, "Oh, we overlooked that. We are stopping that, too, this morning."

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. BARDEN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, there are enough paragraphs of loose language in this bill to cause this House to be passing the kind of correction bills I called to your attention the rest of your lives, and you still would not gather back the power conveyed to the United States Commissioner of Education.

Do you think the Department has been modest about asking for this power? I want to read you something, and this is their language, the Department's own language, the one that is going to administer this program. I will read it word for word and I will show you how modest they are about it.

The Commissioner, notwithstanding the provisions of any other law, may—

Bear in mind there are over $2 billion in this bill—

(1) sell or exchange at public or private sale, upon such terms and at such prices as he may fix, any obligations purchased by him under this title.

That is when he is purchasing the bonds—

(2) subject to the specific limitations in this title and where necessary to protect the financial interest of the United States, consent to the modification of any term of any obligation purchased or otherwise acquired by him, or any agreement entered into by him, under this title.

(b) Financial transactions of the Commissioner pursuant to this title, and vouchers approved by the Commissioner in connection with such financial transactions, shall be final and conclusive upon all officers of the Government—

Does anybody see any need for the Comptroller General?—

except that all such transactions shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may by regulation prescribe.

He can look at it but he cannot do a thing about it.

Do you think that is all? Oh, no. We will go over and find some more administrative provisions in title III:

The Commissioner, in addition to other powers conferred by this act, shall have power to agree to modifications of agreements made under this title and to pay, compromise, waive, or release any right, title, claim, lien, or demand, however arising or acquired under this title; except that nothing in this subsection shall be construed to affect the power of the Attorney General in the conduct of litigation arising under this act.

I reckon if they catch somebody stealing the Attorney General may indict him. I do not know what else that could mean.

Financial transactions of the Commissioner in making advances pursuant to this title, and vouchers approved by the Commissioner in connection with such financial transactions, shall be final and conclusive upon all officers of the Government; except that all such transactions shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may by regulation prescribe.

I fought the two provisions just read. Then later, after the bill had been reported, a good many of the members decided it ought to be stricken out. I called another meeting. I tried to get it out then. I could not do it. Now I understand some member of the committee has assumed the obligation of defending it. He is a bold soul, whoever he is.

Now, let me read what the Comptroller General said about these provisions:

In view of the nature of the transactions involved, we have no objection to section 205 (a) if such broad authority is determined to be desirable. We believe, however, that the language of sections 205 (b) and 313 (b) is not in the best interest of the United States. Summary and analysis of H. R. 1, as reported by subcommittee, states that these sections would make the financial transactions of the Commissioner of Education under titles II and III, while subject to audit by the General Accounting Office, conclusive on all Government officials. It thus appears to be intended that such financial transactions shall be final and conclusive on the Comptroller General. The basic objection concerning sections 205 (b) (3) and 313 (b) of H. R. 1, as introduced, contained in our letter of March 14, 1957, B-126790, was the very fact that these financial transactions were final and conclusive upon the Comptroller General even though they were subject to audit. This deprives the General Accounting Office of its authority under existing law to withhold credit for illegal or improper payments. We feel that this authority of the General Accounting Office, as the agent of the Congress, to take action on behalf of the Government concerning any illegal or improper transaction found in the audit is a very effective deterrent on the officers or employees responsible for making the expenditures. Not only do these sections encroach upon the basic principles of sound government embodied in the Budget and Accounting Procedures Act of 1950, but also, in the final analysis, by making the spending agency the final judge of the validity and propriety of its own expenditures of public funds, it cannot help but dissipate the fundamental power of the Congress over the purse. We, therefore, strongly recommend that sections 205 (b) and 313 (b) be deleted in their entirety.

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

Mr. BARDEN. Very briefly.

Mr. FRELINGHUYSEN. The gentleman has been referring to section 205 (b) and section 313 (b) of the bill.

Mr. BARDEN. I know what I have been referring to.

Mr. FRELINGHUYSEN. I want to point out, in fairness to the staff, that this language, without the provision of the GAO, was in the bill which we considered last year.

Mr. BARDEN. Yes. The bill last year was defeated, and it was defeated because the House saw the pattern of power that ranged from the first page right on through the bonding provision that you are now talking about. The issue was raised in the Committee on Rules, and the department insisted on having these powers, and they come right back this year with identical language in the bill, insisting that they be given absolute power. That is not the only place where power is granted. It is spread all over the bill.

Mr. FRELINGHUYSEN. Will the gentleman yield further so that I can make my point?

Mr. BARDEN. I better not, for that purpose, but I will be courteous.

Mr. FRELINGHUYSEN. As far as I know, no member of the committee will insist that this language be retained. I think it is fair to say that an effort will be made to withdraw this part of the section, because the salability of the bonds might be affected.

Mr. BARDEN. Now you say you are going to take it out, yet you did not say anything to the Committee on Rules about taking it out. I know one thing, it is not altogether out of cast in this bill, for you have power running from one end of it to the other. But when I introduced my amendment in committee, which was a short page, that simply provided for the money to be disbursed to the State school agencies for the construction of schools, and gave jurisdiction to the Federal court of the district in which the capital of the State was located to see to it that the money was not spent for any purposes other than that provided in this act, it was rejected. No, that was too simple; it did not give the Federal department all this power. I want to read you this clear understandable amendment that does away with and takes the place of 10 pages of this bill containing all kinds of discretionary power:

Page 36, strike out line 22, and all that follows through line 11 on page 46 and insert in lieu thereof the following:

"PAYMENTS OF STATE ALLOTMENTS

"SEC. 104. The Commissioner shall pay the State allotment for any fiscal year, or so much thereof as the State educational agency requests, to the State educational agency upon certification by it that the amount to be paid does not exceed one-half of the cost of constructing the school facilities for which such funds are to be expended. Funds paid to a State educational agency under this section shall be expended solely for construction of school facilities in the State, and shall be used to pay not more than one-half of the total cost of constructing all school facilities in the State which are assisted under this title.

"JUDICIAL REMEDY

"SEC. 105. (a) The district court of the United States for any district in which the

capital of a State is located shall have jurisdiction, as provided in this section, to grant appropriate relief in any case where any funds paid to the State under this title have been or are about to be expended in violation of this act.

"(b) An action under this section shall be brought in the name of the United States by the United States attorney for the district involved, and shall be brought against the State. The Federal Rules of Civil Procedure shall apply.

"(c) The court may grant such temporary relief or restraining order as it deems appropriate pending final disposition of any action under this section. If in any such action it is determined that any funds paid to the State under this title have been or are about to be expended in violation of section 104, the court shall grant a permanent injunction or other appropriate relief, including restitution of any funds so expended, or such part thereof as may be just and equitable under the circumstances of the case.

"SEC. 106. (a) The Commissioner shall not make any payments under this title to assist in financing the construction of any school facilities project, except upon adequate assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on such project will be paid wages at rates not less than those prevailing for similar work in the immediate vicinity; for the purposes of this section the prevailing rates shall be those which are certified by the State employment office as being those contained in the most recent applications for employment at similar work in such vicinity on file with the nearest office of the State employment service as of the time the project is first advertised for bids or negotiated as the case may be.

"(b) The Commissioner shall reimburse, through the Department of Labor, each State employment service for such additional administrative costs as may be involved in furnishing the necessary wage data to contracting officers, contractors, and subcontractors."

The proponents of the present bill were afraid to trust the State governments and the Federal district court to handle this money. But strange to say, they apparently had no reluctance about putting absolute confidence in the United States Commissioner of Education and the Secretary of Labor, to the exclusion of even the Comptroller General. While they did give him the right to look at what had happened, they stripped him of the power to do anything about it. Just look. Again I say to you as in the beginning, I question seriously that the prime objective of this bill is to build school buildings. Could it be to centralize power over our school system here in Washington where it is easier to apply concentrated pressure?

I say to you members of the committee now, the day we begin to give any Federal bureau in Washington either fourth power, half power, or full power over your educational system, then I fear for our future. And, I say that sincerely. So far as I am concerned, I am moving off the stage, and many of you are in the same position as I am. I have grandchildren. I would like to leave a few things here that I think were good for me and I think will also be good for them. This concentration of power in Washington must stay, and you know it must stop. You say the States are not able to build schools. If we keep bleeding the States white of both their traditional rights and their sources of revenue, then schools will not be the only things that States cannot operate. They will simply be puppets and empty shells. I have served on educational committees in the State legislature and in the Congress for 25 years and loving education as I do, I plead with you with all my heart. I think I know something about it. I know I love our school system. I know I love the children of America. They tell me about Gary, Ind., one of the richest places on this earth that I know anything about, with a family income averaging away up to $5,000 or $6,000.

In 1955–56, Lake County in which is located Gary, Ind., had an enrollment of 92,621 pupils and an assessed valuation of $653,092,975, and according to the Indiana State Board of Tax Commissioners, the property in Lake County was assessed at only 22.27 percent of its actual value. Using actual cash values of Lake County, it amounts to approximately $2,900,000,000 or about $960,000 taxable property per classroom unit in 1955–56. I understand in 1957–58 they will receive approximately $8 million of State aid. I further understand they can borrow money from the State at 1 percent. I further understand they are occupying three tremendous modern new buildings this fall.

There is, of course, no necessity for recounting additional figures. Too many have been given; too few have been understod and even less have been given without being challenged. But I think it will suffice to say that if Gary, Ind., and Lake County cannot educate their own children without giving away so many of their precious rights, then my country is in worse fix than I will ever admit. Again I say to you, there must be something influencing this drastic bill other than the construction of school buildings.

It was openly admitted in the committee by a leader of the proponents that the formula was written to give all States grants as a "sop"—those that did not need it as well as those that might—in order to get votes for the bill. It was also openly admitted that the price of labor and labor support was to bring the Secretary of Labor in.

Now what the other ingredients are in this questionable product, I am unable to say, but my faith in the United States House of Representatives and the American people will not permit me to believe that this dangerous piece of legislation will be adopted.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. McCONNELL. Mr. Chairman, I yield myself 15 minutes.

Mr. McCONNELL. Mr. Chairman, this being, you might say, the final debate that I shall probably have anything to do with in the House of Representatives, I hope to be able to speak as objectively as possible and as free from undue emotion as is possible within my nature.

Federal aid to education has been discussed for many years. During the more than 13 years I have been a Member of Congress various aspects of the problem have been debated publicly and privately. It is doubtful if there would have been the continued mention of the subject if certain situations had not occurred to aggravate the problem.

The majority of the Members of Congress are familiar with the major conditions which caused the classroom shortages to develop in this country. Therefore, I will not discuss them in detail, but will endeavor to give you an understanding of the real problem as I see it.

Past wars and the impact they made on our national economy have caused a fundamental change in the pattern of living in America. Big new industrial units were spread widely throughout this country. Cities and large towns surrounding new factories sprang up all over the land. Improved roads and better transportation facilities caused a rapid shifting of population. Quiet farming communities suddenly became the center of busy industrial life with municipal problems of substantial proportions. At the same time there was a noticeable increase in the birthrate which brought school classroom needs.

In order to alleviate some of the most pressing situations, Congress, by an overwhelming majority, passed two bills which have frequently been referred to as Public Laws 874 and 815. These laws, to provide maintenance, and operation, and construction assistance to school districts adversely affected by Federal impact, helped to take care of some of the most serious conditions. Also, many areas were eventually able by accelerated efforts to get adjusted to the new developments. However, the trend of shifting population continued. The constantly improving transportation facilities with better roads caused many families to move out farther from industrial centers. Pasture lands and idle fields almost over night became the center of huge real-estate developments. Into these homes, many of moderate to small size, moved thousands of young married couples, and they began to have their children—2, 3, and 4 in a family. Schools were constructed with their meager resources, and no sooner was the structure completed than they needed additional classrooms.

Low-priced homes with small assessed valuation do not provide the needed tax bases to take care of police and fire protection, sewage and drainage facilities, and added classrooms. Many of these communities are now desperately in need of financial income to provide for these services, and for adequate educational opportunities for their children. In brief, this is the major central problem of our national classroom shortage situation.

The Health, Education, and Welfare Department has tried earnestly to obtain a correct figure of the classroom needs throughout the country. Their original survey in 1953, which was based primarily on what would be ideal rather than an absolute need indicated a shortage of 320,000 classrooms. The latest figure from a report of the States as being their estimate of critical needs as of the fall of 1956 shows a shortage of 159,000 classrooms. It represents an effort to get a rock-bottom figure of actual serious needs, and is worked out as follows: 80,000 for excess enrollment;

79,000 for obsolescence, unfit classrooms, and to replace destroyed classrooms.

Practically all authorities agree that new enrollments will total 1¼ million children annually for the next 4 or 5 years. The new enrollment alone will require about 45,000 new classrooms annually. Abandoned school classrooms yearly will total 14,000 to 20,000. Thus, about 60,000 new classrooms will be needed annually to keep abreast of current new demands. All above this figure would apply to the past shortage of 159,000. It is estimated that slightly over 69,000 were built during the past school year 1956–57.

Let us understand this picture, because it does not seem to be understood as I have listened to some of the previous speakers. One hundred and fifty-nine thousand classroom shortages is for the fall school year of 1956–57. Practically all authorities agree, and I do not know any who dispute it, that the increased enrollment each year will be about a million and a quarter students for the next 4 or 5 years. It will require annually to accommodate that increased new enrollment approximately 45,000 classrooms. They have been abandoning, because of destruction, unfitness, or obsolescence, 14,000 to 15,000 annually over the country. Added to the 45,000 that you need for the increased enrollment brings the figure to approximately 60,000 classrooms needed each year, not to dig into the backlog of 159,000, but to take care of the current enrollment.

Therefore, when we say that this year there will be 69,200 classrooms, and then say since there are 159,000 classroom shortages, that means we have taken care of all but 90,000, is not accurate, because you are including the 60,000 you need that year to take care of the current increased enrollment and obsolescence. So that what you should do in digging into this 159,000 is to figure you have 60,000 to take into the classroom shortage that you have to take care of for this year. In addition to that, we have a definite classroom shortage in America. I have been out into the area. I have looked at certain situations. I am not surprised about them because they are similar situations that I saw when I was on former trips when we were considering the bill for aid to impacted school districts.

This is the central focus of it all, as I view it. There is no overall shortage in every State. There is a specialized, particular type of shortage, and it exists in most of the States of the Union. There are areas where there are surplus classrooms, and they count in these totals and make it look better. In farming areas, where people are leaving the farms and going into the cities, you will find surplus classroom space and even abandoned schools. In the heavier districts, in the wealthier districts able to float bonds and build new schools, you will find surplus classrooms, because many of them have built up for future growth, so that you have excess space in those districts. But the excess classrooms which count in the totals, the excess classrooms in the farm areas and in the wealthier districts cannot be used to alleviate conditions in districts which I have described to you, where the homes are very moderate size and where the assesssed valuation and tax-income base is low, and where they have a large increase in their population and no financial resources. They are not helped by the surplus classrooms over here.

Certain groups disputed the accuracy of these figures and issued reports using the figures of the Office of Education, and by interpretation implied that little or no shortage of classrooms existed. They stated that the small shortage that might exist could be handled by the States without Federal assistance.

Now the question occurs—what should be done about it I would prefer to have the States and local areas handle their own school-construction problems. That has been the belief of many groups and persons, but unfortunately, although there has been a noticeable increase in interest and activity, there is still a lag in many areas. That has been due to several factors, one of the primary reasons being the constitutional and statutory limitations in many States. It is not easy to obtain changes in debt restrictions on the part of citizens in various States. In the meantime, during this delay the children have been the losers, and will continue to be until something is done about it. That is the reason for the bill H. R. 1 now before us for action.

The bill contains not one, but three alternative methods to obtain Federal assistance. It is designed to stimulate, not supplant, State and local action and initiative. Its primary goal, to be handled by and through the States, is to aid financially needy local school districts.

Title I provides for Federal grants of $300 million annually for 5 years to the States for the construction of school facilities in needy local educational districts. In order to obtain funds each State submits a State plan to the Commissioner of Education that sets forth a program for expending the funds; the principles for determining priorities based on financial and classroom needs, and the efforts being made locally to meet the needs for school facilities; the fiscal control and accounting procedures of the State educational agency; the establishment of standards on a State level for planning and constructing school facilities; the provision for reports to the Commissioner of Education; and the provision for a hearing before the State educational agency of a local school district.

This State plan proposition has been incorporated in many different acts in the past. The Library Services Act is one law where there is a State plan; the Hospital Survey and Construction Act has provision for State plans as to the way the funds may be spent; accounting methods, and priorities in hearings, and so on. The Vocational Education Act has a State plan; the Vocational Rehabilitation Act has a State plan with all the provisions that should be applied when a State seeks Federal funds for various types of projects which are covered by these laws.

The funds are to be allotted to the States by the Commissioner as follows—one-half on the basis of the school-age population of the State, and one-half on the basis of the school-age population and the income per child of school-age population.

The total allotment amount to a State shall be reduced if the State school effort is less than the national school effort.

A State in order to obtain Federal funds is required to match Federal grants on a 50–50 basis. For 2 years the State may use as its 50-percent share the total of State and local contributions—thereafter State contributions only.

Judicial review is provided in the Federal district courts for a State dissatisfied with the action of the Commissioner of Education under this title.

Title II provides a second method to procure Federal assistance. This title establishes a $750 million bond purchase fund, and authorizes the Commissioner for a period of 5 years to purchase the obligations of local educational agencies or districts which are financially sound, but because of relative newness as a community may not have the credit rating to market their obligations at a reasonable rate of interest. It is designed to encourage those districts to help themselves by issuing their own obligations to construct school facilities.

The obligations to be purchased by the Commissioner may be either general or special obligations; they shall be purchased at par or face value; and shall be repaid within a period of 30 years or less, and shall bear interest at a rate specified by the Secretary of the Treasury plus one-half of 1 percent, as applicable to the calendar quarter during which the application is made. The rate applicable to each calendar quarter shall be determined by the Secretary of the Treasury by estimating the average yield to maturity, on the basis of daily closing market bid quotations, or prices during the month preceding such calendar quarter on all outstanding marketable obligations of the United States having a maturity date of 15 or more years from the first day of such month adjusted to the nearest one-eighth of 1 percent. The fund is a revolving fund and the Commissioner is authorized to sell or exchange any obligation purchased by him at public or private sale upon such terms and at such prices as he may fix. Also, subject to certain limitations and where necessary to protect the financial interest of the United States, the Commissioner may consent to modification of any term of any obligation purchased or acquired by him.

The question has been raised by the previous speaker to the effect that great power is given to the Commissioner to modify or to change the conditions leading to the purchase of their bonds. We had to give some power to the Commissioner in connection with the negotiations on the purchase and sale of these bonds. An investor would not buy them if the word of the Commissioner was not final and binding and as long as it was an honest transaction. So they took from section 106 the Housing and Slum Clearance Act of 1949 the language which says in part:

Provided, That such financial transactions of the Administrator, as the making of advances of funds, loans, or capital grants and vouchers approved by the Administrator in connection with such financial transactions,

shall be final and conclusive upon all officers of the Government.

That is also found in the original Housing Act of 1937. So, it is not a new provision that the committee dreamed up to be put in in connection with parts of this bill.

I would say this in all seriousness, as a securities man myself, unless we can designate some individual whose word will be final and binding in connection with bond purchases, you might as well throw out the whole section, because people are not going to buy obligations where they are uncertain of just what they have to go on as to the security of the issue they own.

The third method available to obtain Federal funds is set forth in title III. It provides that if a State will set up a State school financing agency to build and lease schools to local educational agencies, and will establish for each obligation issued a basic and supplemental reserve fund, the Commissioner of Education is then authorized to make advances to the basic reserve fund of an amount equal to one-half the maximum annual debt service on each obligation issued, and the State school financing agency advances the other one-half amount.

The practical operation is as follows: the State sets up a school financing agency. That agency sells its obligations to obtain funds to build classroom facilities. When construction is finished the facilities are made available to the local educational agency on a lease or rental basis at an amount sufficient to, first, pay the annual debt service on the obligations—that is, the interest and the principal when due; second, for deposit of an amount equal to one-fourth of 1 percent of the original principal amount of the obligations into a supplemental reserve fund; and third, to cover the cost of the maintenance, repair, replacement, and insurance of the school facilities.

If the funds available from the rentals for any year after payment of maintenance, repair, and so forth, are insufficient to meet the annual debt service on any issue of obligations, the State school-financing agency shall use the funds available in the supplemental reserve fund. If such funds are insufficient then the agency shall use the funds available in the basic reserve fund; withdrawals to be equally divided between the State and Federal accounts.

When funds are withdrawn in any year except the final maturity date of the obligation; the Commissioner shall make additional advances to the basic reserve fund equal to that amount withdrawn, thus maintaining the Federal share at the original figure of one-half the annual debt service for each obligation issued.

When the aggregate amount in the basic and supplemental reserve fund exceeds two times the maximum annual debt service on any issue, the State school-financing agency shall pay back to the Commissioner the advances of Federal funds made to the basic reserve fund.

Not to exceed $150 million is authorized for the original advances to the basic reserve fund, and $10 million maximum amount for subsequent advances.

As briefly as possible I have endeavored to describe the classroom shortage situation, and the provisions of H. R. 1, designed to encourage State and local action. The total amount of Federal assistance is not large and purposely so in order that State and local action will not be supplanted. Unless they respond by making their own efforts the results attained will not be sufficient to accomplish the desired objective of more rapidly overcoming classroom shortages in America.

I firmly believe that provision for adequate classrooms for the children of America is of immediate concern to this Nation. Lost educational opportunities in the formative years can seldom be regained. In the complex world of today, failure to provide such educational opportunities would be detrimental to our national security and a drag on the full development of our human resources. It would be a sound investment in the future of America.

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

Mr. McCONNELL. I yield to the gentleman.

Mr. UDALL. Mr. Chairman, as a member of the subcommittee that formulated this legislation, I want to commend the gentleman from Pennsylvania for a very clear exposition of the bill and a very convincing one. As most of our colleagues know the resignation of the gentleman from Pennsylvania lies on the Speaker's desk. He is free from any type of political pressure. I think we all respect his utter sincerity in this matter, and I personally want to say to him that he has been a tower of strength to those of us who believe in this legislation. I think all of us will agree that when he departs from this House it will be a big loss to the House and to the country.

Mr. BARDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY of Pennsylvania. Mr. Chairman, H. R. 1, a bill to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms, brings us face to face once again with one of the most serious problems existing in our Nation. It might well be considered the most important problem confronting the Nation. Since, upon the education of American children depends, to a very large extent, the strength of our national security and the maintenance of our free democratic system of government. Well-educated and well-trained citizens are needed more than ever before to continue our advances in science and technology and to maintain our expanding prosperity. Yet in this great Nation, because of a serious and continuing shortage of adequate classrooms, millions of American children are handicapped in their education.

For more than 10 years we have watched the shortage of classrooms impose a grave handicap upon the education of many children. This neglect of educational opportunities means a loss to the individuals and to the Nation which can never be regained. It is our duty and responsibility to correct these circumstances, and to do it now. It is imperative that the Federal Government join with the States and local communities in a program that will eliminate the shortage of classrooms and leave the States and local communities in a better position to meet their current needs for classrooms in which to educate our increasing population.

The classroom shortage began to develop during the economic depression of the 1930's when a lack of funds restricted school construction. Labor and material shortages during World War II prevented the building of needed schools and this added to the backlog of classroom shortage. Since the end of the war the problem has been greatly enlarged by the most rapidly and sustained enrollment increase in our history. In the past 5 years alone public school enrollment has increased by about 5½ million and it will continue to increase by an additional 6 million over the next 5 years.

State and local governments have greatly increased their rate of school construction. About 63,000 classrooms were constructed during the 1955–56 school year as compared to about 9,000 classrooms constructed in 1946–47. It is estimated that a record-breaking 69,000 classrooms will be built this year. But even at this unprecedented rate of school construction the shortage will continue to handicap the education of school children for many years to come, since about 65,000 new classrooms will be needed each year, simply to accomodate additional enrollments and to replace classrooms that become obsolete, or for replacements resulting from population shifts, school consolidations, or losses due to fires or natural disasters. States and communities are faced with public-school enrollments increasing at the rate of 1¼ million students each year for the next several years. This is a tremendous task. State and local governments are, generally speaking, facing up to their responsibility and steadily increasing their efforts. But, the shortage continues and will persist for more than a generation unless the Federal Government joins in the effort.

It has been said by some that there is not a serious shortage of classrooms, and, therefore, no need for Federal assistance. But, every responsible nationwide survey of actual conditions has revealed that there is a serious widespread and continuing classroom shortage. The latest estimates made by State educational agencies in the fall of 1956 placed the total shortage at approximately 159,000 classrooms. I do not contend that this shortage of 159,000 classrooms is a precise measurement correct down to the last classroom. The standards, judgments, and methods involved in arriving at such estimates naturally will vary in some degree from person to person and from place to place. But there can be no reasonable doubt that the shortage does exist. We must have confidence in the information supplied by

State and local school authorities, since they are closest to the scene and they know best how many pupils are enrolled and how many and what kind of classrooms are available. I am convinced that they have reported the facts as they found them to the best of their ability, and with full integrity. They estimate that 80,000 new classrooms are needed specifically to provide adequate classrooms for the children that are in school today and which can be counted with reasonable accuracy. Another 79,000 classrooms are needed to replace buildings which are too old, unsafe, or otherwise inadequate. This makes a total of 159,000 needed classrooms, which, in the opinion of the majority of our committee is a conservative estimate.

The classroom problem, however, involves not only the shortage existing today, but the need for classrooms for further larger enrollment increases to come, and replacements of classrooms which will become obsolete in the future. The current rate of construction little more than keeps pace with the new needs developing each year. It makes very little progress in reducing the backlog of shortages accumulated over the last 20 years.

Mr. Chairman, I would like to state that, in principle, I would very much prefer to see the States and communities solve this problem. But we are faced with a condition, and not a theory. The shortage has been apparent for more than 10 years. States and communities have doubled, and then redoubled, their efforts, but it has not been enough. The shortage of 159,000 classrooms is a fact. So long as it exists our children will be handicapped in their education. It has existed too long, in fact, so long that in the opinion of many it is considered a national disgrace and it must not continue any longer. It can be met and solved with Federal assistance provided under the three titles of H. R. 1, and it can be done without Federal interference or Federal control.

Local school districts, of which there are more than 50,000 in the country, finance new school construction in several ways. Some get loans from State sources to supplement local funds. Some rent schools fom State school-construction authorities. Most districts borrow funds by issuing bonds.

They operate under widely varying laws which in many cases may make it difficult to finance school construction. As of last year, there are constitutional debt limits in 26 States and statutory limitations in 21 others beyond which a local school district may not issue bonds. There are tax-rate limitations in 16 States. These well-known difficulties are often aggravated by underassessment of property and varying types of local school districts. For example, in some cities children attend schools in districts with low property values, while adjacent industrial districts with high property value may not be taxed to finance school construction costs.

The most common method of school financing by issuing bonds is an involved process. The cost of the building must be estimated, plans may have to be cleared with some State authorities, and approval by the voters obtained. Thereafter the bonds must be sold. Sometimes bonds from certain districts cannot be sold at an interest rate which is considered reasonable for such securities.

The financing of school construction has many facets. There is no one method which can meet the different problems involved.

Therefore, H. R. 1 is designed to provide alternative programs for the solution of these different problems by authorizing—

First. Payments to State educational agencies for assistance on a grant basis to local school districts where this type of assistance can be most effectively utilized as determined by a priority system established by the State;

Second. Purchases by the Federal Government of bonds issued by school districts which are capable of financing their own school construction, but cannot obtain financing from ordinary sources on reasonable terms; and

Third. Credit assistance to State school-financing agencies to provide schools and related facilities in those States where such agencies exist or may be created.

Title I of H. R. 1 authorizes an annual appropriation of $300 million for 5 consecutive years beginning July 1, 1957, for the grant program. One-half of the amount is to be allotted by the United States Office of Education among all the States on the basis of school-age population, ages 5 through 17, inclusive. The other half is to be allotted among all the States on the basis of a formula which includes both school-age population and relative per capita income of the States. The tentative allotment to any State is reduced if the State is below the national average both in its dollar expenditures per student and in the proportion of its income spent for education. The method of distribution thus gives fair recognition to numbers of children, financial ability, and relative effort being made within the State.

To participate in this program a State is required to submit to the United States Commissioner of Education a State plan setting forth a program under which the grants will be distributed. Among other things, such as adequate reporting and accounting controls and procedures, a State plan must set forth principles for determining the priority of projects within the State for assistance under this title, which will assure that first priority will be given to local school districts that are making an effort commensurate with their economic resources and are unable to finance the full costs of needed facilities, taking into consideration the financial resources, the efforts being made to meet needs on a local basis, and the urgency of their needs for school facilities.

These State plans are made by the States, they are their own plans and cannot be finally disapproved by the United States Commissioner of Education without affording the State an opportunity for a hearing.

Payments under this title are made to the States in an amount not to exceed one-half of the total costs of constructing the projects to be assisted. The bill is designed to permit the extent of Federal participation to vary with the need of particular school districts. For example, it is intended some of the projects receiving Federal assistance under this title within a State may receive as much as 80, 90, or conceivably even 100 percent of Federal money and others receive as low as 10, 15, or 20 percent. The only requirement is that the Federal Government shall not pay more than 50 percent of the total costs of constructing all of the projects receiving Federal assistance within the State.

This means that Federal grants are matched in the aggregate dollar for dollar by State and/or local funds on a statewide basis during the first 2 fiscal years of the program. During the remaining 3 years of the Federal program, the dollar-for-dollar matching must come from State funds only.

The bill provides that if any State is dissatisfied with any final action by the Commissioner of Education the State may appeal to the United States district court for the district in which the capital of the State is located.

It also provides that in order to receive grant payments a State must provide assurances that the school construction bill shall be subject to the provisions of the Davis-Bacon Act.

Title II of the bill establishes a second alternative method to assist communities to provide the schoolrooms. It authorizes the Commissioner of Education to purchase school bonds of local communities which are capable of financing their own school construction, but which cannot obtain such financing from other sources on reasonable terms.

Many of the districts to which this may be of value are districts with unexplored credit standings or small districts with low assessed valuations. Others are areas where a sudden expansion of population has resulted in an increase in the public expenditures and debt more rapid than the increase in assessed valuation. Others may be subject to financial uncertainties created by shifts in population or local industry.

Title II enables the Federal Government to help these communities finance their own school construction. Under it, the districts which qualify will be able to sell their bonds at reasonable rates to the Federal Government.

Appropriations aggregating $750 million would be authorized for the 5 fiscal years ending June 30, 1962. The obligations purchased will bear interest at the current rate for long-term Federal obligations, maturities of 15 years or more, plus one-half percent.

To be eligible for Federal purchase of obligations the State educational agency must certify that a community after a public offering is unable to market its obligations on reasonable terms and at the interest rate applicable under this title. It will also have to show that the bonds were legally issued and that the classrooms to be constructed are for current and reasonably anticipated enrollments and are consistent with applicable State laws.

The total of the obligations of local educational agencies in any one State which the Commissioner could purchase would be limited through use of an allocation formula based on school-age population.

Title III of the bill enables the Federal Government to assist States desiring to do so to issue and market obligations to finance the construction of public elementary and secondary school facilities for use by local educational agencies.

The basic purpose of this title is to improve the marketability of obligations issued by State school-financing agencies. Lower rates of interest on these obligations would result in a saving for the local school districts who use the school buildings constructed under programs of this kind. It establishes a program for assistance to State school-financing agencies through sharing equally with the State in the cost of establishing and maintaining a reserve fund equal to 1 year's payment of principal and interest on the bonds issued by such agencies to build schools.

Appropriations are authorized for 5 fiscal years beginning July 1, 1957, not to exceed an aggregate of $150 million, in order to provide the initial Federal advances to the basic reserve funds of State school-financing agencies. If this were fully utilized the Federal Government could assist in the issuance of approximately $6 billion of State school-financing agency bonds.

The bill authorizes the Commissioner, when necessary that there be additional payments to reserve funds in order to maintain the full Federal share of the basic reserve fund, to issue obligations to be purchased by the Secretary of the Treasury. The total amount of such obligations to be outstanding at any one time is limited to $10 million. It is highly unlikely that this provision will be used to any great extent since few school districts will fail to pay for their school facilities. In order to support the pledge of the United States Government to maintain in the reserve funds an amount equal to one-half of the annual debt service of the obligations, it is necessary to authorize appropriations not to exceed $10 million, plus interest, for this purpose.

This title is designed to assist those States, such as Georgia and Pennsylvania, which have State school-financing agencies, and to assist other States, such as New York, where such State school-financing agencies are contemplated.

The role of the Federal Government is to advance to the State school-financing agency for each issue of its bonds one-half of a basic reserve fund equal to 1 year's debt service on the bonds. The State will be required to advance an equal amount to the basic reserve fund. Should deficits occur and be paid out of this fund, the Federal Government will undertake to restore its half of this reserve to its initial level up to a maximum of one-half the annual debt service, subject to the limitations in this title.

Some of the classroom shortages are in many rapidly growing suburban areas. It is in the suburban areas that the population growth has been the fastest. Population in these areas grew between 1940 and 1950 at a rate 2½ times as great as the rate of growth for the United States.

These areas can generally be expected to finance the cost of construction of their school buildings over a period of time. Their difficulties result from their inability to finance this construction now. Their potential resources are adequate. But, because of restrictive debt limits or because the need for schools, sewers, water, streets, and so forth, has occurred simultaneously, or for all of these reasons, many of these localities cannot now pay for all the necessary school construction.

This program is principally designed to facilitate immediate construction of schools for localities such as these. It is keyed to the establishment of a State school financing agency, coordinated with the States educational authorities, which will issue bonds to finance schools for local school districts. The school districts will pay annual rentals or other payments for the use of the buildings, sufficient to cover the interest and principal on the bonds, make payments to a reserve fund, and pay the administrative costs of the State agency. Each district can thus have the use of the building through these rental or other payments over a period of years when it may not have title to such building.

The Commissioner of Education is granted authority under terms of H. R. 1 to utilize the services and facilities of other agencies of the Federal Government and of any other public or nonprofit agency or institution.

Practically all of the proposals of the administration are incorporated in H. R. 1. The language in title II, which provides for Federal Government purchase of school district bonds, and title III, which provides support for bonds issued by State school financing agencies, is exactly the same as that contained in the administration bill. Under title I, which provides for grants to the States, half of the appropriation will be allocated to the States on the basis proposed by the administration, and the other half will be allocated to the States on the basis of the formula contained in H. R. 1, as originally introduced. Both effort and need which have been recommended by the President are included in the formula for allocating funds to the States.

The bill provides assurances that Federal funds will not be used merely to replace State and local funds, but rather will actually serve to encourage still greater State and local effort in the construction of schools. This is accomplished by matching provisions and through recognition of effort commensurate with ability at both the State and local level. Any local community not making an adequate effort based on its ability would not qualify for grants under the program. The requirement for State matching entirely, after the second year of the program, should encourage increased State effort for school construction in many States. The bond support provisions will also help States and communities increase school construction from their own resources.

The bill provides temporary emergency assistance. It recognizes that once the backlog of classroom shortages is eliminated the States and communities can meet future needs on their own and without further Federal assistance. If adequate appropriations, as provided in the bill, are made, I am convinced that at the end of the 5-year period the shortage will have been eliminated.

Mr. Chairman, it has been argued by some that legislation of this type carries with it some degree of Federal control which could be increased as time goes on. The bill strongly forbids any Federal control of education. Section 405 of the bill declares:

> In the administration of this act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum or program of instruction of any school or school system.

This bill provides a program for Federal financing assistance without infringing in any way on the American tradition of American State and local control of education. Our history has demonstrated many times that the Federal Government can support the cause of education without imposing Federal control. For example, since 1862 the Federal Government has provided financial support to land-grant colleges. For 89 years the United States Office of Education has been a source of nationwide information on education. For 40 years the Federal Government has given support to vocational education. Since World War II the Federal Government has invested $18 billion to help war veterans continue their education. Since 1950 the Federal Government has made direct payments to school districts both to build and operate schools in areas burdened because of Federal defense installations or other activities and for many years Federal assistance has been provided for the advanced training of scientists for medical research and other programs. All of these activities have been carried on by the Federal Government, acting in the interest of the Nation as a whole, to assist State, local or private efforts for education. There has been no Federal control of education develop as a result of these activities and no such charge has ever been made. Surely, the Federal Government can now provide emergency funds to be administered by the States and local districts to help in the building of schools without in any way controlling or interfering with the education of our children.

It has also been charged that Federal assistance for the construction of schools is no more than a scheme whereby the so-called richer States will have to help the so-called poor States and communities to build schools because they have not done what they should have done to take care of their own educational needs. This argument, I believe, besides being fallacious, is quite shortsighted. In this modern age our population moves to all parts of the country and the poorly educated children of today will be the working and

voting citizens of tomorrow in many of our so-called prosperous States and communities. It seems to me that we might well measure the progress, prosperity, and needs of the Nation as a whole, rather than merely looking at statistics showing what percentage of Federal taxes are paid from the various States. The Federal income taxes paid from the home office of any corporation are collected in the price of its product sold all over the Nation. And not only from the people living in the State where the home office of the corporation is located. Even in those States from whence comes the major percentage of Federal taxes there are school districts that are unable to meet their needs for school buildings. To some extent, every State in the Union has school districts where a shortage of classrooms exist, and these school districts are unable to make up that shortage without assistance from State and Federal funds. Every State in the Union will benefit by the provisions of this program, and there is no State that can exist and prosper except in relation to all other States in the Union.

The simple and basic purpose of the bill is to assist in building of schools for children who urgently need them. The bill is founded on the principle that a serious lack of facilities for education in any section of the country limits the progress of our Nation as a whole. Education is basic to the maintenance of our form of government, our national defense, and our economic development. I believe that the bill provides the best type of program that can be devised, and I believe that the overwhelming majority of people in this country want and expect the Congress to enact this legislation. For the sake of our children and the future of our Nation, I sincerely hope and believe that it will be enacted.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, I wish to commend the gentleman from Pennsylvania [Mr. McCONNELL], the ranking Republican member of the Committee on Education and Labor, for the able, comprehensive, and informative explanation he has made of the provisions of the pending bill. Likewise, I wish to comment upon the sincerity, as well as the sound and conservative judgment, that was noticeable in his entire presentation of the subject. The views he expressed were sound, conservative, and wise. His entire attitude in this respect is characteristic of what has always been evident in every public duty he has performed during his 13½ years of service in this House. Consequently, it is with deep regret that I learn that it is the intention of the gentleman from Pennsylvania [Mr. McCONNELL] to leave membership in this House to take up duties of a very worthwhile character as national executive director of the cerebral palsy organization. We shall miss him as a wise and valued counselor in solving the problems of such great magnitude that are continually confronting us in this day and time of uncertainty. It is our wish that he shall have a large measure of success in his new field of endeavor. We have no doubt such will be the case.

The bill now before this House for consideration—namely, H. R. 1—is one of the most important that will be acted upon during this present session of Congress. Its importance arises from the fact that it seeks to provide additional and much-needed classrooms in the schools of America. The future welfare of the children demands that Congress take cognizance of the need that exists at the present time to meet the shortage in classrooms that it is admitted exists in the school districts of our several States. It is my opinion that a very great and worthwhile service has been performed by the Committee on Education and Labor of the House. The education of our children, the future citizens and rulers of America, constitutes one of the most necessary obligations in a democracy. In meeting this obligation our Nation has made this Nation distinctive among all the nations of the world. In no other nation has there been such a complete recognition of the advantages of free public education, or, a greater desire to provide the facilities for such an education. As a nation we have reaped such great benefits from our public school system that we are encouraged to advance it in every way possible, and, likewise make certain that its advantages shall be the heritage of every child, regardless of race, color, or creed, or station in life.

The studies that have been made by the Department of Health, Education, and Welfare, the Committee on Education and Labor of this House, and by various groups, National, State, and local, as well as individual studies and surveys, leave no doubt that there is a very serious shortage of classrooms existing at this time. Various estimates have been given from which it would seem that there is at least a present shortage of 159,000, and that each year there is a further shortage of approximately 60,000. It has likewise become apparent that there is an inability in many sections of the country to meet this shortage by the construction of additional classrooms. The reasons for this are numerous and varied. It is not necessary to go into this in detail at this time. There is no doubt of the justification in taking this fact as admitted. This leaves the question of how to meet the shortage as the problem to be solved. This bill seeks to do that by means of the several approaches made in the different provisions constituting the several titles contained in the bill.

TITLE I—PAYMENTS TO STATE EDUCATIONAL AGENCIES

The bill as reported by the committee in title I authorizes the appropriation for the fiscal year beginning July 1, 1957, and the 4 succeeding fiscal years, such amounts, not to exceed $300 million in any fiscal year, as may be necessary for making payments to State educational agencies. These funds are to be allotted among the States in two parts. One-half of the funds so appropriated would be apportioned on the basis of school age. The remaining one-half would be apportioned on the basis of school-age population, as weighted by relative income per school-age child. The apportionment among the several States is to be made by the Commissioner of Education. To make certain of the proper distribution and fulfillment of the objectives of the act there are several appropriate provisions.

TITLE II—PURCHASE OF OBLIGATIONS OF SCHOOL DISTRICTS

This title of the bill authorizes the Commissioner of Education to purchase local school bonds, during the fiscal years in the period beginning July 1, 1957, to assist in financing school construction by local educational agencies which are unable to obtain such financing on reasonable terms from other sources. For this purpose the bill authorizes an aggregate appropriation of $750 million for the 5-year period the program is in effect. Appropriate provisions are contained in the bill to provide for a fair distribution among the several States, to fix the rate of interest and make certain the financial ability of the local agency to pay its obligations as they become due.

TITLE III—FEDERAL CREDIT ASSISTANCE TO STATE SCHOOL-FINANCING AGENCIES

This section would authorize the Commissioner of Education to enter into agreements with State-financing agencies under which advances would be made for the establishment of reserve funds to support obligations issued by the agency to finance the construction of school facilities for use by local educational agencies. This feature of the bill is likewise protected by appropriate provisions to insure financial security and stability of the fund. The bill authorizes the appropriation for the 5 fiscal years in the period commencing July 1, 1957, of an aggregate not to exceed $150 million for making the initial advances. These advances are to be made only to support obligations issued in the period beginning July 1, 1957, and ending June 30, 1962.

TITLE IV—GENERAL PROVISIONS

This title covers merely technical questions, definitions, administration, and so forth.

President Eisenhower by his message to Congress has pointed out: The problem with respect to the classroom shortage existing in the United States and recommended that the Congress enact legislation authorizing the Federal Government to assist in the financing of school construction in several ways without interference with the responsibility in State and local school systems.

The committee has conducted long and comprehensive hearings. This bill is the result of this testimony and information. It is designed to provide a method whereby the Federal Government can join with the States in meeting the classroom shortage problem. It is the intention of the majority that there be no Federal interference in the direction of the Nation's educational system.

The purpose of this legislation, to be known as the School Construction Assist-

ance Act of 1957, is well expressed in section 2 of the act reading as follows:

SEC. 2. The Congress finds that despite sustained and vigorous efforts by the States and local communities, which have increased current school construction to an unprecedented level, there is still a serious national shortage of classrooms requiring emergency action on the part of the Federal Government. The limited financial resources available to a number of communities are not adequate to support construction programs of sufficient size to eliminate their classroom shortages. Other communities, in their efforts to apply their potential resources to their needs, are confronted with restrictive debt and tax limits, an inability to borrow the necessary funds at reasonable rates, and other obstacles. While the Congress recognizes that responsibility for providing adequate school facilities lies primarily with the States and local communities, the national interest requires that the Federal Government assist State and local governments in solving these pressing problems. It is the purpose of this act to provide, on a temporary basis, alternative programs for the solution of these varied problems by authorizing (1) payments to State educational agencies, for assistance on a grant basis to communities where this type of assistance can be most effectively utilized, as determined under priorities established by the State; (2) purchase of bonds issued by communities which are capable of financing their own school construction but cannot obtain such financing from other sources on reasonable terms; and (3) credit assistance to State school-financing agencies, to provide schools and related facilities in States in which such agencies exist or may be created.

I am in full accord with the declared purpose of the act as above set forth. The testimony taken by the committee during its long series of hearings justifies, in my opinion, not only the purpose of the act, but it also justifies the provisions that are contained in the act. I am glad to give my support to the bill.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, I am opposed to this legislation.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I, too, would like to commend the gentleman from Pennsylvania for his very clear exposition of this legislation. I followed his remarks closely and I intend to support the bill.

Mr. Chairman, first allow me to state that I have been active in advocating a greater nationwide emphasis on State-local government responsibility. I have urged here in the well of this House as well as through introduction of implementing legislation the transfer to levels of Government closer to the people of functions now financed in whole or in part by the Federal Government.

But, Mr. Chairman, in this time of crisis in education, as a temporary stopgap measure, I support this school aid bill which authorizes $1,500,000,000 of grants to the States, on a matching basis, for construction of needed new schools. I would have preferred the administration's idea of allocation of funds on the basis of need rather than using a formula including the factor of school-age population of each State, but on account of the overall shortage of school housing I will not oppose the bill because of its compromise provisions.

Earlier this year, in my State of Washington, our legislature authorized a record $320 million for the public schools in the biennium. This included $236 million for basic support, $23.5 million for equalization, and $52 million for school construction. The teachers were each given a needed $505 salary increase and $94.50 in Federal social security coverage. And, of course, local school districts will match this $52 million of State school construction money. Altogether, to meet its constitutional responsibilities, our State has extended itself within its present limitations of tax revenue. If the Federal Government would relinquish one or more taxes to enable my State to obtain more revenue, the schools would be able to obtain more support from the State and local levels and there would be no need of this school aid bill.

A short time ago—as a matter of fact, it was just a week ago tomorrow—the House Committee on Rules ordered House Resolution 312 favorably reported. This resolution, which I hope will come to the floor shortly, would authorize a select committee of Members of this body to investigate and study all Federal grants-in-aid. I testified in support of a similar bill which I had introduced because I am convinced, Mr. Chairman, that the trend toward Federal domination in the field of taxation is dangerous. After all, in the early days of our Republic, Chief Justice Marshall, I believe it was, laid down the principle of Federal and State reciprocal tax immunity. Otherwise, as he pointed out, one unit of government could confiscate the other. And as I see it, by usurping certain fields of taxation and obtaining such a high percentage of the total income of the citizens, the Federal Government has curtailed the ability of the States to meet and pay for their constitutional responsibilities and functions, and therein is a possible means of effectively destroying government close to the people.

So, Mr. Chairman, as I say, I have been vocal and active in urging the relinquishment of a Federal tax or taxes to the several States in order that they can provide in whole the financing and management of certain projects such as are included in this legislation, and certain other programs presently provided, in whole or in part, by the Federal Government. Under existing conditions, however, it is not inconsistent to urge Federal participation as a necessary and temporary expediency. And may I say that this position is sustained by specific mention of nationwide school needs in the platform of my political party, besides, of course, having come to the Congress as an important item of President Eisenhower's program. At the same time the Republican platform, of course, has urged reallocation of fields of taxation between Federal, State, and municipal governments so the latter could meet their obligations more efficiently. From the start of his administration the President has supported such a policy; and Members will recall his special message to Congress in 1953, when he said the adequacy of fiscal resources to the various levels of government must be carefully explored; and in this connection he has just appointed a joint committee with the Conference of State Governors for this very purpose.

In spite of my strong support of a movement looking toward the return of some Federal functions to the State and local levels where they properly belong, and in spite of my firm conviction that it is with these latter authorities the responsibility of providing adequate schools belongs, I nevertheless believe it entirely consistent in this instance to support H. R. 1.

Let me hasten to say, however, that my position is strictly limited to H. R. 1 as an emergency Federal aid program. I wish to emphasize, Mr. Chairman, I favor a temporary program to help meet a backlog of needed school classrooms accumulated in years of war and material shortages due to Federal restrictions and national defense requirements. Likewise, due to a circumstance of World War II, there was a sharp rise in the birthrate which is reflected in school enrollment. Population migration is also a factor, which convinces me that a serious shortage of facilities exists regardless of statistics to the contrary offered by opponents of this bill.

As I see the picture, the disagreement as to the nature and extent of the Federal Government's responsibility in connection with H. R. 1 is an honest one. I happen to believe that public education in line with freedom from possible national control of teaching should be financed and managed on the State and local levels. As a matter of fact, I firmly believe the community school board should never be under the domination or control of even State departments of instruction. Notwithstanding all this, I feel, as an exception, that Federal aid for school construction where local resources are inadequate seems justified today. Under H. R. 1 funds would not be allocated solely on the basis of need, it is true. And while I would prefer the President's original plan, I will go along with the committee compromise which President Eisenhower supports.

In conclusion, Mr. Chairman, let me say that most emphatically, in voting for H. R. 1, I do not commit myself to continuing programs of this nature. I shall strive for legislation for full responsibility for the cost of public education by the community and State unless, as today, as a result of war there is a demonstrated need along with a proven condition of insufficient tax resources to discharge the full obligation. Right now, it seems to me, this latter situation covers our current school building requirements. One might say the entire Nation is a federally affected area, and therefore temporarily the burden of the impact should be shared and equalized in meeting the shortage of classrooms by Federal assistance.

As to the future, let all those of us who sincerely believe general public education should rest upon the States and

their political subdivisions, join together in support of House Resolution 312 and insist on action, and not just more statistics, in curtailing grants-in-aid.

The sole doubt in my mind today is whether this program will terminate on schedule. Therefore, I emphasize that my support is for a temporary program of 5 years as limited in the provisions of this measure.

Finally, I wish to thank the ranking committee member on my side of the aisle for allowing me this opportunity to speak in support of the school-construction bill for which I intend to vote, and hope a majority of my colleagues will do the same.

Mr. McCONNELL. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. GWINN].

Mr. GWINN. Mr. Chairman, I am in a great conflict of emotion as I start my part of this discussion. I am so stoutly in opposition to my good friend the gentleman from Pennsylvania [Mr. McCONNELL]; and yet I want to say something very nice about him at this time. I would like to call him Sam, but under the rules of this House I must remain within the frame of formality and refer again to what I think you all know. The gentleman from Pennsylvania [Mr. McCONNELL], the ranking member on the Republican side of the Committee on Education and Labor of the House is retiring or resigning from the House as of September 1 to take the headship of the National Cerebral Palsy Association of America.

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

Mr. GWINN. I yield.

Mr. CRETELLA. Mr. Chairman, this is very important legislation whether one is for it or against it. Certainly there is not a quorum here, and I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-three Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 152]

Anfuso	Flynt	O'Neill
Avery	George	Powell
Beamer	Hillings	Prouty
Boykin	Hoffman	Saund
Bush	Holtzman	Shelley
Davis, Tenn.	Knox	Teller
Dawson, Ill.	Laird	Thompson, N. J.
Eberharter	McCarthy	Wainwright
Farbstein	Mailliard	Widnall
Fascell	O'Brien, N. Y.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H. R. 1, and finding itself without a quorum, he had directed the roll to be called, when 393 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New York [Mr. GWINN] has 13½ minutes remaining.

Mr. GWINN. Mr. Chairman, at the time the point of no quorum was made I was speaking about the ranking member on the Republican side of this committee, the gentleman from Pennsylvania, Mr. McCONNELL, who retires September 1 to become the head of the National Cerebral Palsy Association and will give all of his time to that work. It seems natural that a man springing from the ancestry which he does, that if he should quit Congress at all, would go into some public service of that high order. We are sorry to see him go even for so splendid a work, and we shall hope to see him back often here in our midst and to hear of the splendid work he is doing in that great field of relief.

I should hesitate to comment on his favorable disposition toward this schoolroom construction bill. You notice these pictures up here. I have no idea where they came from; neither have I any notion whether or not the conditions that are displayed will ever be relieved by the Federal Government. I do not think the Federal Government can act in time to get there. I mean this Federal Government of ours, this United States Office of Education, this propagandizing, this publicity-seeking outfit that we support has been trying for 25 long years to get the Federal Government into education. You will hear a great deal on this subject. Much of it will be in conflict.

The classroom shortage, whatever it is—and of course there is a shortage, there always is a shortage of classrooms, but the shortage varies. But whatever the shortage, insofar as this House knows, comes alone from the head of the United States Office of Education. He is responsible for the only figures of shortages before us. He starts getting the facts by sending a letter questionnaire and sometimes a postcard, as he did in Missouri to get the facts. He got the facts not from the school districts themselves or the boards of education, not from the legislatures or taxpaying organizations or county supervisors. The information did not come even from the superintendent of schools in most cases. It came from members of the staff of the State school offices, most of them rather far down in their authority. Their estimates, low as they were, could have shown wide variations no doubt honestly. The judgment of the schoolmen on that subject might naturally be high. There would be undoubtedly a difference of opinion between them and the school board and the taxpayers, and even the voters. We know the voters in about half the school bond elections differ with their superintendent of schools.

Let me describe that source of authority for our figures of shortages: It is no impartial, impersonal source of authority. It is the United States Office of Education itself. Its Commissioner is a crusader for the thing he wants us to vote money for. He was formerly a member of the legislative committee of National Education Association, a satellite of the United States Office of Education, both crusaders for Federal aid. They are not impartial gatherers of statistics. If they were, they would have gathered impartial statistics; for example, what bonds are being sold in all the school districts for school construction. They are published daily and should have been made available to the committee.

At best we have got guesses or estimates on the shortage. Mr. Folsom as head of the Department proposing this legislation is not a reliable source of information because he is a prejudicial personally interested plaintiff in the case. He wants to build up the facts as he wants them to be, to support his personal idea that the people are not doing the job for their own children. He is a propagandist of a rather violent sort who takes the money by force of government and distributes it to others. He drew the bill or someone in his department drew the bill and handed it to us by messenger. His department has been doing that for a long time. In the press you will notice today and yesterday and the day before headlines like:

"Folsom lashes the opposition to the school bill."

Is this House no longer the source of policy for these United States? Is it the source for the appropriation of funds from the taxpayers or is it the creature, the object of scorn and criticism by a bureaucracy of government? The only source of information that this House has to act upon? The very source of thought control on this subject?

Mr. Chairman, the gentleman from Pennsylvania, the ranking minority member of the committee, took a little trip out through the country, the Far West, and what States do you suppose he picks as to need and inability to pay? Ohio, Indiana, where I was born, Missouri.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield inasmuch as Ohio has been mentioned?

Mr. GWINN. I yield to the gentleman from Ohio.

Mr. McCULLOCH. I am very happy to give the gentleman some of the latest completely dependable figures on the State of Ohio, which covers a number of years. From January 1, 1946, to January 1, 1956, the people of the State of Ohio voted $910,293,396 worth of bonds for the building of classrooms in that State. From July 1, 1956, to July 1, 1957, the voters of the State of Ohio voted $122,568,055 worth of bonds for classroom construction. In my home district, which is made up of 7 rural counties, in that last 12-month period ending July 1, 1957, we voted upon ourselves $7,664,000 worth of bonds to build classrooms. We are ready, able, and willing in Ohio to provide the classrooms which we need. I would like to add further, and then I shall be through, that in my own hometown of Piqua, Ohio, a town of 18,000 or 20,000, we have voted bonds with which to build classrooms that gives us now all of the classrooms that we need and when our building program is completed within the next 12 months we will have anticipated our needs for at least 2, if not 3 to 5 years.

Mr. GWINN. Of course, the story in Ohio is repeated over and over again.

Let me read to you what Secretary of the Treasury George M. Humphrey said

before the Senate committee to show the tremendous rate at which the States are doing the job. Indeed, I think the way my tax bills are going up—and I imagine you are finding it the same—we are going all out, and I think maybe this propaganda by Folsom is scaring us so that we are doing more than we should in some places.

At any rate, we are obliged to Mr. Humphrey for this:

Total public construction for 1956 was 23 percent above the 1952 levels, and educational construction was up 56 percent. During 1956 alone new borrowing by States and municipalities totaled $5.4 billion, and during the last 9 months for which figures are available more elementary and secondary school bonds were sold than in any 9-month period in our history. In the past 4 years $8.8 billion was spent for school construction, more than had been spent in the preceding 20 years.

Now let us take a look at the so-called shortage. You will find this in the minority report, and I stick to the facts in that report which have not been disputed. When Mrs. Hobby was Secretary of the United States Office of Health, Education, and Welfare, she predicted a 407,000 classroom shortage on a survey by this same United States Office of Education, which is now feeding us the figures—a 407,000 classroom shortage to be on our backs by 1959–1960. That was only 3 years ago when she made this prediction of how perfectly dreadful our situation was going to be by 1959–1960. We note that by the end of this school year, 1956–1957, the classroom shortage has been reduced to less than 90,000, after deducting the 69,200 scheduled for completion by June 1957. That is right now—69,200 classrooms when they were making these predictions were already scheduled, the bonds already sold, and in the treasury of the school boards for 69,200 classrooms which are just now being completed. So, of the 159,000 classrooms which Mr. Folsom now says we are short, down from 407,000, we really have only 90,000, of course taking into account the fact that new pupils will be coming in, but that takes in only 35,000 or 40,000 classrooms to take care of the new pupils for next year. Many of them will filter into the old rooms. So, we are down 80 percent in slightly more than 2 short years without a dime of Federal aid such as proposed by this bill.

A further study of this report by Mr. Folsom—he is our source—shows that 18,116 needed classrooms were supplied here in Washington by the United States Office of Education as their estimate of need.

These cover the States that refused to reply. They had no shortages they were willing to report. They did not believe in the method of collecting statistics on shortages either. Now York State said, in effect, "We are not going to answer the question as to shortage; it is foolish." In spite of the refusal of the States to report shortages the United States Office of Education wrote into the 159,000 figure 18,000 shortages on its own responsibility as its guess of what those States, including New York, should have reported.

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

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

Mr. TABER. When they appeared before the Subcommittee on Health, Education, and Welfare with statistics from the Department a year ago, they showed something in the neighborhood of a shortage of 175,000 classrooms. But, on questioning, that figure disappeared, because of the number of classrooms of private and parochial schools; all sorts of parochial schools—Catholic, Protestant, Presbyterian, Methodist, Jewish, Quakers, schools of all sorts of religious denominations.

Mr. GWINN. I appreciate the gentleman's reference. There is an odd thing about these United States Office statistics. Private schools and parochial schools are being built, as everyone knows, at a tremendous rate. In some States they take care of as high as 30 percent of the total school population. But no reference is made to that effort at all.

This is the letter from the State of New York:

The gathering of information about school building needs does not lend itself to a routine survey approach—

This refers to the questionnaire, the postcard canvass that I described in the beginning—

but rather is a problem requiring a research approach because of the complex question of definitions. We have learned by experience that it is difficult to secure comparable figures on school building needs from all school districts without becoming lost in a maze of technicalities. If I may cite an example, the New York Commission on School Building began an inventory of existing classrooms, but abandoned the attempt when checks in the field showed that the figures did not mean the same thing from one district to another.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that all members of the Ohio delegation may extend their remarks at this point in the RECORD.

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

There was no objection.

Mr. BETTS. Mr. Chairman, I have three observations I would like to make on the subject of Federal financial assistance to the States for school construction.

In the first place, I think the great majority of the people are opposed to any Federal aid to education. Most of my mail on the subject is very much opposed to any school construction program sponsored by the Federal Government. In the February 22 issue of U. S. News & World Report appears an article entitled "Dear Senator." An analysis was made of the mail which was being received by Senators from different parts of the country. Out of 65 letters received by a midwestern Senator, 15 were for Federal aid to schools, and 50 were against. Out of 50 letters to a Mountain State Senator, 7 letters were for and 43 against. Out of 123 letters received by a southern Senator on this subject, 4 were for Federal aid, and 119 against. Of the analysis made, only one Senator, namely from the west coast, received a preponderance of mail favoring Federal aid. Out of 14 letters on the subject, 12 were for and 2 against. This is interesting, because it shows that in areas where people assume there is not the financial means to support schools, people are opposed to Federal aid.

In the second place, I believe that Federal aid to school construction or any other means of Federal aid to education is too costly. Regardless of whether the Federal Government, the State, or local communities spend tax money, it all comes from the people. Federal bureaucracy is notoriously wasteful and expensive. It has been said that 10 cents of every tax dollar that is sent to Washington is spent for upkeep of the bureau or agency which is charged with spending the money. If, as contemplated, the Federal school construction program would cost $1.5 billion, a 10 percent expenditure for the handling of this money by the Federal Government would amount to $150 million. This is a sizable amount and, it seems to me, might better be spent by the local communities for school purposes, rather than on Federal agencies.

In the third place, I am opposed to Federal aid because it will necessarily involve Federal control. I have always taken the position that the training of the young mind is such a delicate task that it should be within the province of the local school districts to retain control of education. The one thing that has impressed me most during my few years in Washington has been the tremendousness of Federal bureaucracy. Agencies of the Government have become removed and insulated from Congressional regulation and are completely out of touch with the thinking of the people back at the local level. I can imagine nothing worse than having the educational system of our country controlled even partially by some Federal bureau.

Of course, it has been said that the current proposals are only temporary and do not contemplate any control. But Washington is full of bureaus which were organized on a temporary basis, for a temporary purpose, with the honest intent that they would not expand and exercise more and more control over our economy. And yet, in every instance, a Federal program once initiated has continued to snowball downhill until it has taken the subject matter of its control completely away from the people.

It has been argued that there are local communities which cannot construct their own schools. This is simply the modern way of saying that it is easier for the Federal Government to do it. It may be more difficult in some communities than in others, but I cannot imagine there are places in America that lack the incentive to educate their children, maybe not in luxury, but at least simply.

The American educational system was not founded on the concept of luxury but on the indomitable will to learn. Federal aid to education will help kill that basic American principle.

Mr. VORYS. Mr. Chairman, in my district in Ohio, the city of Columbus voted $13 million in school bonds last September. Previous to that, the city had raised $30 million for school construction since World War II.

Mr. JENKINS. Mr. Chairman, I am opposed to this proposed legislation. I have had close contact with our schools practically all my life. I taught my first school when I was 17 years of age, and was paid the great sum of $25 per month for my work. I continued to teach for a few years and advanced steadily until I became a high-school teacher and a teacher in one of our small colleges. I graduated from the Ohio State University Law College, and have always maintained a keen interest in all school activities, especially the rural schools.

I am opposed to the Federal Government taking control over our public schools. You may say what you please, but I think it would be unwise if we turned our school system over to the Federal Government. Then I am afraid that a teacher seeking a position as superintendent of schools in one of our thriving cities of Ohio might find it necessary to see some of the influential school politicians in Washington or some other place in order to get a position in his home section. In other words, I hope that we take no action here today that will allow Government authorities to take over the control of our public schools of which we are all so proud.

I understand that the school authorities in Ohio have made statistical surveys recently that show that the people of Ohio will assume the responsibility of financing our school activities without the interference of the Federal Government. Ohio will carry its own responsibility; I am sure that all the other States will do the same when they find out what they are giving up when they are turning the schools over to Washington.

During most of my early life, we lived in a rural section of southern Ohio, and the public schools were far apart. Many of the schoolchildren walked 2 or 3 miles across the hills and through the woods to the school which they attended. It was my lot to go through this ordeal, although, at the same time, all of us felt proud and happy for the chance to attend a free school, where we had good teachers.

In 1922, I was elected to the State Senate of Ohio, and I made up my mind that I would do something for the benefit of the fine boys and girls in the rural sections of Ohio, who were not afforded an adequate opportunity to get the free education to which they were entitled. I do not want to appear to be boastful, but I did have an experience as a State senator that is directly in line with what we are talking about here today. I coined the following phrase: "We must educate the children where we find them, and we must tax wealth where we find it." That sentence found its way into some of the school journals and was given wide circulation all over the country. As a result of the fine spirit manifested by the State senators from the big city sections of Ohio, I was encouraged to follow through and provide some system whereby the boys and girls in the rural sections could be given school advantages. Greatly to my surprise, I found that the senators from the large city areas in the State rallied to my cause, and very nobly maintained that, "We must educate the children where we find them, and we must tax wealth where we find it." I made a survey, with the help of some capable school authorities, and found that it would take the taxes that would be levied on $6,000 worth of property to educate 1 child. In other words, in order for us to educate the children where we found them, it would be necessary for us to tax the wealth in the prosperous sections—and possibly we would have to reach over into the cities and collect some taxes from them.

In other words, in preparing this senatorial legislation so that it would be productive, we finally decided that we would establish an equalization fund into which the money would be paid, and out of which the expenses of maintaining the schools in the poorer sections would be paid. I believe this was the finest piece of legislative work I have ever done, for it was indeed very productive.

In a few months, the school authorities had rallied together and had redistricted the rural sections, so that the schoolchildren could be given the advantages to which they were entitled. Soon thereafter, arrangements were made to provide school buses by which the rural children could be taken to and from the schools. Following the arrangements which provided for the buses, we soon found that it would be advantageous to build centralized schools. We then found ourselves following that program, with the result that in less than 10 years, we had solved this very serious problem in very fine shape.

All over rural Ohio today, you will find centralized schools that furnish an education equal to any of the high schools in the large cities. You will also find along practically all the leading highways of rural Ohio, the big school buses which carry the children to and from these centralized schools. I am not sure but I am proud to think that maybe we are responsible for the first school buses that ever operated in rural sections.

I hope you will not consider that I am boasting when I say again that I am proud of the fact that we were able to bring an education to hundreds of smart boys and girls in the rural sections of Ohio.

It is little wonder, therefore, that I am opposed to this program that will enable the Federal Government to take over the public school system of our country. This experiment which I have described to you would no doubt be applicable in any State where conditions are the same. I know that in several States the school buses are being operated in just the same manner as the school buses operate in Ohio.

Again, I say that I am opposed to any change that will infringe upon the opportunities of our rural boys and girls to get an education.

I am proud to say that the State legislative authorities in Ohio still maintain an equalization fund from which the rural schools are adequately maintained.

Mr. BARDEN. Mr. Chairman, I yield 15 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I shall not take the time of my colleagues to attempt to discuss the contents of H. R. 1, which is before you for consideration. The members of the Committee on Education and Labor, who reported out by a vote of 20 to 9 this legislation, will be able to answer any questions that might be raised by the opposition. I shall devote my time this afternoon to conducting a classroom demonstration.

In my discussion on the rule this morning I mentioned the fact that the House of Representatives by a 100 majority on last Friday approved legislation authorizing mutual-security aid abroad. Let me remind you that in whatever part of that amount of $3,100,000,000 authorized on last Friday that is later appropriated by the Congress there will be money to the Economic Cooperation Administration, from which Mr. Hollister recently resigned, to do what? To do the very things we are asking you to do in this legislation today, that is, to build classrooms and carry on educational programs for our own boys and girls at home.

Over the past 6 years I have checked the record of the Economic Cooperation Administration and its activities in the field of education abroad. So far I have located a total of 84 contracts that the United States Government has with individuals, groups, and colleges carrying on educational programs abroad. I am not going to take time to go into the details of all of these contracts because I think I can demonstrate from this one of those 84 contracts the point I want to get across to my colleagues today.

One of those contracts the Government has is with the Agricultural College of the State of Oklahoma. That contract provides for the building, largely with American taxpayers' money, of an agricultural college at Harar in Ethiopia. The picture here shows it. The construction is halfway completed. It also provides for a series of six agricultural and technical high schools. I have available here for demonstration a picture of those buildings completed. Here is a teachers' college in Peru. I have pictures to show buildings built in Pakistan, in Nigeria in Africa, and in Iran, with the American taxpayers' money. This is the type of building that is being built. This building has since been completed. It is now being conducted as an agricultural college, and the United States taxpayers' money is going to pay the salaries of the teachers teaching in this agricultural college, out of the appropriation you authorized only last Friday.

Now I want to picture a contrast over here. During the Easter recess I took some time to visit some of the border States, one in particular, the State of Kentucky. Let me call your attention to this building here. You can see over the door the figures indicating it was built in 1888. The late Chief Justice of the United States, Fred Vinson, went to high school there as a boy. Look at the

lack of lighting, look at the situation existing in this hallway here. Today, after 70 years, there are 515 high school students going to school in this building. Here is the only drinking fountain for 515 high school students. The outside toilets are located a half a block from the school building. That is just an illustration of the situation that I want to call to your attention.

I have here a picture of a building where 42 children are attending school. This school building is located along a little paved stretch of highway in Martin County, Ky. Look at the situation there, where the hogs are wallowing under the school building.

Here is a scene inside the school building. This is the type of outside toilet that is being used. We stepped into this building and made inquiry of the teacher. We found that she taught all the children in all 6 grades, a total of 42. I asked her how long she had been teaching and she said, "This is my second year." She was so well pleased to be located on a little stretch of highway that she said, "You know I taught in an isolated school last year." I wondered what kind of a school building she had last year if this situation shown here could be considered an improvement. Can you imagine a situation like that being used for a classroom? Can you imagine one like this? Just look at this situation. Talk about unsanitary conditions. Look at this grouping. This is a hallway classroom. Look at the children jammed in there trying to work under those conditions. Look at this one. May I say to you, you cannot justify a situation like that. That is what I meant when I said to you that I am here today to speak for humanity. I am here to raise the question that you cannot, as duly elected Members of this Congress, permit situations like this to exist in countless spots in America, and at the same time vote money to build modern school buildings in every nation abroad. That is the issue. You are going to have to make a choice. Let me remind you, too, that I have hundreds of other pictures here. I could not put them up because I did not have the space to put them up, but they are scattered throughout the United States. Since I did not display them I am not going to say where they are from, but this is not an isolated situation. I can find conditions similar to what I am showing here today in most of the States of the Union.

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

Mr. BAILEY. The gentleman has no intention of yielding to the gentleman from New York. None whatever. The gentleman is against school construction and we will let it go at that, because there is not anything the gentleman can say that I have not heard, and I know it would not add anything.

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

Mr. BAILEY. I yield briefly.

Mrs. BLITCH. I would like to ask the gentleman a question, where he got this collection of pictures.

Mr. BAILEY. I collected most of them myself, the ones I have pointed out. I picked up others from different sources.

Mrs. BLITCH. From the Department of Education? Would you say that most of them came from the Department of Education?

Mr. BAILEY. I would not. None of them on display came from down there.

Mrs. BLITCH. Will the gentleman go just a little further with me and say that they are probably isolated cases, and when it comes to the love of children and the great desire of all of us to give children an education, that the localities in which these children live are the ones who are failing?

Mr. BAILEY. Now I do not yield any further to the lady to make a speech. I hope you feel toward the boys and girls as I do. So please do not take up my time.

Mrs. BLITCH. I am as much interested in children as is the gentleman from West Virginia.

Mr. BAILEY. We will see in your voting whether that is true or not.

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

Mr. BAILEY. I have no intention of yielding to anyone.

I am not going to take the time to point out and explain just where each of these buildings pictured here are located; suffice it to say I was present when the pictures were taken; they are authentic, and they are a disgrace to the American people that they permit situations like that to exist.

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

Mr. BAILEY. For what purpose does the gentleman ask me to yield?

Mr. DIXON. Just to explain a little bit with regard to the situation the gentleman just brought up.

Mr. BAILEY. No, sir.

The CHAIRMAN. The gentleman from West Virginia declines to yield.

Mr. BAILEY. Mr. Chairman, let us go back 12 years, those of the membership who have been in Congress that long; let me leave with you this thought, that whenever there was a question involving the welfare of the boys and girls of America you found the gentleman from the third West Virginia district in the forefront. You will recall that most of your school legislation that is on the books today was sponsored by the gentleman who is addressing you at present.

Let me say to you that we passed legislation in 1950 called Public Law 815. Under that legislation we have today built $1,200,000,000 worth of school buildings in 2,300 districts, impacted school districts in this country. There was not one single instance of misuse of funds. The committee which conducted the hearings found no instance of misuse or anything that would lead to Federal control of education.

Basically I can think of nothing better that I could be engaged in as a Member of this House than giving some thought to our basic assets, and let me remind you again that those are our boys and girls. They will be your citizens of tomorrow. They will have to manage the problems of the atomic age, not you and I.

Listen. This is education dealing with your primary and your secondary schools. Let me, as an old-time teacher, remind you that you cannot add technical training to the knowledge of a boy or girl who has been neglected in elementary and secondary schools; they just have no place to put anything when you attempt to instruct them. We must get down to the fundamenals of providing the boys and girls of this Nation with the best type of classroom, the best facilities possible. That situation does not now exist, and it is high time that this Congress rise to its responsibilities to meet this situation squarely.

I am going to yield now because there are a number of Members of my group who want some time. I yield to the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Chairman, first of all I want to say that in my district prior to the passage of Public Law 815, we had just the classroom situation in some areas similarly depicted by the pictures in the well of the House, condemned buildings, basements for classrooms, and so forth.

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

Mr. BARDEN. I yield the gentleman from West Virginia 2 additional minutes.

The CHAIRMAN. The gentleman from West Virginia is recognized for 2 additional minutes.

Mr. LESINSKI. Thanks to Public Law 815 the situation has improved. But presently the communities have bonded themselves for additional schoolrooms but are unable to sell their bonds on the open market. What can we do to assist them in this instance?

Mr. BAILEY. The gentleman from Pennsylvania [Mr. McCONNELL] handled that situation very well by saying that the legislation proposes that $750 million be put into a fund to buy the bonds of those districts which have difficulties in selling them at reasonable interest rates. That money will not cost the American taxpayers anything. It will be paid back as the bonds are resold or as the bonds are redeemed, and it will go back into the Treasury. It is lending the credit of the United States, but the gentleman's situation would be taken care of.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks following those of Mr. BAILEY.

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

There was no objection.

Mr. LESINSKI. Mr. Chairman, it has been mentioned here that the chamber of commerce is opposed to the bill that would provide Federal assistance to school districts for the purpose of constructing additional classrooms. The chamber of commerce is also opposed on the local level. Recently in Detroit they opposed an increase in millage that would have helped take care of the school needs of the metropolitan area. They opposed the proposal in the State legislature for merging school districts which would have avoided duplication

and would have cut down on the expenses of the school areas. The chamber of commerce seems to be opposed to education, period, for their past actions show they do not wish to have any school program, local or national. Therefore, their position on this legislation should be completely disregarded.

Typical of what we have to contend with are areas in my district which have bonded themselves up to their full limitation and even beyond, where a bond issue was about to expire. The legal bonding limit in Michigan is 15 percent of the State-assessed valuation of the school district. However, the practical limit and the one beyond which most bonding companies will not go is 10 percent. In a survey that I conducted of the school needs in my district, out of 19 school districts, 2 had exceeded the State limitation, 2 were at the limit, and 9 were at or within 1 percent of the practical limit of 10 percent. All but 3 need additional facilities at the present time; and within 10 years the needs will be as high as 4 times over the current facilities.

It has been pointed out to me by superintendents of schools that even within the limitation and in spite of the fact that they have had permission by the people of the area to sell bonds, they have not been able to find purchasers because of the tight money policy of the present administration.

The district that I represent is one in which the population is growing at an extremenly rapid rate. Concurrent with the increase in population, the number of pupils is increasing per year. In one school district, for example, the Taylor Township School District, it is estimated that within 10 years the school population will grow from 9,000 children, of which 4,345 are unhoused at the present time, to a total of 25,000. That district has reached its bonding limit, and if building continues in the area as it is anticipated, the Taylor Township schools will not only be on extended sessions and half-day sessions but also on quarter-day sessions and any other means that can be used to meet the overcrowded conditions, unless some means of Federal assistance is forthcoming. Such conditions are rapidly becoming typical throughout the 16th district, and, I am sure, throughout the Nation.

While I am opposed to any form of Federal control over education, I believe the Federal Government must provide assistance to alleviate the classroom shortage in our country. If our Nation is to continue its great progress, its citizenry must be educated and informed. To accomplish that, facilities must be available. I, therefore, urge that approval be given to the legislation now under consideration.

Mr. McCONNELL. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, as has already been demonstrated here today, there are a great many different ways of approaching this problem. It is quite possible that no matter what is said here on the floor pro or con, on H. R. 1, it will not affect the final vote. I would like to devote my time to considering what the bill is designed to do, and toward demonstrating that the bill is not, as it has been called, a baby of uncertain parentage. On the contrary, the bill is the product of a good deal of work both in the subcommittee, which considered the first bill and in the full committee. It represents also a good many of the basic recommendations which President Eisenhower has made repeatedly over a period of years. As long ago as his first state of the Union message in 1953, President Eisenhower called our attention to what we must recognize as a serious national problem.

I should like first to pay tribute to the members of the subcommittee, of which I happen to be a member, for the wholehearted way in which they approached a very complex and admittedly controversial question. I want also to pay tribute to the ranking Republican member, the gentleman from Pennsylvania [Mr. McCONNELL], who has done a unique job of explaining this bill here today and who has been a great source of strength in our committee.

Our problem was to determine, first of all, whether there is a serious need which merits the attention of the Federal Government. We have had a discussion here today of how great is the need. Has it been misrepresented, has it been propagandized by Federal agencies, as has been charged? I definitely do not believe so. Secretary Folsom has been forthright and persuasive and he has been motivated by the best of motives. The fact of the matter is, and the committee hearings brought this out, that there is a widespread need which cannot be confined to 1 or 2 States. There are pockets of need in every State. Since that is the case the administration surely is justified in proposing to Congress a reasonable course of action.

The basic purpose of this legislation is to get the States to help themselves; to make it easier by the purchase of bonds by the Federal Government in certain cases, or by contributions by the Federal Government to the debt service of State financing authorities, for the States and localities to help themselves; and, in addition, to provide, in the form of grants, direct assistance to those areas that need it most.

In his special education mesage of 1957, President Eisenhower pointed out some basic principles which he felt it important for us to observe in enacting any such legislation. Very briefly, the principles are, first, that this should be an emergency program. He pointed out that it is necessary for us to take action now if we are to correct the classroom shortage in a reasonable length of time. Federal action, he pointed out, should assist and encourage States and communities to catch up with the accumulated shortage.

Second, the President stressed that there should be no infringement on local and State responsibility for our educational system. This legislation is designed to underline, to emphasize, that there has been no transfer of State and local responsibility to the Federal Government because of the enactment of this legislation.

A third point which the President emphasized was that we should stimulate, we should encourage, the communities and States to do more than they have done, even though they are building at the rate of $2½ billion a year. As the President pointed out, many States now make no contribution to the construction of schools or their contribution is relatively small.

In his 1957 message the President also recommended that any allocation of funds take into consideration school-age population, the relative financial ability to meet needs, and the States' total effort to provide funds. The President felt—and this bill represents this view—that more assistance should be given to States with the greatest need, if the shortage is to be reduced promptly. For that reason he felt priority should be given to those school districts with the greatest need and the least financial ability to meet that need.

We talk a lot about the responsibility of States to solve their own problems. Well, the fact of the matter is that in the school year 1955, out of that $2.5 billion, the States put up only $160 million for the construction of schools. So, whether or not they are capable of doing more, as yet they have not fully faced up to their responsibilities. If a Federal program can encourage them to do that, as it is designed to do, I think the job will be worth doing.

While on the subject of the effort being made by the States, I should like to point out that the gentleman from Ohio suggested that his State's problems were solved. On the basis of the report from the Ohio educational agency, made to the United States Office of Education in the fall of 1956, there was a need at that time for a total of 4,460 classrooms to accommodate the excess enrollment and to replace unsatisfactory facilities. Of that total only 1,500 classrooms were expected to be built in Ohio during the coming school year. That would seem to indicate that though Ohio may have the capacity it has not yet met its needs.

We have a serious problem primarily because we have this backlog. Also, as the gentleman from Pennsylvania pointed out, there is going to be a continued large increase in enrollment each year which will mean that we are going to eliminate very little of the backlog unless we can accelerate the programs which are presently underway.

There are several ways in which the Federal Government can be helpful. It can provide leadership, a stimulus to get more done than is presently being done. It can do it in the form of grants, which by matching will encourage new money to come into the program. It can do it by assuming some of the cost which will be too heavy for some school districts to meet. In other words, action at all levels, including help from Washington, is going to be needed if we are to clean up this shortage.

Mention has been made as to the similarity and the differences between this bill and the one we considered last year. I would like to point out, and again pay tribute to the Democratic members of our committee, that there was a considerable meeting of minds as to what suit-

able, reasonable compromises should be made in order to secure agreement among the proponents of this legislation. Many will recall last year's bill ran into difficulties because of differences of opinion between proponents of this type of legislation.

This year an effort was made to avoid the necessity for such disagreements. Reasonable accommodations were arrived at, and after discussion the bill was reported out of committee by a vote of 20 to 9. Perhaps the most important adjustment was in the amount of grants to be made available. The gentleman from Pennsylvania [Mr. KELLEY] this year advocated $600 million over a 6-year period, or a total authorization of $3,600,000,000. Agreement was finally reached on $300 million for 5 years, a figure very close to the President's recommendation of $325 million for 4 years.

In my opinion, this bill is an improvement over the one that was considered here last year, because it includes certain important provisions which the President has stressed right along, and which were not incorporated in last year's legislation. There is a recognition of the need for equalization, for giving more to the poorer States on the basis of per capita income than the richer States would receive. That formula in the grant title of the bill will give twice as much to the poorer States than to the richer States. There is another new factor, and that is a recognition for effort, and a penalty for lack of effort, as judged by what the States as a whole are doing. This was not in last year's bill.

Those are, I believe, the major reasons why this bill is an improvement over what we have had here before.

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

Mr. FRELINGHUYSEN. I yield to the gentleman from Connecticut.

Mr. CRETELLA. I looked at the exhibits offered by the gentleman from West Virginia as to which he refused to yield to anyone for a question. I rather suspect that those pictures were offered to show the rather disgraceful situation which exists insofar as the particular community to which they apply, is concerned. The gentleman showed a picture of one classroom with 1 drinking fountain that took care of 500 pupils. If that one community did not have enough interest to go out and buy another drinking fountain to take care of the problem without waiting for Federal funds to do it, and if the same schoolhouse that former Justice Vinson went to had a decrepit floor without a basement, that is a pretty sad excuse to come in here and ask the Federal Government to take care of this problem.

In the little town in which I live, with a population of 11,000, we have built 5 elementary schools and added to those already existing; built a junior high school and a senior high school, all within a period of 10 years, at our own expense and without Federal assistance.

I think these pictures that were shown here are an indication that there are too many States that are just sitting on their haunches doing nothing and expecting Federal money to do it for them.

Mr. FRELINGHUYSEN. Mr. Chairman, undoubtedly an increasing amount of money is being raised in the individual States, but in spite of that we do have a serious situation in individual school districts. In my own opinion this is an equitable bill, giving aid to those districts which still have needs despite reasonable efforts to handle their own problems.

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

Mr. FRELINGHUYSEN. I yield briefly.

Mr. McCULLOCH. Mr. Chairman, I regret to say that I was temporarily off the floor when the distinguished gentleman made some comment concerning the need for schoolrooms in the State of Ohio as concluded by the Ohio Education Association. I am well acquainted with most, if not all, of the top officials of that body.

Mr. FRELINGHUYSEN. Mr. Chairman, I do not wish to interrupt, but I did not mention the Ohio Education Association. I mentioned the State Educational Agency which reported to the United States Office of Education as to their needs.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BARDEN. Mr. Chairman, I yield to the gentleman 2 minutes.

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

Mr. FRELINGHUYSEN. I am glad to yield to the gentleman.

Mr. McCULLOCH. I would be pleased if the gentleman from New Jersey would repeat the statement he made concerning the Ohio situation, made when I was off the floor.

Mr. FRELINGHUYSEN. In the circular on which this figure of 159,000 classroom shortage is based, circular 490 prepared by the Department of Health, Education, and Welfare, the State Educational Agency of Ohio—not a private association—reported that there was a total need in their State for 4,460 classrooms to accommodate excess enrollment and to replace unsatisfactory facilities. Of that number, they estimate that 1,500 classrooms will be built in the next school year. This would seem to indicate on the face of it, on the basis of the statements furnished by responsible officials in Ohio, that they would not clear up the situation within the next school year.

Mr. McCULLOCH. Mr. Chairman, may I make this statement? There is no unanimity of opinion among those who are interested in public education in Ohio that the estimate is entirely dependable. I again refer the members of the committee to the statement I made earlier this afternoon, and make the further statement that the Ohio members of the committee of the White House conference, as has been said before, went on record as opposed to the proposal of Federal aid for school construction as provided in a similar bill.

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

Mr. FRELINGHUYSEN. I am glad to yield to the gentleman from Pennsylvania.

Mr. McCONNELL. Mr. Chairman, I have hesitated to mention any State because I feel that this situation can be duplicated throughout the entire country. I did visit Ohio and I checked on the figures which the gentleman mentioned, as I did in other States. Under the column, to accommodate excessive enrollments reported in a previous column, there was a figure of 2,036 given which, added to the classroom needs to replace unsatisfactory facilities, total 4,460, the figure which the gentleman mentioned.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. McCONNELL. Mr. Chairman, I yield the gentleman 2 additional minutes.

It seems that the State of Ohio has employed a private consulting organization, the Robert Heller consulting organization from Cleveland, and they showed 327 additional classrooms needed, above the figure which the gentleman has mentioned. I think that would bring out the fact that it is not just State educational groups making this statement, it was a private consulting agency hired by the State to make the report.

Mr. FRELINGHUYSEN. As I understand it, the Heller survey was officially authorized by the Ohio State Assembly to determine immediate emergency school-housing needs. It confirmed the fact that a serious shortage exists. Ohio school districts need over $43 million from other than local sources before 1961, although the State legislature has only appropriated $20 million. This would seem to suggest the need for Federal help to meet an emergency in Ohio.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield.

Mr. RHODES of Arizona. I think it should also be brought to the attention of the House that circular 490 does not take into account any projections into the future in the school population. It merely takes a picture of the situation as of the end of the school year 1955–56 and shows what is needed to catch up in the particular States as far as classrooms are concerned, and shows the amount which will be built during the next year. But it does not take into consideration the increase in enrollment which will be expected and which has been experienced over the whole United States of America.

Mr. FRELINGHUYSEN. With respect to that question, I recall the gentleman from New York [Mr. GWINN] said that the facts in the minority report were not disputed. However, the minority report's view of the "facts" with relation to the shortages in various States, and how quickly those shortages will be eliminated, will be very sharply disputed. This is because, as the minority report admits, its figures make no provision for the heavy and continuing increased enrollment which can be expected at the rate of a million and a quarter students a year. Thus, the minority report's figures are very seriously defective in that they minimize what we must all recognize is a problem,

whether or not the Federal Government decides to play any part in meeting this shortage. In other respects, also, I regret to say, the minority report shows a lack of perspective.

Mr. BARDEN. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina [Mr. ASHMORE].

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

Mr. ASHMORE. I yield to the gentleman from Ohio.

Mr. SCHENCK. The gentleman has referred to the number of classrooms in Ohio. It strikes me as being somewhat incongruous to note that Ohio would be expected under this bill to pay some $26 million in under the taxes, plus freight charges that are quite high, and receive back some $15 million, when the classroom shortages in Ohio are so very great.

Mr. ASHMORE. Mr. Chairman, I, as each Member here, I am sure, was impressed very much by the photographic display that the gentleman from West Virginia gave us. When I walked into the room and saw these photographs, I contacted my good friend from West Virginia [Mr. BAILEY], as soon as I could, and I said, "Brother BAILEY, do you have any pictures up there from my State of South Carolina?" He said, "Oh, yes, we have them from all over the country." So we looked on the bulletin boards here and did not find one from South Carolina. He said, "I have them here in my file." He looked through his file and found two pictures from South Carolina.

The first one he handed me was this small one, which shows a dilapidated, rundown, obsolete, weatherboarded school, with window lights broken out, and weatherboard popping off. It looks in very bad condition.

I turned the picture over and it said, "E. R. A. School Survey, Spartanburg County, S. C., District No. 7." That county is in the very heart of my district and it joins my home county. So I read the balance of the notation on this picture and it said, "Reidville School, colored, elementary." It has a pencil note that says, "Revisited April 1949." In other words, this picture here that he has in his file demonstrating what the conditions are in this county certainly must have been made some time prior to 1949.

I immediately went to the telephone and called a member of the school board in Spartanburg County and said, "Look here, Walt, we are having a little contest up here on Federal aid to education. They want to appropriate Federal money to build schools. What can you tell me about the Reidville elementary colored school?" He said, "Mr. ASHMORE, we have not had a wooden school building in Spartanburg County for years. Every school district in Spartanburg County is now consolidated into seven districts, and every colored school and every white school now operates in a modern, up-to-date building."

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

Mr. ASHMORE. The gentleman would not yield to me because he thought I had something to say that he did not want to hear, so the gentleman will have to wait. If I have time I will yield later.

Then I looked at the other picture he had from South Carolina. It is a much better-looking picture, a larger picture, and the school building is painted. I looked at the moss hanging from the trees and it reminded me of the old colonial pictures of lower South Carolina. On the back of the picture it said, "Summerville, S. C. Looks like outhouse, but one-room school." That is the notation on it. So I contacted my colleague, Mr. RIVERS, and he called his people in Summerville, S. C. That is a little country town near Charleston. They told my friend RIVERS that this school was abandoned in 1955 and that they now have replaced it with a 10-room, modern school building. Incidentally, they said, "We are using only 8 rooms of this school." In other words they now have two excess classrooms.

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

Mr. ASHMORE. I yield.

Mr. RIBERS. I subscribe to what the gentleman has to say.

Mr. ASHMORE. Now I yield to my friend from West Virginia [Mr. BAILEY].

Mr. BAILEY. Let me remind you that that replacement was built under Public Law 815, of which I happened to be the author. When you asked me if I had any pictures of South Carolina, I said, "I am not using in that display a single picture that I cannot defend and know that that situation exists."

Mr. ASHMORE. Yes; you said something to that effect, but when the gentleman from West Virginia was speaking he did not give the dates when any of his pictures were made. I give you the dates of these two pictures from South Carolina and remind you they do not show the true conditions in my State today.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. ASHMORE] has expired.

Mr. McCONNELL. Mr. Chairman, I yield 10 minutes to the gentleman from Delaware [Mr. HASKELL].

Mr. HASKELL. Mr. Chairman, for 6 months now I have been wrestling with the issues posed by this school construction bill. Early in February, as a member of the Subcommittee on General Education, I heard most of the arguments pro and con. Since then, I have heard most of the old arguments repeated many times.

I have approached the problem as one who believes deeply in State and local responsibility for education; as one who believes the Federal Government should participate in this field only when there is a clear and compelling need, when the Federal activity is unmistakably in the national interest.

Many hundreds of thousands of children in America are not getting a proper education today because of a serious and a continuing shortage of adequate classrooms. There is solid evidence that this shortage will persist in our public schools for almost a generation. Unless the States and local communities will accept their responsibilities in the education of our youth, many will go without an adequate education.

My children have been fortunate in receiving and in anticipating a really good education. I have often wondered how it would feel to be a mother or father of a child in a classroom of 50 or more children. Any teacher you talk to will tell you that it is almost impossible to maintain discipline in such a classroom. Many of you here have talked to these teachers and know of the failures in our schools as a result of this deplorable situation. It has also been stated that there are approximately 2,250,000 students in crowded classrooms and on double sessions. These are figures which are solid and beyond question. And, possibly even more important than this number itself are the other children who are affected by their classmates.

How would it feel to you to know that your child, because of lack of facilities, is losing part of his opportunity to grow and develop to his or her maximum value?

I listened at length to the arguments in the hearings and elsewhere, as to whether there is a need for additional classrooms and to whether this need is being met by the States in their construction today. I believe that the shortage of 159,000 classrooms, which will continue to exist even at present estimated construction levels, is a conservative figure.

I would hope to avoid what we might call the "numbers racket" which can so easily be gotten into in this discussion.

Let me say that I have confidence in Secretary Folsom's figures and in Under Secretary Perkins' figures which they believe to be accurate and, as I said before, conservative. I have known John Perkins, the Under Secretary of the Department of Health, Education, and Welfare, for many years and I worked with him on many occasions when he was President of the University of Delaware, and when he tells me that these figures in his opinion are honest and accurate to a reasonable degree, I am convinced.

There have been certain misunderstandings of this classroom shortage of 160,000 classrooms. Let me reemphasize that if we build at the pace of roughly 65,000 to 70,000 classrooms per year, which is the present indication, we are only slightly hitting into the backlog of needed facilities each year. The best estimates I can get on this is that if we keep up the pace of State and local construction, which is high to say the least, it will be 20 years before our elementary school children receive proper education. And let me say here, as the population waves hit the high schools and the colleges they will vastly increase costs of construction. We have not even taken a real look at the astronomical problem which faces us in the near future.

So much for the need.

Let me say that my philosophy and strongest desire would be that the States and local communities would and should meet their responsibilities to give American youth a fair break. Let me say also that beyond any doubt, every State in the Union should and could build its own schools. They should and they could; they have the financial resources to do this.

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

Mr. HASKELL. I yield.

Mr. MEADER. The assertion is made in the minority report on page 29 under the paragraph numbered 2:

> At no time during the hearings of 1955 or 1957 did any responsible official of a sovereign State claim that his State was unable to take care of its own classroom needs.

I wish to ask the gentleman as one who has studied this matter as a member of the subcommittee: Is that statement in the minority report true?

Mr. HASKELL. I believe that is the fact. I believe that any State can build its own classrooms if they have the desire and the will.

Mr. MEADER. And I would like to ask whether any official of a school district came before the Committee on Education and Labor and asserted that there was a shortage of classrooms in his State or school district that they were financially unable to meet?

Mr. HASKELL. I cannot speak as to that.

Mr. COLMER. Mr. Chairman, will the gentleman yield to me briefly?

Mr. HASKELL. I yield to the gentleman.

Mr. COLMER. In that connection I wish to ask the gentleman if he knows of a State, a county, a municipality, or a school district whose financial condition is comparatively as poor as that of the United States Government? In other words, does the gentleman know of any subdivision of government which owes as much money comparatively as the United States Government?

Mr. HASKELL. I think the answer is obvious.

My State does it. We have accepted our responsibility and we need no Federal aid to education. My State is the highest per capita income State in the Union.

This happy circumstance, however, is not true in many of our States, and strangely enough the shouldering of adequate State responsibility does not always vary according to per capita income although, in general, I believe this to be true.

The failure to do the job is not entirely regional either. A good example is the State of Georgia, which is meeting its responsibility in a magnificent fashion as are some of the Northern and Western States such as Connecticut and Wisconsin.

Thus we come down to the real alternative which the House faces today. We can confuse the picture by endless gyrations with statistics, by devious computations and misleading arithmetical exercises; we can continue to sing the old song, let somebody else take care of the problem. And if we take this course, we simply condemn many children to continued handicaps in education which retard the children, their community, and the Nation. On the other hand, we can face the fact that the education of our children is at stake and we can enact a sound program to help those children who cannot help themselves.

And so the final question is whether this pending bill provides a sound means for dealing with the classroom shortage. This bill represents a constructive effort on the part of the subcommittee and the full committee to bring the great majority of their members together behind a single piece of legislation. I do not believe that 6 out of 7 members of the subcommittee, after hearing all the arguments and reviewing all the facts, would be supporting this legislation unless it were sound and effective.

There has been a great deal of discussion as to whether the aid provided in this bill will be distributed where it is needed most. The simple fact is that twice as much assistance per capita is provided in the low-income States as in the wealthy States. Perhaps more important, whether in a wealthy State or in a low-income State, all the grants provided by this bill must be distributed by the State itself to the districts with the most acute shortage and the least local resources, the neediest local districts. While we may differ somewhat as to whether this bill goes far enough or goes too far in this respect, let us recognize that it firmly upholds the fundamental principle of distribution of funds according to need.

In the discussion of this bill, Mr. Chairman, too much attention has been focused on the grants from the Federal Government and too little attention has been focused on the features which will encourage greater contributions for school construction from the State and local governments. The matching requirements of this bill would bring all the States into action to help build more schools in the needy districts, particularly in view of the fact that few States are giving substantial assistance to classroom construction now. The bond purchase title of the bill will enable many local districts to go ahead and build their own schools with their own bond issues, without Federal grants but with Federal support for their bonds, only those bonds which cannot be marketed at reasonable interest rates. The State authority title of the bill, again through credit support, will encourage State agencies to sell their own bonds to finance school construction and rent or lease the buildings to local districts, which would make regular payments from their own resources and eventually take title to the buildings. The effort factor—withdrawing some of the Federal grant from States which are notably lagging in their school-construction effort—will also encourage greater State and local contributions. It is clear that this bill, far from taking over or reducing the contributions made by State and local governments, actually will serve to step up these efforts.

And so, Mr. Chairman, three fundamental points are quite clear:

There is a serious classroom shortage which is hurting the education of many children.

Some of the States and communities are not meeting this problem; unless the neediest communities get help, the education of some of our children will continue to suffer.

The pending bill is the best compromise we could get to meet this need: action to encourage greater school building efforts by States and communities, and to distribute emergency Federal funds to those communities which still cannot handle the problem.

The enactment of this bill will serve the welfare of children, and the future of our country.

I believe that this bill substantially follows the philosophy of the President in directing the Federal funds to needy school districts only, and that this bill basically or fundamentally seeks to see to it that the responsibility for school construction remains firmly and squarely on the States and local districts.

I urge enactment of this piece of legislation in its present form.

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

Mr. HASKELL. I yield to the gentleman from Arizona.

Mr. UDALL. I want to commend my colleague on the subcommittee for what I consider to be a very broad gaged national view of this problem. The gentleman comes from one of the most wealthly States. His State will lose more than it will gain; yet he says this is a national problem and is willing to take a national view of it. I commend him.

Mr. BARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman and members of the Committee of the Whole House on the State of the Union, my support of this legislation is rooted in the conviction that the survival of the American form of government and the maintenance of our expanding economy, depend upon a well-educated people. This consideration, in my opinion, transcends all others, and I believe that the vast majority of the people of the United States feel and believe the same way. We cannot continue to allow any of our children, anywhere in the Nation, to be handicapped in obtaining the best education possible.

In order that our children may have the best education possible, we must first properly and efficiently house them in schoolhouses where they can do their best work.

Now, somebody this afternoon has said, or intimated that everything is all right and that if we will just be patient for a few years the schoolhouse shortage will solve itself. In answer to that, Mr. Chairman, I point out that time in the lives of these several million youngsters, who have no proper schoolhouses to go to school in, will not wait. In 5 years, a boy now 12, will be through high school. Any gap in his education that might have been caused by insufficient or improper schoolbuildings cannot be then remedied.

There is no magic wand whereby schoolbuildings can be built. They must be built out of brick and mortar, and blocks, and building stone, and wood, and all other suitable materials, and those materials, together with the labor to fabricate them into schoolhouses, are expensive.

Of course, there are communities all over America that can and are building their own schools. But, the grim fact remains that today America is short 159,000 classrooms. It has been pointed out

that America this year is building 69,000 classrooms, and at first blush, one might say that this 69,000 classrooms will reduce the backlog of 159,000 very substantially. However, such a conclusion overlooks the fact that the growing enrollment in America's schools, under the expanded birthrate of recent years requires 45,000 new classrooms every single year.

So, of the 69,000 classrooms that we are building this year, when the 45,000 required to house the additional school pupils who are enrolling this year is subtracted, we only have 24,000 new schoolrooms left. However, all of this 24,000 cannot be used to lower the backlog of need in the amount of 159,000 rooms, because each year between 14,000 and 15,000 classrooms wear out or become so obsolete that they cannot longer be used, or they fall down, or something else happens to them, so that of the 24,000 remaining, only 10,000 can be used to actually lower the backlog of schoolroom need.

Now, my friends, that is a long cry from the interpretation that has been placed on these figures by others that have spoken here today. The truth is as the gentleman from Utah, Dr. DIXON, earlier pointed out, at our present rate of reducing the backlog of need, it will take 16 years to get us on a break-even basis, where every American schoolchild will have an uncrowded and a sanitary and an efficient room in which to attend school.

I know the Members of this House want the facts. These are the facts as best I have been able to gather them. And, I might say, my friends, that this is not a new subject of interest with me. Adequate school housing for American boys and girls has been a matter of major interest to me throughout the 9 years I have served in the Congress. In the 83d Congress, I was on the Subcommittee on Federal Aid for School Construction. That was the committee chaired by the gentleman from Pennsylvania [Mr. KEARNS], and, as I recall, our study of that time resulted in the introduction of companion bills by the gentleman from Pennsylvania [Mr. KEARNS] and the gentleman from West Virginia [Mr. BAILEY], in the 84th Congress.

In the 84th Congress, I again had the privilege of serving on the Subcommitee on Federal Aid for School Construction, and as the membership of the House knows, we brought forth last year a bill very similar, though not quite as well done and not quite as good as the one before you. You know what happened last year. As is always the case, those opposed to Federal aid for schoolhouse construction put up the most vigorous, and bitter, and determined fight against the bill that it was possible for them to do. The Powell amendment was adopted, and that amendment was more interested in abolishing segregation in the areas of the country where it is practiced than it was in promoting education. When the Powell amendment was adopted, Members like myself who had supported the bill up to that point then had to vote against it, and the result was that the school-construction bill was defeated by 30 votes, and thus we have lost 1 year in the program of building schoolhouses.

At this point, I want to say that if you engraft the Powell amendment onto this bill, or if you adopt the Wainwright amendment, if the gentleman from New York [Mr. WAINWRIGHT] proposes to offer it, as I understand he does, then I cannot support this bill. The membership of the House knows that. The vast majority of the people I represent are opposed to the integration of the races in their public schools. They are opposed to it if it comes by the compulsion of a judicial decree. They are opposed to it if it comes as result of administrative action. They are opposed to it if it comes clothed in Congressional action. On this issue, I stand with my people all the way. I am opposed to the integration of the races in the public schools of the South. I am opposed to the agitation that has been raging across the South about this matter for the past 3 years or more. I am opposed to the attempts of the radicals and the extremists to stir up discord and dissatisfaction among the people of both races, all of which, in actuality, retards the progress of both races.

Now, Mr. Chairman, we have had this afternoon some quotations about what the Chamber of Commerce of the United States stands for. I have just obtained from the Library of Congress the chamber of commerce publication called Education an Investment in People, and here is what the chamber of commerce said in 1954. Evidently the information in the pamphlet was so pertinent and the demand for it was so great that they had a republication of it in 1955.

In the first chapter it talks about income and education and says:

> A direct relationship exists between a person's level of education and his earning power. Good schools strengthen the whole economy by equipping the individual to earn more money and to have more buying power.

Then we come to the chapter on farm production and education, and the Chamber of Commerce of the United States says: "This shows that on the whole the more successful farmers have had more years in school."

Next is education and retail sales: This booklet says that people who have the most education spend an average of 20 percent more in the retail stores than do those of a lower educational level.

In another chapter it says that the magazine circulation is in direct proportion to educational levels.

Then I come to the chapter on education and political activity. There I find this quotation: "People with more years of schooling are much more politically active than the less educated." Again, "Education is an essential means to successful self-government and the protection of our political freedom."

The next chapter is entitled "Economic Attitude and Education." In summary, it says that belief in the free-enterprise system, or as it specifically calls it the free-market economy is directly related to the years of school completed. In other words the Chamber of Commerce of the United States found that college graduates believed more firmly in the free-enterprise system than did high-school graduates; high-school graduates outranked grade-school graduates in this regard, and so on.

Then we come to the chapter that deals with education and military service. There the finding was that the proportion of men rejected for military service for mental reasons was highest in the areas where general educational levels were lowest. Thirty-nine percent of Alabama's draft registrants were rejected for mental reasons in 1950–51. The corresponding figure for Mississippi was 40 percent; Georgia, 30 percent; Florida, 28 percent; Louisiana, 38 percent; Arkansas, 39 percent; Virginia, 28 percent; California, 7 percent; Texas, 21 percent; Kansas, 5 percent, and so on.

Now, I turn to page 36, which is devoted to school construction. I quote:

> Classrooms needed in 1953 exceeded the number in use by 341,000. * * * This need for classrooms gradually increased during the depression period from 120,000 in 1930 to 182,000 in 1940 to 314,000 in 1950.

Then the publication asks this very pertinent question:

> Will your community and State maintain the necessary rate of building to house your share of the 10-million increase in school enrollment predicted for 1953 to 1960?

Now, Mr. Chairman, I believe it is crystal clear to all that there are communities in nearly every State that have not been able to maintain the necessary rate of building of classrooms. It is for those States, or maybe we should say for the children of those communities that this bill is drawn. It is designed to stimulate State and local communities to do more than they are now doing. Its purpose is to see that in a very few years the backlog of schoolhouse shortage is erased.

Finally, the book closes with these words:

> To maintain a free society and to keep America's economy dynamic, education levels must be steadily raised. When you take an active interest in providing better educational opportunities in your community, you make a real contribution toward good citizenship, good government, and good business.

These are sentiments that I am sure we can all subscribe to. We may disagree as to the method or plan by which the objectives are to be attained.

Mr. Chairman, there is no Member of this House who is more interested than I am in seeing needed classrooms built. There is no Member of this House who is more interested in seeing that the Federal aid proposed is given without Federal controls of any kind or character. I believe the bill before us meets that test. It contains section 405, on page 66 of the bill, which I believe is the exact language offered by me when the committee adopted, and reported last year's Federal aid for school construction bill. Listen to it, as I read:

ASSURANCE AGAINST FEDERAL INTERFERENCE IN SCHOOLS

SEC. 405. In the administration of this act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the

personnel, curriculum, or program of instruction of any school or school system.

There is no Federal control in this bill. Of course, none of us know what future decisions of the courts may hold. Some of my colleagues feel that the fact that this bill provides for Federal grants of money might cause the courts to use that as a basis for deciding against building projects in the South where schools are segregated. However, may I point out that most of the decisions to date have involved situations wherein State funds or private funds were being spent on schools. We have many educational programs where Federal funds are involved. We have spent a billion dollars in Federal grants to school districts under the bill for Federal aid to impacted school districts. That money has been spent without the slightest intimation of Federal control of any fashion. No lawsuits seeking integration have been brought. No adverse administrative rulings have been made, and I think that every Member of this House would agree that the Federal aid provided by Public Laws 815 and 874 as amended have provided a type of Federal aid that goes much further than does that provided in the bill before us.

Now, Mr. Chairman, just a few years ago, the Russian Bear posed as a military threat to this country, and the place it occupies in the world. Russia came to see, however, that she could not immediately match us in the fields of mechanics, physics, the building of nuclear weapons, and the production of the hardware of war.

Then, in complete character, the Russian nation attempted a sneak run by entering into with us what some of her leaders now denominate as the war of the classrooms. The Russians boast that they are building more classrooms and educating more people proportionately, and training more scientists and engineers, and technicians than we are doing. In other words, they boast that they are winning the war of the classrooms. To me this is a danger signal and one to which we should give great heed.

America can afford to build the classrooms her children need. She can afford to equip her schools with libraries and laboratories that are in keeping with the age in which we live.

I want to see America have a school system that is adequate in every respect. Today, there are at least 2½ million boys and girls that do not have that kind of classroom. History has given America a great mission in world civilization. That mission is pillared on the public schools. The passage of this bill will make the pillars stronger for the years ahead.

Now, in closing Mr. Chairman, I want to pay tribute to the gentleman from Pennsylvania [Mr. McCONNELL] whose retirement has been mentioned. The gentleman from Pennsylvania made one of the finest speeches here this afternoon that I have ever heard in the 9 years I have been a Member of the House of Representatives. I congratulate him upon the fight he is making here against such great odds.

When I think of the gentleman from Pennsylvania, I like to think of two of his accomplishments that I believe are worthy of our note. Maybe I am a bit selfish when I mention them because, in these two instances, I had the great privilege of standing and fighting side-by-side with him to expand the vocational rehabilitation laws of this country, so that today they are serving somewhere in the neighborhood of 40 percent more people than they did before the McConnell bill was passed in 1954.

And, secondly, I pay tribute to his authorship of the coal mine safety law, which has cut deaths and disasters in the coal mines of America by a flat 50 percent in a period of about 4 years.

He has been an efficient and faithful legislator. He is a gentleman of the finest order. He will be greatly missed on our Committee on Education and Labor.

Mr. BARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, one refrain that we have heard in the debate today, and I fear we will hear it a great deal more before we get through, is that the States can do the job. We had someone ask the question a moment ago, Do the States have the capacity to do the job? And that is a very fascinating question. I want to address myself to it because I have taken a particular interest in it. I think the fact that the States, although they have the capacity to do the job, perhaps, have not done it, is the very reason we are here today considering this matter.

The truth of the matter is, in financing our public schools, we have used what is to me the most antiquated and outmoded system of financing. Until 30 years ago it was all left right in the little local communities, both as to building schoolrooms and paying the teachers. Then we saw a trend, which has been accelerating, for the States to pay a part of the operation and maintenance charges. Today in the United States, as this trend has continued, the States pay nearly 40 percent of the cost of the schools, but all of that, except 4 percent, that the States put up, goes into teachers' salaries. Only 4 percent of State aid is used for capital outlays. So I say to my colleagues, before you come down into the well and begin to talk about the States being able to do the job, I want to ask you to check, because I have the figures. I have gathered them. We can see what each State does to build classrooms. We have some outstanding examples of what can be done. South Carolina is one; Pennsylvania another; the State of Georgia has done some very fine things. New York and California have built some classrooms.

I watched the legislatures when they came in this year. The State of Washington got a little program going. I think Maine is getting a very modest program going. Many States have little piddling programs of giving a loan, really, to local school districts who have not been able to do anything or who were up against a debt limit. So the truth of the matter is that the States, although they might have the capacity, do not have either the type of laws or the will in the legislatures to do the job.

Our colleague the gentleman from Pennsylvania [Mr. McCONNELL] put his finger on the problem a while ago and it underscores the reason we are here today, when he said that the very people who are here today, the lobby that is here today and whose main argument is that the States can do the job—what they really mean is that the local communities can do the job. If you accept their argument and this legislation is defeated, and we go to the State legislatures and bills are introduced, this same lobby, these same people will appear, and what will they say? "Why, this is not a State responsibility. It is traditionally a local responsibility." And that is precisely the reason we found ourselves in the position we are in today.

Mr. Chairman, I want to commend the members of the subcommittee, particularly my colleagues, the gentleman from New Jersey [Mr. FRELINGHUYSEN] the gentleman from Delaware, [Mr. HASKELL] on the spirit in which we have approached this legislatation. I want to say that it contains, in my opinion, 85 percent of the specifications laid down by the President. It has reached the point where I say to my colleagues over here, those who want to vote for the type of legislation that the President has recommended, I think you are going to quibble and I think the people are going to see through it, if you try to go back home and say that it was not the bill that the President asked for. I say to my colleagues over here, those of you who wanted to vote for the Kelley bill, introduced by the gentleman from Pennsylvania [Mr. KELLEY] that you cannot go home and say, "No, this was amended; I wanted to vote for the Kelley bill, but it did not have the features in it that Congressman KELLEY wanted, and therefore I did not vote for it," because I would say that 80 or 85 percent of the features of the Kelley bill are in it. That is the type of compromise job we did.

So we have a bill here, I say to my colleagues, of a kind that every man who wants a school bill, who really believes in one, can vote for it. Those of you who want to quibble about it may quibble, but I think the people are going to see through it. I do not think it would square up with the platforms of the two political parties and the desire of all of us to do something about this problem.

So let us get on with this legislation. We have a bill here that all who want a school bill can vote for.

Mr. BARDEN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. AYRES].

Mr. AYRES. Mr. Chairman, after the gentleman from South Carolina showed the pictures and the dates on them, with regard to schools in his State, and having viewed the pictures that were taken in the State of Kentucky and heard the gentleman from West Virginia speak for what the State of Kentucky should have in the way of schools, I thought it would be a good idea if I called my good friend Happy Chandler

to find out from the horse's mouth, so to speak, what he thought of school conditions in Kentucky. He is out of town, but his administrative assistant, Bill Pate, was there.

I recall the Governor's having made a statement at the conference that he did not think the State of Kentucky should rush into any Federal-aid school construction program. Mr. Pate told me that half of their general budget was given to schools in this last fiscal year, and a little over half of it will be allocated to the schools in the next fiscal year.

Insofar as the pictures were concerned, I told him that we saw a picture of a school that had a fountain that took care of over 500 students. I gave him the address of it and he is going to check on it this evening, and I will report on it to you tomorrow.

As far as the State of Kentucky and the money they are spending for schools is concerned, they feel they are moving ahead as rapidly as they can, and Mr. Pate, speaking for the Governor, feels they are in no position at the present time to rush into a Federal-aid program.

Mr. BARDEN. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, I rise in opposition to this legislation for a number of reasons. In the first instance, I have heard spoken on the floor of this House statements concerning what the States have or have not done, yet in no instance have I heard from the proponents of this legislation that the various States have exhausted the possibilities or the remedies which are at their command, and those are the remedies of taxation by various means. If the State legislatures of the various States have not exhausted those remedies and if the people of those States have not demanded Federal aid to education, and there is no evidence in the record that they have, then why should the proponents of this legislation or the Secretary of Health, Education, and Welfare try to preempt into the State school systems a Federal system of school construction?

There is nothing in the hearings, and I have read them, and there is nothing in the report that I saw where the States through their governors, except the Governor of New York, have demanded this sort of legislation. If the people back in the States do not want the Federal Government to take over, why should we in the Congress have it take over?

Leaving that aside just for an instant, I believe you do know what you are buying here. You are creating a monstrosity here, you are creating what might be called an octopus which will reach the hand of the Federal Government into every school district in the United States if this legislation is enacted. Of course the legislation says that we do not intend to do that, but the legislation sometimes is not interpreted according to its expressed intention.

Just listen to some of the provisions of this bill, and I hope all of you have read it. Just listen to some of the provisions of this bill with reference to what the Commssioner of Education may do. It says here on page 38, in section 104:

> The Commissioner may modify or make inapplicable any of the foregoing provisions of this section applying to State plans as he may think proper.

If the Commissioner of Education has that discretion, then, as is indicated on page 39, the Commissioner shall approve any State plan, and if he disapproves he shall make no further payments for any project directly affected by such failure until he is satisfied there is no longer any such failure to comply or, if compliance is impossible, until the State repays, and so on.

Now let us not be fooled by this legislation. Let us not think for an instant that we are going to appropriate Federal money and not have a Federal School Commissioner exert his authority. Have you ever in the history of this Congress—many of you have had many years of experience—have you ever given power to any agency or any bureaucracy that has not been used to the fullest extent? Have you ever created any department, have you ever created something that at the end of its time has disappeared from the American scene? Have you ever given power to a man whose lust for power you may not have measured, and have that power given back to the Congress? You cannot cite me one example. So what you are buying is Federal control; Federal control of school construction. If you buy Federal control of school construction, the next thing you are buying with the American people's money—and that is what you are spending here—you are buying control of the minds, because they are going to say, "You took Federal money to build schools." The curriculum is the next step. If the curriculum is the next step, then we have complete Federal control.

I am opposed to this legislation because I believe you will find it is a monstrosity, and that you are creating another Federal bureaucracy.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. HEMPHILL] has again expired.

Mr. BARDEN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS. I just want to implement what my distinguished colleague has said. We do not want this Federal aid to school construction, with or without the Wainwright amendment. You cannot perfume it or make it attractive enough for us to want it. We do not believe that the State of New York, the State of Pennsylvania, the State of Illinois, and the State of Ohio, or any other State wants to build schools in South Carolina. We believe that you want to run your own business and that you have got enough work to do at home. We do not think you want to take your money and come down to our country and build our schools. We have got enough industry, enough desire, enough taxing power, and enough leadership in the Governor's chair, and we have a sufficiently alert State legislature to go out and do the things which we should do; and, believe you me, we are doing exactly that.

Take these pictures, which my friend did not use, about South Carolina, the distinguished chairman from West Virginia [Mr. BAILEY]. Those pictures are a little out of date. When they were taken they were up to date, but they have been out of date for a few years. Since that time we have spent about $248 million in the construction of schools in my State. Not bad. They are so new that we have not got them filled up. One of the pictures he did not use, we built a new one to take the place of that. We still have two rooms vacant. We have school buses; and, as you might surmise, and I am sure you suspect, that was a colored school. We have brandnew buses, brandnew drivers, and we are bringing them from far off and near. We do not want your money and we do not want your taxes. Let us build our schools. We have the biggest buses and the newest and fanciest highways on which to transport the children, and we never had it so good. We do not need this bill. We do not want this bill. We are not going to take this bill.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. RIVERS] has expired.

Mr. McCONNELL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, for many Members of this body, including myself, the school-construction bill is one of the most difficult issues we will face in this session of Congress.

Serving as a member of the full Education and Labor Committee, I have had the opportunity to hear and evaluate much of the evidence and to weigh the arguments presented by both sides.

Without getting involved in the "numbers game," and although I would like to believe otherwise, I have concluded that Secretary Folsom, of the administration's Department of Health, Education, and Welfare, is right when he states that there is a continuing, substantial, and widespread national shortage of classrooms.

I believe that Secretary Folsom's approach and presentation were conservative. His statement will not come as a surprise to those who recall that, before coming to Washington, Secretary Folsom served for many years as an officer of one of the Nation's large corporations, and that for 6 years he was a director of the United States Chamber of Commerce as well as the president of his local chamber of commerce.

I believe that my approach to the issue of Federal aid to education is basically conservative. Despite the fact that a number of conservatives on both sides of the aisle may not vote with me on this bill, I am sure that few of them will differ with me on certain fundamental principles which underlie the issue before us.

Last evening I took the time to dig out and review some of the speeches and writings on this subject by one of the greatest conservatives ever to serve in

the Congress. I refer to the beloved and distinguished late Senator Robert A. Taft.

Certainly Senator Taft was as much concerned about the possibility that Federal control might flow from Federal assistance as the most conservative Member of this body today.

He was a strong and firm advocate of local and State control of education. He warned against the possibility that educational policies should ever be set in Washington.

He once pointed out:

Some districts have done their job poorly. That is an inevitable incident of local administration, but we may well remember that when a Federal system develops faults in any field—and it always does—those faults extend throughout the country on a universal scale.

He said:

The adoption of a Federal system * * * (may look) perfect on paper, but in practice it soon would develop the inefficiencies of every huge bureaucracy, besides subjecting 25 million children to the ideology of a small clique in control in Washington.

But while not minimizing the danger of Federal control, Senator Taft concluded:

If we want to defend against Federal control, the thing to do is to refuse Federal control, draft our law so there is no Federal control. I would rather stand on that ground than to stand on the ground * * * that the Federal Government has no concern with education.

What underlying principle or consideration could be so important and so fundamental that a conservative like Senator Taft could bring himself to support even a limited bill to provide Federal aid for education?

That great underlying principle which is fundamental and basic to conservative philosophy can be stated in three simple words: Equality of opportunity.

Senator Taft said:

I may not quite accept the thesis that all men are actually created equal, but certainly we can agree that they are sufficiently equal that they are entitled to an equal opportunity to improve the faculties that are conferred upon them.

Like Senator Taft, I firmly believe in local control of education—I firmly believe also that the financing of education is primarily the function and responsibility of State and local governments. But like Senator Taft, I also believe that when the children of any State or school district are not afforded an equal opportunity for education, then that condition should, and ought to be, the concern of all of us as a nation.

The term "equality" carries different connotations for people of different political faiths. The sense in which it is used can divide conservatives from Socialists at the other extreme of the political spectrum.

Certainly conservatives believe in free enterprise—a system with incentives and rewards for effort—but provided always that in the race of life there should be a relatively equal opportunity at the starting line.

On the other hand, in my mind, Socialists would destroy free enterprise and incentives and would strive to impose Government-enforced equality throughout the race of life and even at the finish line.

If we would preserve our Republic—and if conservatives would preserve the free enterprise system which has brought us such greatness as a nation—then, we cannot close our eyes to those who do not enjoy an equal opportunity at the starting line of life.

From my study of the problem I have concluded that there is now a serious backlog shortage of classrooms which accumulated during the depression and during the last World War, and which is depriving many children of adequate educational opportunities. While States and local subdivisions of government have struggled valiantly to make up this shortage—and in many cases have succeeded—too many school districts have been able only to keep pace with the rapidly expanding school population—and have been unable to wipe out the classroom deficit.

I believe that local school districts will eventually succeed—even without Federal assistance. But, in the meantime, we will be sacrificing our most valuable resource—our children.

The bill before us is not perfect—but I submit that it is one for which a conservative can vote.

First. Primarily it is a bill to build schools. There may even be some Federal controls involved in the building of those schools. But once the bricks and mortar are in place, it is difficult to see how Federal control of education could flow from this bill.

Second. The bill is a short-term, stopgap measure and is to terminate after 5 years.

(a) On the basis of studies available, I believe that each State has the fiscal capacity to finance an adequate education program once the classroom shortage is alleviated.

(b) The cry that once a Federal program is started, it will never end—is not impressive. The judgment of the people 5 years from now will determine that issue. As evidence that Federal programs for specific purposes have terminated, I point to the GI education bill for veterans, which has expired and did not bring about Federal control of education.

I recognize full well the arguments on the other side of this great issue. I am strongly persuaded by many of them.

But in the final analysis I have decided to cast my vote for the bill because I believe at this time that passage would be in the best interests of education and of the Nation as a whole.

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

Mr. GRIFFIN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I wish to congratulate the gentleman on his presentation and wish to call his attention to a further statement made by the late Senator Taft on the 24th of March 1948, when he said:

Fundamentally, Mr. President, I think we have a tremendous obligation to provide equality of opportunity to the children of the United States. When the Declaration of Independence said that all men are created equal it perhaps made an extreme statement; but I have always felt that what was meant was that all men in the United States are entitled to equality of opportunity.

Mr. GRIFFIN. I thank the gentleman.

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

Mr. GRIFFIN. I yield to the gentleman from Utah.

Mr. DIXON. Did not Senator Taft go much further than we are willing to go by advocating Federal aid even for the maintenance and operation of the schools?

Mr. GRIFFIN. It is true his bill would have provided aid to schools.

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

Mr. BARDEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H. R. 1, to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms, had come to no resolution thereon.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

Hon. SAM RAYBURN,
Speaker of the House of Representatives, Speaker's Office, United States Capitol.

MY DEAR MR. SPEAKER: I am hereby tendering my resignation from the Judiciary Committee to take effect instanter.

Of course, in terminating this association I want to thank you for all the nice things both the dean of the Illinois delegation, THOMAS J. O'BRIEN, and you have done for me.

Sincerely,

CHARLES A. BOYLE,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION OF MEMBERS TO COMMITTEES

Mr. COOPER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 360

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Appropriations: CHARLES A. BOYLE, Illinois.

Committee on the Judiciary: JOSEPH M. MONTOYA, New Mexico.

The resolution was agreed to, and a motion to reconsider was laid on the table.

DR. TOM D. SPIES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 216, which House concurrent resolution was introduced yesterday by our beloved Speaker. It is a pleasure for me to ask unanimous consent for its immediate consideration and this I have cleared with members of the committee and with my very dear friend from Massachusetts [Mr. MARTIN].

The Clerk read the House concurrent resolution as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress and the American people hereby express their gratitude to Dr. Tom D. Spies for his noteworthy medical achievements toward alleviating the sufferings of his fellow men and for his outstanding contributions to the knowledge of the science of human nutrition, especially in the field of earlier and better methods of diagnosis and treatment of nutritional deficiency diseases.

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

There was no objection.

The House concurrent resolution was agreed to, and a motion to reconsider was laid on the table.

VIRGINIAN ELECTED PRESIDENT OF BOYS' NATION

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. JENNINGS. Mr. Speaker, I would like to bring to the attention of the House the results of an election last night at Boys' Nation, which is now being sponsored at the University of Maryland by the American Legion.

A young constituent of mine from the Virginia Ninth District has won the outstanding honor of being elected, by a vote of 59–37 on the first ballot, president of Boys' Nation. He is Thomas R. Peake, a 17-year-old senior student at John I. Burton High School, Norton, Va.

Many members of Boys' Nation were visiting in the Capitol yesterday. I had the pleasure of lunching with President Peake and the other Virginia representatives to Boys' Nation, Andy Robinson, of nearby Annandale. I found both of these young men very interested in their Government, and Mr. Peake discussed his candidacy on the Federalist ticket.

Mr. Peake was elected to Boys' Nation last week while attending Boys' State at Virginia Polytechnic Institute, Blacksburg. The Virginia department of the American Legion sponsors Boys' State, and the Norton American Legion Post sponsored Mr. Peake.

Mr. Speaker, we can all be extremely proud of these young Americans, who are endeavoring to learn more about their State and the Federal Government. I am especially proud, of course, of Mr. Peake's successful campaign for the presidency of Boys' Nation. It is an unusual achievement for any young man to be so elected by 96 young leaders from throughout the Nation.

I also congratulate the sponsors of Boys' Nation, the American Legion. This is a noteworthy and an important undertaking. My best wishes go to each of the young participants in this year's event, and especially to this Virginian from the Ninth District, Boys' Nation President Thomas R. Peake.

STEPHEN FOSTER MEMORIAL COMMISSION

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

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

There was no objection.

Mr. MATTHEWS. Mr. Speaker, I have been informed by the Stephen Foster Memorial Commission that the major television and radio networks have a ban on using certain words in American songs. The Florida State song is Way Down Upon the Suwannee River, and as is common knowledge, this great classic was written by Stephen Foster many years ago. Now in this beautiful song we have the word "darkies." It has been called to my attention by the Stephen Foster Memorial Commission that this word is eliminated when the Suwannee River is sung on the radio and television networks because of the objections of certain minority groups.

I feel that this is an attempt to rewrite American folk songs and certainly the author, who is not living, cannot be consulted about his desires in the matter. I am very much concerned about this information because if our radio networks can rewrite American folk songs, what will prohibit them from rewriting American history to change certain facts that will be more pleasant to certain minority groups in the country?

The whole affair is suggestive of the Hitlerian method of changing history to suit a legend. It is an example of the type of intellectual brainwashing that to me is deplorable.

I have written to the presidents of three of our major radio and television networks asking for their comments about this matter. I submitted for the RECORD on yesterday a more detailed statement about this matter, but since my colleague, the Honorable BOB SIKES from Florida, presented the same information, my remarks were deleted from the official copy of the RECORD. I respectfully call to the attention of my colleagues the remarks of my distinguished fellow Floridian, the Honorable BOB SIKES, as they appeared in yesterday's RECORD concerning this matter, which I think is vital for those of us who believe in truth and fact.

PROTECTION OF ORNAMENTAL DESIGNS OF USEFUL ARTICLES

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

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

There was no objection.

Mr. WILLIS. Mr. Speaker, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the House Committee on the Judiciary, I have today, at the request of the chairman of the coordinating committee—designs—of the National Council of Patent Law Associations, introduced a bill for the protection of ornamental designs of useful articles. This bill has been in preparation for about 3 years under circumstances which are explained in the accompanying statement. It is now felt with some confidence that the provisions contained in the bill have reached such a stage of refinement as to justify its introduction, and the coordinating committee desires that it be introduced in the present session of Congress so that it may be widely disseminated among various commercial and nonprofit organizations, bar associations, agencies of government, and other interested groups, looking to possible hearings in the next session of Congress, thus giving ample opportunity for study by all interested parties during the intervening months, while the Congress is in recess.

As will be noted, I have introduced this bill by request. I think it appropriate that I do so since the Subcommittee on Patents, Trademarks, and Copyrights, of which I am chairman, will undoubtedly consider the bill when it is referred to the Judiciary Committee. I wish to emphasize, however, that the purpose of introducing this legislation at this time is to provide an opportunity for studies by interested groups so that any suggestions or recommendations which they may wish to submit may be studied by the subcommittee when it takes the measure up for consideration in the next session of Congress.

PROPOSED LEGISLATION FOR PROTECTION OF ORNAMENTAL DESIGNS OF USEFUL ARTICLES

This bill has been prepared by the coordinating committee—Designs—of the National Council of Patent Law Associations, through its drafting committee working in collaboration with advisers from the Patent Office and the Copyright Office.

The coordinating committee is a continuation of the committee which did much of the work in drafting the Patent Act of 1952—the codification of title 35, United States Code. The House Judiciary Committee report on the bill which became the new Patent Act said of this committee:

> The coordinating committee of the patent bar, which was organized under the auspices of the National Council of Patent Law Associations and including representatives of industry as well, has rendered invaluable service to the committee in the preparation and refinement of the bill (82d Cong., H. Rept. No. 1923).

In the writing of the 1952 Patent Act it was decided merely to codify the provisions of existing law providing for design patents—now chapter 16 of title 35—although it had long been felt in

many quarters that the statutory protection of designs was inadequate. This was done because of special problems in the protection of ornamental designs which, if gone into, would have interfered with the solution of the main problem at hand. The design protection problem was therefore deferred for attention at some later time.

The present project of writing a new law for designs was accordingly taken up in the fall of 1954, at which time the coordinating committee was reactivated and reconstituted with personnel interested in and specially qualified to deal with the subject matter.

Meanwhile the Supreme Court had decided the case of *Mazer* v. *Stein* (347 U. S. 201 (March 8, 1954)), holding valid copyrights on statuettes as works of art though they were published as lamp bases—useful articles—and notwithstanding the possibility they might have been protected by design patents. Now design patents have a maximum term of 14 years while copyright protection, if renewed, lasts for 56 years. In the view of the Copyright Office, this case opens the door, with no definitive limitations, to long-term copyright protection of ornamental designs of all manner of useful articles, from ashtrays to zithers, and creates a great area of overlap with design patent protection. The Copyright Office urgently desires a legislative directive as to what works it is obliged to register.

At the same time, design patents are inadequate to protect designs in many fields because they must meet the novelty and invention standards of other kinds of patents—something not required of copyrights—necessitating a search of prior art which delays issuance of patents for a year or more. They are expensive, have a high mortality in the courts and a design is often obsolete before patent protection can be obtained. Thus, between the designs which are really protectable by design patents and the work of art designs the Copyright Office will presently accept, there is a substantial body of designs which are without protection. One of the primary objectives of the drafters of the instant bill has been to create a more equitable, practical and workable law for the protection of ornamental designs of all useful articles.

In view of the present situation of the Copyright Office, its representatives have worked closely with the coordinating committee in carrying out another main objective of the proposed bill, namely to draw as clear a line as possible between works subject to copyright and designs subject to protection under the proposed new law. To this end the bill contains a section in relation to the copyright law and an amendment of the copyright law—title 17, United States Code—which has been carefully correlated with the other provisions. The Copyright Office is very desirous of the enactment of such legislation.

The general nature of the protection which the bill would provide for designs of useful articles resembles copyright in that it would be quickly obtained by a simple registration and would afford protection only against those who copy instead of originating their own designs. This would have the social result of stimulating the art of product design instead of fostering the highly developed art of design piracy. The basis of protection is originality—in the having-done-it-yourself sense—rather than novelty plus "invention" as with design patents. The term would be relatively short, 5 to 10 years. Ordinary vendors and publishers, motion-picture producers, and broadcasters are protected against claims for infringements not of their own making.

Great effort has been put into the drafting of a workable measure over the past 3 years. The full coordinating committee, which is composed not only of lawyers representing many patent law associations but also representatives of a diversity of trade associations, corporations, law firms, designers, and other individuals, has had three all-day meetings. The coordinating committee chairman has met on numerous other occasions with the three-man drafting committee and the advisers from the Patent and Copyright Offices in preparing numerous revisions of earlier drafts of the proposed bill.

At the last full meeting of the coordinating committee on July 12, 1957, it voted overwhelmingly in favor of having the final revision of the instant bill introduced in the present session of Congress. The object of introduction at this time is to provide for wider dissemination of the proposals as a bill which will give all interested parties an opportunity to study it before the convening of the next session of Congress.

A SMALL BUT RIGHT STEP FOR SMALL BUSINESS

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

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

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, on page 12276 of the RECORD, a distinguished Member of the other body made a most important statement entitled: "Tax Relief for Small Business." He points up a deplorable situation, but there is something that can be done. It is but a single step in the right direction but it is an important one. And above all, we are assured, the President will approve it. So sadly I say, let us be grateful for small crumbs.

Mr. Speaker, on July 12, 1957, I introduced a bill, H. R. 8682, to amend section 11 of the Clayton Act in order to provide for finality of orders of the Federal Trade Commission and for other purposes. The proposed legislation would provide the same degree of finality and the same means of enforcement as are now provided for orders to cease and desist issued under the Federal Trade Commission Act.

The Clayton Act very clearly requires an amendment in order to make cease and desist orders issued thereunder more effective; to make legal procedure in their enforcement less costly; to bring about uniformity in the enforcement of that statute with the Federal Trade Commission Act; and generally to secure a more complete implementation of the antimonopoly purposes of the Clayton Act.

Both the Federal Trade Commission Act and the Clayton Act—the two basic statutes enforced by the Federal Trade Commission—were originally enacted in 1914. The Wheeler-Lea Act of 1938, amended the Federal Trade Commission Act, so that cease and desist orders issued by the Commission under the terms of the latter statute automatically become final unless a petition for review is filed within 60 days.

Under the present provisions of section 11 of the Clayton Act there is no such comparable requirement similar to the Wheeler-Lea amendment to the Federal Trade Commission Act. At present the Commission is obliged to prove that a respondent has failed to obey an order issued by it before a court will compel enforcement. An order issued by the Federal Trade Commission under the Clayton Act does not become final and binding until such time as a United States court of appeals affirms it. This puts the respondent in a position where, by failing to appeal, he can ignore such order and results in what is euphemistically called one free violation. In other words, the Federal Trade Commission is required to prove its case twice, once before the order is issued and again after such order is issued before it can obtain court action commanding obedience. Only then, if the respondent violates the act a third time does he become subject to an actual penalty. The inadequacy in the procedural steps provided by the law at present appears very obvious and the clear necessity for amendment was demonstrated when the Supreme Court of the United States handed down its decision in 1952 in the case of the *Federal Trade Commission* v. *Ruberoid Company* (343 U. S. 470). There it was held that the courts under the present status of the law are without authority to issue orders commanding obedience to the Commission's orders to cease and desist entered under the Clayton Act unless and until it has proved a case that the respondent has violated such order. In that connection the Court stated, on pages 478–479 of the opinion:

> The Commission argues, first, that the provision authorizing it to apply for enforcement "if such person fails or neglects to obey such order" is merely "a Congressional directive to the Commission as to the circumstances under which it may go into court to seek enforcement," which does not amount to a prerequisite to the court's granting of enforcement. We cannot subscribe to this argument, which disregards the unequivocal language of the statute and its consistent interpretation over the 38-year period of its existence. Congress, in 1938, amended similar language in the Federal Trade Commission Act, so that the reviewing court is now plainly required, upon affirmance, to enforce an order based upon violation of that act. The Commission has repeatedly sought similar amendment of the Clayton Act provisions involved in this case. We will not now achieve the same results by reinterpretation in the face of Congress' failure to pass the bills thus

brought before it. Effective enforcement of the Clayton Act by the Commission may be handicapped by the present provisions, but that is a question of policy for Congress.

Even Mr. Justice Jackson, in his dissent stated:

I see no real reason, when the case is already before the court and is approved, in requiring one more violation before its obedience will be made mandatory on pain of contempt (343 U. S. at p. 494).

It should be noted that legislation similar to the bill I introduced has been urged by the Federal Trade Commission for more than 20 years. I refer to the Annual Reports of the Federal Trade Commission for the years 1946, 1947, 1948, 1951, and 1952 in confirmation of this statement. Hon. John W. Gwynne, the present Chairman of the Commission, on July 1, 1957, wrote me and stated in part:

Our effectiveness in this area [enforcement of the Robinson-Patman Act and other sections of the Clayton Act] has long been handicapped by reason of the fact that cease and desist orders issued by the Commission under the Clayton Act do not automatically become final and binding within a specified time in the absence of court review and even in the case of favorable court review are not enforced by the courts to the extent affirmed.

Chairman Gwynne in his letter pointed out that in the long history of the Clayton Act, only four cease-and-desist orders have been effectively enforced by court order under the standards of the Ruberoid case previously referred to. He further said that the act would be of much greater value and aid to small business as a deterrent to potential offenders if amended as indicated. That letter concluded with this statement:

The Bureau of the Budget has advised that such legislation to provide for finality of Clayton Act orders would be in accord with the program of the President, and we earnestly commend it.

The final report of the House Select Committee on Small Business of the 84th Congress—House Report No. 2970—among the recommendations made, reads as follows, page 158:

(16) That the Clayton Antitrust Act be amended so as to make cease and desist orders issued by the Federal Trade Commission—under this act—automatically final within 60 days unless appealed within that time.

The Clayton Antitrust Act, one of the principal safeguards against monopolies, contains a strange deficiency. * * * Manifestly, there should be a prompt correction of deficiencies which amount to an open winking at violators of the antitrust laws, and which, besides, involve large and unnecessary public expense in attempts to enforce these laws.

Hon. WRIGHT PATMAN, the distinguished chairman of the House Select Committee on Small Business, in testifying before the Antitrust Subcommittee of the House Committee on the Judiciary, during January, 1956, on H. R. 6748 of the 84th Congress, called that subcommittee's attention that as a result of the deficiency in the present Clayton Act, the order against the United States Steel Corp., in the famous Pittsburgh Plus case was issued in July 1924. After the passage of 14 years, in May 1933, United States Steel filed a petition in the circuit court to have the order set aside, and after another 10 years, in October 1948, the order was finally confirmed after almost a quarter of a century since it was originally issued—hearing, page 15, Amending Clayton Act, Serial No. 15 of Antitrust Subcommittee, House Judiciary Committee.

The Supreme Court in the Ruberoid case had said that this matter is a question of policy for the Congress, and in the light of unequivocal recommendations, not only from the former members of the Federal Trade Commission and others, but also from the present administration as well, I most earnestly urge the House of Representatives to correct this deficiency in the Clayton Act by the adoption of H. R. 8682, and particularly hope that the splendid Committee on the Judiciary will hasten its decision on the bill and give it the recommendation which all interested parties seem to feel it deserves.

THE 1957 GAS BILL

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL], be given permission to extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, the 1957 gas bill has been reported out of the House Interstate and Foreign Commerce Committee.

This bill is nothing more or less than a consumers' gouge bill and should be so denominated. It has been said by people in the industry, that this is a compromise bill. If any compromise took place it was entirely within the industry and done at the expense of the consuming public.

This bill will cost the consumers of this country at least $1 billion a year immediately.

Over the long haul there is no way of telling how much the consumer will have to ante up if this bill is passed. It is very clear that the price of all fuels will rise immediately on passage of this bill. That includes oil, gas, and coal. Certainly, electricity generated with any one of these will have to rise, too.

Proof of the fact that this is an industry bill and will increase prices is shown in the recent rises in oil stocks, which occurred when the bill was introduced and when the bill was reported out of the House Interstate and Foreign Commerce Committee. This bill should be beaten and must be beaten if the consumers of this country are to be protected.

FERROUS SCRAP INVESTIGATION

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, under leave to extend my remarks I call to the attention of the Members of this body and of the general public the excellent progress being made by the Small Business Committee in its investigation of the ferrous scrap situation. This committee is under the capable leadership of the gentleman from Texas [Mr. PATMAN], and ably assisted by Members from both sides of the aisle and by an objective and efficient staff. The committee is probing into the growing unfair practices which have been seriously affecting both large and small scrap dealers, brokers and exporters for a considerable period of time.

On January 31, 1957, the House passed Resolution 56 to provide funds for the Small Business Committee and shortly thereafter Chairman PATMAN announced that one of the subjects to be investigated in the interest of small business was the ferrous scrap industry. There had been growing evidence and complaints that one concern had become so dominant in the foreign and domestic markets as to seriously affect its competitors and to be in a position to play the domestic and foreign markets against each other. This affected the price of scrap to all buyers with an obvious inflationary impact especially in the defense effort which requires large tonnages of the indispensable material.

The Small Business Committee held hearings on May 20, 21, 22, 23, 24, June 18, 19, 20, and 21, 1957, principally with exporters who generally complained that they were excluded from participating in the scrap market with the European Coal and Steel Community—Germany, Belgium, France, Luxembourg, Netherlands, and Italy—and with the Japanese market because of exclusive arrangements between those countries and the dominant exporter, Luria Bros. Co., Inc. Fortunately, the State Department became aware of the situation and of the need for the exercise of competitive practices in those countries which rely heavily upon the benefits derived from our own competitive system. Accordingly, the State Department has been able to persuade the OCCF—the central scrap purchasing agency for the steel industries in the six European countries making up the European Coal and Steel Community—to open the market to all competitors.

Congressman PATMAN described the results obtained through the hearings and through the State Department in the RECORD of July 19, 1957, page 12252 under the heading "European Market for Steel Scrap To Be Opened." This is indeed a remarkable achievement in view of the short time the Small Business Committee has been investigating this complex and important matter. It would seem reasonable to believe that a similar arrangement is in order and will be consummated with the Japanese buyers.

Of even greater importance, however, to my mind, is the domestic situation since it seems improbable to me that there can be free exportation of scrap to either the European or Japanese users unless the sources of supply of scrap in continental United States are freely ac-

cessible to the exporters. Again, let me say that the American businesss communities are indebted for the excellent work which has been done by the House Small Business Committee, to the leadership of this committee under the able guidance of the gentleman from Texas [Mr. PATMAN].

SCHOOL-AID BILL

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may be given permission to extend her remarks at this point in the RECORD.

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

There was no objection.

Mrs. DWYER. Mr. Speaker, at this time—as a delegate to the historic White House Conference on Education of 1955—I believe it is appropriate to submit for this Chamber's consideration the summary of a report made to President Eisenhower by the Committee for the White House Conference on Education.

Although this is not the full report, it summarizes the Committee's statements and recommendations in six areas of elementary and secondary education. I am in general agreement with this report, particularly that portion which recommends that, to meet the emergency needs of education—

> Money for schools must continue to come from all three levels of government, with a portion of funds for school buildings being made available by the Federal Government on an emergency basis.

This report, it should be noted as we engage in debate on the question of Federal aid for school construction, was made after an exhaustive study by the 34-member Committee of the voluminous records produced by the nearly 2,000 delegates from all States and Territories who participated in the White House Conference on Education.

It is my hope that Members of this body will give this report serious study in approaching the question of school aid, for it represents the findings of an outstanding group of citizens.

This Committee was appointed by the President. It included:

Dwight D. Eisenhower, President of the United States, honorary chairman.

Marion B. Folsom, Secretary of Health, Education and Welfare, honorary vice chairman.

S. M. Brownell, United States Commissioner of Education, honorary vice chairman.

Neil H. McElroy, Cincinnati, Ohio, president, Procter & Gamble Co., chairman.

Finis E. Engleman, Hartford, Conn., State commissioner of education, vice chairman.

Mildred C. Ahlgren, Whiting, Ind., past president, General Federation of Women's Clubs.

Ethel G. Brown, Los Angeles, Calif., president, National Congress of Parents and Teachers.

Ralph J. Bunche, Kew Gardens, N. Y., Under Secretary, United Nations.

John S. Burke, New York, N. Y., president, B. Altman & Co.

John Cowles, Minneapolis, Minn., president, Minneapolis Star and Tribune.

John A. Hannah, East Lansing, Mich., president, Michigan State University.

James W. Hargrove, Shreveport, La., vice president, Texas Eastern Transmission Corp.

Albert J. Hayes, Silver Spring, Md., president, International Association of Machinists.

Margaret Hickey, St. Louis, Mo., editor, public affairs department, Ladies Home Journal.

Henry H. Hill, Nashville, Tenn., president, George Peabody College for Teachers.

Oveta Culp Hobby, Houston, Tex., president, the Houston Post.

Mildred McA. Horton, Cambridge, Mass., past president, Wellesley College.

James R. Killian, Jr., Cambridge, Mass., president, Massachusetts Institute of Technology.

Allan B. Kline, Western Springs, Ill., past president, American Farm Bureau Federation.

W. Preston Lane, Jr., Hagerstown, Md., ex-Governor of Maryland.

Roy E. Larsen, Fairfield, Conn., president and director, Time, Inc.; past chairman, National Citizens Commission for the Public Schools.

Thomas Lazzio, Paterson, N. J., president, Local 300, UAW-CIO.

Joseph C. McLain, Mamaroneck, N. Y., principal, Mamaroneck Senior High School.

William E. McManus, Washington, D. C., assistant director, department of education, National Catholic Welfare Conference.

Lorimer D. Milton, Atlanta, Ga., president, Citizens Trust Co.

Don G. Mitchell, Summit, N. J., chairman of board, Sylvania Electric Products, Inc.

Frank C. Moore, Buffalo, N. Y., president, Government Affairs Foundation, Inc.

Herschel D. Newsom, Takoma Park, Md., master, National Grange.

William S. Paley, Manhasset, N. Y., chairman of board, Columbia Broadcasting System, Inc.

James F. Redmond, New Orleans, La., superintendent of schools.

Martha Shull, Portland, Oreg., teacher and first vice president, National Education Association.

Frank H. Sparks, Crawfordsville, Ind., president, Wabash College.

Potter Stewart, Cincinnati, Ohio, judge, United States court of appeals.

Jesse G. Stratton, Clinton, Okla., past president, National School Boards Association, Inc.

Harold W. Sweatt, Minneapolis, Minn., chairman of board, Minneapolis-Honeywell Regulator Co.

H. Grant Vest, Denver, Colo., State commissioner of education.

Mayme E. Williams, Miami, Fla., teacher and president, National Congress of Colored Parents and Teachers.

Clint Pace, director.

These were the Committee members who, in recognition of the emergency confronting our Nation's elementary and secondary schools in the face of many complex factors such as unprecedented population growth and a vast shifting of population areas, made the following report:

SUMMARY STATEMENT OF THE REPORT OF THE COMMITTEE FOR THE WHITE HOUSE CONFERENCE ON EDUCATION

From the work of the Committee for the White House Conference on Education, one fundamental fact emerges: schools now affect the welfare of the United States more than ever before in history, and this new importance of education has been dangerously underestimated for a long time.

Some of the reasons for the rapidly increasing importance of the schools have been often noted. Ignorance is a far greater handicap to an individual than it was a generation ago, and an uneducated populace is a greater handicap to a Nation. This trend is obviously going to continue and quicken.

An equally important and less frequently mentioned reason for the growing importance of education is the plain fact that the schools have become the chief instrument for keeping this Nation the fabled land of opportunity it started out to be. In other decades, the opportunities of America lay primarily in escape from the rigid class barriers of Europe, the availability of free land at the frontier, and the excitement of a violently growing nation, where farms often became villages and villages became cities within the span of one human life. When the frontier was closed, it would have been easy for opportunities to dry up in this Nation, and for rigid class barriers to develop. It has been primarily the schools which have prevented this from happening. As long as good schools are available, a man is not frozen at any level of our economy, nor is his son. Schools free men to rise to the level of their natural abilities. Hope for personal advancement and the advancement of one's children is, of course, one of the great wellsprings of human energy. The schools, more than any other agency, supply this hope in America today. By providing a channel for ambition, they have taken the place of the frontier, and in a highly technical era have preserved the independent spirit of a pioneer nation. The schools stand as the chief expression of the American tradition of fair play for everyone, and a fresh start for each generation.

It is this fundamental conception of schools designed to give a fresh start to each generation that has broadened the ideals of education in America so much in the past 25 years. It is no longer thought proper to restrict educational programs to the skills of the mind, even though those skills remain of fundamental importance. Schools also attempt to improve children's health, to provide vocational training, and to do anything else which will help bring a child up to the starting line of adult life as even with his contemporaries as native differences in ability permit.

The most practical aspect of this new concept of education is that it calls for the most careful mining and refining of all human talents in the land—it is in itself a kind of law against waste. This new educational ideal represents the fullest flowering of the long western tradition of emphasizing the dignity of the individual. Many difficulties, of course, attend its development, but the members of this committee believe that in essence it is noble and right and that in the long run it will prove to be one of the great strengths of America.

It is, of course, obvious that much progress has been made toward realizing this new educational ideal in the United States during the recent past. It is the belief of this committee, however, that improvement has been nowhere near fast enough. The onrush of science has outstripped the schools. What is even more important, ideals of human conduct have in some areas advanced as

rapidly as technology. Many a school which seemed good enough a generation ago now seems a disgrace to the community where it stands.

The schools have fallen far behind both the aspirations of the American people and their capabilities. In the opinion of this committee, there is growing resolve throughout the Nation to close the gap between educational ideals and educational realities. This committee therefore makes the following fundamental recommendations.

1. We recommend that school authorities emphasize the importance of priorities in education. This committee has embraced with enthusiasm the concept of schools which provide a great variety of services designed to do all that is possible to fit children for fruitful adult lives, but there is real danger that in attempting to do everything a little, schools may end by doing nothing well. At present school funds are limited, and the student's time will always be limited. It is essential that schools pursue a policy of giving children first things first. In the rush for a great quantity of courses, quality must not be lost. The desire to provide education for all American children need not be inconsistent with the need to provide full opportunity for the gifted.

2. We recommend that the American people study carefully their systems of school organization and consider measures to deny funds, other than local, to districts which do not after reasonable time, organize on an efficient basis. If the American people are asked to make sacrifices for better education, they deserve to have their funds used as efficiently as possible. This cannot be done without a great deal of reorganization in both rural and urban areas. There is no excuse for the existence of the 8,674 school districts which operate no schools. That is just one dramatic example of the need for reorganization. There is special need for studies of school systems in large cities, where most American children are now congregated. Ways must be found to decentralize large urban school systems to make them more responsive to the will of the people.

3. We recommend that local boards of education quickly assess their school building needs, and give this information to their State departments of education, and that the chief State school officers quickly relay this information to the United States Office of Education. Responsible estimates place the Nation's school building need at from less than 200,000 to nearly a half-million additional classrooms by 1960. Inadequate communication between local school districts and State departments of education is the chief cause for these contradictory figures. This committee also recommends that every community and every State do all that is economically possible to construct the buildings required, and that during such emergency periods as now exists, Federal funds also be used wherever shown to be necessary. In the richest nation in all history, there is no valid reason for the grimy, dilapidated, and overcrowded school buildings which too many children now occupy. It is an ironic truth that most Americans would not permit their children to live in a house which is as bad as the school buildings which many pupils are forced by law to attend.

4. We recommend that greater inducements of all kinds be offered to attract and retain enough good teachers, and that during the coming decade of teacher shortages, every effort be made to utilize the services of available teachers more effectively. Practical steps must be taken to change the concept of teaching as an impoverished occupation. Teaching must be made a financially comfortable profession. Every effort must be made to devise ways to reward teachers according to their ability without opening the school door to unfair personnel practices. Present salary schedules have the effect of discouraging many able people from entering the profession. Teacher-preparation programs have the reputation of requiring needless and repetitious courses. This reputation has the effect of deterring brilliant young people from becoming teachers. Salary schedules and preparation courses should be reexamined and changed where necessary to make the teaching profession more attractive to the most able young men and women. This committee believes that the next decade and possibly two decades will be emergency periods during which the teacher shortage will grow more acute, but that there is ample reason to hope for sufficient supplies of good teachers in the long run.

5. We recommend that a new look be taken at the entire question of how much money this society should spend on education. In view of the recommendations of this committee concerning the objectives of education, teachers, and buildings, it seems obvious that within the next decade the dollars spent on education in this Nation should be approximately doubled. Such an increase in expenditure would be an accurate reflection of the importance of education in this society. The exact sources of the necessary funds will be determined more easily when there is more public agreement that the funds must be provided, and more vigorous determination to do something about it. In the opinion of this committee, money for schools must continue to come from all three levels of government, with a portion of funds for school buildings being made available by the Federal Government on an emergency basis. Good schools are admittedly expensive, but not nearly so expensive in the long run as poor ones.

6. We recommend that every possible step be taken to encourage the interest and activity of all citizens in school affairs. Citizen advisory groups, organizations of parents and teachers, education conferences, and all other means at the disposal of the people of a democracy should be utilized to keep the schools in close contact with the people. In the final analysis, it is only the public which can create good schools and nurture them. In the long run, schools must do what the public wants, and if no strong public will is made known, schools falter. Public interest in education is aroused only by knowledge of problems and intentions, and can continue only if the public can play an active role in school affairs.

7. We recommend that a White House conference on higher education, similar in scope to the program just concluded on the needs of elementary and secondary schools, be held promptly to consider the many complex problems facing, or soon to face, the Nation's colleges and universities. This committee believes there is yet time to acquaint the American people with their imminent needs in higher education, but the time grows shorter and shorter. The flood of students now in the elementary and secondary schools is not far away from the colleges. If the people of the United States expect to attract more and more students into college, they must begin preparing for them now.

INCENTIVE PAYMENTS FOR THE MARKETING OF LIGHTWEIGHT HOGS

The SPEAKER. Under previous order of the House, the gentleman from Minnesota [Mr. MARSHALL] is recognized for 1 minute.

Mr. MARSHALL. Mr. Speaker, I am today introducing legislation to provide for incentive payments for the marketing of lightweight hogs. It is important that we consider this subject now when hog prices are such as to encourage increased production. We know from experience that this will mean reduced prices to producers with the resulting instability in the market. These sharp increases and decreases in hog prices are beneficial to neither producers nor consumers.

By directing our attention to encouragement of lightweight hog production we can protect the producer and provide the consumer with the quality products demanded in today's market. Any food retailer can testify to the housewife's interest in quality pork products. There is a demonstrated demand for lean pork which can be met by encouraging the production of top quality meat-type hogs.

Until farmers are able to command a fair return for the production of lightweight hogs, this consumer demand cannot be met. The present situation provides us with an opportunity to demonstrate to the packing industry that a steady market for quality products does exist and that consumers are willing to pay for them.

The failure of our marketing system to meet the evident demand has meant a loss to producers and has aroused a dissatisfaction in consumers that cannot help but be reflected in the market.

The present situation provides us with an opportunity to put into effect orderly marketing practices and at the same time encourage increased consumption of pork and pork products. It has a twofold advantage of preventing the decline suffered so often in the past and of demonstrating the merits of producing leaner hogs.

PROGRAM FOR TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, I desire to make a brief announcement for the benefit of the Members that the Defense Department appropriation conference report will be the first order of business tomorrow.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. That is the bill that we hope has the appropriation for the Murphy General Hospital; is it not?

Mr. McCORMACK. That is correct.

Mrs. ROGERS of Massachusetts. I am receiving more and more requests

that the hospital be kept open. I have told everyone that got in touch with me that the entire New England delegation in the House is heartily in favor of keeping that hospital open.

Mr. McCORMACK. And the money is carried in the bill for that purpose.

Mrs. ROGERS of Massachusetts. I believe, in talking to the Defense Department, that they realize it should be kept open.

Mr. McCORMACK. I hope the present heads of the Defense Department will do that.

Mrs. ROGERS of Massachusetts. I believe they will.

Mr. McCORMACK. I hope so.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILLINGS (at the request of Mr. AYRES) for the balance of the week on account of official business.

Mr. GEORGE (at the request of Mr. MARTIN) indefinitely on account of illness in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MARSHALL, for 1 minute, today, and to revise and extend his remarks.

Mr. BENTLEY, for 15 minutes, on Monday next.

Mrs. ROGERS of Massachusetts, for 5 minutes, on today.

Mrs. ROGERS of Massachusetts for 5 minutes, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BROOMFIELD and to include extraneous matter.

Mr. BASS of New Hampshire and to include extraneous matter.

Mr. SIEMINSKI.

Mr. UDALL and to include extraneous matter.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 192. An act to provide that the members of the Board of Education of the District of Columbia may be removed for cause.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.), the House adjourned until tomorrow, Wednesday, July 24, 1957, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1055. A letter from the budget officer, Federal Home Loan Bank Board, transmitting one copy each of standard form 143 for the period ending June 30, 1957, for the Federal Home Loan Bank Board, and the Federal Savings and Loan Insurance Corporation, pursuant to instructions contained in section 54C, Budget-Treasury Regulation No. 1, dated June 1952; to the Committee on Appropriations.

1056. A letter from the Chairman, National Mediation Board, transmitting a report of an overexpenditure of $16,500 of the apportionment of funds in the fourth quarter for "Salaries and expenses, National Railroad Adjustment Board, National Mediation Board, 1957," pursuant to section 3679 Revised Statutes, as amended; to the Committee on Appropriations.

1057. A letter from the Secretary of Defense, transmitting the semiannual report of the Secretary of Defense, together with the reports of the Secretaries of the Army, the Navy, and the Air Force, for the period from July 1 to December 31, 1956, pursuant to section 202 (d) of the National Security Act of 1947, as amended; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee of conference. H. R. 7665. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes (Rept. No. 841). Ordered to be printed.

Mr. WILLIS: Committee on the Judiciary. H. R. 6788. A bill to authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes; with amendment (Rept. No. 842). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS of Louisiana: Committee on Armed Services. H. R. 2816. A bill to provide for the conveyance of Esler Field, La., to the parish of Rapides in the State of Louisiana, and for other purposes; with amendment (Rept. No. 853). Referred to the Committee of the Whole House on the State of the Union.

Mr. BUCKLEY: Committee on Public Works. H. R. 8643. A bill to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes; without amendment (Rept. 862). Referred to the Committee of the Whole House on the State of the Union.

Mr. DOYLE: Committee on Armed Services. H. R. 8772. A bill to amend section 1552, title 10, United States Code, and section 301 of the Servicemen's Readjustment Act of 1944 to provide that the Board for the Correction of Military or Naval Records and the Boards of Review, Discharges and Dismissals shall give consideration to satisfactory evidence relating to good character and exemplary conduct in civilian life after discharge or dismissal in determining whether or not to correct certain discharges and dismissals, and for other purposes; without amendment (Rept. No. 863). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. H. R. 1349. A bill for the relief of John J. Fedor; without amendment (Rept. No. 843). Referred to the Committee of the Whole House.

Mr. FORRESTER: Committee on the Judiciary. H. R. 1636. A bill for the relief of George D. LaMont; with amendment (Rept. No. 845). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 1684. A bill for the relief of William Franklin Rollins; without amendment (Rept. No. 845). Referred to the Committee of the Whole House.

Mr. BOYLE: Committee on the Judiciary. H. R. 1827. A bill for the relief of Annunziata Gambini and Tomazo Gambini; without amendment (Rept. No. 846). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on the Judiciary. H. R. 2354. A bill for the relief of the estate of Leatha Horn; without amendment (Rept. No. 847). Referred to the Committee of the Whole House.

Mr. FORRESTER: Committee on the Judiciary. H. R. 2938. A bill for the relief of Cooperative for American Remittances to Everywhere, Inc.; with amendment (Rept. No. 848). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 4447. A bill for the relief of W. R. Zanes & Co., of La., Inc.; with amendment (Rept. No. 849). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 5224. A bill for the relief of O. J. Glenn & Son, Inc.; with amendment (Rept. No. 850). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 7545. A bill for the relief of Lemuel A. Wynne; without amendment (Rept. No. 851). Referred to the Committee of the Whole House.

Mr. VAN ZANDT: Committee on Armed Services. H. R. 8437. A bill to amend the act of August 3, 1956, to authorize certain personnel of the Armed Forces to accept and wear decorations conferred by the Philippine Government; without amendment (Rept. No. 852). Referred to the Committee of the Whole House.

Mr. HILLINGS: Committee on the Judiciary. H. R. 1558. A bill for the relief of Phillis Guyadeen; with amendment (Rept. No. 854). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 2979. A bill for the relief of Mary Hummel; with amendment (Rept. No. 855). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 3184. A bill for the relief of Gordon Broderick; with amendment (Rept. No. 856). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H. R. 4854. A bill for the relief of Victoria Galea; with amendment (Rept. No. 857). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H. R. 8284. A bill for the relief of

Innocenza Guarascio; without amendment (Rept. No. 858). Referred to the Committee of the Whole House.

Mr. HILLINGS: Committee on the Judiciary. House Joint Resolution 409. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens; with amendment (Rept. No. 859). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. House Joint Resolution 410. Joint resolution to facilitate the admission into the United States of certain aliens; with amendment (Rept. No. 860). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 225. An act for the relief of Kew Chan (Chan Kew), Nancy Tsui Mei (Leung) Chan, and Cecilia (Oi Fan) Chan; without amendment (Rept. No. 861). Referred to the Committee of the Whole House.

Mr. HILLINGS: Committee on the Judiciary. House Joint Resolution 411. Joint resolution for the relief of certain aliens; with amendment (Rept. No. 864). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H. R. 8860. A bill to exempt ultra high frequency television receiving sets from Federal excise tax; to the Committee on Ways and Means.

By Mr. FALLON:

H. R. 8861. A bill to provide for the issuance of a special postage stamp to commemorate the 150th anniversary of the founding of the School of Medicine of the University of Maryland; to the Committee on Post Office and Civil Service.

By Mr. MACDONALD:

H. R. 8862. A bill to amend the Public Health Service Act to provide an emergency 5-year program of grants and scholarships for postgraduate education in the field of public health, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL:

H. R. 8863. A bill to provide for incentive payments for the marketing of lightweight hogs; to the Committee on Agriculture.

By Mr. NIMTZ:

H. R. 8864. A bill to authorize the restoration of times taken from patents covering inventions whose practice was prevented or curtailed during certain emergency periods by service of the patent owner in the Armed Forces or by governmental controls; to the Committee on the Judiciary.

By Mr. COOPER:

H. R. 8865. A bill relating to the administration of certain collected taxes; to the Committee on Ways and Means.

By Mr. REED:

H. R. 8866. A bill relating to the administration of certain collected taxes; to the Committee on Ways and Means.

By Mr. KEATING:

H. R. 8867. A bill to amend section 2385 of title 18 of the United States Code to define the term "organize" as used in that section; to the Committee on the Judiciary.

By Mr. DONOHUE:

H. R. 8868. A bill to remove the present $1,000 limitation which prevents the settlement of certain claims arising out of the crash of an aircraft belonging to the United States at Worcester, Mass., on July 18, 1957; to the Committee on the Judiciary.

By Mr. FULTON:

H. R. 8869. A bill to provide for the issuance of a special postage stamp in honor of John M. Phillips; to the Committee on Post Office and Civil Service.

H. R. 8870. A bill to provide for the issuance of a special postage stamp in honor of the late Philip Murray; to the Committee on Post Office and Civil Service.

By Mr. McCORMACK:

H. R. 8871. A bill to further amend the act of August 7, 1946 (60 Stat. 896), as amended by the act of October 25, 1951 (65 Stat. 657), to provide for the exchange of lands of the United States as a site for the new Sibley Memorial Hospital; to provide for the transfer of the property of the Hahnemann Hospital of the District of Columbia, formerly the National Homeopathic Association, a corporation organized under the laws of the District of Columbia, to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, including Sibley Memorial Hospital, a corporation organized under the laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SPRINGER:

H. R. 8872. A bill to increase from $600 to $700 the income tax exemptions allowed for a taxpayer, his spouse, and his dependents, and the additional exemptions allowed for old age and blindness; to the Committee on Ways and Means.

By Mr. WILLIS (by request):

H. R. 8873. A bill to encourage the creation of original ornamental designs of useful articles by protecting the authors of such designs for a limited time against unauthorized copying; to the Committee on the Judiciary.

By Mr. HUDDLESTON:

H. Con. Res. 218. Concurrent resolution expressing the gratitude of the Congress and the American people to Dr. Tom D. Spies; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H. R. 8874. A bill for the relief of Deborah Ellen Brenner; to the Committee on the Judiciary.

By Mr. COLMER:

H. R. 8875. A bill for the relief of Mr. and Mrs. George Holden; to the Committee on the Judiciary.

By Mr. DIES:

H. R. 8876. A bill for the relief of Maria Schreiblehner; to the Committee on the Judiciary.

By Mrs. KELLY of New York:

H. R. 8877. A bill for the relief of Rocco Tomassetti; to the Committee on the Judiciary.

By Mr. MACDONALD

H. R. 8878. A bill for the relief of Lucia Elisabetta Latorella; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 8879. A bill for the relief of Domenic Fiano; to the Committee on the Judiciary.

By Mr. PATTERSON:

H. R. 8880. A bill for the relief of Mrs. Maria Campagna; to the Committee on the Judiciary.

By Mr. WALTER:

H. J. Res. 417. Joint resolution for the relief of Mrs. Sabastiano Poletto, Hideo Konya, Edward H. Turri, and Mario Guiffre; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII petitions and papers were laid on the Clerk's desk and referred as follows:

311. By Mr. DENNISON: Petition of a group of approximately 700 citizens of Ravenna, Kent, Atwater, and nearby communities in the State of Ohio, urging enactment of H. R. 4835, a bill to prohibit transportation of alcoholic beverage advertising in interstate commerce and over the air; to the Committee on Interstate and Foreign Commerce.

312. By the SPEAKER: Petition of the secretary, Medical Society of the State of New York, New York, N. Y., petitioning consideration of their resolution with reference to requesting that the United States Post Office Department be encouraged to adopt a policy of medical treatment for its injured employees which will conform to the principles of the present system of the New York State Workmen's Compensation Board; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

Scholarship Winners of St. Peter's College, Jersey City, N. J.

EXTENSION OF REMARKS

OF

HON. ALFRED D. SIEMINSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1957

Mr. SIEMINSKI. Mr. Speaker, St. Peter's College in Jersey City, N. J., has long been recognized as one of the outstanding colleges in the United States. Her student body has immeasurably contributed toward the betterment of our social, cultural, and educational welfare. Her sons have gone into politics, medicine, the legal profession, and various other fields. They have distinguished themselves in all walks of life. We are indeed proud of these men.

I would like to list below the names of the St. Peter's boys of the graduating class of June 1957 that have won scholarships:

Crowley, Cornelius, centennial law scholarship, Seton Hall.

Grady, Donald J., John Ben Snow scholarship, law, New York University.

Greene, Joseph, teaching assistant, State University of Pennsylvania.

Hession, John, Fulbright scholarship, French literature, University of Montpellier, France.

Josenhans, Paul J., scholarship, law, Georgetown University.

Kiernan, Bernard M., graduate fellowship, St. Louis University; graduate fellowship, Notre Dame; research assistant, Massachusetts Institute of Technology; National Science Foundation, honorable mention.

Murray, Lawrence, fellowship, physics, University of Maryland; teaching assist-

ant, physics, University of Delaware; assistant, physics, Boston College.

Parella, Robert, scholarship, law, New York University.

Petrella, James J., centennial law scholarship, Seton Hall.

Poli, Oscar A., scholarship, economics, University of Illinois; assistant, economics, Boston College.

Sexton, William, assistant, mathematics, St. John's University.

Tobin, Ronald W., Fulbright scholarship, French literature, University of Toulouse; Woodrow Wilson fellowship, modern language, Princetown University.

Wlecke, Albert O., assistant, English literature, Johns Hopkins University.

The Late Senator Joseph R. McCarthy

EXTENSION OF REMARKS

OF

HON. PERKINS BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1957

Mr. BASS of New Hampshire. Mr. Speaker, under leave to extend my remarks, I include in the RECORD an article by the senior Senator of my State, the Honorable STYLES BRIDGES, which appeared in the Hearst papers, together with a resolution passed by the House of Representatives of the State of New Hampshire, in tribute to the late Senator Joseph R. McCarthy, of Wisconsin.

The article and resolution follow:

(By United States Senator STYLES BRIDGES, Republican, of New Hampshire)

WASHINGTON, May 4.—Since Joe McCarthy came to the United States Senate after his election in 1946, Communist power has been in the ascendency. Since that time, communism has continued to expand and today it holds fast in its grip one-third of the earth's surface and imprisons almost a billion human beings. Its advance agents, moreover, are diligently at work in areas all over the still-unconquered world.

Communist forces have almost without diminution scored one victory after another. These Communist victories had been achieved not so much by direct Soviet conquest, but too often because of the weakness, the vacillation, and even acts of betrayal on the part of people in the still-Free World. Joe McCarthy saw all this very clearly and in his direct fashion undertook to grapple with the forces responsible for our deterioration in his own area—Washington.

Because he never gave ground and never retreated in the face of the most devastating counterattacks, there was always dust swirling about him. History seemed to have ordained him for this very rugged role and he played it like a martyr. In so doing, he dramatized resistance to underground Communists such as it has never been dramatized before—either here in the United States or anywhere abroad. He stirred most of his countrymen for a time from the complacency that even now blankets the land. He should have earned the gratitude of the whole Free World.

The Communists, however, had mapped out a campaign the purpose of which was to portray him as a symbol of resistance to Communist infiltration. They thereupon undertook a diabolical campaign to destroy the symbol. Whether they have succeeded in this, the future will tell.

Joe in the face of 7 years of unremitting assault never yielded. His spirit was a fighting one to the end. But his once powerful body, however, could not keep pace and he died—died of attrition and in battle. I hope, however, that the spirit of resistance that he sought to engender will not depart the land with him.

When history views this performance of Joe's, I am sure it will reserve for him a very high niche on its fabled walls. It has always reserved for the courageous a place of prominence, and as the legions of communism march closer to our homeland, there will be more and more people who will, like Joe, rise up and do battle.

The struggle that lies ahead for all of us will be a titanic one. It will probably take a great toll of lives—just as it has taken Joe's. But if his successors play their particular roles with the same show of courage that characterized his every action, we cannot fail to win in the end.

RESOLUTIONS ON THE DEATH OF SENATOR JOSEPH R. MCCARTHY

Whereas we have learned of the passing of Joseph R. McCarthy, United States Senator from the State of Wisconsin; and

Whereas Senator McCarthy has served his country with valor and has won the respect of all who knew of him: Therefore be it

Resolved, That we, the members of the New Hampshire House of Representatives, do hereby pay tribute to this fearless crusader who, more than any other one person, has awakened Americans to the dangers of communism; and be it further

Resolved, That when the house adjourns today it adjourn in memory of this dearly beloved Senator; and be it further

Resolved, That a copy of these resolutions be forwarded to Mrs. McCarthy.

W. DOUGLAS SCAMMAN,
Speaker, House of Representatives.
JOSEPH F. ECKER,
Representative from Manchester.
GEORGE T. RAY, JR.,
Clerk, House of Representatives.

The Public Works Committee

EXTENSION OF REMARKS

OF

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1957

Mr. BROOMFIELD. Mr. Speaker, under leave to extend my remarks, I wish to include the following statement.

May I take this opportunity to acquaint my fellow Congressmen with some of the happenings in the Public Works Committee of the House of Representatives during the past few weeks.

Only last Wednesday—July 17, 1957—the Public Works Committee reported out four major pieces of proposed legislation. These included the so-called omnibus Public Works bill; an amendment to the Tennessee Valley Authority Act of 1933; a bill to kill the present lease-purchase agreement for the construction of Federal buildings and a return to direct appropriations for such construction, and an authorization for the construction of certain improvements in the Niagara River for power.

Two of these bills—H. R. 8643 concerning the Niagara power question and H. R. 4266 on the Tennessee Valley amendment—were railroaded through the Public Works Committee without the benefit of subcommittee action or hearings. One member of the committee, who was kind enough to grace us with his presence for this meeting, then announced that any amendments would be voted upon en bloc.

As to the merits of the two pieces of proposed legislation, I have no comments. Since committee members were not furnished with reports on the proposed projects, nor did we have the opportunity of hearing witnesses, I for one have not had enough information to pass on the merit of these two bills.

Certainly, gag-rule tactics should have no part in the operation of the Congress of the United States. And certainly projects which are going to be paid for by the taxpayers of our Nation should at least have the benefit of some study by members of the House committee before they are brought out on the floor for final vote.

There also has been disagreement in Public Works Committee sessions on the so-called omnibus bill, which contains about $1,400,000,000 of Federal funds in various rivers and harbors and flood-control projects throughout the United States.

Most of these projects are of undoubted value to the health, safety, and welfare of our Nation. But it appears that the majority members of the Public Works Committee are intentionally seeking a Presidential veto of this measure.

The bill has been jammed with a deluge of projects which have not been approved by the Chief of Army Engineers or the Bureau of the Budget. These objectional items which make up 9.2 percent of the proposed public works appropriations amount to some $133,600,000.

Last year, the President was forced to veto the omnibus bill because of the inclusion of projects which had not been adequately studied. The same situation exists again this year.

In still another action by the majority members of the committee, the present lease-purchase agreement for the construction of Federal post offices and other Government buildings has been killed in favor of the outmoded and antiquated direct appropriation method, which hasn't been used to build a post office building outside the District of Columbia since WPA days.

A return to the spoils system of direct appropriation would mean an immediate increase in the Federal budget of more than $1 billion to take care of the 141 projects now ready for construction under the present lease-purchase agreements which expired last night. Another $3 billion to $5 billion probably would have to be added to the Federal budget in the near future to provide for the 200 to 300 projects now about ready for approval.

This lesson in Government economy escapes me. The addition of billions of dollars to the Federal budget can mean only one thing—an increase in income taxes if the Federal budget is to remain in balance.

The type of political shenanigans which have been displayed by the majority members of the House Committee

on Public Works are to be decried. They are in the worst interest of the Nation as a whole, and are a disgrace to the orderly legislative processes of the House of Representatives and the United States Government.

The Case of the Farmer Who Banked a $209,701 Soil-Bank Payment

EXTENSION OF REMARKS

OF

HON. STEWART L. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1957

Mr. UDALL. Mr. Speaker, several weeks ago I called to the attention of the House Arizona cotton farmer, Jack A. Harris, who put a 1,600-acre farm in the soil bank in return for a $209,701 payment. At that time I related that I had information which led me to believe that this same farmer had simultaneously launched a new farming venture in another location in Arizona and was planting nearly 4,500 acres of penalty cotton outside the price-support program. In the interim Harris readily admitted the nature of his operation when confronted by the press.

Subsequently I protested his contradictory activities and requested that the Secretary of Agriculture investigate Harris' case to determine if his soil bank contract could be forfeited.

Many of my colleagues have expressed interest in this extraordinary case, and in order to provide a rounded picture of Harris' farming operations—and philosophy—I am including as part of these remarks my letter to the Secretary of Agriculture and the Department's reply, and an article which appeared in the July 22 issue of Time magazine:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 27, 1957.

Hon. EZRA TAFT BENSON,
Secretary of Agriculture, Washington, D. C.

DEAR SECRETARY BENSON: I am writing to call your attention to the facts which I presented to the House in a speech last Monday concerning the operation of the soil-bank program in Arizona. (I am enclosing a copy of my remarks as they appeared in the CONGRESSIONAL RECORD.)

I think you will be particularly interested in the case of the Pima County, Ariz., farmer who is to receive a $209,701 soil bank payment. This producer, who has been identified as one Jack Harris, has admitted to the Arizona press that he is growing nearly 4,500 acres of penalty cotton at another location in my State during the same crop year in which he signed an agreement to take his cotton land out of production.

In my opinion, this is a flagrant and outrageous violation of the whole spirit and purpose of the acreage reserve program of the soil bank. I have just reread the Soil Bank Act, and I note that it confers upon you the power (sec. 1031) to terminate contracts and "forfeit all rights to payments or grants under the contract where any producer is guilty of any substantial violation of the contract."

I would like to urge that you undertake an immediate investigation of the Harris case to determine if his contract cannot be forfeited. I submit that our efforts to achieve economy are a farce if this man can pursue the course of action he is following and still receive a gratuity from his Government totaling nearly a quarter of a million dollars.

As perhaps you know, the cotton growers of my State have an outstanding record for honesty and self-reliance, and it is highly regrettable that one or two producers should bring discredit on a whole industry. The fear of my farmers today is that our system of price supports is pricing cotton out of the competitive market, and they favor the elimination of subsidies and return to the free market at the earliest feasible time. For these reasons the soil bank has been unpopular with the Arizona cotton men—indeed, last year the Arizona Cotton Growers Association wrote Senator GOLDWATER and urged him to have the soil bank killed.

I firmly believe the integrity of our Government is at stake in this issue, and I urge you to inquire into it at once.

Sincerely,

STEWART L. UDALL.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 16, 1957.

Hon. STEWART L. UDALL,
House of Representatives.

DEAR CONGRESSMAN UDALL: This is in reply to your recent letter concerning the operation of the soil-bank program in Arizona. We realize that there has been some delay in replying and would like to explain that this has been caused by an effort on our part to get additional information in regard to the case involved, namely, the cotton acreage reserve agreement signed by the Harris Ranches, Inc., in Pima County, Ariz.

Harris Ranches, Inc., entered into a 1957 acreage reserve agreement covering 1,666 acres located in Pima County, Ariz. The total compensation payable under the agreement amounts to $209,701.80. While you take exception to the sum involved, it should be pointed out that the purpose of the acreage reserve program is to obtain a reduction in production below that which the producer is permitted under the allotment and quota programs, and to relieve the economy of the strain of excessive production of surplus agricultural commodities. In order to give all farmers with allotments an opportunity to participate in the 1957 program, the Department set initial maximum limits on the number of acres which could be placed in the program. In the case of cotton, such limits were removed early in the sign-up period and all of the acres offered by a producer were accepted in the acreage reserve agreements. It should be noted that compensation was based on the normal yield for the number of acres involved. If the acreage had not been placed in the soil bank the producer could have planted the 1,666 acres to cotton and obtained price support thereon, with a resulting probable expense to the Government in excess of that payable under the soil-bank program.

The reports which we have do indicate that Mr. Jack Harris, a stockholder in Harris Ranches, Inc., is also a stockholder in the Jaresa Cotton Co., which at the present time is producing what is known as penalty cotton on an estimated 4,500 acres in Maricopa County. This cotton is being produced without an allotment. Production of penalty cotton is not a new practice. While it is not generally done, there have been other cases in the past where cotton growers have carried out this practice. In order to discourage this type of cotton production, the Congress has seen fit to set a penalty of 50 percent of the parity price for cotton produced in excess of the allotment. In this case the penalty for upland cotton will amount to 18.5 cents for every pound of the farm marketing excess based on parity price for cotton as of June 15, 1957. The initial farm marketing excess is determined by multiplying the normal yield per acre established for the farm by the excess acres of cotton. If our figures of 4,500 acres are accurate, and on the basis of a normal yield of 2 bales per acre, the penalty involved would amount to approximately $800,000. If the producer establishes to the satisfaction of the Secretary that the actual yield per acre of lint cotton is less than the normal yield per acre established for the farm, a corresponding reduction will be made in the farm marketing excess and the penalty for the farm. There may be some question as to whether the above-mentioned penalty is effective in controlling this problem; however, when this penalty is fixed by law the Department of Agriculture has no choice in the matter.

The 1957 acreage-reserve program did not require that a producer having an interest in more than one farm stay within his allotment for other farms in order to participate in the program for a particular farm. The soil-bank program is supplemental to the acreage allotment and marketing quota programs, and it has been the practice under such programs and the price-support program to check farms on an individual basis and not require cross-compliance as between farms. For this reason, cross-compliance between farms was not required under the 1957 acreage-reserve program. The feasibility of requiring cross-compliance among farms for price-support purposes has been explored in the past, but any such procedure would be extremely difficult to carry out from an administrative standpoint. In addition, the penalty which producers incur in harvesting commodities in excess of the farm allotments are, in most cases, sufficient to deter them from such a practice.

On the basis of the information which we now have available, it would appear that Harris Ranches, Inc., was eligible to participate in the program with respect to the 1,666 acres in Pima County. We are, however, continuing to explore the matter and will take whatever action is necessary and proper if it should develop that the corporation was not eligible to participate in the program. We are also giving careful consideration to ways and means of revising the regulations so as to eliminate the problem raised by multiple-farm interests.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

P. S.—The pending agriculture appropriation bill limits to $3,000 the amount which may be paid any producer under the 1958 acreage reserve program. This restriction may well limit the effectiveness of the program by reducing participation, particularly among farmers who desire to take their entire farm out of production.

[From Time magazine of July 22, 1957]

SOIL BANK FIASCO

When House-Senate conferees voted to extend the life of the Agriculture Department's soil bank for another year (see National Affairs), many Congressmen did so reluctantly. Last week Arizona's Democratic Congressman STEWART L. UDALL turned up a case that went a long way toward explaining their reluctance. The case: Arizona Cotton Farmer Jack A. Harris, who put his entire 1,600-acre Pima County cotton farm in the soil bank in return for a $209,701 Government payment, then turned around and plowed up a new farm to grow three times as much cotton. Cried Congressman UDALL: "Here is boondoggling on a grand scale. Indeed, the word boondoggling is utterly inadequate to describe this program. We should coin a new term, boonswoggling."

HOW SILLY

In singling out Harris, UDALL picked on a farmer-businessman who is actually on his side. Last year Harris was credited with being a force behind an Arizona Cotton Growers Association resolution calling for an end to the soil bank and to Government farm price supports and controls. This spring Harris watched in strong disapproval as county soil bank authorities offered farmers $145 an acre not to plant cotton. Then Harris put his whole Pima County farm in the bank. Explaining his apparent flipflop, Farmer Harris says: "I wanted to show how silly, and how unnecessary, this whole thing is." He also saw a chance to turn a huge profit.

Leasing 4,500 acres of farmland in Arizona's Maricopa County, Harris trekked his work crews, tractors, and cotton gin 125 dusty miles to the farm and planted it to cotton. This fall, when he harvests his crop, he will have to pay a penalty of 18½ cents per pound for growing cotton without an allotment. But even if the penalty amounts to $800,000 as it may, Farmer Harris will feel no pain. A fair-to-middling crop will likely yield him $1,200,000, plus his soil bank payments, or a profit of $600,000. Harris also has a 2,000-acre cotton patch near Fresno and a 1,000-acre field near Phoenix, both eligible for full price supports.

TAXPAYERS' LOSS

Washington officials admitted last week that cotton-picking Jack Harris was not alone in picking the soil bank clean. So many other big-acreage cotton farmers are growing penalty cotton that the Agriculture Department long ago gave up any attempt to count them. Rather than cutting cotton surpluses through the soil bank, Harris had made the cotton surplus considerably worse. The 9,000 to 13,500 bales of cotton that he will grow on his new farm will take away the market for an equivalent amount of other cotton grown in compliance with the rules. This other cotton will end up in Government warehouses, causing the taxpayers a further loss of up to $960,000. Last week, enjoying his demonstration, Harris said he looks forward to early attainment of his real goal: "Freedom to grow cotton for the world market with no supports or controls."

Reading Habits of Senators

EXTENSION OF REMARKS

OF

HON. PAUL H. DOUGLAS

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Tuesday, July 23, 1957

Mr. DOUGLAS. Mr. President, I ask unanimous consent that a very interesting article by our colleague the Senator from Oregon [Mr. NEUBERGER] on the reading habits of Senators, which was published in the New York Times Book Review for Sunday, July 21, 1957, be printed in the CONGRESSIONAL RECORD.

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

FOR OUR SENATORS, READING TIME IS STOLEN FROM HOURS OF SLEEP

(By RICHARD L. NEUBERGER)

(Mr. NEUBERGER, a former Oregonian newspaperman, was elected to the United States Senate in 1954.)

In the stately Marble Room, which has been set aside in the Capitol for the reading purposes of United States Senators, there are no books or magazines, only newspapers. This is symbolic. Few of the 94 men and 1 woman,[1] who exercise in the Senate Chamber great authority over the Nation's affairs, have time to read very many of the books which come off the Nation's presses, even when those books relate directly to issues that will be decided by rollcall votes in this same Senate Chamber. Let the solitary member of the female sex to whom I have referred sum up the reading opportunities of a Senator. MARGARET CHASE SMITH of Maine, one of the most conscientious of my colleagues, recently observed to me:

"To be completely honest, the schedule of the full Appropriations Committee and the five subcommittees of it that I am on, plus the work of the Armed Services Committee and the Government Operations Committee, plus the heavy mail that I have from Maine, altogether gives me little reading time. At present, I am not reading any book because my schedule is so overloaded with official duties that there is no opportunity for adjustment to read."

Although I am far more limited in the length of my Senatorial services than is Mrs. SMITH, I can corroborate fully what she says. As a Senator, I am unquestionably less thoroughly informed about the complex world beyond the Capitol's fluted walls than prior to my election. When I was an ordinary citizen, I had time to read a substantial quantity of current literature. Today, I see innumerable books advertised and reviewed that might bolster me greatly in the decisions I must reach as a Senator, if only I had time to read them.

Any reading time now is stolen from needed hours of sleep. Even though my working day begins at 6:30 in the morning, the 60 minutes before breakfast are spent with the New York Times, the Washington Post and Times Herald and the latest issue of the CONGRESSIONAL RECORD. This reading is indispensable to some knowledge of the day's probable agenda, but it fails to put me in intimate touch with the books that are being published as a mirror of our period.

I carry a heavy speaking schedule before political, religious, school, and conservation groups. This means that only a rare evening is available for reading. By then, the tensions and stress of crowded days have made me disinclined for heavy reading. Instead, I pick up books about mountain-climbing, upland forests, canoe voyages and pack trips into the solitudes. They bring back the tang of alpine fir and help me to forget the unpleasant bickering so endemic to American politics. Occasionally I peer again into Penguin Island, by Anatole France, to make certain that we humans are really not so peculiar as these awkward birds.

What about other Senators? Do they have time at all to read? If so, what do they look at? Is my experience typical, or do others adjust their schedules more successfully?

I talked with my senior colleague from Oregon, WAYNE MORSE. This former dean of the law school at our State university said to me, "When I compare the reading time I have time to do as a Senator with the reading I once did as a teacher of law, I feel that I am almost becoming book-illiterate." Senator MORSE added that his principal dissatisfaction was that he had no chance at all for continuity in reading. He had to snatch a few chapters at a time aboard planes or trains. Even so, he said he was trying to read Benjamin Shwadran's The Middle East, Oil, and the Great Powers, as well as Guides to Straight Thinking, by Stuart Chase.

I put this inquiry to whitehaired ALEXANDER WILEY, of Wisconsin, ranking Republican member of the Senate Foreign Relations Committee:

"ALEX, do you have sufficient time to read the books, magazines, newspapers, reports, and documents you consider essential for the information necessary to your job?"

"No," answered WILEY.

He went on to say, candidly, "I do not get a chance to read any books. Once in a while I have an opportunity to scan through one. Music is my solace. I enjoy good music on both radio and television, as well as on records. I also gain real relaxation from my wife's talented piano playing."

To Senators who would read to any considerable degree, an ascetic routine is practically a prerequisite. FRANK J. LAUSCHE, the new Senator from Ohio, is omnivorous in his appetite for books. He has just finished The American Story, From Columbus to the Atom, by 60 members of the Society of American Historians, and Wilderness for Sale by Walter Havighurst.

Senator LAUSCHE told me that this feat was accomplished by going to bed early each evening. "I wake up at various hours of the night," he added, "and in those periods of waking, I do most of my reading." To climax this stern regimen, the former governor of Ohio is up every morning at sunrise, to spend the time before 8 o'clock either with a book or at a dictating machine where he handles most of his extensive correspondence.

The most proficient quoter of the Bible I have ever met is MATTHEW M. NEELY, 81-year-old Senator from West Virginia. No matter what the question before the Senate may be, NEELY can contribute a scriptural citation that provides a perfect moral for the occasion. I asked him how this was done. He told me that he eschewed nearly all social events and thus has been able to read through the King James version of the New Testament seven times.

Next to NEELY, the most prolific fountain of quotations in the Senate is PAUL H. DOUGLAS, the ex-college professor who is senior Senator from Illinois. His specialty is the classical poets in general and Shakespeare in particular. I imagine DOUGLAS is the Senate's most indefatigable reader. As in the case of Senator LAUSCHE, his reading is done at the expense of sleep. DOUGLAS informs me that he seldom sleeps more than 6 hours during any one night. "Hence," he says, "I do most of my reading in bed after 9:30 p. m. and before 6 a. m., when I arise."

Senator DOUGLAS has his reading as routinized as a train schedule. This is the way he broke it down for me:

Before breakfast: The New York Times, the Washington Post and Times Herald, the CONGRESSIONAL RECORD.

At noon: The Wall Street Journal, St. Louis Post-Dispatch, Christian Science Monitor, Chicago Daily News, Chicago Sun-Times, and five downstate Illinois papers.

In the evening: The New Republic, New Leader, the Progressive, America, Commonweal, Unitarian Register, Friends Journal, Manchester Guardian, the London Observer, and the London Economist.

Weekends: Bulletins from the Federal Reserve Board, Bureau of Labor Statistics, etc.

In between this rigorous reading timetable, the snowy-thatched intellectual from Illinois explained that he was attempting to complete the perusal of five books: C. Van Woodward's Reunion and Reaction, George Santayana's Three Philosophical Poets, Thomas and Marva Belden's So Fell the Angels, Bacon's Essays, and Bertrand Russell's Portraits From Memory.

When I showed this reading program of the 65-year-old Senator DOUGLAS to my seatmate in the Senate, 32-year-old FRANK CHURCH, of Idaho, we both felt humble and inadequate by contrast. CHURCH, youngest citizen to sit in the Senate for many years, remarked frankly, "I must need a lot more sleep than PAUL, because I haven't yet been able to

---

[1] Senate membership numbers only 95 at present, due to the death of Senator Joseph R. McCarthy.

solve satisfactorily the question of when to do my reading. I only hope it can be done during the 4 months when Congress isn't in session—otherwise I will feel pretty much isolated from the books I used to have time to read as a lawyer in Boise."

Another Member of the Senate who admits that a crowded schedule makes much of his reading superficial is JOHN F. KENNEDY, of Massachusetts, the only Senator ever to win a Pulitzer prize for biography. The author of the best-selling "Profiles in Courage," a study of political valor and independence during periods of national hysteria, shares with WAYNE MORSE the habit of reading while on the move. Senator KENNEDY generally takes along a book when speaking engagements require travel by train or plane. His current agenda in this respect includes Crisis of the Old Order, by Arthur Schlesinger, Jr.; Road to the White House, by Arthur S. Link, and Oliver Cromwell, by John Buchan.

Senator KENNEDY, whose principal committee posts are Foreign Relations and Labor, tells me that he can give scant time to reading on governmental matters beyond these immediate assignments. "As to the areas outside my own committee responsibilities," he adds, "I rely on the judgment of others with whom I have an identity of interest and in whom I have confidence."

This practice, I believe, is far more general than most people realize. Senators, who are pressed even to find hours for eating and sleeping, tend to restrict their reading—particularly in the realm of nonfiction—to their own specialties. Then like Senator KENNEDY, they depend upon trusted colleagues to counsel them in other fields. For example, I serve on the two principal natural-resource committees, Interior and Public Works. Most of the books on my bedside table apply to the realm of timber, water, and wildlife.

A penchant for following one particular vein or ore in reading habits is extremely prevalent among southerners. These individuals harbor a brooding nostalgia for the old South and for the Civil War. Whenever I hear such Senators as STROM THURMOND, of South Carolina, or WILLIS ROBERTSON, of Virginia, talking about some recent reading, it usually applies to a book about the rise and fall of the Confederacy. Senator JOHN STENNIS, of Mississippi, a stern but fair man, is one of the most scholarly of southerners. A Phi Beta Kappa key dangles from his watch chain, and he himself is the author of many brilliant and moving speeches on the life of Gen. Robert E. Lee.

"I read slowly," Senator STENNIS said to me. "I cannot scan a book like some of you young fellows. I have to savor every word. Thus, my limited time with books is spent with something that really means a lot to me. I read all I can about the Civil War, even northern viewpoints and prejudices. Bruce Catton's, This Hallowed Ground is the latest I have been reading. I have learned much from it, despite the fact that I might not share Mr. Catton's entire outlook."

Senator CLINTON P. ANDERSON, of New Mexico, is an ardent bibliophile specializing in western history and folklore. A tall and restless man, he piles his home with books about Lewis and Clark, Fremont, and John Wesley Powell. The reading of other Members of the Senate reflects the locale that they represent. Senators GEORGE D. AIKEN and RALPH FLANDERS, who carry the colors of the Green Mountain State, assure me that they read every possible book about Vermont. ESTES KEFAUVER and ALBERT GORE both pride themselves on their reading about Tennessee, and they can cite book, chapter and verse concerning such illustrious Tennessee careers as those of Andrew Jackson and Cordell Hull. Yet every Senator, when he discusses his literary propensities, always adds the inevitable qualification—"time permitting."

One night I sat at a banquet given by the Philippine Embassy with WILLIAM A. PURTELL, the junior Senator from Connecticut. I mentioned to him that I was attempting to read through the book Water, published by the Department of Agriculture, in view of the importance of rivers, lakes, and harbors to my seacoast State. I also said I had been trying to read, in fits and snatches, A History of the English-Speaking Peoples—if only to worship at the feet of that master of our tongue, Sir Winston Churchill.

"At night when I stay home with Mrs. Purtell," he said, "my greatest pleasure is to eat a plain home-cooked supper and then to read a western or a detective story. My day is packed with committee meetings, Senate sessions, and conferences with constituents. Connecticut is near enough to Washington so that my office overflows with callers from home. Following 10 or 12 hours like this, I find that I require reading that will relax me rather than stimulate."

That is the problem of the United States Senator. In Oregon my wife and I trudged up mountain peaks, played long games of golf, and swam in glacier-fed lakes. This did not make nearly the inroads on my vitality that a single day of political strain does beneath the dome of our country's Capitol. My evenings were available for reading, and so was an occasional afternoon. I could keep reasonable pace with the new literature, both fiction and nonfiction.

I once would never have imagined that the Senators struggling with the terrible dilemma of chattel slavery had not read Uncle Tom's Cabin, which was stirring Americans of that area. Yet, how many of us in the Senate today are reading the books that move or influence our fellow citizens, as we poise on the threshold of the great decisions inevitable in this atomic era?

SENATE

WEDNESDAY, JULY 24, 1957

(Legislative day of Monday, July 8, 1957)

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

Rev. William E. Denham, Jr., minister of River Oaks Baptist Church, Houston, Tex., offered the following prayer:

Our Heavenly Father, for a few moments we pause to turn our hearts unto Thee and to Thy Son, Jesus Christ.

We thank Thee for this Nation, where free men can speak, where selfish men can be removed from places of trust, where good men can give their lives in a shared responsiveness to Thy will.

Give to these, our national leaders, Thy children, the high courage to follow Thee. And, when convictions differ most obviously, may we remember that this is our Father's world and that each is responsible for what happens to his brother.

Cleanse us from our perversity and willfulness. Stretch our all-too-limited vision. Teach us the breadth of Thy divine love. Give to each, in this moment of personal quietness, a penetrating awareness that Thou art our God and that we are Thy children.

Humbly we petition Thy forgiveness and mercy. In Jesus' name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Tuesday, July 23, 1957, was approved, and its reading was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Tribbe, one of his secretaries, and he announced that on July 11, 1957, the President had approved and signed the following acts:

S. 45. An act to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him, formerly part of the Fort Bayard Military Reservation, N. Mex.;

S. 806. An act to authorize the Administrator of General Services to quitclaim all interest of the United States in and to a certain parcel of land in Indiana to the board of trustees for the Vincennes University, Vincennes, Ind.;

S. 886. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska or the continental United States, either directly or via a foreign port, or for any part of the transportation;

S. 937. An act to amend section 4 of the Interstate Commerce Act, as amended;

S. 1396. An act to amend section 6 of the act approved July 10, 1890 (26 Stat. 222), relating to the admission into the Union of the State of Wyoming by providing for the use of public lands granted to said State for the purpose of construction, reconstruction, repair, renovation, furnishing, equipment, or other permanent improvement of public buildings at the capital of said State;

S. 1412. An act to amend section 2 (b) of the Performance Rating Act of 1950, as amended; and

S. 1806. An act to amend the Sockeye Salmon Fishery Act of 1947.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the Judiciary.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7665) making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes; that the House receded from its disagreements to the amendments of the Senate numbered 3 and 11 to the bill, and concurred therein.