countries, and there is today a terrifying apathy on the part of Americans toward the deadliest danger which this country has ever faced. Some of that apathy is deliberately induced.

"The Communist Party in the United States is not out of business; it is not dead; it is not even dormant. It is, however, well on its way to achieving its current objective, which is to make you believe that it is shattered, ineffective, and dying. When it has fully achieved this first objective, it will then proceed inflexibly toward its final goal.

"Let no one for a moment forget that the Communist Party, United States of America, is part and parcel of an international conspiracy whose goal is conquest of the world. The Communist conspiracy will not halt its march automatically; it must be halted. Those who try to minimize its danger are either uninformed or they have a deadly ax to grind."

Within the last year the Attorney General of the United States, in his report to the President, said:

"Communists and their agents will remain a serious threat to our internal security so long as Communist dictatorships threaten the peace of the world. It is only by continuing to expose their tactics and activities that we shall prevent the resurgence of this international conspiracy in the United States."

That is in part what the investigating committees of the Congress are doing. That is what the Americanism Commission of the Legion, the Firing Line, and the American Legion magazine are doing.

In spite of these and many more warnings by men who are in a position to know, many segments of our people, including the Supreme Court, are falling into line and making a reality of the Communist Party's present objective.

People are told that the investigating committees are beating dead horses; that they are exposing and smearing persons who merely joined the Communist Party many years ago as an intellectual excursion into Marxism.

This is not so.

As an example, let's look at a recent revelation of the committee, to determine the truth or falsity of these charges.

Last year the committee began an investigation of the illegal use of passports by American Communists and fellow travelers. A great hue and cry went up from the left-wing against the committee. It was charged with censorship and violating civil rights—the right of Americans to travel freely abroad.

The clamor, however, died down. The critics became strangely silent and turned their attack in another direction when the hearings revealed that passports were being obtained by fraud and perjury. Passports thus obtained were being used by Communists to go behind the Iron Curtain and attack the United States at phony peace meetings and other gatherings.

Let me give you just one example out of hundreds to show what was happening.

Louis Wheaton, a college-trained man, in his application for a passport, stated under oath that he wanted to go to France and Switzerland to further his education. Instead he went to Peiping, China. He made a series of radio talks over the Communist radio. They were monitored by our State Department. In his first speech, he said:

"It is necessary to end war now being conducted with such horror and savagery. What has been done in the name of the United States against the peoples of Korea and China is an unspeakable shame before history and humanity.

"I have seen the evidence that we are using bacteriological warfare and jellied gasoline to burn defenseless women, children, and the aged. I say the evidence is damning."

A few days later, in another vicious attack against the United States, Wheaton charged American boys with ruthless and inhuman behavior. He said that in one village in Korea, he saw more than 300 children put into a warehouse, their mothers into another building: That gasoline was poured around the warehouse and set afire; that American boys then machinegunned the mothers as they rushed to save their children in the burning building.

Is there any doubt that Louis Wheaton was giving aid and comfort to the enemy in a time of war?

Yes; as I have said, there were those who claimed the committee was wrongfully interfering with Americans and their right to travel freely abroad when it was attempting to obtain evidence to warrant recommending legislation to plug up loopholes and strengthen the laws relating to passports.

An incident which brought world-wide attention in the last 2 weeks demonstrates the necessity for such legislation.

Russian-born George Zlatovski and his wife were indicted for espionage and spying. Two years ago these two people made application for a passport. The court said that the State Department must either give them a passport or disclose why it was being refused.

It is obvious from what has now happened that the security of the United States would have been jeopardized if the State Department had revealed that these people and others were being investigated for espionage. Therefore, under a court ruling which invades the prerogatives of the executive branch, the State Department was compelled to issue them a passport. As a result, we have had persons now indicted for espionage traveling freely abroad for 2 years on a United States passport. Now we must try to get them back to face prosecution.

No, the Communist threat is not something that is dead, something of the past, not something that is present in every other place in the globe but strangely absent in the United States.

The Soviet leaders over the years have themselves laid down the challenge and blueprinted their program, which even the left-wing cabal should be able to read.

Dimitri Z. Manuilsky, who was an instructor in the Lenin School of Political Warfare in Moscow, said as early as 1931:

"War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. Our time will come in 20 or 30 years." (Thirty years will be up in 1961.)

"To win we shall need the element of surprise. The bourgeoisie will have to be put to sleep, so we shall begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard of concessions. The capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist."

If the skeptical think that this is simply the mouthing of one of the Russian conspirators and that, as has been so often stated, the Communist Party of the United States has no such objective, I call attention to the statement of William Z. Foster, chairman of the Communist Party in the United States. Foster said:

"When a Communist heads the Government of the United States—and that day will come just as surely as the sun rises—the Government will not be a capitalistic government but a Soviet government, and behind this government will stand the Red Army to enforce the dictatorship of the proletariat."

My friends, is there any question but that we are engaged at this very moment in a war—in a struggle to the death with the Soviet Union?

Americanism commissions of the American Legion all over the country are in the forefront of the battle with this new, deadly, and sinister weapon of modern warfare. May God give us strength, courage, and wisdom to carry on to the end that we may combat the autocracy of both the classes and the masses, and safeguard and transmit to posterity the principles of justice, freedom, and democracy.

SENATE

THURSDAY, JULY 25, 1957

(Legislative day of Monday, July 8, 1957)

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

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

Our Father, God, to this ancient altar of our deepest faith we come, at the beginning of another day of deliberation, seeking light upon our darkened way and strength and cleansing within, knowing that out of the heart are the issues of life. Teach us to value a conscience void of offense and the royalty of self-respect above all the pedestals, prizes, and preferments earth can give. With Thy benediction upon them, may those who here speak and act for the state face the issues of this day with motives which see only the Nation's good, with clear thinking which no fallacies distort, and with honest dealing which despises deceit and sham in the sure knowledge that all great and noble service in this world is based on gentleness and patience, tolerance and truth. In the Redeemer's name we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Wednesday, July 24, 1957, was approved, and its reading was dispensed with.

THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, the Senate—after thoughtful consideration—has decided one of the basic issues in the civil-rights debate. It has been concluded that this should—in the main—be a measure to protect voting rights.

We are now approaching another basic issue—the question of the jury trial. This issue is far from simple. It will require the careful analysis of thoughtful, reasoning men, because highly-trained lawyers who put the bill together took a criminal offense and, by sprinkling a little legal holy water on it, sought to convert it, by means of the bill, into a civil offense, in order to make enforcement easier and to make the bill more effective to give the voter greater protection.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. President, there is no doubt that under our system, our democratic processes are frequently time consuming, and we become impatient with them. Perhaps there is merit in converting what are now criminal offenses, concerning the right to vote, into civil offenses. But, Mr. President, before we take that step, we must seriously consider whether in criminal contempt cases the jury should not go along with the conversion.

I believe we all recognize that courts must have the power to enforce their orders. But, on the other hand, people—people, Mr. President, people, individuals—who are accused of crimes should have an opportunity, before they are deprived of their liberties for years and put in shackles behind iron bars, to present their case before a jury of their peers, instead of before some case-hardened and perhaps even politically appointed judge.

Mr. President, I consider both points basic. I do not consider them incompatible.

The plea that some juries in some sections will not convict does not seem to me to be reasoned or a wise or a proper approach. In the first place, the truth of the plea has not been demonstrated to this body. In the second place, if the truth could be demonstrated, the appropriate course would be to reexamine our whole jury system.

Mr. President, under no circumstances should we resort to an expediency to maneuver around a basic protection of our liberties, even though recommended by astute, adroit members of the legal profession.

Mr. President, thoughtful men are at work in the Senate endeavoring to resolve this issue. The Senate has before it an amendment submitted by the junior Senator from Wyoming [Mr. O'MAHONEY], which is the pending question. Another amendment has been drawn by the very able senior Senator from Tennessee [Mr. KEFAUVER]. Another approach has been proposed by the able junior Senator from Pennsylvania [Mr. CLARK]. I have no doubt that other amendments will be presented as debate on the issue proceeds.

As a matter of fact, Mr. President, for the information of the Senate, let me say that only yesterday I had many Members of the Senate discuss their own private views of what kind of an amendment regarding the jury system the Senate should adopt. I predict that before this debate is concluded, almost every Member of the Senate will have some approach of his own to the jury question.

Let me add that never before have I seen in the Senate a debate which has contributed so much to understanding. In that sense, I think the debate has been one of the finest the Senate has ever had.

Finally, Mr. President, let me say that I have every confidence that the Senate will be able to work out a legitimate, fair, just, and effective approach to this problem, so long as Senators do not shut their minds to the views of others and get themselves committed beyond recall.

Mr. President, the end result, I believe, will amount to what the New York Times—that great newspaper—this morning calls a year of progress for democracy in America. I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the editorial entitled "Capitol Hill and Clinton," which was published this morning in the New York Times.

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

[From the New York Times of July 25, 1957]

CAPITOL HILL AND CLINTON

There was no obvious connection of cause and effect between the verdict of guilty rendered in the criminal contempt case in Knoxville, Tenn., on Tuesday against Frederick John Kasper and six of his associates and the continuing debate on the civil-rights bill in the Senate. But regardless of cause and effect we have to think of these two incidents as related. They are related because each has something to do with the progress of democracy in this country.

Kasper and his followers were convicted by a white jury of 10 men and 2 women, who debated the evidence for 2 hours and 10 minutes, of stirring up disorder in Clinton, Tenn., in protest against racial integration in a public high school. In this high school at the time of the riots there were 300 white youngsters and about a dozen Negroes. Seemingly there would have been no trouble if Kasper and his friends had not come into the picture for the purpose of making trouble. It should be noted, however, that Kasper and the other defendants were not convicted of stirring up trouble, but of stirring up trouble in violation of an order of a Federal court. Four defendants were acquitted, a fact which indicates that the jury made careful distinctions. Kasper, it should also be noted, was already under a contempt sentence of 1 year for direct contempt in defying the Federal court.

The Clinton case will be used by both sides in the continuing argument over the proper way to enforce civil rights. We will do well to be cautious in drawing conclusions. East Tennessee is traditionally Republican, and during the Civil War it sent men into the Union Army. What happened when the Clinton case was carried into court in nearby Knoxville might not happen in the Deep South. It might not happen in that part of the South, let us say in western Tennessee or Mississippi, where the plantation system once ruled. It might not happen in the mountain villages of the South where race relations may be complicated by economic competition between the white man and the Negro.

The case proves little, in fact, except a quality of conscience in one white jury and the general respect for Federal District Judge Robert L. Taylor. We may hope that in years to come white juries and mixed juries will desire to do exact justice to both races throughout the South, no less than the North. Meanwhile the Federal Government, through its proper legislative, executive, and judicial agencies, must do what it can within the limits of its legal powers and the boundaries of what is humanly possible.

Until this year, and for some 80 preceding years, it has seemed impracticable to get Federal legislation which would guarantee the Southern Negro rights no greater and no less than those possessed by his white neighbor. The 14th and 15th amendments were not fully enforced. Now, as the current debate on the civil-rights bill, the passage of that bill by the House and the amending process that has been going on in the Senate indicate, it will be possible to enact remedial legislation.

The solid core of unreconstructed southern Senators—some 18 in all—cannot prevent this passage. These 18 votes, plus the votes of a considerable number of Senators who believe in making haste slowly and in using as much persuasion as possible and as little coercion as possible, have been able to modify the original bill. As yesterday's voting proved, that portion of the measure included in part III, which invoked the injunctive process to enforce integration and civil rights other than the right to vote, is now out. The Clinton case may indicate that it never needed to be in.

At any rate, what is manifestly coming out of the Senate discussion will be a reasonably strong provision protecting the Negro's right to vote—and that will be about all at this time. It will be quite a lot, for if the voting right of the Negro is protected, the protection of his other rights is pretty sure to follow. We retain confidence in the view already often expressed on this page that this will go down in history as a year of progress for democracy in America.

THE PUBLIC-WORKS APPROPRIATION BILL AND THE IMPORTANCE OF PUBLIC-WORKS PROJECTS

Mr. JOHNSON of Texas. Mr. President, when the public works appropriation bill comes before the Senate, it will contain a number of items that were not recommended by the Bureau of the Budget.

Speaking for myself, I urged and obtained committee approval of some projects in Texas that were not recommended by the individual who happens to be the Director of the Bureau of the Budget. I did this in the knowledge that these are necessary and economically justified projects. If we carry them out, the action will represent a long step forward in adequate development of my State's water resources.

Frankly, I do not approve of the efforts of the Budget Bureau to exercise an item veto over civil-works projects. Its efforts along this line have often made it necessary for Congress to add projects that have been delayed by the Bureau of the Budget beyond the point of reason.

Mr. President, I do not speak of the Bureau of the Budget under the Republican administration; I speak of it under the Republican administration and under many years of the Democratic administrations under which I have had the privilege to serve.

I have never hesitated to urge the addition of such projects when the need and justification for them are clearly to be seen.

A few weeks ago, Mr. President, the heaviest rains in the recorded history of the Trinity River fell in the watershed above the Texas cities of Dallas and Fort Worth. Enormous devastation was prevented only by the fact that 4 Federal reservoirs and 2 floodway projects in the centers of Dallas and Fort Worth—in downtown Dallas and Fort Worth—had been completed shortly before the torrential rains came. It has been estimated that these reservoirs and floodways prevented property damage of more than $80 million.

Of these 6 vital projects, only 1 of the 6 had ever been recommended for construction funds by the Director of the Budget Bureau at the time the construction was initiated.

That should bring the blush of shame to the directors of the Budget Bureau in

both Democratic and Republican administrations, because appropriations to begin construction on the other five had to be provided by Congress over the opposition of the Budget Bureau.

Congress was wise. As a result, it saved hundreds of lives and $80 million worth of damage. If the Bureau's restricted program had been followed rigidly, construction of these reservoirs and floodways would have been delayed for years, if ever started. Certainly they would not have been completed in time to give this protection.

I want to call to the attention of the Senate and the Congress, and I hope to the Director of the Bureau of the Budget and those who influence his decisions, that this is one case in which Congressional action—which sometimes the slick magazines call pork barrel action—taken in response to the urgent and informed appeals of local citizens and local governments, prevented a major catastrophe. It is a case which, in my earnest opinion, provides convincing evidence that Congress should never hesitate to make reasonable addition to the list of civil works projects recommended by the Bureau of the Budget.

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.

REPORT ON TORT CLAIMS PAID BY VETERANS' ADMINISTRATION

The VICE PRESIDENT laid before the Senate a letter from the Deputy Administrator, Veterans' Administration, Washington, D. C., transmitting, pursuant to law, a report on tort claims paid by that Administration, during the fiscal year ended June 30, 1957 which, with the accompanying report was referred to the Committee on the Judiciary.

ALCOHOLIC BEVERAGE ADVERTISING—PETITION

Mr. PURTELL. Mr. President, I received on July 18 from Mrs. Norma B. Moore, 36 Pearl Street, Hartford, Conn., a petition signed by 965 constituents in Connecticut requesting action on the Langer and Siler alcoholic beverage advertising bills.

I have been requested by Mrs. Moore to record the number of petitioners in the CONGRESSIONAL RECORD. The petition reads as follows:

Since alcoholism, delinquency and mental illness have become serious health problems, we, your constituents of Connecticut, earnestly implore you to use the powers of Congress to get alcoholic beverage advertising off the air and out of the channels of Interstate Commerce and thus protect our people and the rights of States to prevent advertising of commodities which have been declared unlawful by the rights of local option granted them under State law.

RESOLUTION OF EXECUTIVE COMMITTEE, AMERICAN LEGION DEPARTMENT OF MINNESOTA

Mr. THYE. Mr. President, I should like to call the attention of my colleagues to a resolution adopted by the executive committee of the American Legion Department of Minnesota, in which they express opposition to proposed legislation granting equal seniority rights for a nonveteran with 15 years of service as that enjoyed by a veteran in the event of a reduction in force among Post Office Department employees.

I ask unanimous consent to have this resolution printed in the RECORD.

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

Whereas the National Postal Transport Association at its last national convention passed Resolution 46 seeking legislation to grant equal seniority rights for a nonveteran with 15 years service as that enjoyed by a veteran in the event of a reduction in force; and

Whereas veterans who have sacrificed all above and beyond the call of duty and have suffered hardships and disabilities in order to preserve our way of life, will be denied their rights granted them by the Veterans' Preference Act, as passed by the Congress and signed by the President of the United States; and

Whereas efforts by the Railway Mail Post No. 23 of the American Legion, located in St. Paul, Minn., to seek defeat of this resolution on the floor of the national convention of the National Postal Transport Association have failed, as well as the efforts of the other veterans' organizations; and

Whereas this action of the National Postal Transport Association is severely denounced by the executive committee of the American Legion, department of Minnesota; Now, therefore, be it

Resolved by the Executive Committee of the American Legion, Department of Minnesota, at its regular meeting on March 9, 1957, That we adopt this resolution; and that copies thereof be sent to Mr. W. C. Daniel, national commander of the American Legion, the members of the National Legislative Commission, for their consideration, and to Senator EDWARD J. THYE, Senator HUBERT H. HUMPHREY, and Congressman EUGENE J. MCCARTHY.

I certify that the above resolution was unanimously adopted by the executive committee of the American Legion, department of Minnesota, at its regular meeting held on March 9, 1957, in St. Paul, Minn.

CARL GRANNING,
Adjutant, the American Legion, Department of Minnesota.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HAYDEN, from the Committee on Rules and Administration, without amendment:

S. Res. 118. Resolution to amend rule XXII so as to require committee reports proposing legislation or ratification of treaties, involving expenditure of public funds, to show the estimated costs thereof (Rept. No. 705).

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, without amendment:

S. 72. A bill to increase annuities payable to certain annuitants from the civil-service retirement and disability fund, and for other purposes (Rept. No. 706).

By Mr. NEUBERGER, from the Committee on Post Office and Civil Service, with an amendment:

S. 734. A bill to revise the basic compensation schedules of the Classification Act of 1949, as amended, and for other purposes (Rept. No. 719).

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

H. R. 1733. An act for the relief of Philip Cooperman, Aron Shriro, and Samuel Stackman (Rept. No. 712);

H. R. 1942. An act for the relief of the Sergeant Bluff Consolidated School District (Rept. No. 713);

H. R. 3588. An act for the relief of John R. Hill (Rept. No. 714);

H. R. 4730. An act for the relief of Mrs. Jennie B. Prescott (Rept. No. 715); and

H. R. 5718. An act for the relief of Juanita Gibson Lewis (Rept. No. 716).

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

S. 118. A bill for the relief of the General Box Co. (Rept. No. 707);

S. 565. A bill for the relief of Louis S. Thomas and D. Grace Thomas (Rept. No. 708);

S. 1331. A bill for the relief of John P. Souvaldzis (Rept. No. 709); and

H. R. 1864. An act for the relief of Mrs. Lidie Kammauf (Rept. No. 717).

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

S. 285. A bill for the relief of Paul Gustin (Rept. No. 710);

S. 364. A bill for the relief of the village of Wauneta, Nebr. (Rept. No. 711); and

H. R. 3440. An act for the relief of Lillian Schlossberg (Rept. No. 718).

EXCUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

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

Frederick W. Ford, of West Virginia, to be a member of the Federal Communications Commission, vice George C. McConnaughey.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. MUNDT (for himself and Mr. YOUNG):

S. 2633. A bill to modify the general comprehensive plan for flood control and other purposes in the Missouri River Basin in order to authorize certain fish and wildlife facilities; to the Committee on Public Works.

By Mr. REVERCOMB:

S. 2634. A bill to provide for the establishment of the Blennerhassett Island National Monument on Blennerhassett Island in the Ohio River near Parkersburg, W. Va.; to the Committee on Interior and Insular Affairs.

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

By Mr. NEUBERGER (for himself and Mr. MORSE):

S. 2635. A bill for the relief of Stefani Daniela and Casabianca Ambra; to the Committee on the Judiciary.

By Mr. IVES:

S. 2636. A bill for the relief of Alexandros Trezos; to the Committee on the Judiciary.

By Mr. SYMINGTON (for Mr. HENNINGS):

S. 2637. A bill for the relief of Catharina C. Peters; to the Committee on the Judiciary.

By Mr. SALTONSTALL (by request):

S. 2638. A bill for the relief of Nicholas Christos Soulis; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. J. Res. 129. Joint resolution to authorize the sale of a certain number of merchant type vessels to the Government of the Republic of Korea for use in the domestic and foreign trade of such country; to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF RULE RELATING TO CLOTURE

Mr. JENNER submitted the following resolution (S. Res. 171), which was referred to the Committee on Rules and Administration:

Resolved, That subsection 2 of rule XXII of the Standing Rules of the Senate (relating to cloture) is amended by inserting before the word "following" in the eighth line of such subsection the word "fifth," and by striking out "by two-thirds of the Senators duly chosen and sworn" and inserting in lieu thereof "by two-thirds of the Senators present and voting."

BLENNERHASSETT ISLAND NATIONAL MONUMENT, W. VA.

Mr. REVERCOMB. Mr. President, Blennerhassett Island, located in the Ohio River near Parkersburg, W. Va., has been closely associated with the history of our country. As the Presiding Officer and other Senators know, the island played an important part in the incidents preceding the trial of Aaron Burr on the charge of treason, of which charge he was acquitted.

It is felt by many citizens that this island should be made a national monument. Accordingly, I have prepared and now introduce a bill for the establishment of the Blennerhassett Island National Monument. I ask that the bill be appropriately referred.

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

The bill (S. 2634) to provide for the establishment of the Blennerhassett Island National Monument on Blennerhassett Island in the Ohio River near Parkersburg, W. Va., introduced by Mr. REVERCOMB, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

NOTICE OF PUBLIC HEARING BEFORE THE COMMITTEE ON FOREIGN RELATIONS ON DOUBLE-TAXATION CONVENTIONS

Mr. GREEN. Mr. President, I wish to announce for the benefit of the Senate and interested parties, that the Committee on Foreign Relations has scheduled a public hearing on Tuesday, July 30, at 10 a. m., in the committee room—F-53 Capitol—on the following double-taxation conventions:

Executive A, 85th Congress, 1st session, convention with Austria;

Executive B, 85th Congress, 1st session, convention modifying and supplementing the convention with Canada;

Executive K, 85th Congress; 1st session, protocol supplementing the convention with Japan;

Executive N, 85th Congress, 1st session, convention with Pakistan.

Persons interested in testifying on these conventions should so inform the clerk of the Committee on Foreign Relations.

POSITION OF NATIONAL COUNCIL OF CHURCHES ON PENDING MUTUAL SECURITY PROGRAM

Mr. SMITH of New Jersey. Mr. President, I have just received from an old friend of mine, Dr. Eugene Carson Blake, the president of the National Council of Churches, an important telegram stating the position of the council on the pending mutual security program.

Dr. Blake, besides being a great religious leader, is a careful student of world affairs and he has had wide experience in his contacts with leaders in the various countries of the world.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD, at the conclusion of my remarks, this important telegram indicating the attitude of a large group of our churches in this country.

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

NEW HAVEN, CONN., *July 23, 1957.*

Senator H. ALEXANDER SMITH,
Senate Office Building,
Washington, D. C.:

Appreciate your leadership for mutual-security program, and in your key role I hope you will be able to maintain maximum of provisions passed by Senate for constructive foreign aid. Churches favor substantial economic development fund on long-term basis, separation of economic from military aspects, and maintaining larger amount technical assistance through United Nations along with bilateral programs. Such foreign aid can help United States give moral as well as economic leadership in our world responsibility.

GENE BLAKE,
President, National Council of Churches.

THE SOCIAL-SECURITY LAWS

Mr. MARTIN of Pennsylvania. Mr. President, for the first time in the history of our social-security system, more will be paid out this year in benefits than will be collected from payroll taxes.

The collections are below expectations. On the other hand, benefits are mounting more rapidly than we had anticipated when we extended coverage to new groups.

There will be no boost in payroll levies until January 1, 1960, unless Congress determines to raise social-security taxes before that time.

At this time the difference between receipts and disbursements is made up by interest on Government bonds in which the social-security fund is invested. This fund, piled up during the years, is now about $24 billion.

From present indications it will be necessary, in 1959, to dip into the capital account unless we raise the tax.

A year ago we did not foresee this condition, and while we expect to have social security expenditures covered by revenue by 1960, our predictions may again be wrong.

For that reason we should go slowly in further expanding the benefits of this important plan of savings. Social security is really a plan of forced savings.

One of the developments which upset calculations was the action of Congress last year in lowering from 65 to 62 the age when women could start to draw social-security benefits.

In 1954 social security coverage was extended to self-employed farmers, and there are more who can qualify than we anticipated at that time.

In 1956, when we considered amendments to the social security law, we estimated that the fund would collect, in contributions in 1957 $7,000,300,000. We have now lowered this figure to $7 billion.

In 1956 we added a new group of workers, those permanently and totally disabled at the age of 50. We have not gone far enough to know how our estimates apply to this group.

Mr. President, in fairness to those who have paid large sums of money into social security, we must assure them that their fund will be kept financially sound.

When we established social security in the United States the proponents said it would entirely do away with relief rolls. What has been the result? We are now at the peak of great prosperity and what do we find? We find that 5½ million Americans are on relief in some form, at a cost last year of more than $3 billion.

These results clearly show that in the future all proposals relating to the economy of the Nation must be most carefully considered before being enacted into law.

Mr. MARTIN of Pennsylvania subsequently said: Mr. President, earlier in the day I made brief remarks on the condition of the Social Security fund. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an editorial entitled "The X in Social Security," published in today's Wall Street Journal.

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

THE X IN SOCIAL SECURITY

The social security system is heading into the red for the first time in its history, Mr. Karmin reported from Washington recently.

This year the system will dole out more than it takes in from those insured, though investment income will keep the overall revenues in the black. But by 1959 there may be an actual deficit unless the social security taxes are raised, with benefits outrunning income by $1 billion.

The trouble is that the estimates of income and outgo have not worked out. On the one hand, the actuaries underestimated income from social security taxes; they don't know why income hasn't come up to expectations despite a continuing boom. On the other, outgo has been higher than anticipated.

The reasons for this second development are not hard to find. For example, Congress last year lowered to 62 from 65 the age at which women could start drawing benefits. And in 1954, self-employed farmers were covered—some are already drawing benefits, about two and a half times the number originally estimated.

So, once again we see actual events tripping up the best-laid plans of man. And note that this is particularly true of the

plans that are made by governments. Such a plan is continually subject to political pressures for liberalization—pressures which may not be justified by the economics of the system itself.

This is not to say that it may not be socially desirable for farmers to be covered or for women to be able to draw benefits at a lower age. But once the liberalization begins, it immediately becomes almost impossible to stop the trend, no matter what the economic logic may be. If women are to draw benefits at 62, why not at 52? Inequities also exist. For example, dentists and osteopaths are covered, but doctors are not.

This liberalization problem is bound to continue until all segments of the population are covered, at least for benefits. Yet there is no danger to the fund, in the view of the chief Social Security actuary, who believes the higher tax slated for 1960 will again bring a surplus.

He may very well be right. But we don't envy any statistician who must include in his calculations the most imponderable of all X quantities—what a politician will do with the people's money next.

CIVIL USES OF ATOMIC ENERGY—AGREEMENT FOR COOPERATION WITH REPUBLIC OF PERU

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD an agreement for cooperation with the Government of the Republic of Peru, together with accompanying correspondence. This agreement was signed on July 19 and supersedes the agreement for cooperation signed on January 25, 1956. This is a standard power agreement providing for the transfer of not more than 800 kilograms of contained U-235.

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

UNITED STATES
ATOMIC ENERGY COMMISSION,
Washington, D. C., July 19, 1957.

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

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

1. Three copies of an Agreement for Cooperation with the Government of the Republic of Peru;

2. Three copies of a letter from the Commission to the President recommending approval of the proposed agreement;

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

The Agreement for Cooperation submitted with this letter will incorporate and supersede the Agreement for Cooperation Concerning Civil Uses of Atomic Energy which was signed on January 25, 1956, between the two Governments, and will remain in force for a period of 10 years. It will provide for cooperation on matters relating to the development, design, construction, operation and use of research, experimental power, demonstration power and power reactors; and for cooperation on health and safety problems related to the operation and use of such reactors; and for cooperation on the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture and industry. No restricted data will be exchanged under the agreement.

Article VII of the agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the Republic of Peru, uranium enriched up to a maximum of 20 percent in the isotope U-235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Republic of Peru: *Provided, however,* That the net amount of any uranium sold or leased during the period of the agreement does not exceed 800 kilograms of contained U-235. The Commission at its discretion may make a portion of the foregoing 800 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U-235 in uranium. At the present time it is expected that the U-235 to be transferred to the Republic of Peru will be employed in a planned 21 megawatt power reactor. As in the case of sale transactions, the agreement, in the event of lease, would permit the retention by the Government of the Republic of Peru of special nuclear materials produced in fuel elements obtained from the United States. The quantity of uranium enriched in the isotope U-235 transferred to the Government of the Republic of Peru for use as fuel in reactors will not at any time be in excess of the amount of material necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling in Peru or while fuel elements are in transit.

Article V would permit the transfer of limited amounts of special nuclear materials, including U-235, U-233 and plutonium, for defined research projects related to the peaceful uses of atomic energy.

The agreement provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed in either Commission facilities, or in facilities acceptable to the Commission. In addition, article IX of the agreement incorporates provisions designed to minimize the possibility that material or equipment transferred under the agreement would be diverted to nonpeaceful purposes. In article XI the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

The agreement will enter into force when the two Governments have exchanged written notification that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

LEWIS STRAUSS,
Chairman.

UNITED STATES ATOMIC
ENERGY COMMISSION,
Washington, D. C., July 1, 1957.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed agreement entitled "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Peru Concerning the Civil Uses of Atomic Energy," and authorize its execution.

The agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, and is, in the opinion of the Commission, an important and desirable step in advancing the development of the peaceful uses of atomic energy in the Republic of Peru in accordance with the policy which you have established. The agreement will incorporate and supersede the Agreement for Cooperation Concerning Civil Uses of Atomic Energy which was entered into on January 25, 1956, between the two Governments. The new agreement, which will extend for a period of 10 years, will broaden the scope of cooperation between the Republic of Peru and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power, and power reactors, as well as research reactors. It is expected that the parties will exchange information in other unclassified areas including health and safety problems related to the operation and use of such reactors; and the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

The Republic of Peru, if it desires to do so, may engage United States companies to construct research, experimental power, demonstration power, and power reactors, and private industry in the United States will be able, under the agreement, to render other assistance to the Republic of Peru. The agreement contains all of the guaranties prescribed by the Atomic Energy Act of 1954, as amended. No restricted data would be communicated under the agreement.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the Republic of Peru, uranium enriched up to a maximum of 20 percent in the isotope U-235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Republic of Peru: *Provided, however,* That the net amount of any uranium sold or leased during the period of the agreement does not exceed 800 kilograms of contained U-235. The Commission at its discretion, may make a portion of the foregoing 800 kilograms available as material enriched up to 90 percent for use in a material-testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U-235 in uranium. At the present time it is expected that the U-235 to be transferred to the Republic of Peru will be employed in a power reactor. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the Republic of Peru of special nuclear materials obtained from the United States.

The quantity of uranium enriched in the isotope U-235 transferred to the Government of the Republic of Peru for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the Republic of Peru.

Article V of the agreement would permit the transfer of limited amounts of special nuclear material, including U-235, U-233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

Article VII of the agreement provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission. In addition, article IX of the agreement incorporates provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

In article IX, the parties affirm their common interest in the establishment of an international atomic energy agency to foster

the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

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

Respectfully,

LEWIS L. STRAUSS,
Chairman.

I certify that this is a true and correct copy.

W. L. AVERILL,
Acting Chief, Western Hemisphere Branch, Division of International Affairs.

THE WHITE HOUSE,
Washington, July 2, 1957.

The Honorable LEWIS L. STRAUSS,
Chairman, Atomic Energy Commission.

DEAR MR. STRAUSS: Under date of July 1, 1957, the Atomic Energy Commission recommended that I approve the proposed agreement entitled "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Peru Concerning the Civil Uses of Atomic Energy."

The recommended agreement has been reviewed. It will incorporate and supersede the Agreement of Cooperation Concerning Civil Uses of Atomic Energy which was entered into on January 25, 1956, between the two Governments. The new agreement will extend for a period of 10 years. No restricted data will be communicated under the proposed agreement.

The new agreement will broaden the scope of cooperation between the Republic of Peru and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power, and power reactors, as well as research reactors. It is expected that the parties will exchange information in other unclassified areas including health and safety problems related to the operation and use of such reactors, and the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

The Republic of Peru, if it desires to do so, may engage United States companies to construct research, experimental power, demonstration power, and power reactors, and private industry in the United States will be able, under the agreement, to render other assistance to the Republic of Peru.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the Republic of Peru uranium enriched up to a maximum of 20 percent in the isotope U-235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Republic of Peru: *Provided, however,* That the net amount of any uranium sold or leased during the period of the agreement does not exceed 800 kilograms of contained U-235. I understand that it is expected that the U-235 to be transferred to the Republic of Peru will be employed in a power reactor and that the Commission at its discretion, may make a portion of the foregoing 800 kilograms available as material enriched up to 90 percent for use in a material testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U-235 in uranium. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the Republic of Peru of special nuclear materials produced in fuel elements obtained from the United States.

The quantity of uranium enriched in the isotope U-235 transferred to the Government of the Republic of Peru for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the Republic of Peru.

Article V of the agreement would permit the transfer of limited amounts of special nuclear material including U-235, U-233, and plutonium for defined research projects related to the peaceful uses of atomic energy.

I note that article VII provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission.

In addition, article IX of the agreement incorporates provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

In article XI the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

The Commission has expressed its opinion that the proposed agreement will be an important and desirable step in advancing the development of the peaceful uses of atomic energy in the Republic of Peru and I note that the agreement contains all of the guaranties prescribed by the Atomic Energy Act of 1954, as amended.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby—

(1) Determine that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States, and

(2) Approve the proposed agreement for cooperation between the Government of the United States of America and the Government of the Republic of Peru enclosed with your letter of July 1, 1957, and

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

Sincerely,

DWIGHT D. EISENHOWER.

I certify that this is a true and correct copy.

W. L. AVERILL,
Acting Chief, Western Hemisphere Branch, Division of International Affairs.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF PERU CONCERNING THE CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of the Republic of Peru on January 25, 1956, signed an Agreement for Cooperation concerning civil uses of atomic energy; and

Whereas such agreement provides that it is the hope and expectation of the parties that the initial Agreement for Cooperation will lead to consideration of further cooperation extending to the design, construction, and operation of power-producing reactors; and

Whereas the Government of the Republic of Peru has advised the Government of the United States of America of its desire to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy including the design, construction, and operation of power-producing reactors; and

Whereas the Government of the United States of America desires to cooperate with the Government of the Republic of Peru in such a program as hereinafter provided; and

Whereas the parties desire that the Agreement for Cooperation signed on January 25, 1956, be superseded by this agreement which includes the new areas of cooperation.

The parties therefore agree as follows:

ARTICLE I

For the purposes of this agreement:

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

(b) "Peruvian Board" means the Atomic Energy Control Board of Peru.

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

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

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

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

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

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

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

(j) "Parties" means the Government of the United States of America and the Government of the Republic of Peru, including the United States Commission on behalf of the Government of the United States of America and the Peruvian Board on behalf of the Government of the Republic of Peru. "Party" means one of the above-defined parties.

(k) "Research reactor" means a reactor which is designed for the production of neutrons and other radiations for general research and development purposes, medical therapy, or training in nuclear science and engineering. The term does not cover power reactors, power-demonstration reactors, or

reactors designed primarily for the production of special nuclear materials.

ARTICLE II

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

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

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

ARTICLE III

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

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

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

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

ARTICLE IV

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

ARTICLE V

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

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

ARTICLE VI

It is contemplated that, as provided in this article, private individuals and private organizations in either the United States of America or the Republic of Peru may deal directly with private individuals and private organizations in the other country.

Accordingly, with respect to the subjects of agreed exchange of information as provided in article III, persons under the jurisdiction of either the Government of the United States of America or the Government of the Republic of Peru will be permitted to make arrangements to transfer and export materials, including equipment and devices, to and perform services for the other Government and such persons under its jurisdiction as are authorized by the other Government to receive and possess such materials and utilize such services, subject to:

(a) The limitations in article II;

(b) Applicable laws, regulations, and license requirements of the Government of the United States of America and the Government of the Republic of Peru.

ARTICLE VII

A. The United States Commission will sell or lease as may be agreed to the Government of the Republic of Peru uranium enriched up to a maximum of 20 percent in the isotope U-235, except as otherwise provided in paragraph C of this article, in such quantities as may be agreed in accordance with the terms, conditions, and delivery schedules set forth in sales or lease contracts for fueling defined research, experimental power, demonstration power, and power reactors which the Government of the Republic of Peru, in consultation with the United States Commission, decides to construct or authorize private organizations to construct in the Republic of Peru and as required in experiments related thereto: *Provided, however,* That the net amount of any uranium sold or leased hereunder during the period of this agreement shall not exceed 800 kilograms of contained U-235. This net amount shall be the gross quantity of contained U-235 in uranium sold or leased to the Government of the Republic of Peru during the period of this agreement less the quantity of contained U-235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

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

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

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

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

F. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America, which is in excess of the need of the Republic of Peru for such materials in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted:

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

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

G. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of the Republic of Peru and after reprocessing, as provided in paragraph E hereof, shall be returned to the Government of the Republic of Peru, at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby accorded, to retain, with appropriate credit to the Government of the Republic of Peru, any such special nuclear material which is in excess of the needs of the Government of the Republic of Peru for such material in its program for the peaceful uses of atomic energy.

H. Some atomic energy materials which the Government of the Republic of Peru may request the United States Commission to provide in accordance with this agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of the Republic of Peru, the Government of the Republic of Peru shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear materials or fuel elements which the United States Commission may, pursuant to this agreement, lease to the Government of the Republic of Peru or to any private individual or private organization under its jurisdiction, the Government of the Republic of Peru shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication,

the ownership, the lease, and the possession and use of such special nuclear materials or fuel elements after delivery by the United States Commission to the Government of the Republic of Peru or to any authorized private individual or private organization under its jurisdiction.

ARTICLE VIII

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

ARTICLE IX

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

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

1. With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any (i) reactor and; (ii) other equipment and devices the design of which the United States Commission determines to be relevant to the effective application of safeguards; which are to be made available to the Government of the Republic of Peru or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: Source material, special nuclear material, moderator material, or other material designated by the United States Commission.

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

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

(ii) reactors;

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

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

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

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

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

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

6. To consult with the Government of the Republic of Peru in the matter of health and safety.

C. The Government of the Republic of Peru undertakes to facilitate the application of the safeguards provided for in this article.

ARTICLE X

The Government of the Republic of Peru guarantees that—

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

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

ARTICLE XI

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

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

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

ARTICLE XII

A. The Agreement for Cooperation signed on January 25, 1956, is superseded in its entirety on the day this agreement enters into force.

B. This agreement shall enter into force on the day on which each government shall receive from the other government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such agreement and shall remain in force for a period of 10 years.

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

Done at Washington, in duplicate, in the English and Spanish languages, this 19th day of July 1957.

For the Government of the United States of America:

R. R. RUBOTTOM, Jr.,
W. F. LIBBY.

For the Government of the Republic of Peru:

F. BERCKEMEYER.

Certified true copy.

A. T. DALTON,
USAEC.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. COTTON in the chair). Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum, before the morning hour is concluded.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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. Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, are we still in the morning hour?

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

Mr. JOHNSON of Texas. Mr. President, I hope all Senators will take proper notice that we are still in the morning hour, so that they may transact such business as is desirable. Before we reach a discussion of the bill I shall suggest the absence of a quorum.

ECONOMICS OF THE OIL INDUSTRY

Mr. WILEY. Mr. President, for some days past a special committee presided over by the Senator from Tennessee [Mr. KEFAUVER] has inquired into the economics of the oil situation, and we have been privileged to have before the committee some of the great economic brains of the United States. These economists are what might be called economic diagnosticians. They can tell us all the evil, they can proceed to show us the symptoms, but they do not indicate what the remedies are. As a result, it was my privilege to catechize one of them, Mr. Gardiner C. Means, of the Committee for Economic Development.

Among other things I called attention to what inflation was doing to a vast number of our people. I pointed out that some 14 million of our people over 65 years of age, who had been saving for a long time all at once found that that which they had saved and that which they had planned was not adequate. I said, "That presents to you, sir, the question as to what the remedy is."

I called attention to the fact that there were those, such as schoolteachers, who had pensions. Members of my own family have grown up and created pension funds, which are now inadequate. There are many such situations involving people who have bought bonds and made savings, and now find that, because of inflation, the conditions they had planned are not adequate.

There are 20 million farmers in the country who find themselves not in the middle class, but in the lower class, because their prices, as this economist said, cannot be administered by themselves. The administered price group includes those who fix the price. The steel producers have increased the price of steel $6 a ton. That increase will be reflected in the cost of wages, food, and everything else we must buy.

Therefore I asked this distinguished economist three questions. I said: "Will you give us the answer to the question as to what the meaning to our economy will be of the continuing depreciation in the value of the savings of the people?"

I then called attention to the price disadvantage to the farmer. I have done so on the floor of the Senate many times.

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

Mr. WILEY. Mr. President, I ask unanimous consent to be permitted to proceed for 2 minutes additional.

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

Mr. WILEY. I illustrated the situation by saying that I received 7 cents for the milk marketed by me. On the same day, in the city, I paid 21 cents for the same milk, or an increase of 200 percent. I understand the farmers of Maryland receive 12 cents. On the same day that milk is sold for 24 cents, or an increase of 100 percent. That increase involves the cost of distribution. I asked this economist to suggest a remedy for the price disadvantage under which farmers suffer.

Third, there is the possibility of using a public utility type of regulation for important administered prices. Administered prices are prices fixed by utilities, large corporations, and so forth.

I am happy today to have a very fine reply to some of these questions. It does not give all the answers, but it throws some light on the subject. This reply comes from Mr. Gardiner C. Means, an economist for the Committee for Economic Development. 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 letter was ordered to be printed in the RECORD, as follows:

COMMITTEE FOR ECONOMIC DEVELOPMENT,
Washington, D. C., July 22, 1957.

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

DEAR SENATOR WILEY: I want to congratulate you and the committee on your investigation of administered prices. This is an extremely important subject and especially timely in the light of the new upward movement of prices after the 3 years of relative price stability from mid-1952 to mid-1955.

Also I want to thank you for the opportunity to present my best thinking on the three problems you raise:

1. The continuing depreciation in value of the savings of people over 65.
2. The price disadvantage of the farmers.
3. The possibility of using a public-utility type of regulation for important administered prices.

I. THE DEPRECIATION IN THE VALUE OF OLD PEOPLE'S SAVINGS

Your first problem is clearly one of stopping inflation. Here the problem is twofold: (1) Inflation will result if more demand is created than is necessary to maintain full employment. I will call this classical or monetary inflation; (2) inflation will result if labor forces wage rates up faster than increases in productivity will allow or business widens its unit profit margins; the two are apt to go together. I will call this type administrative inflation.

Monetary inflation

Most of the postwar inflation has been monetary inflation arising from an excess of money which creates an excess of demand. As I and my economic associates at the CED pointed out in 1946 in our little book Jobs and Markets, the financing of the war brought about a great increase in the volume of money held by the public, and this was highly inflationary because the public would not want to hold such a large stock of money once goods were again freely available. We recommended that measures should be taken to hold the price-wage line for a reasonable period immediately after the war while a big reduction in the volume of money was brought about. Since this action was not taken, we had our big inflation (plus the inflation generated by the Korean war). However, as I said in my testimony on Friday, there is strong evidence that this inflation from the increase in the stock of money had run its course by 1952.

Since 1952 Federal Reserve action has in my opinion been reasonably successful in maintaining demand at just about the level necessary to maintain full employment in spite of some deficiency in 1954. This has required a tight-money policy which, as Dr. Galbraith pointed out, has operated to restrict expansion by small business more than large and in other ways has produced some unsatisfactory results. But what is important here is that, except for a surge of demand for capital in 1956 and the accompanying increase in the velocity of money, it has been successful in holding demand to about the level necessary to maintain full employment.

This seems to me further evidence that the Government has the power through its monetary and fiscal policy (primarily through monetary) to maintain demand at approximately the level necessary to maintain full employment and prevent monetary inflation (at least under peacetime conditions). I believe it is in the interest of people over 65 (and also in the interest of labor, business, farmer, and the public) to support the Federal Reserve in carrying out its policy of (1) maintaining demand at the necessary level and (2) of limiting the money supply and credit so that demand does not exceed that necessary for full employment.

Administrative inflation

So long as reasonably full employment is maintained there is always the danger that administrative inflation will develop through what might be called arbitrary increases in prices or wage rates. This is, I believe, what has been happening in the last year or at least the last 6 months. I will discuss the control of this type of inflation in answering your third question.

II. THE FARMERS' PRICE DISADVANTAGE

As far as I can see the farmers' price disadvantage arises from four major sources:

1. The operation of administered prices and wage rates in such a large part of our economy.
2. The unpredictability of weather.
3. The immobility of resources in farming.
4. The costs of distribution.

Administered prices

In an economy in which a large body of prices are administered, any group of producers whose prices are wholly determined by market forces is almost certain to be placed at a serious price disadvantage when a depression or an administration inflation occurs.

In a depression, as demand declines, market prices will decline to whatever extent is necessary to equate supply and demand. At the same time, administered prices will tend to be inflexible and decline only a little or not at all while, under the pressure of falling demand, production is curtailed and workers are cut off the payroll. Thus in the great depression from 1929 to 1932, the index of agricultural prices dropped 54 percent while the highly administered prices of agricultural implements dropped only 14 percent.

The same difference in depression price behavior between market and administered prices is also evident in nonagricultural goods. Thus between 1929 and 1932 the price of copper dropped 69 percent, zinc 52 percent, lead 53 percent, scrap steel 57 percent. In contrast the highly administered prices of aluminum dropped only 5 percent, nickel 0 percent, sulfur 0 percent, and structural steel 11 percent, while the price of iron ore rose 1 percent.

The farm price disadvantage in a depression is thus a more important example of the depression disadvantage of all producers

whose prices are made in the market. Also it is clear that disadvantage from this source would disappear if we maintained full employment. It is therefore, as you are well aware, in the interest of the farmers as well as the rest of the public to support policies aimed at maintaining total demand and full employment.

To the extent that depressions are not avoided (and I believe they can be avoided), the resulting disadvantage of farmers presents a problem of supporting farm income comparable in nature to that of supporting the income of unemployed workers in a depression. I have long doubted that farm price support is the most satisfactory method for doing this particular depression job. The present device for supporting farm income from wool seems to be more satisfactory for this particular purpose. However, an effective full employment policy would eliminate this source of farm price disadvantage.

Farmers, like other producers selling at market prices, are also at a disadvantage in an administrative inflation. Since farm prices are made in the market they will not rise if there is no increase in demand. Therefore an upward revision of administered prices, either because profit margins are widened or wage rates are pushed up faster than productivity, will put farmers at a disadvantage. His prices will be stable while the prices he pays go up. Here again, the most satisfactory policy is to prevent administrative inflation, the problem I am going to take up in my third section.

If this type of inflation is not prevented, farmers will be at a price disadvantage from this source. However, if the volume of demand is maintained at the level necessary for full employment, the farmers' disadvantage from administrative inflation is not likely to be great. I doubt if public policy would be served in trying to compensate for it. Rather, public policy should be focused on preventing administrative inflation.

It should be noted that farmers obtain a temporary price advantage from monetary inflation. An inflation induced by too much demand operates to lift farm and other market-determined prices while administered prices and wage rates tend to lag behind. The fact that farm prices were above parity in the period of monetary inflation between 1946 and 1951 was, I believe in part, due to this lag.

If the demand necessary for full employment were continuously maintained and inflation of both types were prevented, this would eliminate the price disadvantage to the farmer from the operation of administered prices. But the other three sources, weather, immobility of farm resources, and costs of distribution, would remain.

You are so familiar with the weather problem and the effect of bumper crops on farm prices, that I don't need to go into it except to say that I don't regard some fall in the price of a bumper crop as a price disadvantage to farmers. A somewhat lower price with a larger crop can bring in the same income to farmers. The price disadvantage to farmers (so far as the public is concerned) comes only to the extent that the price is enough lower to reduce farm income from the crop. This seems to me to present a real problem of reducing the instability of farm income. Presumably this is what President Hoover was attempting when he originally set up the Farm Board. Whether it is of sufficient importance to justify public action, I leave to the farm experts.

The third source of price disadvantage to farmers is most serious. Even if full employment was maintained, inflation was prevented and fluctuations in farm income due to weather were eliminated, I believe farmers would still be at a price disadvantage. I do not attribute this to administered prices and wage rates or to monopoly though the latter does make its contribution. Rather, I attribute the discrepancy to the difficulty of adjusting the resources in agriculture to the country's need for farm products at fair prices to the farmer. The rapid increases in farm efficiency have outrun the increase in the country's demand for farm products so that a progressively smaller number of farmers and farmland is needed to supply the demand. If it were a simple matter for farmers to shift into other activities and to take land out of use, this increase in farm productivity would be easily corrected by the unseen hand of market forces. Then only a small relative decline in farm prices would be needed to induce farmers to shift into other activities. If all other prices were market prices, some farmers would transfer and be easily absorbed into other occupations. If the bulk of other prices were administered, the transferring farmers would be readily absorbed under a full employment policy since extra manpower coming into the market would allow and require an expansion of demand sufficient to absorb the extra supply.

But this easy adjustment depends on its being easy for farmers to shift themselves and their resources out of farm production and into other activities. As you well know farming is a way of life and requires very specialized skills while the land and buildings used are not usually easily converted to other uses. For psychological as well as financial and technical reasons farmers do not easily shift into nonfarming activities. And yet, in recent years the number of farmers has been declining at the rate of 100,000 a year. The unseen hand has to maintain farm prices well below a fair price to farmers in order to squeeze farmers out of farming.

It seems to me that the unseen hand does an excellent job in getting farmers to produce. Also it does a pretty good job in getting farmers to shift from one crop into another but it does a rotten job of adjusting the total supply of farming to the country's need. Because of their immobility some farmers who ought to be drawn into some other activity are farming with the result that more is produced than can be used at fair prices. Not only the farmers who should be making larger incomes in other activities are damaged but all the farmers who ought to keep on farming are also damaged by the resulting low farm prices.

This problem can be dealt with by a program of limiting production. But this does not correct the underlying cause of the difficulty since it does not reduce the resources committed to farming but only reduces their current use. I believe it is in the public interest to use methods to limit farm production as a temporary measure while a more basic solution is worked out. But a more basic solution would be to make it easy for farmers to transfer themselves and their resources to other uses. I believe a program could be worked out which would make it possible for some farmers to shift out of farming and into other activity and derive more income than they are now getting from farming. This would benefit not only those who make the shift but those who remain. If we have the present program for maintaining full employment and adopt a program for preventing inflation, it seems to me the main focus of agricultural policy should be the effort to bring about the adjustment in farm resources to the country's need by methods less unfair to those needed in farming than the maintenance of a large price disadvantage, however much the disadvantage may be ameliorated through price support and production controls.

The fourth source of price disadvantage to farmers which may be important is the cost of distribution. I have made no special study of this subject and cannot say how important a factor this may be. In many ways the efficiency in processing and distribution of farm products has been increasing. In other ways it has decreased. I suspect that for some products, the high costs or charges for distribution put the farmer at a price disadvantage. But that for many other products the farmer derives no significant disadvantage from this source. I would think that for farmers as a whole, this source of disadvantage is quite secondary to the excess of farm resources.

III. THE PROBLEM OF CONTROLLING ADMINISTRATIVE INFLATION

In the hearing you asked me whether I thought a public-utility type of regulation might be the answer to administrative inflation and I said that I thought there should be a better way of doing it. Obviously this is not a satisfactory answer. In what follows I will try to give an answer as far as I can now see it.

First I want to make clear why I think administrative inflation can be controlled. Just as every major interest in our economy—farmer, labor, business, and consumer—gains from the maintenance of full employment, so every major interest gains from avoiding administrative inflation. Inflation not only reduces the value of the savings of older people but the savings of all people who hold a part of their savings in the form of money or obligations stated in terms of money such as bonds, saving accounts, and the like. Business enterprises, particularly corporate enterprises, suffer when depreciation accounts are reduced in value and they have to pay out a larger proportion of their earnings in taxes than would be the case with no inflation. Labor suffers as the real gains from higher wage rates disappear with higher prices. The farmers may gain temporarily from monetary inflation but will lose with administrative inflation. Only government is a major gainer from inflation since it reduces the real burden of the public debt at the expense of the holders of debt. Because every major group has an interest in preventing administrative inflation, I believe a set of policies to this end which was not seriously restrictive would find general acceptance. The problem is to develop such a set of policies.

I propose two distinct programs for action: (1) a program to hold the price-wage line in the immediate future—say the next 2 years—during which time investigation, education and agreement could be achieved on a satisfactory permanent program; (2) a program of investigation to establish the character of administrative inflation, explore the possibilities of control, including the public-utility type of regulation of prices and/or wage rates, and the formulation of a permament program.

Is the current inflation administrative?

The first step is to establish the correctness of the diagnosis that the current rise in prices comes from administrative not monetary sources. This can be determined by an analysis of the behavior of wholesale prices in recent months.

In the present situation there are three significant possibilities:

1. The current inflation may be monetary—that is, it may come from an increase in demand greater than normal growth. In that case, it should be reflected in a rise of market prices while administered prices lagged behind.

2. The current inflation may be administrative—that is, it may come from the increase in administered prices and wage rates without an increase in demand greater than normal growth. In that case, it should be reflected in a rise of administered prices while market prices failed to rise.

3. The current inflation may be a combination of both monetary and administrative inflation. In that case, it should be reflected in a rise of both market and administered prices.

The crude figures I have suggested that after almost 3 years of relative price stability

the price rise from the summer of 1955 to the summer or fall of 1956 was a combination of market and administrative inflation while the rise since last fall has been primarily administrative. I suggested in my testimony that the committee needed more precise and reliable information on this matter.

At present, the Bureau of Labor Statistics is undertaking, at the request of Senator DOUGLAS, an analysis of the relative behavior of market and administered prices. The results of this should be available by early fall. A rush job (though much less satisfactory) could probably be completed in a matter of 2 or 3 weeks.

A hold-the-line program

Once it is clearly established that the present inflation is in part or in whole administrative, and that it is continuing, I believe that a hold-the-line program should be instituted. Such a program should be executive not legislative. I would urge the President to call a conference of business and labor leaders (separately or together) and get agreement from them to hold the line much as President Hoover obtained agreement from business leaders not to cut wage rates in the great depression. In this case, the agreements should allow small increases in wage rates to take account of increases in productivity (the General Motors wage contracts might be a model in this respect). Apart from such small increases in wage rates, the agreements would be to avoid all price increases except under extreme pressure and to avoid all wage increases (other than the small productivity increases) except where a major disparity in particular wage rates required correction.

I believe that such a program, combined with a strong public statement to other business and labor groups and your committee's investigations aimed at developing a permanent program would take most of the heat out of the administrative inflation for perhaps a year and would serve to limit it in a second year though perhaps not so effectively. Certainly the agreement with Hoover to hold up wage rates in the big depression was adhered to by business well into 1931, a period of more than a year and under great provocation to cut costs by reducing wage rates. Also in the recent war, the orderly rise of prices up to the time of the price freeze suggests the effectiveness of this type of tactic. Then market prices which were low because of depression rose most, moderately administered prices rose to an intermediate degree and the most administered prices rose only a little so that prices were in good balance when the price freeze was made. In both cases of voluntary control it looks as if the control is more effective for the more concentrated industries. Since these are the industries most likely to be a serious source of administrative inflation this promises well for a temporary program of voluntary control.

The success of such a temporary program would depend to an important extent on adequate preparation. I suggest that those responsible for organizing President Hoover's conference and those responsible for wartime voluntary controls (controls prior to the price freeze) be consulted in preparing for the conference.

It should be made clear that the proposed agreement is for a temporary period while a permanent program is being worked out.

It seems to me quite likely that such a conference and an agreement to hold the line would not only greatly reduce the danger of administrative inflation but would also greatly reduce the danger of monetary inflation and allow the Government to ease its tight-money policy considerably, thus reducing the danger that tight money would increase unemployment. It could also serve to educate business, labor, and the public to the character and danger of administrative inflation.

Toward a permanent program

As I said in my testimony last Friday, we do not know enough about the behavior of administered prices to be sure of prescribing an effective permanent program to deal with administrative inflation. Most unfortunately, economists have done very little work on the behavior and implications of administered prices. In these circumstances, I suggest the following set of investigations:

1. An intensive analysis by the Bureau of Labor Statistics of the actual behavior of the 2,000 individual commodities conforming the BLS whole price index.

The study now underway by the BLS will be valuable but a much more intensive job seems to me to be needed. This would presumably require a small amount of additional funds and the more intensive analysis might require 6 months to complete.

2. An intensive analysis of the relation between changes in prices, wage rates, productivity, taxes, profits, etc., as they relate to the volume of production and to each other for a small number of administered priced commodities (perhaps 20) such as steel and agricultural implements.

Its primary purpose would be to find out as far as possible how the changes in the various factors influence each other. In particular the analysis would seek the factors leading to changes in price including the effect of changes in labor costs, other costs, the level of operation, etc., as far as such a factual analysis can disclose. An adequate job might be completed in 6 months or so and would require extra staff.

3. An intensive investigation for a few commodities such as steel and farm machinery of the actual process of price making and the factors which price makers say they take into account in setting or changing prices.

The actual questioning is a task for the subcommittee itself but as a preliminary I suggest that the heads of the companies scheduled to testify should be asked to submit, well in advance, a written description of the process by which they reach a decision, what members of their organization are involved in the decision, what information the decision makers have before them in making the decision and what factors they take into account in making a decision.

The committee might also want to ask for a factual report to provide the information for the specific company which is being developed for specific industries under project 2.

The main objective of the actual questions would be to find out for specific price changes why the company made the change when it did (why not sooner, why not later). And in the amount it did (why not more, why not less) and to what extent its price was dictated by market forces.

The questions should probably be limited to at most, a few specific commodities. In the case of steel, it might focus on the base price and to differentials for specific types or qualities of steel so as avoid being bogged down in the thousands of separate prices which make up the actual complex of steel prices.

4. A questionnaire sent out to a sizable number of economists setting forth the problem of administrative inflation as it has been presented to your committee and asking

(a) Their appraisal of the theoretical possibility of administrative inflation and of the evidence that the current inflation is of this sort.

(b) Their evaluation of the danger and damage likely to arise from administrative inflation.

(c) Suggestion as to what to do about it.

The purpose of such a questionnaire would be partly to get the economic fraternity thinking about the subject, partly to educate, and partly for the appraisal and suggestion which would be forthcoming.

The questionnaire should not be sent out until project 1 is completed and considerable information has become available under projects 2 and 3. The hearings already completed plus these projects would provide the basis for the questionnaire.

5. A separate questionnaire to leading economists, businessmen, labor leaders and consumer representatives asking their opinion on how the gains from increasing productivity should be shared and what this means for prices and wage rates in different industries.

It seems to me that underlying the long run danger of administrative inflation is the problem of who gets the gains from increased productivity. Should all the gains go to the particular industry in which they occur? And if so, how should they be divided between capital and labor; i. e. how much in higher wage rates, etc., and how much in higher profit margins? How much should the gains, in one industry be shared by other industries? What should happen to the wage rates of workers in industries whose productive increases lag behind those of other industries?

These seem to me crucial questions and as long as there is no clear and commonly accepted pattern, the clash between labor and business, each trying to maximize its share from increased productivity, can only bring confusion, wasteful conflict, and a constant pressure for administrative inflation.

The analysis and publication of the results of such a questionnaire might lay the basis for a general conference of business, labor, and consumer aimed at producing a general agreement-in-principle as to the pattern of the division of productivity gains which is most in the public interest.

I do not believe a permanent program for preventing administrative inflation can be designed until there is fairly general agreement on principles to be followed in sharing productivity. When agreement is reached on this, I believe a legislative program aimed at completing the job of control could be worked out without such drastic control as is involved in the public utility type of regulation. If an agreement-in-principle cannot be reached outside the Government, I believe more drastic legislation would be needed perhaps involving a legislative decision on the general principle to be followed in the sharing of productivity gains.

I am going to stop here. If it is found that the current inflation is administrative and a hold-the-line policy is adopted, I believe there will be time enough to carry through the projects I have suggested and also additional projects as their need becomes apparent and, on the basis of these projects, to formulate a constructive program of legislation.

I hope I have given a more constructive answer to your question than I was able to give at the hearings.

Very sincerely,

GARDINER C. MEANS.

THE RIGHT OF TRIAL BY JURY IN ALABAMA

Mr. SPARKMAN. Mr. President, yesterday I called attention to a misleading statement in the study which was placed in the RECORD by our colleague, the distinguished Senator from Colorado [Mr. ALLOTT], relating to jury trials in the States.

I said at that time that in the State of Alabama, in every trial at law, regardless

of whether it is criminal or civil, the defendant is entitled to a trial by jury if he asks for it.

I propose today to place in the RECORD the code citations, and quotations, which verify this fact.

All felonies and misdemeanors originating in the circuit court are indictable offenses—title 15, section 227.

In all criminal prosecutions of indictable offenses the accused has a right to a speedy, public trial by an impartial jury of the county or district in which the offense was committed—article I, section 6, Constitution of Alabama, 1901.

County courts and justices of the peace have original jurisdiction concurrent with the circuit courts of all misdemeanors committed in the respective counties—title 13, section 321. Upon conviction in any such court the defendant has a right to appeal the conviction to the circuit court and is entitled to a trial by jury—title 13, section 326; title 15, section 321.

A similar appeal and right of trial by jury is available to defendants convicted in city courts of any offense—title 37, section 587.

From an examination of these sections it is clear that in any criminal case in the courts of law in Alabama a defendant is entitled to a trial by jury. This is true no matter how small or great the offense.

A trial by jury is available to all parties either defendants or plaintiffs in civil cases at law upon demand—title 7, section 260, Code of Alabama, 1940.

This section is applicable to all law cases originating in the circuit court and is applicable to all cases tried on appeal in the circuit court—*Moore* v. *Mobile* (248 Ala. 436, 28 So. (2d) 203 and 241 Ala. 470, 3 So. (2d) 58).

Title 15, section 227: Indictable offenses—all felonies and all misdemeanors, originally prosecuted in the circuit court, are indictable offenses.

I ask unanimous consent that the constitutional provision and the various code references be printed in the RECORD at this point as a part of my remarks.

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

ARTICLE I, SECTION 6, CONSTITUTION OF ALABAMA

Article I, section 6: That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, except by due process of law; but the legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue, on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor: *Provided*, That at the time of the application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement.

CODE OF ALABAMA, 1940, TITLE 13, SECTION 321

Section 321 (3809) (6700) (4597) (4201) (718) (3931) (283). Jurisdiction of county courts: The county courts have original jurisdiction, concurrent wtih the circuit courts, of all misdemeanors committed in their respective counties. (1915, p. 862.)

CODE OF ALABAMA, 1940, TITLE 13, SECTION 326

Section 326 (3813). Trial and proceedings in county courts; mode of appeal: All trials or prosecutions instituted in all such county courts shall be begun upon affidavit and warrant as provided in this chapter and shall be tried by the judge of such court without a jury, and the judge shall determine both the law and the facts, and in cases of conviction the defendant shall have the right to appeal to the circuit court, and a jury trial may there be had on demand of the defendant as prescribed by law. (1915, p. 862.)

SECTION 321, TITLE 15, CODE OF ALABAMA, 1940

Title 15, section 321: Demand for jury in misdemeanor cases; waiver of: In all misdemeanor cases, in the circuit court, the issues and questions of fact shall be tried by the judge of the court without the intervention of a jury except in causes where a trial by jury is demanded in writing by the defendant, and such written demand filed in the cause with the clerk of the court on or before the first sounding of the cause if the cause is sounded within 30 days after the defendant has been arrested or taken into custody after the finding of the indictment, or within 30 days after the defendant has appealed, if the cause is brought to the circuit court by appeal and if such cause is not sounded within 30 days after the defendant has appealed, or been arrested or taken into custody after the finding of the indictment, then such written demand must be filed with the clerk within 30 days after the defendant has appealed or been arrested or taken into custody after the finding of the indictment. A failure to demand in writing a trial by jury as herein provided shall be held and deemed to be a waiver by the defendant of a trial by jury.

CODE OF ALABAMA 1940, TITLE 37, SECTION 587

Appeal from recorder's court: In any case involving the validity of an ordinance of the city, tried before the recorder, the council may take an appeal without bond to the circuit court or court of like jurisdiction; and in any case the defendant may take an appeal to such court by giving bond with good and sufficient sureties, payable to the city, to be approved by the recorder or officer trying the case, conditioned to be void if the defendant appears before said court, until discharged by law to answer said charge, but unless such bond be given within 5 days from the date of the judgment, no appeal shall be allowed from such judgment. An appeal bond for more than $300 shall in no case be required, but when sitting as a committing magistrate, any reasonable bond may be required. The case appealed shall be tried de novo in such court, and the judge or jury trying such cause is authorized to impose upon the person convicted such punishment by fine, or imprisonment in the city jail, or other place of confinement, or hard labor for the city, or by fine and imprisonment, as the court or jury may deem proper and is authorized by law or ordinance for such offenses. When an appeal is taken, as provided for herein, said appeal shall be filed by the city in the court to which said appeal is returnable within 60 days; and if the city shall fail to file said appeal within said time, the city shall be deemed to have abandoned the prosecution of said cause, and the defendant shall not be required to further answer or appear, and the bond shall thereafter be void.

CODE OF ALABAMA 1940, TITLE 7, SECTION 260

Title 7, section 260, trial without jury: All civil cases at law shall be tried and determined by the court without a jury unless the plaintiff endorse in writing his demand for a trial by jury on the summons and complaint, attachment, or other process or paper filed by him for the purpose of instituting suit, or by filing a separate written demand with the clerk of the court at the commencement of the suit, or unless the defendant or other party occupying the position of defendant shall demand in writing a trial by jury within 30 days after the perfection of service on him, or unless the claimant shall demand in writing a trial by jury at the time of the filing of his claim. Either party to a civil cause tried by the court without the intervention of a jury may present for review by bill of exceptions the conclusions and judgment of the court on the evidence and the court of appeals or supreme court shall review the same without any presumption in favor of the court below, either on the rulings on the law or conclusions on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered or reverse and remand the same for further proceedings in the trial court as the court of appeals or supreme court may deem right. The finding of the court on the facts shall be subject to review without an exception thereto.

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

The PRESIDING OFFICER. The Senator from Alabama has 1 minute remaining. Does he yield to the Senator from Illinois?

Mr. SPARKMAN. I yield.

Mr. DOUGLAS. There is a very important point involved here, namely, the distinction between civil and criminal suits on the one hand, and civil and criminal contempt on the other. The questions I wished to address to the Senator from Alabama concern the procedure in civil and criminal contempt cases. I shall reserve those questions until a later time, when I shall discuss them on my own time.

Mr. SPARKMAN. The statement placed in the RECORD by the Senator from Colorado was not limited to the features mentioned by the Senator from Illinois. I was merely clearing the RECORD so far as the situation in the State of Alabama is concerned.

THE CIVIL-RIGHTS BILL—OBSCURE ORIGIN OF H. R. 6127

Mr. STENNIS. Mr. President, I again pose this question thus far unanswered: Who drafted this bill, H. R. 6127, the so-called Civil Rights Act?

Did the Attorney General himself write it? Did the Attorney General's staff draft it? Who are those individuals, if any, from outside the Department of Justice, who helped draft this bill?

Regardless of who may have drafted the final form of the bill, who furnished the original ideas, the amendments and cross-amendments?

Where are the original drafts of this proposed legislation?

The courts have recently held that one charged with a crime is entitled to have access to the FBI file disclosing their investigation of the facts. This was held necessary for one's preparation for trial. Today the Senate is asked to act on legislation affecting 170 million people without any adequate knowledge of

the facts or reasons for inclusion of certain provisions. The Senate has not had the benefit of the information contained in the Department of Justice files on this bill. Today the Senate is on trial. Its preparation is inadequate.

In my opinion the last remaining remnants of the 10th amendment, which reserves to the States their rightful powers, are completely swept away by this bill. We are entitled to know the real authors, and thus be better able to judge the intended effect of this proposed legislation and how it possibly can be reconciled with the Constitution and particularly with the 10th amendment, which is still a part of our cherished Bill of Rights.

Doubtless, the Attorney General did not conceive all of this bill's provisions and write them himself. Who briefed the Attorney General on the sections and cross-amendments by reference of this bill?

What individual or individuals within the administration, or what individual or individuals connected with the administration, are willing to come forward and state flatly: "This is my bill," or "This is our bill—here is the full disclosure or story as to the drafting of the measure, and the full disclosure from the files of the reasons for each provision."

Part I of the bill creating a commission, provides that the Commission "may accept and utilize services of voluntary and uncompensated personnel." Was this bill, or any part of it, written by such "voluntary personnel"? If so, who were these volunteers?

These are all questions, Mr. President, which have never been answered. All questions which I have posed pertain to material facts needed and absolutely essential to the Senate in its consideration of such sweeping legislation, especially in view of the fact that this bill has not even been analyzed by the full Senate Judiciary Committee and when the Senate attempts to proceed it has no recommendations at all from the committee.

Equally obscure is the identity of the person who masterminded the campaign of misrepresentation of this bill as a "moderate bill designed to protect voting rights." The people, the press, Members of Congress who have supported it, and even the President himself have been misled. Its evil philosophy of the use of Federal force has been repudiated by the Senate in the gratifying vote of Monday, but only after the veil of misrepresentation had been swept away by extended debate.

In modern times, at least, Senate debate has never been so fruitful in bringing out the hidden dangers lurking in proposed legislation. The wisdom of the Senate rules is proven many times over in this debate. A frank answer and the full disclosure as to the questions presented, will go a long way toward clearing the air of the confused subject matter yet remaining to be fully explored in debate.

Mr. President, in the New York Times of today there appeared the Arthur Krock column In the Nation, in which Mr. Krock deals with the Strange, Brief History of Part III. I ask unanimous consent that the article be printed 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:

[From the New York Times of July 25, 1957]

IN THE NATION—THE STRANGE, BRIEF HISTORY OF PART III

(By Arthur Krock)

WASHINGTON, July 24.—One of the most interesting aspects of the Senate debate on part III of the administration's equal-rights bill, which ended today in emphatic repudiation of this section, is this:

While the potentials of the section, buried deep in the text composed by the Department of Justice, and obscured by the official publicity that protection of the "right to vote" was the substance of the measure, were exposed by southern Democrats, the hardest blows to part III were dealt by northwestern Democrats today. These Democrats, Senators O'MAHONEY, of Wyoming and MANSFIELD, of Montana, are authentic "liberals," as that term is currently applied in politics. And voting with them were 11 nonsouthern Democrats who are similarly classified.

TWO LIBERAL COMMENTS

The administration bill, O'MAHONEY told the Senate, was presented and generally accepted as a voting rights measure but was later discovered to be "a masked attempt to give the Government through the Attorney General the right to punish, by judicial order rather than by criminal prosecution, citizens charged with crimes of force and violence prohibited by both State and Federal law." [Also] in the guise of protecting voting rights, it destroys the right of trial by jury, and yet its proponents have called it a civil rights bill.

"The best that can be said for part III," said MANSFIELD, "is that the President would not use those powers. This strikes me as a novel theory of legislation. It assumes we can pass anything we please, and the President, through inaction, will save us from our own folly."

NO CONFIDENCE VOTE

And the motion to strike part III from the bill, which these Senators were supporting, had previously been made by two other Senators of the liberal persuasion who are longtime champions of equal rights. These two are ANDERSON, Democrat of New Mexico, and AIKEN, Republican of Vermont.

The Senate rejection of part III was also, in effect, a vote of no confidence in Attorney General Brownell, who advocated adoption of the entire text prepared under his direction. This manisfestation began yesterday with the repeal of a Reconstruction law, silently invoked in part III, that extended to the racial desegregation decrees of the Supreme Court since May 17, 1954, the executive power to call out the troops to enforce the execution of judicial process. And why this law was incorporated in the section, and silently, is officially unexplained to this day.

THE VAGUEST OF ANSWERS

The text of part III amended section 1985, title 42, United States Code. But the fact that section 1985 automatically invokes section 1993 (the use-of-troops law) was omitted from the executive presentation of the measure to Congress. When this correspondent sought an explanation of this from the Department of Justice, and for the absence of the same invocation in part IV that deals with voting rights, he got the vaguest of answers. A spokesman for the drafting group said he could not remember the exact circumstances, but that the failure in the text of part III to repeal section 1993 was probably "an accident." A like reply was given to the question why section 1985 (1993) was not also invoked for the enforcement of part IV of the bill.

The "accident" explanation surprised a number of lawyers who commented on it to this Department. Some expressed the belief that the drafters simply overlooked the fact that 1985 automatically invoked 1993. One lawyer, Telford Taylor, wrote that either this is the answer "or the Department draftsmen may have been insensitive to the political implications." * * *

A CLEARER EXPLANATION

"Section 1985," said Taylor, "deals with the execution of judicial process; part III amends section 1985 by adding two new sections; therefore, the reference to 1985 had to be made. But part IV amends a wholly different statute (42 U. S. C. 1971) which, unlike 1985, deals with voting rights. Therefore, part IV must refer to 1971, which it amends. And, for the same reason, there could be no reference to 1985. The reference to 1985," said Taylor, "could not have been left out of part III, and it had no place in part IV. That is the simple and obvious explanation."

Some of the opponents of part III have expressed the opinion that the incorporation of 1993 in 1985 was known to and deliberately concealed by the drafters, because it represented a desire by the Attorney General to keep the enforcement-by-troops law as a club in the closet.

Whatever the facts may be, both club and closet were shattered by the Senate today. And one of the causes was the suspicion they were secretly and purposefully built into the structure of the equal-rights bill, a suspicion augmented by President Eisenhower's expressed surprise when the potentials of part III were dramatized by Senator RUSSELL, of Georgia.

THE CLINTON TRIAL

Mr. KEFAUVER. Mr. President, a number of Members of the Senate, and lawyers generally throughout the country, have expressed an interest in the chronology of the actions taken in the United States District Court for the Eastern District of Tennessee, Northern Division, in the so-called Clinton or Kasper case.

I asked the assistant United States district attorney, Mr. James M. Meeks, to send me a copy of the various petitions and orders and other documents filed in that case. It is an interesting chronology.

I have before me the various papers Mr. Meeks sent me, and I wish to refer to them briefly, because they bear on the subject of jury trial—when a defendant is entitled to a jury trial and when he is not.

The first petition in the case is a petition to Judge Taylor, filed by Joheather McSwain et al. against the Anderson County Board of Education. It was filed on August 29, 1956. That was followed by a petition for contempt filed on August 30, 1956, by Joheather McSwain against the Anderson County Board of Education.

The next paper is a temporary restraining order, which was granted upon the request of the petitioners. This was filed on August 29, 1956. The next is an order for attachment in the same case, which was issued on December 5, 1956.

The case up to that time was, it will be noticed, under the style of Joheather McSwain et al. against the Anderson County Board of Education. The next document refers to the United States

against certain people who were alleged to be interfering with the conduct of the school at Clinton; and a number of other persons were added as defendants.

The next document, which was filed on February 25, 1957, carries the same docket number, but the United States is substituted as the party petitioner.

Some question has been raised as to whether the defendants were entitled to a jury trial under section 3691, title 18, of the United States Code. That statute provides that in a criminal contempt proceeding a person shall be entitled to a jury trial except where the act is committed in the presence of the court.

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

Mr. KEFAUVER. Mr. President, I ask unanimous consent that I may continue for 1 more minute.

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

Mr. KEFAUVER. Except where the act is committed in the presence of the court, or where the suit or action is prosecuted in the name of or in behalf of the United States. I take it that the Department of Justice and the judge felt that since this suit was started by private individuals, even though it was later prosecuted by the United States, the defendants were entitled to a trial by jury. I believe that was a wise decision.

Finally I have here the charge of Judge Taylor to the jury in the case. This is a document of great interest. It is a carefully prepared statement of the law on the subject. In my opinion it is a fair and well-considered charge. Inasmuch as there is a great deal of interest in the charge of the United States district judge to the jury in this case, I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

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

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE, NORTHERN DIVISION—"UNITED STATES OF AMERICA *v.* FREDERICK JOHN KASPER, WILLIAM BRAKEBILL, LAWRENCE BRANTLEY, ALONZO BULLOCK, CLIFFORD CARTER, CLYDE COOK, MARY NELL CURRIER, CLEO NELSON, HINSON NELSON, W. H. TILL, AND RAYMOND WOOD"—(CIVIL ACTION NO. 1555)—COURT'S INSTRUCTIONS TO THE JURY, JULY 23, 1957

12TH DAY OF TRIAL

TUESDAY, JULY 23, 1957.

(Whereupon, at 9:03 a. m., court reconvened pursuant to adjournment when the following proceedings were had in the presence of the jury, to wit:)

The COURT. Ladies and gentlemen of the jury, this is a prosecution authorized by a statute of the United States relating to criminal contempt. The criminal contempt with which the defendants are charged is violation of an injunction issued by this court and made permanent on September 6, 1956. At one time the proceeding was against 18 defendants. That number has been reduced to 11 by the death of one of the defendants and by dismissal as to 6 of the others. The defendants have entered pleas of not guilty. There is, therefore, presented the issue of whether or not the defendants are guilty of criminal contempt by reason of their alleged violation of the aforesaid injunction.

Whether the injunction was properly issued is a question of law for the court. With that question the jury is not concerned, but should proceed on the assumption that the injunction was properly issued and was and is a valid and lawful injunction.

Again, whether issuance of the injunction was an encroachment upon matters which should have been dealt with only by the State of Tennessee, is not a question with which the jury is concerned. The injunction was issued under the authority of Federal law, and whether the law itself was a valid and proper exercise of Federal powers is a judicial question.

Whether school integration is right or wrong is a question to be debated in the public forum of speech and press. The right or wrong of integration is not pertinent to the question before the jury, namely, whether the defendants violated the injunction aforesaid under such circumstances as to make them guilty of criminal contempt.

In this charge the court will undertake to state the law and the rules which are deemed applicable to and controlling of the deliberations and verdict of the jury. Any suggestions made by counsel as to what the court will charge place no obligation upon the court to charge in the anticipated manner. When an attorney makes a predication along that line, he does so at his own risk. When a charge is given by the court on a particular matter, there of course exists the possibility of error, but it is intended to be correct and it is the duty of the jury to proceed on the assumption that the law has been correctly charged.

It has been observed by the jury that the defendants did not take the stand in their own defense. That is a fact of passing interest only. Failure of a defendant to testify in his own behalf has no evidentiary significance, and no unfavorable inferences should be drawn from such failure. It is strictly a defendant's privilege to testify or not to testify, as he likes. Each defendant entered the trial with a presumption of innocence in his favor, and it was not his obligation to sustain the presumption; it was the prosecution's duty to overthrow it in order to warrant a finding of guilt.

Following is the pattern required to be followed in overcoming the presumption of innocence:

1. It must appear that the defendants had actual knowledge that the injunction had been issued and had a reasonable understanding of what they were forbidden to do. Actual notice means that the issuance of the injunction was brought to their attention as a fact. A reasonable understanding of what they were forbidden to do means that they must have understood that it forbade them to enter into an agreement with defendant Kasper to violate the injunction; also that it forbade them to interfere with integration at Clinton High School.

2. The second requisite in the pattern of proof is, that the defendants did enter into an agreement with Kasper to interfere with integration. In the language of the injunction, defendants were forbidden to act "in concert" with Kasper. In the order of attachment against the defendants they are charged with having entered into an agreement with Kasper. Acting in concert, therefore, is there construed as acting pursuant to an agreement, which is another way of stating the charge as that of acting in conspiracy with Kasper. The proof required accordingly is proof of a conspiracy.

3. The third requisite is proof that a defendant, or defendants, who conspired with Kasper hindered, obstructed, or interfered with integration in one or the other of the ways charged against them, and which will hereinafter be set out in full.

Those are the three parts of the pattern. All are indispensable. If one part is missing, the whole pattern falls apart.

And the burden is not on the defendants to knock out one of the parts. The burden is upon the Government to put the parts in place and to make the pattern complete.

As heretofore stated, every defendant placed on trial on a criminal charge is presumed to be innocent of that charge; he starts into the trial with the presumption of innocence in his favor.

That presumption of innocence is to be borne in mind by the jury throughout their deliberations on the case. It protects the defendant from a verdict of guilty unless, after the jury has carefully weighed all the evidence in the case and considered it, that evidence satisfies the jury of the defendant's guilt, and satisfies you so clearly, as to the guilt of the defendant, as to leave in your mind no reasonable doubt of his guilt. If the evidence, after it has been weighed by the jury, satisfies you that the defendants are guilty as charged, satisfies so clearly as to leave no reasonable doubt, or as is ordinarily said, satisfies you beyond a reasonable doubt, then the presumption of innocence with which the defendants have been shielded up to that time, is overthrown. It ceases then to protect the defendants any longer, and it is the duty of the jury to bring in a verdict of guilty, the Government has then made out a case. The Government has established it sufficiently under the rules of law, when it has established it beyond a reasonable doubt.

On the other hand, if the evidence, after it is weighed by the jury, does not satisfy you as to the defendant's guilt, or if it is so weak and uncertain as to leave in the minds of the jury a reasonable doubt on the question of the guilt of the defendants, then the presumption of innocence is not overthrown; the defendants are still protected by that presumption, and it is the duty of the jury to bring in a verdict of not guilty.

The defendants, as the court has charged you, are presumed to be innocent, and this presumption continues throughout the trial and during the deliberations of the jury, and is overcome when, and only when, their guilt is established beyond a reasonable doubt.

Now, what is meant by being satisfied beyond a reasonable doubt? That does not mean that the Government has to make out the case to an absolute certainty. It is almost impossible to make out a case to an absolute certainty. There may be always, or almost always, some element of uncertainty in every criminal case. The Government does not make out a criminal case like a sum in mathematics, where you know that if you have certain elements as in adding 2 and 2 together the result is 4. That is something you absolutely know. The Government does not have to prove a criminal case to that absolute certainty. It has to prove it, though, so as to leave no reasonable, substantial doubt in the minds of the jury. A doubt that prevents you from finding a man guilty, if the proof shows guilt, is not to be a whimsical or captious doubt, but a substantial doubt, and it must rest upon some element of weakness in the proof that gives you, as reasonable ladies and gentlemen, a reason for doubting guilt. If there should be any evidence in the case that has created a reasonable doubt in your minds of the guilt of the defendants, then the case is not made out beyond a reasonable doubt. But if there is no reasonable ground of doubting guilt as reasonable men and women, then it is made out beyond a reasonable doubt.

Evidence is the material by means of which the mind reaches its decision. It is presented on the assumption that each juror's mind is open and receptive to truth. It is presented on the further assumption that juror minds are selective minds, that those minds will distinguish between what is true

and what is false, and that only truth so far as ascertainable will affect the final decision.

Evidence is direct and indirect. Direct evidence is that which a witness has acquired through use of one or more of the physical means of discernment, such as sight, hearing, and touch. A witness may testify that a certain act was committed and that he saw the actor commit it. He may testify that he recognized the person who committed the act, that he was well acquainted with that person, that he was near enough to see him plainly, that he did seem him plainly and did recognize him. For purposes of identity, sight is the most commonly used medium. Respecting what is said, the most commonly used medium is the sense of hearing.

In like manner, other senses have their own particular functions, and evidence obtained through them and transmitted to the jury is classed as direct evidence.

Indirect evidence is otherwise called inference evidence, or circumstantial evidence. Where the direct evidence standing alone is sufficient to establish guilt or innocence, the occasion for using circumstantial evidence does not exist. It is where the direct evidence standing alone fails to establish guilt or innocence that the indirect or circumstantial evidence may be considered, that inferences may be drawn from proven facts. But where inferences are relied on, they are subject to their own rule. Where relied on in support of a verdict of guilty, the inferences drawn must be the only inferences that could reasonably be drawn and they must point to guilt to the exclusion of all other conclusions.

To illustrate, suppose you see A and B together in a place where it is known to you that no third party is present. While your eyes are momentarily closed you hear a shot. When you open your eyes you see B falling mortally wounded and A standing near him with a smoking gun in his hand. You did not actually see the killing, yet the only reasonable inference is that A did kill B by shooting him. But suppose A, B, and C are present. When you open your eyes you see B falling, while A and C have smoking guns in their hands. In that situation you cannot conclude that A killed B. This is because you cannot by inference exclude the possible conclusion that C killed B.

These limitations upon circumstantial evidence are of peculiar importance where you are dealing with numerous defendants, all charged with having done certain things, all allegedly tied to certain other elements of incriminating character, and where you are called upon to conclude that guilt exists because the alleged ties existed.

By way of more specific comparison, you are called upon to find that defendant John Kasper was the hub of a conspiracy and that from him a spoke radiated out to each of the other defendants; that each defendant acted in response to impulses received from Kasper; that the hub and the spokes and the impulses and the responsive acts made of them conspirators and perpetrators of conspiratorial offenses. The mental diagram may seem simple enough, but there are complications yet to be considered.

A brief review of the record and of the charges as to circumstances out of which these proceedings grew should make a little clearer those problems which are presented for jury consideration.

On December 5, 1950, a suit was filed in this court by Joheather McSwain and five other Negroes of high school grade against school officials of Anderson County, Tenn., wherein a declaration of rights was sought and an injunction against exclusion of Negroes from Clinton High School. At that time Tennessee's constitutional and statutory prohibitions against integration of Negro and white races in public schools was not considered violative of rights guaranteed to citizens by the Constitution of the United States, provided separation of races did not result in inequality of opportunity. Trial of the McSwain case resulted in a finding by the court that inequality of opportunity did not exist. Accordingly, the suit by those complainants was decided adversely to them, and the same was ordered dismissed.

While that case was pending on appeal before the United States Court of Appeals for the Sixth Circuit at Cincinnati, Ohio, the Supreme Court of the United States overturned existing pronouncements on the subject of segregation. That Court, having examined the problem from the Negro viewpoint, declared that equality of opportunity was not enough, but that Negroes had a right to integrate themselves with white children in the public schools. Thereupon the United States court of appeals for the sixth circuit reversed the action of this court in dismissing the McSwain case and ordered this court to proceed in accordance with the decision of the Supreme Court of the United States. That mandate from the sixth circuit was received June 30, 1954. One year and six months later, namely, on January 4, 1956, this court fixed the limits beyond which admission of Negroes to Clinton High School should not be postponed, this being the language used in the court's memorandum:

"It is the opinion of this court that desegregation as to high school students in that county should be effected by a definite date and that a reasonable date should be fixed as one not later than the beginning of the fall term of the present year of 1956."

Construing the quoted decision as the court's mandate, school officials of Anderson County admitted Negroes as students in Clinton High School at the beginning of the fall term of 1956. Those officials, in obedience to the court-designated time limit, thus put into effect what has become known as integration of Negroes with white students in one of the schools of Anderson County.

Almost immediately thereafter, opposition to integration began to express itself in Clinton and neighboring communities, which opposition developed into interference with the functioning of the school itself. As a result of that interference the principal of the school and others, on August 29, 1956, presented their petition in which they sought the aid of this court in restraining those directly engaged in such interference and others acting in concert with them from further hindering, obstructing, or in any wise interfering with the carrying out of the integration directive of January 4, 1956. On September 6, 1956, the said restraining order or injunction was made permanent. The effect of the court's action in the first situation was to require school officials of Anderson County to admit Negroes of high-school grade to the formerly all-white high school of Clinton. This court requirement had the effect of an order which operated upon the school officials. By them it was so construed and obeyed. In the second situation, certain named individuals and all others acting in concert with them were enjoined from interfering with the operation of the first, or desegregation order.

These defendants now before you have been charged with having committed acts which obstructed effectuation of desegregation and which by reason of such obstruction resisted, hindered, and prevented effective compliance with the court's directive of January 4, 1956, all in violation of the injunction of September 6, 1956. By reason of alleged conduct in defiance of the court's injunction, the defendants stand charged with criminal contempt in violation of title 18, section 401, subsection 3, of the United States Code. That subsection defines contempt of court, or contempt of its authority, as "Disobedience or resistance to its lawful writ, process, order, rule, decree, or command."

The court's directive that integration be made effective not later than the beginning of the fall term of school, 1956, has heretofore been quoted. That part of the subsequent injunction which these defendants are charged with having violated is in the following words:

"It is ordered and decreed by the court that the aforementioned persons, their agents, servants, representatives, attorneys, and all other persons who are acting or may act in concert with them be and they hereby are enjoined and prohibited from further hindering, obstructing, or in any wise interfering with the carrying out of the aforesaid order of this court, or from picketing Clinton High School, either by words or acts or otherwise."

Where the foregoing quotation uses the words "aforementioned persons," it refers to certain individuals specifically named in the injunction. That part of the quoted language which relates to 10 of the present defendants is the following, to wit: "all other persons who are acting or may act in concert with them * * *." The "acting in concert" refers back to persons listed as John Kasper, Tom Carter, Max Stiles, Ted Hankins, Leo Bolton, and Mabel Currier. Those named persons were enjoined from hindering, obstructing, or in any wise interfering with the carrying out of the aforesaid order of this court, "or from picketing Clinton High School, either by words or acts or otherwise."

Of the original six persons enjoined by name, only one is present here as a defendant. That one is John Kasper. The other 10 defendants were not named in the injunction, but they are nevertheless charged with having violated it. In the order of attachment under authority of which arrests of the defendants were made, the following language appears:

"It further appears to this court that Frederick John Kasper, Alonzo Bullock, Lawrence J. Brantley, William A. Brakebill, Clifford Carter, Clyde Andy Cook, J. L. Coley," no longer a defendant, "also known as J. C. Cooley, Mary Nell Currier, Chris L. Foust," no longer a defendant, "* * * John Brown Long," no longer a defendant, "Edward Henson Nelson, Virgil Cleo Nelson, Zella Nelson," no longer a defendant, "* * * Thomas R. Sanders," no longer a defendant, "Willard H. Till and Raymond Wood, had actual knowledge on or before November 15, 1956, of the final injunction issued by this court on September 6, 1956; and that the said persons during the months of November and December 1956 entered into an agreement or agreements to violate and to cause others to violate the said permanent injunction issued September 6, 1956; and that said Frederick John Kasper and all of said persons other than said Frederick John Kasper, in active concert and participation with him, have violated the permanent injunction issued by this court on September 6, 1956, by hindering, obstructing, and interfering with the carrying out of the order directing desegregation issued by this court on January 4, 1956, in the following respects:"

Following the language just quoted the order of attachment enumerates specific or overt acts allegedly committed in furtherance of the alleged agreement or conspiracy entered into with John Kasper. Kasper himself is not charged with having committed any overt act, but is charged only with having entered into the conspiracy. Under the law of conspiracy, however, an over act of one conspirator in furtherance of the conspiracy is chargeable to all of his co-conspirators.

On the subject of overt acts, the amended order of attachment charges the following:

"1. On or about November 27, 28, 29, 30, and December 3, 4, 1956, Alonzo Bullock, Lawrence J. Brantley, William A. Brakebill,

Clifford Carter, Clyde Andy Cook, J. L. Coley," no longer a defendant, "also known as J. C. Cooley, Mary Nell Currier, Chris L. Foust," no longer a defendant, "John Brown Long," no longer a defendant, "Edward Henson Nelson, Virgil Cleo Nelson, Zella Nelson," no longer a defendant, "Thomas R. Sanders," no longer a defendant, "Willard H. Till, and Raymond Wood, congregated in a threatening manner along the route to the Clinton High School taken by the Negro students and intimidated them from attending Clinton High School."

By way of overt acts, the amended attachment order further charges:

"2. On December 4, 1956, when Rev. Paul Turner escorted the Negro students to said school, he was villified and attacked and badly beaten by Alonzo Bullock, Lawrence J. Brantley, William A. Brakebill, Clifford Carter, Clyde Andy Cook, J. L. Coley," no longer a defendant, "also known as J. C. Cooley, Mary Nell Currier, Chris L. Foust," no longer a defendant, "John Brown Long," no longer a defendant, "Edward Henson Nelson, Virgil Cleo Nelson, and Zella Nelson," no longer a defendant.

By way of summary, 10 defendants, Kasper alone not included, allegedly committed the overt acts of congregating in a threatening manner along the route taken by Negro students on their way to Clinton High School on November 27, 28, 29, 30, and December 3 and 4, 1956.

In addition to those overt acts, eight of the same defendants are charged with the overt act of beating a minister who escorted Negro students to said school.

Only the above-mentioned overt acts are charged against the defendants, or against any of them. Any other overt acts to which allusion may have been made would have no bearing on the guilt or innocence of the defendants. As to whether the overt acts mentioned are determinative of guilt or innocence, more will be said hereinafter.

In order to establish guilt of the defendants, or any of them, beyond a reasonable doubt, the prosecution must establish the following:

First. That the defendants had actual knowledge of the injunction they are alleged to have violated, together with a reasonable understanding of its contents.

Second. That the alleged overt act or acts were committed in concert with John Kasper.

Third. That the overt act or acts allegedly committed by them had the operative effect of hindering, obstructing, or interfering with integration in Clinton High School.

Respecting the first requirement, an injunction is not binding on the public generally; it is binding on those named in it. It is also binding on those persons who have actual knowledge of its having been issued and knowledge of what has been forbidden by the injunction. It is not binding on anyone else. Regardless, therefore, of any overt act of which the defendants may be found to have committed, they are not guilty of criminal contempt for having violated the injunction if they did not know the injunction existed or, if knowing of its existence, they did not know it prohibited the overt act or acts they are charged with having committed. As part of the burden of proving guilt beyond a reasonable doubt the prosecution, therefore, must establish that the defendants did know of the injunction and of the acts forbidden.

Reexamination of the language of the injunction emphasizes the further requirement which must be proved before the injunction becomes operative against these defendants. They do not come within the direct prohibitions contained in the injunction. That which is forbidden to them is action in concert with those named specifically. Applied with particularity here, they are forbidden to act in concert with John Kasper to hinder, obstruct, or interfere with integration in the high school at Clinton.

Concert of action presupposes a conspiracy between John Kasper and the other defendants. A conspiracy of a criminal nature arises where two or more persons agree to act together to accomplish an illegal objective or to accomplish a lawful objective in an unlawful manner, which conspiracy becomes a crime in fact when an overt act is committed by one or more of the conspirators in pursuit of the agreed objectives. Where a conspiracy exists and an overt act is committed by one of the conspirators pursuant to the conspiracy, that act is chargeable to all who are parties to the conspiracy.

In this connection, the case of defendant Kasper is somewhat different from those of the other defendants. Kasper was one of the named defendants in the original injunction proceeding. He must therefore be charged with having knowledge of the injunction and of its contents. A case of guilt would be made out against him upon the required proof that he entered into a conspiracy or agreement with one or more of the other defendants to hinder, obstruct or interfere with integration at Clinton and that at least one overt act as charged in the order of attachment was committeed by one of his coconspirators. Action in concert with him would not require his presence when the overt act was committed. Action in concert would not require two or more to engage in its commission together. An overt act committed by one conspirator alone would be sufficient to his own guilt as well as the guilt of his coconspirator, or coconspirators.

How or by what devices or subtleties a conspiracy arises is not determinative of its existence. In its simplest form a conspiracy to do an unlawful act may arise from an exchange of nods or smiles or gestures. Words might be necessary to clarify; they would not be necessary to create a conspiracy. An understanding between two or more persons that they will engage together in an endeavor, either singly or in groups, will, if their endeavor is unlawful or the means unlawful, make them conspirators.

A conspiracy is an agreement, either in express terms or in such concert of intent and understanding as to make it an agreement by implication, between two or more persons to do an unlawful thing, or to do a lawful thing by unlawful means. It is a partnership in unlawful purposes. If persons in any manner work together to advance an unlawful scheme, having its promotion in view, and being actuated by common purpose and intent to accomplish the unlawful end, they are conspirators. If a person not originally a conspirator learns of it and its unlawful character, and encourages, advises, counsels, or in any manner assists in its prosecution with a view to forwarding the enterprise, he becomes a conspirator. Each person must be actuated by an intent to promote the common design, but each may perform separate acts in forwarding that design. If two persons pursue by their acts the same object, one performing one act, or part of an act, and one another act or another part of the same act, with a view to the attainment of the object they are pursuing, then the jury is at liberty to draw the conclusion that they have been engaged in a conspiracy to effect the object. Conspiracy in some form must be shown. It must be established not by suspicion, but by proof. Thereafter, there must be shown an intentional participation in the prosecution to the furtherance of the common design and purpose. If parties in any manner work together or separately to advance the unlawful scheme, having its promotion in view, and actuated by the purpose of accomplishing the common end, they are guilty of furthering the conspiracy.

By the very nature of the offense, it is almost certain to have had secrecy in its origin. Naturally, every precaution is taken to prevent discovery. It is really seldom to have an actual witness to an unlawful conspiracy. It is generally, therefore, an offense where the evidence and motives or circumstances are to be considered as indicating the course of the offense itself. It is not required, therefore, that the act of conspiracy must necessarily be proven by direct testimony. It is indeed competent to show the conspiracy by showing disconnected, separate acts, when the proof also shows that conspirators were drawn together, or acted through a common medium, and had a common interest in promoting the objects in the conspiracies.

In addition to Kasper, there are 10 defendants in this proceeding. All are charged with having acted in concert with Kasper. That same charge applies separately to each defendant. Establishment of the charge of conspiracy does not require proof that all 10 of the other defendants were parties to a common conspiracy with Kasper, or that Kasper conspired with all 10 of them as a group. Under the charge contained in the amended order of attachment permission existed for proof of as many as 10 separate conspiracies. Defendant Kasper could have conspired with each defendant separately from all the others. But if there had been 10 separate conspiracies, the overt act of one conspirator would not have been chargeable to members of the other conspiracies. The overt act of a conspirator is chargeable only to those who are parties to the same conspiracy as that to which he is a party.

In addition to the requirement of proof that defendants knew of the issuance of the injunction, had a reasonable understanding of its contents, and acted in concert with defendant Kasper in violating the injunction, the prosecution has the burden of proving that the alleged overt acts, if committed, had the effect of hindering, obstructing, or interfering with integration in Clinton High School.

When integration was ordered, the order was directed to the school officials of Anderson County. Those officials obeyed the order and integration became a fact. But integration, as fact, ran into difficulties. Those difficulties stemmed from individuals whose acts brought on the issuance of the injunction heretofore so often mentioned. These defendants are charged with having defied the injunction and engaged in acts which hindered, obstructed, or interfered with integration, after it became a fact. It was at such acts as those that the injunction was aimed. The injunction was not issued until after integration had become a fact and its continued existence was threatened.

Here there are 10 defendants. At this point, for convenience, they are referred to as defendant Kasper and the other 10 defendants, or simply the 10 defendants. The 10 defendants are charged with having hindered, obstructed and interfered with integration. The overt act charged as having had that effect is that they on the days heretofore mentioned "congregated in a threatening manner along the route to the Clinton High School taken by the Negro students and intimidated them from attending Clinton High School."

The first step in the problem presented to the jury here is to determine whether the 10 defendants, or any of them, did in fact congregate in a threatening manner along said route. The second step in the problem is to determine whether the congregating, if any, had the effect of intimidating Negro students from attending the school. If there was such threatening congregation, and if the same had the alleged effect, then the alleged overt act was committed, that is, there was a hindering, obstructing or interfering with integration.

Eight of the ten defendants, in addition to the alleged congregating aforesaid, are

charged with having beaten up a minister after he had escorted Negro students to the high school. By escorting the Negroes to school, the minister had volunteered his services. On that particular morning he had associated himself with the Negroes and either directly or indirectly with integration. From the standpoint of integration what he did was a well-intentioned contribution. Now the jury is called upon to determine whether his being afterward beaten had the retroactive effect of undoing the good deed done by him earlier in the morning. The beating of the minister is without significance in this proceeding, unless it is clear beyond a reasonable doubt in the minds of the jury that the assault and battery retroactively destroyed the good deed and thus hindered, obstructed and interfered with integration in the school.

By the way of brief summary, proof of one or the other of the alleged overt acts standing alone is not enough to establish the guilt of any 1 of the 10 defendants. If there was an overt act, it must have been done by a defendant or defendants who had actual knowledge that the injunction had been issued and that the injunction prohibited acts of hindering, obstructing and interfering. But proof of those 2 requisites is not enough to establish the guilt of any of the 10. The overt act must have been done in concert with John Kasper. If the 10 acted independently of Kasper, they did not violate the injunction. Any 1 or more of the 10 who acted independently of Kasper did not violate the injunction. Kasper was the alleged hub of conspiracy. To establish the guilt of any 1 of the 10, that 1 must have been a spoke extending back to the hub. If the 10 were conspirators only among themselves, they did not violate the injunction. Before any of the 10 may be found guilty, all of the 3 requisites must have been proved beyond a reasonable doubt. Existence of a reasonable doubt as to proof of any 1 of the 3 requisites of guilt will require a verdict of not guilty.

With final reference to defendant Kasper, it will be recalled that two requisites of proof exist. He is chargeable with knowledge of the injunction and its contents, because he was specifically named in it, made a party to it, and a copy of it was served on him. What is required to be proved as to him is that he conspired with 1 or more of the 10 and that the 1 with whom he conspired committed an overt act which had the effect of hindering, obstructing, or interfering with integration.

The outcome of this litigation depends of course upon the jury's state of mind. That state of mind, in legal contemplation, is the product of the evidence. Preconceived notions of what is right or wrong, wise or unwise, should be no part of that mental product. The issues presented here are fairly simple ones and have been stated and explained in some detail. Those issues should be resolved by the evidence presented in the course of the trial.

It is always within the jury's prerogative to consider the credibility of a witness, to believe him or disbelieve him, to give much weight to his testimony or to give to it little weight. Matters which enter into the subject of credibility are the witness' character as shown in court, his demeanor and manner of testifying, the consistency or inconsistency of his statements, the degree of his intelligence and means of knowledge, any motive which facts indicate he may have had for speaking truthfully or falsely, the damage that may have been done to his testimony by way of cross-examination, and the appearance of inconsistencies, discrepancies, or contradictions as to material matters about which the witness testified, conflicts as to immaterial matters do not affect the credibility of the witness. The end product of the evidence, when completely examined and given its just significance, is the jury's state of mind on the question of guilt or innocence.

As a verdict of guilty may be returned only when there exists in the jury mind no reasonable doubt of guilt, it follows that a verdict of not guilty is in order respecting any defendant as to whom there exists a reasonable doubt of guilt.

Under the order of attachment and where the evidence so requires, some or all may be found guilty and others or all not guilty. But a finding of not guilty in favor of the 10 defendants would require a finding of not guilty as to defendant Kasper also. As he is charged only with conspiracy, he could not be guilty unless a coconspirator committed an overt act in concert with him. But a finding that any 1 of the 10 is guilty would require a verdict of guilty against Kasper, also. For none of the 10 can be guilty unless he or one of his alleged coconspirators committed an overt act pursuant to a conspiracy with Kasper, in which event all members of the alleged conspiracy would be guilty.

I charge you as requested by the defendants that there is a presumption of rightful conduct and right-doing, as well as the presumption of innocence, and that this presumption of rightful conduct on the part of the defendants while in the cafe and other places that the defendants were acting in a proper, legal, and honest manner, and that this presumption continues until evidence is introduced convincing you to the contrary beyond every reasonable doubt.

I further charge you as requested by the defendants that ordinarily a fist fight of the type involved in this proceeding would give rise to a charge of assault and battery or some similar charge in the State court, the county court or the municipal court, and would not be a matter for the Federal court to consider. Therefore, in order for you to find that the fist fight between defendant Clyde Cook and Rev. Paul Turner constituted a breach of the injunction of September 6, 1956, the evidence must convince you beyond a reasonable doubt and to a moral certainty that this fist fight occurred as a part of a plan or scheme to interfere with the injunction which prohibited interference with the court's order barring segregation of the races at Clinton High School. Even if you find that the fight occurred because Cook was angry with Reverend Turner over the matter of segregation, this would not be sufficient to support the charges in this case unless you also found that the purpose or motive of this fight was to impede or interfere with integration at Clinton High School.

I further charge you as requested by the defendants that you are the sole judges of the facts in this case, and it is for you to determine the value or weight you give to a witness' testimony, and if you have obtained any impressions from me in any way regarding the weight to be given the testimony of any witness then you will cast aside such impressions because you are the sole judges of the weight you will give to the testimony of any witness.

The jury is instructed further as requested by the defendants that in determining the guilt or innocence of the defendants you will consider only the testimony adduced from witnesses in this case and you will disregard completely any impressions or information you may have received from other sources such as radio, television, or newspaper articles. In other words, you will consider only the evidence from witnesses in this trial when reaching your verdict in this case.

You may acquit all of the defendants in this case or you may convict all of them. You may acquit some of them and you may convict others. If you acquit all of the 10 defendants, you must acquit Kasper. If you convict Kasper you must convict one or more of the other defendants, because under the law there must be at least two persons to a conspiracy before a conspiracy can exist, and there must be the commission of one or more overt acts in furtherance of the conspiracy in order for any of the alleged coconspirators to be guilty.

Ladies and gentlemen of the jury, I said to you in the course of the charge that from the standpoint of integration what Reverend Turner did was a well-intentioned contribution. From the standpoint of segregation it might not be considered a well-intentioned contribution. Reverend Turner's intention on the occasion in question is immaterial unless it had a bearing on whether or not what was allegedly done to him on the occasion in question was one of the overt acts charged in the amended order of attachment that interfered with the integration of that school. If his intention had any bearing on that question, his intention on the occasion in question is a question of fact for the jury to determine as well as all other questions of fact in this case.

Let the regular jury retire for the consideration of the case, and after a verdict is reached return in open court and announce it through your foreman. You will select a foreman from your number. Mr. Marshal, give the jury the amended order for attachment.

CIVIL RIGHTS

Mr. BEALL. Mr. President, the distinguished gentleman who is president of the Afro-American Newspapers, Mr. Carl Murphy, recently sent letters to the White House and to me concerning the civil-rights bill now under discussion. The communications are clear, forceful, and extremely thought provoking. I ask unanimous consent that they be printed in the body of the RECORD.

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

AFRO-AMERICAN NEWSPAPERS,
Baltimore, Md., July 24, 1957.

The Honorable J. GLENN BEALL,
Senate Office Building,
Washington, D. C.

DEAR SENATOR BEALL: Enclosed is a copy of the letter I sent President Eisenhower.

As you know, the 15th amendment guarantees all citizens the right to vote. The 14th amendment guarantees all citizens equal and exact rights and privileges, and the Congress is authorized to pass appropriate legislation to enforce both of them.

Congress did pass such a Civil Rights Act some 90 years ago. But the Supreme Court interpreted it in the famous *Plessy* v. *Ferguson* case to mean separate but equal. It was not until 1954 that the Supreme Court changed its mind about *Plessy* v. *Ferguson* and gave the 14th amendment the interpretation the United States Congress intended.

But the Supreme Court has no enforcement powers. It must ask Congress now to do the same thing it did when the amendment was passed. That is what the Brownell bill will do.

I urge you not only to vote for it, but to fight for it.

Senator CLARK, of Pennsylvania, said Sunday that the 14th amendment is a dead letter. It requires, among other things, that any State which prevents citizens from voting shall have its representation reduced. Now, if we don't require the Southern States to open the ballot box to all citizens, we are obliged under that 14th amendment to reduce their representation.

That is what the Constitution requires, and the obligation is inescapable.

The minute we go around making dead letters of certain parts of the Constitution, how can we expect people to respect any part of it?

Very truly yours,

CARL MURPHY,
President.

THE AFRO-AMERICAN NEWSPAPERS,
Baltimore, Md., July 19, 1957.

President DWIGHT EISENHOWER,
The White House,
Washington, D. C.

DEAR MR. PRESIDENT: I am greatly alarmed by reports of a compromise on the civil rights bill.

The Newspaper Publishers Association conferred with Mr. Brownell after the riots in the South, in which Autherine Lucy was admitted to the University of Alabama, and secondly, after the confessed killers and kidnapers of Emmett Till were freed by a Mississippi jury.

Mr. Brownell advised us, in effect, that existing Federal statutes needed amendments, which the administration would sponsor.

We believed that his carefully thought out civil rights bill, as sponsored by your administration, would give Mr. Brownell the authority, not merely to enforce the right to vote as guaranteed in the 15th amendment, but all other rights of citizens guaranteed by the 14th amendment.

I trust that the President will continue courageously to request that there be no changes in the civil rights bill, now before the Senate, which will prevent its use to enforce any section of the Constitution.

All public officials take an oath to defend the entire Constitution, not just a part of it, to which someone objects. If I may be permitted to express this indelicately, one cannot be a little bit pregnant.

The President has said repeatedly that the integrity of this Government is at stake.

No one can convince America or the rest of the world of character and good intentions, when we compromise on moral principles.

I believe also, that the building of a sound two-party system is at stake in the civil rights debate.

There has not been a Republican elected to the United States Congress from Mississippi or Georgia since Southern States were permitted to violate the Constitution and restrict through intimidation and violence the vote of colored persons.

I am struck repeatedly, as you must be, by the answer to one question, which the southern opponents of civil rights repeatedly make.

When asked whether the civil rights bill would be palatable, if it omits section No. 3 or if it permits jury trials in contempt cases (which is not standard practice), they give no positive answer.

Privately, they declare that public institutions, like the schools of the South, shall never be integrated, or that colored people shall never vote in the South.

Mr. President, when the Supreme Court declared in May 1954, that the public schools and other public facilities should be opened to all citizens alike, and no State shall discriminate against a pupil by reason of his color, you supported the Supreme Court's decision.

Now before the United States Senate is the question of its enforcement.

No constitution or court decision is worth a hoot without enforcement provisions.

Both the 14th and 15th amendments state that Congress shall have the power to enforce them by appropriate legislation. Either your civil rights bill is appropriate or it is not appropriate.

But certainly no inappropriate legislation will solve this problem.

The American people have every confidence in you as a chief executive.

I urge you to see that the civil rights legislation, enacted by this Congress, shall do the whole job for which it is intended.

Respectfully yours,

CARL MURPHY,
President.

HIGH HELLS CANYON DAM—LETTER OF PRESIDENT EISENHOWER TO REPRESENTATIVE WESTLAND

Mr. NEUBERGER. Mr. President, the name of the President of the United States is signed to a letter made public yesterday which clearly unmasks the decision of the Eisenhower administration to destroy comprehensive development of the river system which contains 42 percent of the latent hydroelectric power resources of our country.

Let me ask a few questions of the President with respect to his letter to Representative JACK WESTLAND of the Second Congressional District of the State of Washington, in which the President urged the final rejection of the great high dam at Hells Canyon.

How can the President say that Idaho Power Co. dams will provide benefits to the people of the Pacific Northwest and the Nation as a whole commensurate with those of a high Federal Hells Canyon Dam when the private corporation's dams mean the loss of nearly 500,000 kilowatts of firm power potential, only one-fourth as much flood control, and power costing 2 to 3 times as much?

How can the President say that comprehensive development of the Snake River is accomplished by the Idaho Power dams, when the administration has shelved repeatedly proposals for Federal projects whenever a private power company has suggested a willingness to build dams providing less-than-full development?

How can the President say that approval of a Federal Hells Canyon Dam would require postponement of other projects in the Pacific Northwest, when this administration has failed to support a single new Federal dam in that region since Mr. Eisenhower entered the White House?

How can the President say that construction work on two of the Idaho Power dams is well under way when the president of the Idaho Power Co. himself told Senate Monopoly and Antitrust Committee only last month that work on the second dam would not be started this year?

There are many more errors of fact and opinion in the letter which bears the name of the President. The letter says that the Supreme Court upheld the decision of the Federal Power Commission granting licenses to the Idaho Power Co. This precise interpretation of the Court's failure to consider a petition of the National Hells Canyon Association is inconsistent with the facts. The Court made no such determination; if anything, the Court's action implied that there was no law against the Federal Power Commission making a mistake in judgment which resulted in the licensing of wasteful and inadequate projects.

Furthermore, Mr. President, it is more than a little insincere for this administration to express concern that the Federal Hells Canyon Dam would delay for 5 or 6 years power needed by the Pacific Northwest region. When the President came into office, his administration had ample opportunity to support a high dam at Hells Canyon. If the President had backed the high Hells Canyon Dam 4 years ago, the dam now would be near its final stages of construction. Power from the great Hells Canyon Dam would then have been only a step away. Instead, the Eisenhower administration surrendered the claim of the Federal Government to the Hells Canyon site and relinquished this finest of America's storage sites to wasteful exploitation.

Yesterday, Mr. President, by a vote of 16 to 14, the House Interior and Insular Affairs Committee dealt an apparent deathblow to the Hells Canyon project. This is indeed a tragic outcome to the long struggle by people of the Pacific Northwest to develop fully the Snake River's vast power potential.

One fact stands out in all of the stormy course traveled by this great multiple-purpose project in recent years: The Eisenhower administration and the Republican Party must shoulder major blame for surrendering the Nation's best remaining dam site to partial and wasteful exploitation.

If the decision of the committee stands, it will shrink for all time the amount of power, flood control and navigation possible in the Columbia River Basin. Without Hells Canyon Dam, possible benefits from the mighty Columbia are reduced immeasurably. Such a decision means less power, less flood control, fewer low-cost kilowatts to attract new industry, fewer jobs.

In addition, loss of Hells Canyon will speed the search for substitutes to make up for the loss of power and storage by building of concrete barriers across wilderness streams like the Clearwater and Salmon, or to invade with reservoirs the scenic solitudes of national parks or forested mountain reaches. This will increase the pressure for projects which could imperil fisheries, wildlife and recreation values. This is indeed a dark day for the future of America's natural resources.

Plans must now go forward to preserve and utilize the Columbia Basin water resources in such areas as the upper Columbia, at John Day and Paradise, and the Middle Snake, despite the fact that their total value is appreciably reduced by loss of the Hells Canyon project. Prospects are dim for administration support for these objectives. It has yet to propose construction by the Federal Government of a single new multiple-purpose project throughout the length of the Columbia. For 4 long years, this administration has given lipservice to full and comprehensive development of the Columbia River Basin. While murmuring happy blandishments about development of the river from its headwaters to the sea, it has aided and abetted dismemberment of the historic main control plan of the Army engineers by doling out to favored private power

corporations the choice dam sites, for partial and piecemeal development. The disgraceful mismanagement of a great public resource will not soon be erased from the memories of Pacific Northwest citizens.

The record of the administration is the subject of frequent editorial examination by papers of our region. They wonder what influences shape the policies of the executive department with respect to the Columbia River. One such editorial appeared recently in The Oregon Labor Press. I ask unanimous consent to have printed at this point in the RECORD the letter by President Eisenhower and the editorial entitled "Why Won't Ike Listen to Hells Canyon Story?"

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

[From the New York Times of July 25, 1957]

TEXT OF PRESIDENT'S NOTE

WASHINGTON, July 24.—Following is the text of a letter President Eisenhower wrote to Representative JACK WESTLAND, Republican, of Washington, on the administration's electric-power policy:

JULY 19, 1957.

DEAR JACK: Your July 9 letter gives me an opportunity to explain my position on the Hells Canyon project and all other water resource developments.

Early in my first term I expressed the belief that the Nation must adhere to three fundamental policies: First, to develop, wisely use, and thus conserve our country's natural resources from generation to generation; second, to follow the historic pattern of permitting private and other non-Federal organizations to develop these resources under fair provisions of law, including restraints for proper conservation; and third, to treat resource development as a cooperative undertaking—a partnership in which the participation of private citizens and State and local governments is as necessary as Federal participation. In other words, I believe the job to be done is so great that the Federal Government should build some projects, local governments some, and private interests some, and that there should be joint effort on still other projects. As you know, a number of projects in the Pacific Northwest, as well as in other parts of the Nation, are being constructed in accordance with these policies.

I am more convinced than ever that these policies are sound.

NOTES HELLS CANYON LICENSE

In its Hells Canyon decision, the bipartisan Federal Power Commission acted unanimously in granting a license to the Idaho Power Co. on the basis of a finding that the facilities to be provided constituted the best plan for comprehensive development of that reach of the Snake River. This action of the Commission has been upheld by the Supreme Court. Construction work on 2 of the 3 dams comprising the licensed development is well under way. Production of electrical energy urgently needed in Idaho and throughout the Northwest power pool is scheduled to begin in September 1958. It would be unfortunate indeed, particularly at this stage of the development, if the Congress should negate the license and authorize the alternate development contemplated in S. 555.

The Idaho Power Co. development will not only quickly provide much-needed power at no Federal cost but will also produce substantial benefits for taxpayers throughout the Nation in the form of Federal, State, and local taxes which the company will pay during the period of its license. By contrast, the S. 555 development could not possibly help to meet prospective increased power requirements for at least 5 or 6 years, even under the most optimistic construction schedules. Furthermore, S. 555 would apparently commit the American taxpayer to expenditures approaching or perhaps exceeding six-tenths of a billion dollars at a time when the Federal budget is already under severe pressure.

OPPOSES USE OF UNITED STATES FUNDS

Obviously, the Nation cannot and should not finance all water resource developments with Federal funds. The Idaho Power Co. development will permit the Federal Government to devote more of its financial resources to other developments which are clearly beyond the capabilities of non-Federal interests alone. By contrast, the proposed S. 555 development, involving sizable Federal appropriations, would require the postponement of many worthwhile projects in all sections of the country, including the Pacific Northwest.

With respect to your inquiry concerning comparative data on certain features of the respective developments. I have asked the Secretary of the Interior to furnish you these technical details.

I am firmly convinced that in the long run the Idaho Power Co. development will provide benefits to the people of the Pacific Northwest and the Nation as a whole commensurate with those which might reasonably be anticipated from the development contemplated in S. 555. It is inconceivable to me that serious consideration is being given in some quarters to stopping this development, depriving the Northwest of power which is badly needed now, and throwing an additional burden on the already heavily burdened taxpayers of the Nation.

With warm regard,

Sincerely,

DWIGHT D. EISENHOWER.

[From the Oregon Labor Press of July 19, 1957]

WHY WON'T IKE LISTEN TO HELLS CANYON STORY?

Two key items in President Eisenhower's program are support for a civil-rights bill and opposition to the high Federal dam at Hells Canyon.

We applaud and support his stand on civil-rights legislation to give equal rights of citizenship to all Americans, regardless of their race or color or creed.

And we believe the President is cruelly and senselessly wrong in supporting the private utility scheme to block full development of the greatest hydroelectric power site in the United States.

Let us inquire, then, how strongly the President feels about these two planks in his administration's platform. We are disturbed by two recent events:

1. President Eisenhower recently granted an interview to Senator RICHARD RUSSELL, of Georgia, a leading opponent of the civil-rights bill. RUSSELL was given an hour of the President's time to argue the Deep South's case against the equal-rights measure.

2. The President refused to grant an interview requested by seven Senators from the Northwest who support the Federal dam at Hells Canyon (MORSE and NEUBERGER, of Oregon; MAGNUSON and JACKSON, of Washington; MURRAY and MANSFIELD, of Montana; and CHURCH, of Idaho).

When these contrasting facts came to light, Senator NEUBERGER asked some pointed questions in a Senate speech:

"Is the President less fervent in his championing of civil rights than in his advocacy of private exploitation at Hells Canyon?" NEUBERGER asked. "Is he less eager for fairness at Hells Canyon than on civil rights? Will the President allow this great water-power site to slip permanently from public possession without even listening personally to the facts from the other side?"

TOBACCO AND CANCER

Mr. MORTON. Mr. President, we have heard much lately with regard to the possible effect of tobacco in producing cancer. I think the Senate will be interested in testimony which was given this morning before a House subcommittee by Prof. Harry S. N. Greene, of Yale University, who had this to say:

> Statistics do not in themselves establish a cause-and-effect relationship. It was noted long ago that the front row in burlesque houses was occupied predominantly by bald-headed men. It might be assumed from this, on statistical evidence, that the continued close observation of chorus girls in tights caused loss of hair from the top of the head. In reality, subsequent investigation has shown that in effect bald headedness and the desire to see chorus girls at close range are part of the same constitutional diathesis.

Professor Greene also said:

> One recognizes the fact that corset covers have gradually disappeared as articles of female apparel, and one also observes that during the same period of time it has become increasingly difficult to get a good molasses cookie.

Those two things were in no way related. I point out that until we know more about the subject of the effect of tobacco on producing cancer, we had better not jump to statistical assumptions.

FIFTH ANNIVERSARY OF COMMONWEALTH STATUS FOR PUERTO RICO

Mr. MONRONEY. Mr. President, one of the big problems facing many of the large powers throughout the world has been the granting of democracy and the right of self-government to colonies, dependencies, and territories.

Today Puerto Rico celebrates her fifth anniversary of commonwealth status, which was voted by Congress. Thus one of the most satisfying and successful experiments in granting a large degree of autonomy and totality of self-government to a dependency has proved itself and has demonstrated the wisdom of keeping it integrated within the general economy and protection of a large-power nation.

I take this occasion to congratulate Governor Luis Muñoz-Marín and the people of Puerto Rico who have made this great experiment in democracy actually work in the Caribbean. To me, Puerto Rico is the showcase of the Caribbean and proves what true democracy, properly administered by faithful and honest men, and given an assist by a larger power, can actually do to provide better living standards and to secure a maximum degree of freedom for the Caribbean.

I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Puerto Rico Celebrates," published in the New York Times of today.

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

PUERTO RICO CELEBRATES

The first 5 years of Puerto Rico's status as a Commonwealth, or "free associated state," is being celebrated today with pride and satisfaction both in the island and in the United States. As an experiment in the political status of a former colony and its relationship to the Nation to which it belonged, it has thus far certainly been a success.

There is nothing quite like this arrangement anywhere else. Puerto Ricans are American citizens and they have a high degree of autonomy in internal affairs. In fact, they come close to independence on that score. They share some American institutions such as the National Labor Relations Board, the Federal Civil Service Commission, the Social Security Administration, and the Immigration and Naturalization Services, but these can be considered part of the process of common citizenship.

What does cut into a strict definition of independence is United States control of defense and foreign affairs. On the whole, Puerto Rico is getting the best of both worlds. She has the protection and advantages of American citizenship without having to pay American income taxes or to maintain costly services such as large defense forces.

The aspect of Puerto Rican affairs that has drawn worldwide attention and admiration is the so-called Operation Bootstrap. It is lifting 2¼ million Puerto Ricans from the miseries of widespread illiteracy, poverty, disease and unbalanced economy into a standard of life that already exceeds that of any other nation in Latin America except the Venezuelans in terms of per capita income. Moreover, the increased income is being much better and more widely distributed than in Venezuela.

Puerto Rico is one of the best customers of the United States anywhere. She is buying American goods at the rate of $600 million a year. Her remarkable record in transforming herself from one of the most densely populated underdeveloped countries in the world to a viable state is attracting officials and students from every continent.

The island has been fortunate since 1948 in having as Governor a man who is both popular and efficient—Luis Muñoz-Marín. Best of all, he is a liberal and a Democrat.

This is an occasion for congratulations all around. May the future of Puerto Rico be a fulfillment of the promises of this first quinquennium.

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

Mr. MONRONEY. I yield.

Mr. HUMPHREY. I join with the Senator from Oklahoma in this well-deserved tribute to the people of Puerto Rico and their Governor. I believe the action which has been taken with reference to Puerto Rico is a milestone in the establishment and the development of free institutions of government.

Puerto Rico has made remarkable progress. It is reassuring to people all over the world to see the achievements, both political and economic, which have been made in that country.

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

Mr. MONRONEY. I yield.

Mr. MANSFIELD. I join with the Senator from Oklahoma and the Senator from Minnesota in extending best wishes to our fellow Americans in the Commonwealth of Puerto Rico on its anniversary day. I think the Senator from Oklahoma made a very apt comment when he said that Puerto Rico is the showcase of the Caribbean. It is that; and it is that because of the fact that the Commonwealth has a very able Governor in the person of the Honorable Luis Muñoz Marín, one of America's great statesman, who has done so much under Operation Bootstrap to bring about a revival of the island's economy.

I point out that the United States Government also recognizes the importance of Puerto Rico, because there it has a most important training center for the point 4 program. There we have a meeting of the Latin, African, and Anglo-Saxon cultures. It is there, also, that the Atomic Energy Commission is establishing a training program which will have great effect in all of Latin America.

So this is a proud day for Puerto Rico and the United States, when Puerto Rico celebrates its fifth anniversary of commonwealth status.

ROWLAND R. HUGHES

Mr. CASE of South Dakota. Mr. President, occasionally in the business of government we meet individuals who have personalities which seem to be greater even than the positions they hold. One person who impressed me very much during his service with the Government was Rowland R. Hughes, who died some weeks ago. I had earlier intended to take time to pay tribute to his memory and his work. In the morning hour, of course, I would not have the opportunity to do that to any great extent. So I have prepared a statement concerning Mr. Hughes, which I should like to have printed in the RECORD as a part of my remarks on this occasion. I read one sentence which was spoken by Dr. Henry Wriston, when he conferred the honorary degree of doctor of laws on Mr. Hughes:

> One of those rare individuals to whom figures speak in clear tones, a man who can thread his way through mazes of statistics and yet achieve a sense of direction, you now oversee the construction and supervise the administration of by far the greatest budget in the world; for your ability to cope wisely and perceptively with this gigantic task we honor you.

Mr. President, Mr. Hughes passed away in April of this year. I think it is proper that some remarks concerning his life be placed in the RECORD, and I ask unanimous consent that the statement I have prepared be printed at this point in the RECORD.

There being no objection, the statement of Mr. CASE of South Dakota was ordered to be printed in the RECORD, as follows:

ROWLAND R. HUGHES

Rowland R. Hughes died on April 2, 1957. He was Director of the Bureau of the Budget from April 16, 1954, to April 1, 1956.

He was a devoted public servant and a capable administrator. His kindliness and gentle nature made him greatly loved.

When asked for the motto he lived by, Mr. Hughes said: "Therefore all things whatsoever ye would that men should do to you, do ye even so to them." He was dedicated to strengthening our free-enterprise system, and for many years he devoted much of his time and energy to improving our budgetary and fiscal control.

He served his country with distinction and integrity and made a great contribution to the welfare of the Nation.

In discussing his position as Director of the Bureau of the Budget, he said: "I have never had a job so demanding, nor one I enjoyed more."

As with all people in high Government positions, he sometimes felt a sense of frustration and a need for patience. He said: "I lived in China several years. The Chinese think in centuries, not in years. Maybe I picked up a little of that, although the best reliance is confidence in a higher power than ourselves."

He was thrice honored by his alma mater, Brown University, first, by election as one of its trustees, then with the degree of doctor of laws, and also by being made the recipient of the Susan Colver Rosenberger medal, the highest honor awarded by its faculty in recognition of "specially notable and beneficial achievement in public life."

In conferring the honorary degree of doctor of laws upon Mr. Hughes on June 6, 1955, Dr. Henry Wriston read as follows: "One of those rare individuals to whom figures speak in clear tones, a man who can thread his way through mazes of statistics and yet achieve a sense of direction, you now oversee the construction and supervise the administration of by far the greatest budget in the world; for your ability to cope wisely and perceptively with this gigantic task, we honor you."

The citation for the Rosenberger medal on February 3, 1955, was read by Dr. Wriston, as follows: "An analyst by temperament, gifted by natural endowment, your powers heightened to their fullest reach by training, long before you held office your public spirit was demonstrated by devotion to the ideal of a solvent and dynamic government; now you find widest scope for your imagination and resourcefulness, determination and firmness in one of the pivotal positions in Washington."

On March 1, 1956, he was awarded the Hopkins medal by the St. David's Society of the State of New York in recognition of distinguished service in the field of government and finance. He was the sixth recipient of this award granted to those of Welsh blood for outstanding service in the preservation of Welsh traditions and ideals, and in recognition of Welsh genius in fields of high endeavor.

Although Mr. Hughes took office as Director of the Bureau of the Budget on April 16, 1954, prior to appointment to that post, he served as Deputy Director of the Bureau for 8 months and as Assistant Director for 3 months. The title of Assistant Director was changed by law to Deputy Director on August 8, 1953, and Mr. Hughes was the first official to hold the new title.

Before coming to the Bureau of the Budget, Mr. Hughes was a vice president of the National City Bank of New York, an institution with which he had been associated since 1916. He had been a senior official of the bank since 1934, when he was appointed comptroller, an office which he held until 1951. He was assistant comptroller from 1929 to 1934, and inspector of foreign branches in Europe in 1928 and 1929. From 1916 until 1927, when he returned to the head office, he served in the bank's foreign branches in London, Shanghai, Bombay, and Japan.

Long active in tax work, he was chairman of the committee on the excess profits tax of the American Bankers' Association, chairman of the Federal taxation committee of the Comptrollers' Institute of America, a

member of the committee on Federal tax policy, and a member of the tax committees of the Foreign Trade Council and the Council of State Chambers of Commerce. He served as consultant to various Congressional committees.

He was born in Oakhurst, N. J., March 28, 1896. He was graduated from Brown University in 1917, and became a university trustee in 1943.

He married Miss Dorothy Cowen on December 4, 1918. They have four children: A son, Richard, and three daughters, Mrs. A. W. Zibart, and the Misses Barbara Anne and Mary Elisabeth Hughes.

CIVIL RIGHTS AND JURY TRIALS

Mr. NEUBERGER. Mr. President, as the Senate enters into the debate on the jury trial amendment, I call to the attention of my colleagues an illuminating editorial in today's Washington Post headed "Good Men and True" and an informative letter written by Mr. Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, which was published in the New York Times of July 24. I believe that the views expressed by the Washington Post and by Mr. Wilkins on jury trials, in connection with the civil-rights bill now before the Senate, are worthy of careful consideration by Members of the Senate on both sides of this crucial issue. I therefore ask unanimous consent that they be printed in the RECORD.

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

[From the Washington Post and Times Herald of July 25, 1957]

GOOD MEN AND TRUE

The contempt conviction of John Kasper and six segregationist codefendants represents a heartening victory for law and order over race prejudice and for national loyalty over sectionalism. The jury of 12 white men in Knoxville, Tenn., resisted blatant appeals by defense lawyers to put allegiance to the South's tradition of segregation ahead of respect for the laws of the United States. It is valid, therefore, to say that the outcome constitutes a vindication of the system of trial by jury—a system which ordinarily needs no vindication among Americans.

It is by no means valid, however, to say, as Senator RUSSELL said so quickly after the verdict, that it completely refutes the charge that southern juries are unworthy of trust and perjure themselves in this type of case. One need only point out to Senator RUSSELL as evidence to the contrary the conduct of the jury in the Emmett Till murder trial. The jury in Knoxville was made up of eastern Tennessee mountaineers who do not share the degree of color phobia found in some other areas. It is worth remembering, moreover, that the principal defendant in this case, John Kasper, is an outsider and a hatemonger, despised by decent southerners as well as northerners, that the Federal judge whose injunction he defied is an exceptionally respected native Tennessean and that the violence fomented by Kasper resulted in a dastardly assault on a Baptist minister. This is no situation from which to generalize about juries in civil-rights cases. There are communities, South and North, in which local prejudices may interfere with the enforcement of rights guaranteed by the Constitution.

Kasper now stands twice convicted for criminal contempt. On August 29, 1956, he defied a restraining order issued by Judge Taylor, at the request of Clinton, Tenn., school officials forbidding incitement of violent resistance to integration of the Clinton public school. For this offense he was quite properly, and in complete conformity with normal procedure, convicted by the judge without a jury, and sentenced to a year in prison; the conviction was subsequently upheld by the Sixth Circuit Court of Appeals.

Kasper's second conviction for criminal contempt on Tuesday, came as a result of trial by jury, because he and his codefendants were charged with conspiracy involving a violation of State law—that is, a conspiracy to commit violence—along with contempt of a Federal court order. The jury in the latter case was concerned, exclusively with determining the facts that the conspiracy existed and the defendants took part in it. All the issues of law in both cases were determined, as they must be, by the judge, whose decisions, of course, are subject to review by appellate courts. Judge and jury alike are entitled in these cases to the commendation and gratitude of their fellow Americans in every part of the country.

[From the New York Times of July 24, 1957]

TO ENFORCE CIVIL RIGHTS—PENDING BILL CONSIDERED MODERATE MEASURE LONG OVERDUE

To the EDITOR OF THE NEW YORK TIMES:

In recent editorials The New York Times indicated that part III of the pending civil-rights bill might well be eliminated.

There is the inference also that this section, designed to empower the Government to act to preserve the right to equal protection of the laws (basis of the Supreme Court ruling in the school segregation cases) was somehow sneaked into the bill and was discovered only because of the extraordinary perspicacity of Senator RICHARD B. RUSSELL of Georgia.

Senator RUSSELL professes to see a cunning plot in the language of the pending bill. He is in error. The bill is straightforward in language and intent. It is now what it was last year when it was passed by the House, and what it was this year when passed by the same body. It is now what it was when it was dissected, sentence by sentence, in lengthy House and Senate committee hearings.

USE OF INJUNCTION

It is a bill to empower the Government, through the additional weapon of civil injunctive procedure, to protect the civil rights of citizens. It does not select which rights are to be validated and which are to be ignored or nullified. Such a proposal would be repugnant to every American tradition of equality before the law.

Certain States and localities may seek to forget, ignore, or nullify (as they have done these last eight decades). But the Federal Government, speaking in its majesty in behalf of all its citizens, cannot delineate on pain of stultifying itself and the democratic process as well.

The opponents of part III are in the curious position of maintaining that the Attorney General, the chief law enforcement officer of the Nation, shall not be armed with all available legal weapons to enforce the laws of the United States. They do not wish the Government to assist citizens in securing their constitutional rights.

It should be noted here that several of the Southern States have passed laws recently which are designed to hamper, if not completely block, Negro citizens in appealing to the courts for redress of grievances. These new statutes provide that financial and legal assistance may not be offered by attorneys or by associations of citizens such as the NAACP. The citizen is thus left entirely on his own resources, moral and financial.

Come now Senator RUSSELL and his helpers in the Federal legislature with hysterical objection to affirmative action by the Federal Government to assist citizens. It would seem to be plain that certain of the southern political power structures and their spokesmen wish the already hapless Negro citizen to be left completely at their whim and mercy, without hope of succor from either his fellow citizens or from his Government. If there is a cunning plot, this is it.

JURY TRIALS

The other principal position of the opponents of this bill, that there must be a jury trial for those adjudged to be in contempt of an equity court order, is merely clamor for the status quo. There are now grand jury indictments and jury trials in criminal proceedings involving denial of the right to register and vote. They have been ineffective.

Convictions have not resulted and the deprivations have continued. Knowing this full well, Senator RUSSELL's contingent wishes to attach a jury trial amendment to a proposed injunctive action so that the civil as well as the criminal procedure will be rendered harmless.

The National Association for the Advancement of Colored People and cooperating groups believe the civil rights bill should be enacted without amendment. It is a mild and moderate measure and is more than two generations overdue.

ROY WILKINS,
Executive Secretary, National Association for the Advancement of Colored People.

NEW YORK, *July 23, 1957.*

SOUTHERN NEGROES AND THE VOTE

Mr. DOUGLAS. Mr. President, the Southern Regional Council, which has its headquarters in Atlanta, Ga., and is operated by men and women of good will of both races, has prepared a series of articles on voting in the Southern States. Some weeks ago I obtained unanimous consent to have printed in the RECORD the details of an earlier study on 1,000 counties. Although there may be slight errors here and there, in the case of individual counties covered by the study, I know that the general impression it left was substantially correct, and that those figures are not only the best ones available but also coincide with figures from other sources when they are available.

I now ask unanimous consent to have printed in the body of he RECORD a summary of the latest study, entitled, "Southern Negroes and the Vote," as published in the current issue of Time magazine.

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

[From Time magazine of July 29, 1957]

SOUTHERN NEGROES AND THE VOTE—THE BLOT IS SHRINKING, BUT IT IS STILL UGLY

The basic issue behind the Senate civil-rights debate is the denial of southern Negroes' right to vote. How widespread is this denial? How does it operate? Last week the authoritative Southern Regional Council prepared a preliminary finding based upon a survey of the 1956 election campaigns. A summary:

Denial of voting rights to Negroes, though a blot on the South, is by no means as widespread as many northern civil rights advocates believe. Through Texas, Arkansas, and

the border States, Negroes not only register and vote but make such an impact at local-election levels that both parties bid for their support. In North Carolina, South Carolina, Virginia, and Florida, urban Negroes generally register and vote, while rural Negroes do not. The greatest concentration of civil-rights violations at the polls lies in four States of the Deep South, and the statistics readily prove the point:

Mississippi: Only 20,000 Negroes registered for the 1956 elections out of a total of 497,-350 eligible; in 13 counties of more than 50 percent Negro population, a total of 14 Negro votes was cast in the 1954 elections, while in 5 counties not a single Negro was allowed to vote.

Alabama: 53,336 Negroes registered out of 516,245 eligible: 9 rural counties have no Negro registrants; even industrial and partly unionized Jefferson County (Birmingham) registered only 7,000 Negroes out of 121,510 eligible.

Louisiana: 161,410 Negroes registered out of 510,090 eligible, a high-for-the-South State percentage; yet in 4 Louisiana parishes (counties) not one single Negro voted.

Georgia: 163,380 Negroes registered out of 633,390 eligible; 5 rural counties permitted only dribbles of Negroes to register; several more kept out Negro voters altogether, dragged down Atlanta's generally high Negro returns.

TAKING THE TESTS

The violent denial of Negroes' right to vote that marked reconstruction days has long since given place to more subtle methods. The white primary is no more. The poll tax, though still in force in five Southern States, has lost most of its economic bite, but is sometimes used (notably in Virginia), as a device for confusing Negroes and poor whites out of their chance to register.

Most of today's barriers begin in harmless-looking State laws, not unlike many Northern State laws, which require would-be voters to pass tests in literacy and constitutional understanding. In the Deep South and in many other southern rural areas, the decisions on passing or flunking rest in the hands of white registrars (in Alabama, three-man county boards) who use the power of office in devious ways to prevent qualified Negroes (and sometimes qualified poor whites) from registering. In Allendale County, S. C., in 1956, when Negroes tried to register they were told that the registration books were someplace else. In Monroe County, Ala., Negro applicants were repeatedly turned away because the registrars said they had "misplaced the application forms."

In one rural county in eastern North Carolina, Negroes complained that it took a white man only a few minutes to get registered, while Negroes often had to wait an hour; thus only a small percentage of Negroes was registered. In Green County, Ala., Negro registrants had to be accompanied and vouched for by "a good white man." In Caldwell Parish, La., the registrar refused to accept whites as witnesses for Negroes because they were of a different race.

Beyond such subterfuges lie the opportunities of the literacy and constitutional tests themselves. In many Alabama counties in 1956, Negroes were told to give their age in years, months, and days, were deprived of the right to vote if they were 1 day off; in Jefferson County, Ala., the Negroes were asked constitutional questions, such as on what date did the 10th amendment become effective, or on what date did Oklahoma become a State. Even in moderate North Carolina, a Negro woman in Northampton County was put to reading the State constitution and was disqualified when she mispronounced several words.

Nor is registration a guaranty that the Negro will get to vote. In Ouachita Parish, La., a nonprofit Citizens' Council was formed last year to protect and preserve by all legal means our historical southern social institutions. The parish (county) registrar let council members into her office when it was closed to the general public (nights, holidays, and so forth), let them examine voting lists and draw up their own lists of some 3,500 Negro registrants. When the council members followed up by challenging the 3,-500, the registrar ordered the Negroes to appear within 10 days to prove their identity. So many Negroes did turn up that the registrar had to fall back upon yet another stratagem; her office was so busy, she said, that only 50 challenged Negroes could be heard every day; the rest were struck off the rolls.

BRAVING THE THREATS

In more remote regions of the South, the Negroes who make their registration stick often face even tighter pressures of economic reprisals. Last year Negroes who registered in one county in the plantation area of Florida were told by whites lounging around the courthouse: "Go ahead—if you can take what comes afterward." In McCormick County, S. C., what came afterward for several Negro sharecroppers was that they could not find white buyers for their produce; in Humphreys County, Miss., Negro businessman registrants found that they could not get credit. In Calhoun County, S. C., any Negro who tries to get a registration certificate is called a smart Negro, and Calhoun County encourages smart Negroes to migrate.

The specific threat of physical violence looms in relatively few areas (and relatively few white southerners will stand for it). But where it looms, it is terribly effective. In Liberty County, Fla., last year, all but 1 of the first 10 Negro registrants in the county's history took their names off the voting list after a set of cross burnings, bomb throwings, and shots fired into their homes.

In Belzoni, Miss., in 1954, a Negro minister who refused to remove his name from the voting list was shot down—a fact that did not prevent the coroner's inquest from returning a verdict of accidental death. And in Tensas Parish, La., where not 1 of 4,500 Negro inhabitants is registered, the only Negro who tried it recently was taken by the registrar to see a law officer, who asked him: "Aren't you happy here? Is something wrong with the way things operate around here? If you aren't happy, perhaps we can arrange for you to leave." The Negro promptly replied that he was happy, that his attempt to register had been a mistake. The Negro stayed on in his community, but his wife lost her job.

The other side of the southwide picture is the headway through border States, and the fact that Negro registration, however small, has been climbing steadily and rapidly during the past 10 years. There is hope for a faster rise as Negro economic and educational opportunities expand. Ever since Reconstruction, however, it has only been by the pressure of public opinion and the specific spreading of the processes of justice, e. g., FBI routine checks on election procedures, that the Deep South has moved forward at all.

The heart of the administration's civil rights bill, designed simply and solely to rid the United States of mass disfranchisement, is thus dedicated to the proposition that as evils exist, it will take not only law but prosecution to correct them. "The right of citizens to vote," says the 15th amendment, "shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude." The date of the 15th amendment: 1870.

RELIEF FOR THE DOMESTIC LEAD-ZINC INDUSTRY AND WORKERS

Mr. WATKINS. Mr. President, the domestic lead-zinc emergency came home to the community of Ogdensburg, N. J., this week, when it was announced that the Sterling Hill mine of the New Jersey Zinc Co. will be closed on August 16 for an indefinite period.

This latest shutdown in the series prompted by a drastic decline in the prices of lead and zinc over the past 3 months will cost the jobs of 200 New Jersey residents. Another 175 workers will be retained at the mine on a maintenance basis; but their future is none too secure, in view of the destructive impact of continuing dumping of foreign lead and zinc ores upon the domestic market.

I request unanimous consent to have printed at this point in the RECORD the news announcement of the New Jersey mine closing, as reported in the New York Times of July 25.

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

[From the New York Times of July 25, 1957]

ZINC MINE TO CLOSE—STERLING HILL UNIT IN JERSEY TO HALT OPERATIONS AUGUST 16

FRANKLIN, N. J., July 24.—The New Jersey Zinc Co. announced today it would close down its Sterling Hill mine in nearby Ogdensburg on August 16 for an indefinite period.

Donald McKechnie, superintendent of the mine, said the action was being taken because zinc's price had dropped drastically in the last 75 days.

About 200 employees of the company will be laid off. Another 175 will be kept at work to maintain buildings. The company recently curtailed zinc production at smelters in Pennsylvania and Illinois.

The Sterling Hill mine is one of the world's richest zinc deposits. It was closed for a year during a wage strike that ended last September 1.

Officials attributed the zinc price drop to a heavy oversupply in the United States due to imports.

Mr. WATKINS. Mr. President, fortunately for the people of New Jersey and many other States in the Union that have lead-zinc mines or processing facilities, there is a remedy in sight. It is Congressional passage of an administration proposal for import taxes on lead and zinc which can be applied in emergencies of this kind. The administration proposal is reflected in a bill which I and 13 other Senators are sponsoring on a bipartisan basis. The bill, S. 2376, is now under consideration by the Senate Finance Committee, and hearings on a companion bill are scheduled for August 1 and 2 by the House Ways and Means Committee.

Because of the nationwide interest in this measure, I request unanimous consent to have printed in the RECORD statements delivered at the Senate committee hearings by C. E. Schwab, chairman of the National Emergency Lead-Zinc Committee, and Miles P. Romney, manager of the Utah Mining Association. These men are two of the foremost authorities in the country on the lead-zinc industry, and their statements offer convincing justification for Congressional support of this emergency import proposed legislation.

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

STATEMENT OF CHARLES E. SCHWAB, CHAIRMAN OF THE EMERGENCY LEAD-ZINC COMMITTEE OF THE UNITED STATES BEFORE THE SENATE FINANCE COMMITTEE ON S. 2376, JULY 22, 1957

My name is Charles E. Schwab. I represent a major portion of lead-zinc mining and smelting industries of the United States as chairman of the Emergency Lead-Zinc Committee. I deeply appreciate the opportunity of appearing before your committee in support of S. 2376, being the administration bill transmitted to the Congress on June 19 by Secretary Seaton.

On behalf of our industries, I would like to express our gratitude for the time and thought which the administration has given, and the Congress is giving, to the problem of the lead and zinc mining industry in connection with the development of a long-range mineral policy of the United States. The predicament of the lead and zinc industry of the United States is so serious that a solution in the public interest, I feel quite strongly, transcends any political or party interest. The action of Congress may well determine whether or not we are to have a lead and zinc mining industry in the United States that can perform a function essential to the well-being and security of the Nation.

I do not intend to take the time of this committee with a historical account of the trials and tribulations of the lead and zinc mining industry in the United States. This has been admirably covered in a report of the United States Tariff Commission on the lead and zinc industries which was published in May 1954. You may recall that this report was made pursuant to a resolution of your committee under date of July 27, 1953, and pursuant to a similar resolution by the Committee on Ways and Means of the House.

1. The value of the lead and zinc mines, smelters, and refineries of the United States is approximately $1 billion. They contribute importantly to the economy and defense of the Nation and specifically to the economy of 27 States.

2. Lead and zinc must compete in international markets and are therefore dependent upon the prices prevailing elsewhere in the world. Lead and zinc are internationally traded commodities much like wheat, cotton, and corn.

3. The President of the United States and Congress itself have several times declared their belief that we must maintain a strong and vigorous mining industry in the United States for our military protection as well as for our prosperity. In 1953 the lead and zinc miners of the United States were feeling the impact of sharply increased volumes of competition from lead and zinc miners abroad, causing much distress. They followed the path prescribed by law seeking relief through an escape-clause petition as provided by section 7 of the Trade Agreements Extension Act of 1951. The Tariff Commission, after a most thorough examination of the industry and its problems, recommended an increase in the tariff of the maximum permissible by law, that is 50 percent above the January 1, 1945, tariff rates. You are familiar with subsequent developments. The President decided to resort to military stockpiling of lead and zinc rather than to accept the recommendations of the Tariff Commission. This remedy proved temporarily helpful, but stockpiling is drawing to an end, and developments have occurred internationally through the stimulation of mine production abroad which have offset, to a large extent, the benefits derived by Government stockpiling.

In a letter of August 20, 1954, to the chairman of the Finance Committee, the President stated:

"In addition, I am directing the Secretary of State to seek recognition by the foreign countries which are principal suppliers of lead and zinc that this increased stockpile buying is designed to help domestic production and that they will not themselves seek to take any unfair advantage of it."

The record shows that imports of lead and zinc into the United States were not affected in the slightest by any efforts the State Department may have made to carry out the President's directive.

4. In 1956 the Government instituted the barter of surplus agricultural commodities for lead and zinc produced abroad. This was done under the provisions of Public Law 480. Barter was the principal sustaining factor in the lead and zinc market until the Department of Agriculture suspended barter and established rules and regulations recently which virtually terminated the use of this Government authority. As the Secretary of the Interior so well stated in his letter of transmittal to the Congress:

"These Government procurement programs have served to bolster the market for some time, but present market conditions are such that the lead and zinc industries again are threatened with substantial injury."

5. I understand that this administration is committed to a policy of trade liberalization, but may I respectfully point out that trade liberalization does not contemplate the use of export control, subsidy, price control, or quotas which are economic trade devices now used by our Government for other commodities. As a specific example applying to ourselves, price controls were imposed by the Government on the lead and zinc miners during the Korean conflict which absolutely prevented them from reaping the benefit and stimulation of a world competitive market that caused prices to rise to an unusually high level. Again the Secretary of Interior correctly observed:

"The threat of injury faced by these industries stems largely from actions taken as a result of the Korean conflict. The Federal Government at that time stimulated production of many essential minerals at home and abroad in the Free World. Mineral raw materials were needed to build ships, tanks, guns, and planes for immediate use, and in order to accelerate stockpiling. Price controls in the United States held down the expansion of domestic production of lead and zinc and prevented domestic producers from taking full advantage of worldwide demand. Foreign producers, not subject to such price controls, expanded production rapidly."

Let me be specific. Foreign producers in Mexico, Australia, Africa, and elsewhere were able to sell their products at prices of around 23 cents per pound for lead and over 30 cents per pound for zinc. In contrast controlled prices here were 17½ cents and 19½ cents for zinc; 17 cents and 19 cents for lead. As a matter of fact, the ensuing shortages of both lead and zinc in the United States compelled some manufacturers to import these high-cost metals, whereas the domestic miner was forbidden to export his output. The effect of the high prices prevailing abroad was to stimulate extraordinarily the production of the lead and zinc mines in Latin America, Africa, and elsewhere. This was the forerunner of the flood of imports to reach this country. The American miner did not have any corresponding stimulus to prospecting or production, being under strict price control.

The table below of the world mine production of zinc bears on the point. It illustrates in general how zinc-mine production abroad has grown sharply, while United States production has declined.

World mine production of zinc

[Thousands of short tons recoverable] [1]

	1929	1938	1948	1955	1956
Mexico	190	185	189	297	274
Peru	13	17	65	183	177
Canada	126	258	277	433	419
Australia	146	207	167	241	262
Belgian Congo	------	7	51	75	124
Japan	11	22	37	120	135
Germany	157	205	32	102	102
Italy	95	101	74	111	116
Spain	56	58	52	99	91
Poland	101	78	96	142	155
U. S. S. R	17	84	122	300	336
Elsewhere	186	223	185	391	410
Total	1,098	1,445	1,347	2,494	2,601
United States	728	515	630	515	538
Total world	1,826	1,960	1,977	3,009	3,139

[1] Source: American Bureau of Metal Statistics, British Metal Corporation.

A similar table of world mine production of lead tells a similar story for lead.

World mine production of lead

[Thousands of short tons] [1]

	1929	1938	1948	1955	1956
Mexico	302	311	218	232	220
Peru	24	64	54	131	133
Canada	175	209	189	203	189
Australia	215	307	229	312	313
South West Africa	2	19	28	81	86
French Morocco	------	21	33	98	96
Burma	99	90	8	16	16
Germany	119	106	25	74	72
Italy	28	44	33	51	52
Spain	162	35	30	67	65
Yugoslavia	11	86	69	99	96
U. S S. R	10	76	83	255	290
Elsewhere	228	215	160	236	243
Total	1,375	1,584	1,159	1,855	1,871
United States	758	370	390	338	348
World total	2,133	1,953	1,549	2,193	2,219

[1] Source: American Bureau of Metal Statistics.

6. I strongly believe that when the Federal Government in the interest of national security enters upon commodity markets, as it has in lead and zinc, it has automatically assumed full responsibility for the results of that entry. When in times of emergency it is necessary for the Government to keep domestic prices within limits while at the same time stimulating production of essential material through various assistance programs it should also be prepared to correct the abnormality it has created as soon as it is apparent that the conditions warrants correction. Lead and zinc are classic examples of what can be done to improve supplies of strategic materials by government stimulation but they are also classic examples of what happens when conditions revert to more normal patterns and artificially stimulated output is forced upon competitive markets. Domestic producers because of high wages and other cost factors peculiar to the domestic economy are forced to take the full brunt of correction. Mines have closed and the welfare of communities dependent on lead and zinc have been adversely affected. Indeed, the industry has been plunged into an emergency condition with lead at 14 cents per pound and zinc at 10 cents.

Ordinarily in commodity markets, when production can be individually adjusted by the producer, it is reasonable to expect some curtailment of operations as prices decline, and, conversely, an increase in production when a rising market signals a growth in demand. That is an economic characteristic of practically all free markets. But some foreign governments, notably Mexico and Australia, do not permit their lead and zinc

mines to curtail or close, except under severe penalties, for fear of creating serious unemployment. This policy tends to prolong periods of depressed prices. American mines should be protected against it.

7. I believe it is unnecessary to illustrate the rapid increase in the cost of materials and wage rates in American lead and zinc mining. Also, practically every mining district in the United States faces a combination of a declining grade of ore and rising costs of production, and there is little the mining industry can do to alter either trend. Indeed, the whole world must look forward to a growing use of lower and lower grade ores. American engineers are noted for the engineering and scientific skill they have applied to making lower grade ores commercially profitable, but unless there is a reasonable price for their products, there will be little incentive to continue.

8. I should like to point out also the fact that although competing in the world market, the American lead and zinc producer has to buy much of his equipment in a protected market, and that even his foodstuffs come, in part, from an agriculture that is heavily subsidized. However, his wage rates are established mainly by and related to the rates of other industries, such as coal and iron mines, many of which are captive mining operations unaffected by international competition, but amenable, because of their unique physical condition, to a degree of mechanization unapplicable to the type of mining in which most lead and zinc is found. Last but not least, he is taxed to provide financial and other assistance to some foreign mining operations under our foreign-aid program.

9. I am confident that the lead and zinc mining industry would like to stand squarely on its own feet with no Government assistance whatsoever, but this is impossible in the economic circumstances under which lead and zinc mining has to be conducted in the United States. The traditional method for aiding the mining industry when it requires assistance is through an appropriate tariff, and I am gratified to see that the long-range mineral program of the administration recognizes this approach, for it must have explored every avenue open to Government, such as subsidies, quotas, and stockpiling, to help foster a strong and vigorous domestic mining industry.

10. At the time the Tariff Act of 1930 was adopted, the protection accorded lead mining in the United States was roughly 50 percent. The miners made no attempt at that time to increase their rate. It was the same rate that had existed since the Fordney-McCumber Tariff Act of 1922. They could not, of course, have foreseen that the Nation would, in a matter of a few years, be engaged in World War II, and that inflation would completely undermine the lead and zinc tariff structure established by Congress. Obviously, the specific tariff rates on lead and zinc fixed by Congress proved of diminshing value as inflation progressed. Had the miners been protected by an ad valorem rate of 50 percent instead of a specific rate, they would not be before you today endorsing an upward adjustment of their rates. The spirit of the Reciprocal Trade Agreement Act contemplated a reduction not to exceed 50 percent. Subsequent revisions of the act permitted a further cut of 50 percent, but none intended to reduce the tariff protection from 50 percent to the 8 percent which prevailed just a few months ago.

11. I am appending a table[1] which shows that foreign producers have swamped the domestic lead and zinc markets with imports to a degree that must be corrected. In some cases, practically the entire mine production abroad has sought a home in the United States. Now it is all very well for us to permit our foreign friends to share our markets, but I submit that when they flood the country with practically their entire production or the major portion of it, and thereby depress our own markets or force our domestic mines to close, it is time to call a halt. Two tables appended show the extent to which foreign lead and zinc mines ship their outputs to the United States.

12. Unfortunately, adjustments upward of the lead and zinc tariffs as provided in S. 2376, which broadly follow the recommendations of the Tariff Commission of 1954, are not sufficient to give the assistance the domestic mining industry needs currently.

In this connection, the President observed in the letter he wrote to the chairman of the Finance Committee on August 20, 1954, as follows:

"After a thorough review of the lead-zinc problem, I am convinced that a serious question exists as to the magnitude of the direct benefits that could be expected from the recommended tariff increases."

It was one of the reasons given for resorting to military stockpiling and barter to aid the lead and zinc miners instead of tariff measures.

13. With respect to the provision of S. 2376 we respectfully submit the following:

(a) The peril point of 17 cents for lead and 14½ cents for zinc conforms to the early 1954 studies by the Tariff Commission. Noteworthy, domestic prices of 16 cents for lead and 13½ cents for zinc were supported by means of governmental stockpiling and barter programs. Also, with respect to the proposed peril point, during the Korean conflict by governmental order ceiling prices of 17 to 19 cents for lead and 17½ to 19½ cents for zinc were established; and during this time tariffs on lead and zinc were suspended subject to reinstatement if either metal dropped below 18 cents. This is clearly Government recognition of the reasonableness of the peril points envisaged by S. 2376.

(b) We respectfully submit our conclusion that the schedule of import excise-tax rates proposed in S. 2376 do not meet the criteria of the peril points developed over the last few years as I have indicated below.

Take zinc for example. Today's domestic price is 10 cents. If the administration's schedule of excise tax were in effect (with the proposed suspension of present tariff) the domestic price would only be between 11 cents and 11½ cents (2 cents excise tax minus 0.7 present tariff leaves a net gain of 1.3 cents). Thus, the schedule of excise tax in S. 2376 falls far short of providing a domestic peril-point price which was intended and one at which the United States industry can regain its strength.

Similarly for lead with today's price of 14 cents. Subtracting present tariff from the proposed excise tax, the domestic price would still be less than the peril point of 17 cents. In addition, should lead drop further to 13 cents or 12 cents, as well it can, the proposed excise tax falls short of its intent to provide adequate peril point.

The following tabulation will help clarify the differences in the tariff and excise schedules, present and prospective:

Pig lead

[All figures in cents per pound]

	United States price			
	17 cents or above	16 to 17 cents	15 to 16 cents	Below 15 cents
1. Present tariff	1 1/16	1 1/16	1 1/16	1 1/16
2. Tariff Commission's recommendations, May 1954	2.55	2.55	2.55	2.55
3. Administration bill	0	1.0	2.0	3.0
4. Industry recommendations	0	3.0	4.0	5.0

Slab zinc

[All figures in cents per pound]

	United States price			
	14½ cents or above	13½ to 14½ cents	12½ to 13½ cents	Below 12½ cents
1. Present tariff	0.7	0.7	0.7	0.7
2. Tariff Commission's recommendations, May 1954	2.1	2.1	2.1	2.1
3. Administration bill	0	.5	1.25	2.0
4. Industry recommendations	0	3.0	4.0	5.0

While the above figures apply to imported refined lead or zinc, the schedule for imported crude ore or concentrates which Industry Recommendations will suggest will be 70 percent of line "4."

At the "peril point" of 17 cents for lead and 14½ cents for zinc, the industry proposes a 3-cent excise tax to provide an effective deterrent for unneeded imports to break the domestic price below these peril points. In addition, two more 1-cent increases are proposed below this to ultimately provide the maximum of 5 cents needed to protect the peril points of S. 2376.

In the case of zinc today with a domestic price of 10 cents, the 5-cent excise tax would prevent importers who will sell zinc for 9 to 10 cents from breaking the domestic zinc price below 14½ cents.

The same is true of lead. Importers who will sell lead at 11 to 12 cents will be unable to break the domestic price below a peril point at which United States industry can compete.

One of the most important provisions of S. 2376 may be overlooked. The only way any importer will be subject to the excise tax or tariff is in the event unneeded imports break the domestic price below the peril points. By importing amounts the United States needs and by not flooding our market with unneeded metal, the importer can be relieved of payment of any excise tax or tariff. But, the past well proves, that immediately behind the peril point must be an effective safeguard to carry out the intent of the administration bill.

(c) Although we believe that S. 2376 intended constructively to minimize tariff fluctuations by reducing quarterly changes in the rate, we point out that this good intention could readily be abused by the importers to undermine the purpose of the bill due to the timelag in determination of imposition of the import tax. We, therefore, respectfully suggest shortening the quarterly period to a monthly period for tax-rate changes.

With reference to the operation of bonded smelting warehouses, we recommend that existing practice which has been perfected by Government and industry over a long period of years be retained.

14. I again wish to express the gratitude of the industries I serve, for the attention given the serious problem we face and we pledge our wholehearted cooperation in seeking a solution in the public interest. The issue really narrows down to an answer to the question, Shall we or shall we not have a strong and vigorous lead and zinc mining industry in the United States? That question having been answered in the affirmative by the President, by his Cabinet Mineral Policy Committee, and at times by Congress, we believe that S. 2376, if amended as suggested, gives the best answer and urge that it will have universal appeal—

First, to the United States industry who are assured of a price situation required to maintain a healthy and thriving domestic mining industry;

Second, to the importer who is able to provide needed imports free of any duty or excise tax;

[1] See table 1.

Third, to the consuming industry there will be provided an ample supply of both metals without violent price fluctuations;

Fourth, to the United States Government who is assured a strong domestic industry for national security and defense; and

Fifth, for long-range assurance which will fully justify continued development of our natural resources so badly needed for our economy and defense.

TABLE 1.—*Percent of foreign lead mine production sold to the United States, in short tons, 1956*

Country	Lead mine production	Shipped to United States (lead content)	Exports to United States as a percent of mine production
Canada	189,000	52,800	27.9
Mexico	220,000	91,000	41.4
Peru	133,500	88,600	66.4
Australia	313,400	113,000	32.9
Union of South Africa	85,700	44,200	51.6
Yugoslavia	96,300	38,700	40.1
Bolivia	23,000	17,200	74.9

Percent of foreign zinc mine production sold to the United States, in short tons, 1956

Country	Zinc mine production	Shipped to United States (zinc content)	Exports to United States as a percent of mine production
Canada	419,400	294,000	70.2
Mexico	274,300	210,000	76.7
Peru	176,600	105,100	59.5
Australia	261,500	26,100	10.0
Union of South Africa	20,500	13,400	64.4

TABLE 2.—*Lead—United States mine production and imports*

Year	Average domestic price	United States mine production	Total imports	Imports in percent of production
1930	5.52	558,000	78,000	14.0
1931	4.24	405,000	53,000	13.1
1932	3.18	293,000	34,000	11.8
1933	3.87	273,000	8,000	2.8
1934	3.86	287,000	13,000	4.6
1935	4.06	331,000	24,000	7.2
1936	4.71	373,000	24,000	6.3
1937	6.01	465,000	41,000	8.8
1938	4.74	370,000	64,000	17.3
1939	5.05	414,000	87,000	24.0
1940	5.18	457,000	282,000	61.8
1941	5.79	461,000	381,000	82.6
1942	6.48	496,000	492,000	99.3
1943	6.50	453,000	319,000	70.4
1944	6.50	417,000	320,000	76.7
1945	6.50	391,000	300,000	76.8
1946	8.11	336,000	159,000	47.5
1947	14.67	384,000	228,000	59.3
1948	18.04	387,000	347,000	89.7
1949	15.36	404,000	399,000	98.9
1950	13.30	431,000	542,000	123.7
1951	17.49	390,000	258,000	65.5
1952	16.47	375,000	637,000	169.9
1953	13.49	343,000	552,000	161.2
1954	14.05	325,000	443,000	136.3
1955	15.14	338,000	659,000	194.9
1956	16.01	348,000	479,000	137.6
1957 (4 months)	16.00	122,000	170,000	139.9

TABLE 3.—*Zinc—United States mine production and imports*

Year	Average domestic price	United States mine production	Total imports	Imports in percent of production
1930	4.56	595,000	3,000	0.5
1931	3.64	410,000	1,000	.2
1932	2.88	285,000	2,000	.7
1933	4.03	384,000	4,000	1.0

TABLE 3.—*Zinc—United States mine production and imports*—Continued

Year	Average domestic price	United States mine production	Total imports	Imports in percent of production
1934	4.16	329,000	16,000	3.6
1935	4.33	518,000	15,000	2.9
1936	4.90	576,000	12,000	2.3
1937	6.52	626,000	46,000	7.3
1938	4.61	517,000	26,000	5.0
1939	5.11	584,000	67,000	11.5
1940	6.34	665,000	197,000	29.6
1941	7.47	749,000	195,000	26.0
1942	8.25	768,000	320,000	41.6
1943	8.25	744,000	571,000	76.7
1944	8.25	719,000	486,000	67.7
1945	8.25	614,000	479,000	77.9
1946	8.73	575,000	377,000	65.6
1947	10.50	638,000	370,000	58.1
1948	13.59	630,000	357,000	56.8
1949	12.14	593,000	368,000	62.1
1950	13.87	623,000	428,000	68.6
1951	18.00	673,000	390,000	58.1
1952	16.22	661,000	565,000	85.5
1953	10.86	547,000	755,000	138.0
1954	10.86	473,000	612,000	129.4
1955	12.30	515,000	687,000	133.4
1956	13.49	538,000	771,000	143.3
1957 (4 mos.)	13.50	195,000	276,000	141.5

STATEMENT OF MILES P. ROMNEY, MANAGER, UTAH MINING ASSOCIATION, JULY 22, 1957, TO THE SENATE FINANCE COMMITTEE ON THE SUBJECT OF IMPORT TAXES ON LEAD AND ZINC

I have been active in the mining industry for the past 25 years, principally in the Western States, in the capacities of miner, exploration geologist, and mine manager. In my present position I represent the mine operators of Utah, including those who produce in excess of 10 percent of the total lead and zinc produced in the United States.

We support the statement and the sliding scale import tax schedules proposed therein presented to this committee by the emergency lead-zinc committee. This statement is supplementary thereto.

The issue at stake in the proposed sliding scale import tax for lead and zinc relates primarily to the economics of mining as they affect the mine. All costs including milling, smelting, refining, marketing, and the transportation related to these functions are charged to the mine operator and therefore are deductible from the market price of the metals produced. The mine operator must pay production costs and realize any profit from the balance after such deductions. That balance is called net smelter return.

A statement furnished this committee by Mr. S. K. Droubay of the United Park City Mines Co., shows the net smelter return to his mine to be 27 percent of the market price for zinc and 61 percent of the market price for lead.

In Utah in 1956, five major lead-zinc mines were operating. Metal prices averaged 16 cents lead and 13½ cents zinc for the year. Four of the five mines lost money at those prices, as evidenced by their annual reports.

Two of the four closed their mines early in 1957. They are the Chief Consolidated Mining Co., which has produced lead-zinc continuously since 1909, and the Combined Metals Reduction Co., which has operated mines and a flotation mill continuously for at least 25 years. United Park City Mines Co. and New Park Mining Co. illustrated in statements to this committee that a price of 17 cents per pound of lead and 14½ cents to 15½ cents per pound of zinc was necessary to enable them to break even.

The price is now 14 cents and 10 cents respectively for lead and zinc as a result of drastic price reductions beginning in May of this year, caused by excessive supplies of metals—excessive in spite of near record consumption and below normal domestic mine production, but because of excessive imports.

To further illustrate mining economics in the United States, present labor, blasting powder, steel, timber, and transportation costs are compared with the 1947–49 averages for those items.

The increases are: 69 percent for labor (base day's wage rate); 48 percent for blasting power; 80 percent for steel (base material for machines, equipment, and many supply items); 57 percent for timber; 96 percent for freight on lead bullion to market; 99 percent for zinc metal to market.

In addition to the above-cited increased costs, the charges for milling, smelting, refining, and marketing have increased and the net smelter return on the ore sold is, therefore, considerably less today than would have been realized in 1947. For example, in 1947 a ton of lead ore containing 15 percent lead, sold to a lead smelter on a 16-cent market price, would have netted to a certain mine $31.48 per ton. In January of 1957, a ton of ore of the same lead content at the same market price would have netted to the same mine only $19.61 per ton, or only 62 percent of the net realized in 1947.

Utah operators have done an outstanding job in improving efficiency in operations through mechanization revamping mining system, etc., but have been able to only partially offset the combined impact of high production costs and decreased net smelter returns. Most exploratory and long-range development has been eliminated.

At 16-cent lead and 13½-cent zinc, prevailing in 1956, Utah mines were operating in distress. At 14-cent lead and 10-cent zinc they face disaster. Two have already closed.

Utah mills and smelters normally serve as treatment plants for many independent lead-zinc operators in the surrounding or nearby States of Colorado, Nevada, Arizona, Montana, and Idaho. In 1949 such operators shipped ore to Utah containing 49,000 tons of lead and zinc. By 1955 the impact of increased mining costs, lower net smelter returns, and lower prices resulted in shutdown casualties among those independent operations to such a degree that the tonnage of lead-zinc in ore from those sources was reduced to 7,000 tons.

In Utah the shutdown casualties among independent operators resulting from the same conditions are illustrated by the records of the Utah State Tax Commission.

Comparison of the 1949 and 1955 records follow:

	Total tons lead-zinc ore mined		Operators producing 10,000 tons or more		Operators producing 5,000 to 9,999 tons		Operators producing 1,000 to 4,999 tons		Operators producing 1 to 999 tons	
	Number of operators	Tons	Number of operators	Tons	Number of operators	Tons	Number of operators	Tons	Number of operators	Tons
1949	23	827,650	9	801,364	1	6,444	5	16,406	8	3,436
1955	9	698,861	5	697,070			1	1,189	3	602
Loss of producers and tons of ore	14	128,789	4	104,294	1	6,444	4	15,217	5	2,834

Opponents of the industry's proposals for a sliding scale import tax to afford protection from excessive imports and surplus supplies of metal on our market have claimed that the mines closed and those distressed are marginal operations. Every mine is marginal at a given price for metals. Under the depressed prices prevailing since 1953 more American mines than foreign have been marginal under those prices. One principal factor has been that American miners enjoy an American standard of living through the highest wages, most inclusive fringe benefit program and the best working conditions in the world. Many of the domestic mines would not be marginal in foreign areas under the same depressed prices.

One operator recently illustrated this point tersely when he said:

"My mine is not marginal because of its ore, it's marginal because of its being located in the United States."

Steel, aluminum, transportation companies, utilities and many other industries have been able to adjust prices to compensate in part at least for cost inflation. Many nonferrous metals, including lead-zinc, are marketed under worldwide competitive conditions and cannot make such compensating price adjustments.

To avoid, through further mine closures and curtailments, the continued exporting of the jobs for miners and all the related economic benefits that come to the communities, the State and the Nation from mining, there must be an adequate provision for equalizing the competitive ability of domestic and foreign mining operations. We have been exporting jobs and benefits over the past few years and the present price crisis promises to export more.

Taxes to local, State, and Federal Governments are among the economic benefits exported. Utah lead-zinc mines had an assessed valuation, based on 1949 production, of $10,894,905 but only $6,456,102 in 1955. At a 40-mill, about average levy, this meant a loss of about $175,000 in State and local property taxes and at least twice that amount in total direct taxes to State and local governments. The total loss to all governmental agencies would be staggering if computed for all tax losses and for all lead-zinc producing areas.

The operators from Utah join the rest of the lead-zinc mining industry in urging passage of import tax legislation based on a fair evaluation of costs of production in our domestic economy with costs of production in competitive areas. We believe the industry proposals, as to peril points and import tax applications, contained in testimony presented to this committee by the Emergency Lead-Zinc Committee will accomplish that end and respectfully urge the committee to favorably consider those proposals.

MILES P. ROMNEY,
Manager, Utah Mining Association.

THE NORTH CAROLINA LAW APPLYING TO CONTEMPT

Mr. ERVIN. Mr. President, on yesterday the distinguished senior Senator from Colorado [Mr. ALLOTT] had printed in the RECORD a statement of what he asserted was the law of contempt of various States. He requested that any Senator who did not agree with that analysis of the law of contempt in his own State should call attention to that fact.

I wish to say that his statement is incomplete, insofar as the law of North Carolina is concerned, and for that reason gives a quite erroneous impression.

Under the Constitution and code of civil procedure of North Carolina, every litigant has an absolute right to have all issues of fact arising in any civil case tried by a jury, regardless of whether the case is an action for an injunction or other equitable relief or is an action at law. Consequently, under the North Carolina law, a civil contempt proceeding cannot possibly be started against any litigant until the issues of fact relating to the merits of the case have been established by the verdict of a jury, unless the litigant voluntarily waives the right of trial by jury on the merits.

THE POSITION OF POPE PIUS XII ON NUCLEAR TESTS

Mr. HUMPHREY. Mr. President, there has, from time to time, been a great deal of confusion about the position which has been taken by Pope Pius XII on the subject of nuclear tests.

Because it is important to keep the record straight on this matter, I ask unanimous consent to insert in the RECORD at this point the text of an article written by Father Edward A. Conway, S. J., professor of political science at Creighton University, in Omaha, Nebr. Rome educated, Father Conway has long been a student of papal disarmament teachings. In addition, he has been a leader of American thought on the subject of disarmament, and has recognized the urgency of some method of arms control in a thermonuclear age.

Father Conway's article, which appeared in the Catholic Messenger, of Davenport, Iowa, on June 20, 1957, is an authoritative discussion of the statements which have been made from time to time by the Pope on the problem of nuclear armaments and nuclear testing.

I felt that the article would be of singular interest to the Members of the Senate, who are particularly concerned about problems of disarmament, and who likewise are concerned about our foreign policy.

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

[From the Davenport (Iowa) Catholic Messenger of June 20, 1957]

REFUTES CHERWELL CHARGE POPE "TAKEN IN" BY COMMUNISTS—JESUIT SCHOLAR SAYS POPE'S POSITION ON ARMS RACE IS CONSISTENT, KNOWLEDGEABLE

(The following article was written in reply to an article in the June 7 issue of U. S. News & World Report, entitled, "What's Back of the Fallout Scare?" In that article, USNWR quoted British Lord Cherwell's recent criticism of Pope Pius XII for his alleged position on testing of hydrogen weapons. Lord Cherwell questioned the Pope's knowledge of nuclear activity and implied that he had been duped by Soviet ban the bomb propagandists. He has, since then, been rebuked three times by editorial writers on L'Osservatore Romano, Vatican City daily. USNWR's editor, David Lawrence, refused to publish Father Conway's correction. His article is printed here to clarify the Pope's position on the testing and control of hydrogen weapons, to expose the groundlessness of Lord Cherwell's attack on the holy father, and to indicate, again, the general pattern and vital necessity of foolproof disarmament.)

(By Edward A. Conway, S. J.)

Let me say at the outset that I entirely agree with the thesis of the article in U. S. News & World Report that much of the current clamor about the danger of fallout from H-bomb testing is inspired by Communists. What I object to is the article's implication, based on Lord Cherwell's charges, that one of those who are Communist-inspired is the longtime opponent of communism, Pope Pius XII.

The USNWR article used Lord Cherwell's insinuations to support its argument that the Communists have cooked up most of the opposition to the H-bomb tests. One passage, in particular, will illustrate what I mean.

It is captioned: "Respected Figures 'Taken In'?" and reads in part:

"Another thing that puzzles British and American officials was mentioned by Lord Cherwell in his House of Lords discussion of the agitation against nuclear tests. He said:

" 'This sort of thing becomes particularly obnoxious since various universally respected figures like the Pope (Pius XII) and Dr. (Albert) Schweitzer have been persuaded to intervene.

" 'How they could allow themselves to be taken in by the inaccurate propaganda of the friends of Russia is hard to understand. * * * Frankly, I am surprised that men in high positions without scientific knowledge or exact information could brush all this aside and issue appeals on quantitative scientific questions which they are really not competent to judge.'

"In his reference to the Pope, Lord Cherwell is believed to have had in mind the papal Christmas message of 1955, in which the Pope appealed for an end to testing of nuclear weapons."

POPE'S RECENT AUDIENCE

Let us start with the last paragraph above, the paragraph written by the USNWR writer. First, I ask who could possibly believe that Lord Cherwell was harking back to a papal statement of 1955? I am sure no United States officials thought he was, and I doubt if anyone in Britain thought so. Obviously, Lord Cherwell was referring to an incident that occurred a few weeks before his House of Lord's speech, when the Pope gave the audience to Prof. Masatoshi Matsushita, special envoy of Japanese Premier Nobusuke Kishi, who had just appealed in vain to the British Government to cancel the projected test of its first H-bomb off Christmas Island in the Pacific. Domestic opponents of the British H-bomb tests seized on this Papal audience as proof that the Pope was on their side. So, of course, did the Communists. And this is what triggered Lord Cherwell's ill-mannered and ill-founded attack on the Pope.

The impression did get abroad that Pius XII had backed the Japanese protests against the British tests. The impression is based on a profound misunderstanding of the Pope's position. Before we can clear up the Pope's action in his recent audience with Professor Matsushita, we must clear up a misleading statement quoted above from the USNWR article. USNWR says that in his 1955 Christmas message, the Pope "appealed for an end to testing of nuclear weapons."

In that Christmas message, the Pope did call for an end to H-bomb testing, but not as a separate measure, independent of any overall arms control agreement, as is implied in the USNWR article. He tied the ban on testing to two other measures and insisted that all three must be agreed on as a unity. This is far different from what the British Labor Party recently advocated (simply an end to bomb-testing) and, of course, even farther removed from the position of the Japanese who wanted the British to cancel their tests unilaterally.

THREE-PART PACKAGE

What the Pope called for in his 1955 Christmas message was a three-part package including: (1) renunciation of the testing

of nuclear weapons; (2) renunciation of the use of nuclear weapons; and (3) effective air and ground observation to insure compliance with the first two agreements.

It is important for several reasons to quote the Pope: "The sum total of those three measures as an object of international agreement is an obligation in conscience of nations and of their leaders."

This shows: (1) the Pope well understood the need for a "package deal"; (2) he wanted, not unilateral disarmament, by any nation, but an international agreement; and (3) his conviction that a halt to the nuclear arms race is a moral imperative, not something dictated merely by economic considerations, as some people contend.

As if to make doubly certain that he would not be misunderstood, the Pope returned, in his 1955 Christmas message, to an emphasis on overall arms control agreement.

"We said 'sum total' of those measures," said the Pope, "because the reason they are morally binding is that equal security must be established for all." Then he added—and this can be applied to the recent British question—"If, however, only the first point, concerning experimentation, were put into effect, the result would be that the agreement would not be verified, the more so because there would be given sufficient reason to doubt the sincere desire to put into effect the other two agreements."

It is important to note, too, the Pope's endorsement of a worldwide network of observation posts, each staffed by experts of different countries for the purpose of preventing any surprise attacks by either side. This is significantly different from the perennial Russian appeals for uninspected bans on experimentation and use of nuclear weapons. It is also significantly different from the unilateral and unrequited action which the Japanese and their partisans have been pressing on the British.

MISREPRESENTING THE POPE

The USNWR misstatement of what the Pope said in his 1955 Christmas message has two seriously bad effects. First, it makes his position sound similar to the Russians', i. e., simply the H-bomb tests, encourages the suspicions of persons like Lord Cherwell, and compromises the Pope's influence for peace. Second, and even worse, anyone who truncates the Pope's program for peace (as it was truncated in the USNWR) plays into the hands of the Communists, who already claim that the Pope agrees with them.

A similar misrepresentation of the Pope's position occurred in another publication, the New York Times, and could have had serious consequences had not the Times hastened to repair the damage.

On the day after the Pope's 1955 Christmas message appeared in the American press, the New York Times correspondent at the United Nations wrote these lines:

"The Pope's message, it was felt here, was unclear as to whether a ban on nuclear weapons experimentation was being proposed as an independent first step, as India and others have asked, or linked with the broad question of controlling disarmament, as the West insists."

This was such an egregious misconstruction of the Christmas message that it created a commotion in Washington. Two days later, on December 29, the New York Times' Washington bureau filed a long dispatch reporting that "the United States Government welcomed today Pope Pius XII's appeal for a world-wide system of controlled nuclear disarmament."

The dispatch further quoted a Voice of America broadcast which approved the Pope's goals of renunciation of experimentation with atomic weapons, the renunciation of the use of such weapons, and the general control of all armaments.

And here is a fascinating point. The Washington dispatch paraphrased the report of its U. N. correspondent and attributed the same apprehension to persons in Washington. But then it added: "A close study of Pope Pius' message, however, has led officials here to the conclusion that he was not proposing that experiments with, and use of, the atomic weapons be banned before there was an effective control system."

The December 29, 1955, Times dispatch went on at length to make the amende honorable for the gargantuan gaffe of its U. N. correspondent. If it had not, someone might have alleged, back in 1955, that the Pope had been, to use Lord Cherwell's words of 1957, "persuaded to intervene" in behalf of Russia.

POPE'S INTERVENTION

We are now ready to look at the question of whether Pope Pius XII intervened in the British controversy over H-bomb tests.

If we engage that word "intervene" a little more closely we shall arrive at an answer to the question of whether the Japanese secured the Pope's support for merely a one-sided halting to H-bomb tests.

The fact is that the Pope began to intervene in the whole question of how to use nuclear energy as early as February 21, 1943, 2 years and 4 months before the United States detonated the first A-bomb at Alamagordo, N. Mex. In an address on that day to the Pontifical Academy of Science, comprising 70 of the world's leading physical scientists—Catholic and non-Catholic—the Pope gave a detailed and accurate account of a nuclear chain reaction in uranium based on a report by famed physicist, Max Planck, then a member of the academy.

The Pope noted that Planck had said that no one could yet think of a way of gaining any technical profit from such a tempestuous process. But the Pope, who, according to Lord Cherwell, is without scientific knowledge, warned that the process should not be used to produce an explosion, but that it should be curbed by suitable and vigilant chemical means. Otherwise, he declared, there might follow, not only in the installation itself, but throughout our entire planet, a dangerous catastrophe.

The Pope's knowledgeable position on nuclear action is even more remarkable when we remember that at that time, 1943, there was a blackout of information on nuclear experimentation in this country. The world-renowned scientists of the Pontifical Academy, who assemble annually under the patronage of the Pope—the last meeting was May 20, when the Pope addressed them on astronomy—must have been shocked by Lord Cherwell's recent caricature of the Pope as a man in high position without scientific knowledge or exact information. The Pope's easy familiarity with the most recondite problems of modern science is, I understand, the marvel of the academicians.

The Pope's first "intervention" of 1943 was followed by many others as the arms race accelerated and the dangers from new weapons increased. Pieced together, the Pope's statements from then until now comprise a complete pattern for peace that is distinctively his own. I think the dual proposition can be sustained that the Pope's position on arms control, as elaborated over those years, is not only independent of the position of both East and West, but exhibits features neither possesses.

HARSCH SAW DIFFERENCES

It is true that the Voice of America broadcast, following the Pope's 1955 Christmas message, made the claim that the Pope's three-point arms-control package was identical with the West's. But Joseph C. Harsch, the Christian Science Monitor's astute Washington correspondent, pointed out in a dispatch dated December 30, 1955, three differences.

The Vatican, Harsch noted, thought that the danger from test explosions was greater than did the United States. A second implied, and much more subtle, difference concerned the use of nuclear weapons in warfare. The third difference lay in the Vatican's concern for all peoples, while the United States was primarily concerned with the security of the West.

Mr. Harsch's significant conclusion was that the Vatican now has a position which, although closer to that of Washington, nevertheless, lies between Washington and Moscow.

Mr. Harsch had no difficulty with the 1955 Christmas message. "Against these points of difference," he wrote, "should be set the fact that the Vatican position does not expect the West to agree to a ban on use of atomic weapons or to an end to experiments unless these two steps are taken simultaneously with the establishment of a system of inspection. Moscow has proposed starting with the ban. The Vatican agrees with the West that an end to experiments and the ban on use must be part of a whole process."

As further proof of the independent character of the papal position, I quote Mr. Harsch's assertion that "the implications of the papal message were discussed at State Department conferences and at the White House in two meetings on successive days between the President and Mr. Dulles. That is, the Vatican had made a move in the affairs of nations sufficiently important to constitute a state matter for discussion at the highest levels in Washington. It was what the diplomats call a 'demarche,' a move which injects a new element into existing situations and calls for reconsideration of old policies."

JAPAN'S PEACE ENVOY

Keeping in mind the Pope's independent and universal approach to this problem, let us now examine what happened when he granted an audience to Japan's special envoy, Prof. Masatoshi Matsushita.

The Pope received Professor Matsushita on April 14. As far as I know, no record of the interview was published. But the very fact that the audience was granted gave some grounds for the assertion that the Pope supported the Japanese demand that the British cancel the Christmas Island H-bomb tests. Even the usually accurate New York Times' Rome correspondent, Paul Hoffmann, stated a month later that Professor Matsushita "sought and obtained Pope Pius XII's encouragement for his government's protest against the proposed British H-bomb tests." The Times' "News of the Week Review" had already said flatly that the Pope supported the Japanese.

Now, in a matter of such delicacy and importance, it is imperative that we do not go beyond the facts. What are they? Some time after the audience, from which no communique issued, the Pope delivered to the professor a short note, to which was appended an exhibit containing very brief summaries of 9 papal statements on nuclear energy made between 1941 and 1956. The precise diplomatic meaning of both note and exhibit can only be determined by the most careful study.

First, the note does not mention the British H-bomb tests, nor any request for support from the Japanese envoy. It begins by observing that the destructive power of nuclear weapons has now become potentially unlimited. It deplores the fact that both sides are increasing the terror in the world by exchanging nuclear threats. It urges that scientists of all nations and all beliefs try to master nuclear energies for the service of man instead of wasting scientific activity, labor and materials in preparation for a world catastrophe. The note ends with this sentence: "Scientific, economic, industrial and even political organizations should support with all their power efforts aiming toward the use of these energies on a scale adaptable to human needs."

Although the translation of this note could, I suspect, be improved, the statement as a whole could hardly be more generalized.

THE ATTACHED EXHIBIT

The curious device of attaching to the papal note an exhibit of nine earlier papal statements on nuclear activity is less curious when we look at some of the statements themselves.

Under the year 1955, we read in the exhibit: "In an address given on Easter Sunday, April 10, 1955, to the crowd gathered in St. Peter's Square, the holy father warned the world of the tragic consequences which could derive from progress achieved in the nuclear field, denouncing not only their fatal applications toward purposes of war, but also the no less damaging effects which could result from them in the field of genetics."

Again under 1955: "In his Christmas message the same year, His Holiness, speaking on peace, set forth the progress achieved in nuclear weapons and underlined the necessity for an international agreement to simultaneously put an end to atomic experiments, to renounced atomic weapons and to institute effective control of nuclear arms. In this message, full of far-reaching exhortations and warnings, the holy father openly declared that he is in favor of a cessation of nuclear experiments."

Note that last sentence above. It is the closest reference made to the subject of the Japanese envoy's recent visit to the Vatican. But it does not support the Japanese demand for unilateral (i. e., British) cessation of testing of H-bombs. If he had wanted to do that, he could have used the sentence above separately, in the body of the note itself, and then added: "But this (the Christmas Island tests by the British) is a nuclear experiment. Therefore, I am in favor of its cessation."

INTENT OF THE POPE

I know it is risky business to try to interpret the intent of another, especially when that other is the Pope. But this is my personal explanation of why he used the novel device of the exhibit attached to his note to Professor Matsushita. The Pope wanted to show that he understood and sympathized with the Japanese fears over the effects of radioactive fallout from H-bomb tests. Also, he wanted to remind them, delicately, that he had warned against it and had urged measures against it 2 years previously. At the same time, he wanted to make it clear that he could not join in a demand that the British, in effect, disarm unilaterally, and still remain consistent with his 1955 proposal of an international package deal.

By means of the exhibit, the Pope showed that he intended to maintain his independent position which he still hoped both East and West would finally agree to. I think he did maintain that position intact and that the Japanese, who are far from obtuse, understood from his necessarily roundabout response why he could not officially go any further with them.

I mentioned earlier that there are significant features in the Pope's position on nuclear arms which are possessed by neither the East nor the West. I want to discuss three of those features here, not only to indicate his universal, independent approach to the problem of peace, but also to indicate the realism of his position based on astonishingly exact and accurate knowledge of nuclear facts.

EARLY WARNINGS

First, I think the Pope has spoken out more candidly, more vigorously, and earlier about the dangers of uncontrolled nuclear energy than any other public figure in the world.

In the matter of radioactive fallout hazard from H-bomb tests, it is notorious that our Government suppressed the facts concerning the extent of the fallout from the March 1, 1954, H-bomb test until February 15, 1955. Yet the Pope accurately described what had happened in his Easter message of April 18, 1954.

American newspapers, commenting on the Pope's Easter, 1954, message, thought he had been referring to the old fission-fusion, two-stage H-bomb. Now, more than 3 years later, after we have learned of the existence of a 3-stage, fission-fusion-fission or dirty bomb which propels radioactive particles into the stratosphere, we recognize that this is the bomb the Pope was talking about at Easter, 1954, when he said:

"They (new destructive arms of unprecedented violence) are now capable, with artificially radioactive isotopes of extended average life, of polluting in a lasting manner the atmosphere, the land, and also the oceans, even where those areas very distant from the ones directly stricken and contaminated by the nuclear explosions * * *. Before the eyes of a terrified world, there is presented a preview of gigantic destruction, of extensive territories rendered uninhabitable and unfit for human use—over and above the biological consequences that can result, either by the changes brought about by germs and microorganisms, or through the uncertain effect which a prolonged radioactive stimulus can have upon greater organisms, including man, and upon their future offspring."

We might ask how much further advanced might be both scientific research and public knowledge about the hazards of fallout if we had begun the current great debate back when the Pope first raised the question. We would probably have had the hearings of the Holifield subcommittee on fallout hazards at least a year earlier.

NO "BALANCE OF TERROR"

Another distinctive feature of the Pope's position was his early opposition to the formula for peace popularized by Sir Winston Churchill—the so-called peace of mutual terror. This balance of terror theory is closely allied to the belief in this country that the deterrent of massive retaliatory nuclear power is our best guarantor of peace.

The Pope rejected this thinking in his 1954 Easter message when he asked: "When will the rulers of nations realize that peace cannot consist in an exasperating and costly relationship of reciprocal terror?"

In this connection, we might be encouraged by Russell Baker's remark in a Washington dispatch to the New York Times of June 2 that "implicit in President Eisenhower's impassioned warnings that the thermonuclear arms race is impossible is the suggestion that he has little faith in the lasting efficacy of the vaunted deterrence policy. He seems to be arguing that the deterrent cannot work permanently, that the constant race to keep up must lead to ultimate war."

UNPRECEDENTED VIOLENCE

The third distinctive feature of the Pope's position is his insistence that it is the arms race that must be stopped. During the first 10 years of his pontificate, he called for "mutual progressive disarmament" as a prime prerequisite of peace. But he changed his appeal when the competition for what he calls the "ABC" weapons (atomic, bacteriological, and chemical) became intensified. Disarmament in the traditional sense of a balanced cutback in arms and force levels is, of course, still desirable, but for the Pope the great threat to civilization lies in the race for "new destructive weapons of unprecedented violence."

This new arms race does not consist, essentially, in the continuing production of conventional or even of already developed unconventional weapons, but in the continuing competition for even more destructive unconventional weapons and their delivery systems.

The Pope warned about this race in portentous terms in his Easter message of April 1, 1956:

"Every day marks a melancholy step forward on this tragic road, a haste to arrive first, alone, with greater advantage. The human race almost loses hope of being able to stop this homicidal, this suicidal madness. To increase the alarm and terror, there have been developed modern radio-guided missiles, capable of traversing enormous distances, to carry total destruction to men and things by means of atomic weapons. In order, then, that nations may be checked in this race toward the abyss, we once again raise our voice, asking for light and strength from the risen Christ for those who control the destinies of nations."

THE MISSILE RACE

This race toward the abyss, then, is the race today for missiles and for hydrogen-bomb warheads that will fit into these missiles. Unfortunately, those "who control the destinies of nations" are doing very little to stop this missile race. You mustn't mention missiles when you talk about disarmament. The Pope mentioned missiles 3½ months before the United States first referred to them officially in the United Nations.

On this occasion, at the closing session of the U. N. Assembly in July 1956, United States Ambassador Henry Cabot Lodge voiced a warning remarkable both for its candor and its urgency.

"We cannot afford to let much more time go by," said Ambassador Lodge. "The long-range guided missile is already looming on the scene. When it becomes a standard weapon, no nation would have more than 15 minutes to get ready to defend itself and to hit back. * * * We must act before these deadly missiles are poised in hidden nests ready to strike—and before the problem of nuclear control becomes too diffuse and too unstable to handle."

After Mr. Lodge's burst of candor, the United States planners retreated to the safety of euphemisms. The nuclear arms race once more became the nuclear threat, and in our January 14, 1957, disarmament proposals, missiles became space objects, and vague remarks were made about their international control. And now, in London, apparently missiles do not figure at all in the partial, first steps we are offering to take.

DEPLOYING THE MISSILES

This last is most disturbing. For, while the London negotiators haggle over their partial first steps, the missilemakers of Russia, Great Britain, and the United States work steadily at their crash programs, achieving one breakthrough after another. When one, or all, successfully test and mass-produce intercontinental ballistic missiles with H-bomb warheads, and when they have operationally deployed them—"poised them in hidden nests" in Mr. Lodge's words—we will have reached the point where we now are with regard to H-bombs.

That is, we have given up hope of an agreement to dismantle existing stockpiles of H-bombs, because it is now officially acknowledged that no inspection system could detect bombs hidden in defiance of the agreement. So far as operationally deployed missiles are concerned, authorities now claim it would be extremely difficult, if not impossible, to find all of them.

Theoretically there is still time to stop the missile race. The testing period is just beginning and hundreds of tests will have to be made before a trustworthy missile is ready for mass production.

Practically I am afraid that the missile-making countries have made such heavy commitments, both strategic and financial, that it would require a miracle of political courage to enable the rulers of nations to stop the "homicidal suicidal madness"—the "race toward the abyss."

Just a few days ago, Secretary of Defense Charles Wilson was reported in a news conference as stating that the London negotiations would not affect our guided-missile program.

I should like, as a final point, to reemphasize something I have only briefly referred to in this article—that is, the Pope's supranational, universal approach to the problem of world peace.

SECURITY FOR ALL

If there is anyone in the world "who speaks for man" in what Atomic Energy Commissioner Thomas E. Murray calls "the predicament of our age" it is Pope Pius XII. He is forever appealing to the "rulers of the nations" in behalf of "all the peoples," the "peoples of the world," "humanity" and the "human race."

Lest this claim be considered parti pris, let me quote Mr. Harsch again in his commentary in the Christian Science Monitor on the 1955 Christmas message of the Pope:

"A third difference, although again a very subtle one (between the papal and United States positions) is conveyed by the papal statement that the objective of a search for an atomic weapons ban is that 'equal security be established for all.' The objective of United States policy on atomic weapons is, of course, security for the United States and for its allies. When the Vatican speaks of 'equal security' and 'for all' it is eliminating a moral line between westerners and easterners. It is, in fact, embracing people behind the Iron Curtain, even when they are Communists, within the human family."

Contrary, then, to the views of Lord Cherwell and of others who would adopt his views, the Pope is hardly the ignorant, Communist-beguiled or Communist-inspired Johnny-come-lately to the problem of the nuclear arms race. His words and his actions through the years have been distinguished for their knowledgeableness and universality. He has proved to be a sagacious, experienced, foresighted and courageous counselor whose advice we should neither disdain nor distort.

BILLBOARD CONTROL

Mr. CLARK. Mr. President, as my colleagues well know, the distinguished junior Senator from Oregon [Mr. NEUBERGER], who is now occupying the chair of the Presiding Officer, has taken a leading part in attempting to defend our citizens from the inroads of the billboard lobby. His efforts have not as yet met with success, but they are becoming increasingly popular.

On July 18 the Pittsburgh Post Gazette, a fine liberal daily in that great Pennsylvania metropolis, had a leading editorial entitled "Nobody But the People," commending the junior Senator from Oregon for his activities with respect to the billboard crusade. I ask unanimous consent that the editorial may appear in the RECORD at this point in my remarks.

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

NOBODY BUT THE PEOPLE

Senator NEUBERGER of Oregon recently said, judging from his mail, from editorial comment, and from a national poll: "Nobody's for billboard control but the people."

This remark, coming from a leader in the fight for control, points up a situation that can be tragic. Uncle Sam is beginning to undertake the greatest roadbuilding program in history. Some 41,000 miles of new interstate highways will be built over the next 2 decades, at a Federal cost paid by the public, especially the motoring public of over $25 billion. The program will remake the face of the Nation and in a way that will endure for the rest of this century.

To assure that the face will be handsome—in other words, to give the natural scenery of America the chance it deserves—Senator NEUBERGER is backing a modest bill aimed at regulating billboards on the new highways. Under it Uncle Sam would pay a bonus to the States that met a Federal billboard code, so that they would get 90¾ percent rather than 90 percent in Federal matching funds for new interstate highways.

However this bill and other legislation similarly aimed at preventing the new highways from becoming "billboard alleys" are languishing in Congress. The greater part of the public no doubt wants billboard control; indeed, Senator NEUBERGER claims that a national poll has indicated that over 65 percent of the American people favor adoption of effective control of signboards. But the public thus far is no match for the well-organized and vocal lobbies that are opposing control.

Unless the public—by way of civic groups and private individuals—makes its voice heard more loudly in Congress than it has yet done, nobody will have lost on billboard control but the people.

NIAGARA POWER

Mr. CLARK. Mr. President, as my colleagues, and particularly the present occupant of the chair [Mr. NEUBERGER], well know, once the present unpleasantness is disposed of by a final vote, the Senate will revert to the consideration of the Niagara power bill, with respect to which the junior Senator from Ohio [Mr. LAUSCHE], the junior Senator from Oregon [Mr. NEUBERGER], and I have some amendments to offer because, in our judgment, the committee bill does not do justice to the citizens of Ohio and Pennsylvania.

The Pennsylvania Rural Electric Association has issued a memorandum to all Members of Congress from Pennsylvania on the subject of Niagara power, pointing out why, in its judgment, the present committee bill is unfair to the rural electric cooperatives of Pennsylvania, and I ask unanimous consent that the memorandum may be printed in the CONGRESSIONAL RECORD at this point in my remarks.

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

PENNSYLVANIA RURAL ELECTRIC ASSOCIATION,
Forksville, Pa., July 19, 1957.

To: All Congressmen from Pennsylvania.
From: Pennsylvania Rural Electric Association.
Subject: Niagara power.

The following resolution was passed by the Pennsylvania Rural Electric Association at a regular quarterly meeting held at Potato City Hotel on July 18, 1957:

"Whereas the Pennsylvania Rural Electric Association, serving 70,000 rural consumers of power, has a vital interest in the development of Niagara power for the benefit not only of the citizens of New York but also of citizens of other States within transmission distance from Niagara: Therefore be it

"*Resolved*, That we urge favorable consideration of amendments to pending Niagara power legislation which would eliminate restrictions upon the amount of such power to be made available to preference customers in States other than New York."

We believe that introduction of Niagara power into our State will bring a competitive influence to bear on electric rates which will be beneficial to the State. We know that it will be of considerable benefit to our rural electric cooperatives.

Present limitations in the bill should be lifted as the export limit of 10 percent of the project power is too small to be of real benefit to Ohio and Pennsylvania.

We respectfully ask your support of our position in this matter.

WESLEY S. THOMAS,
Secretary.

DELAWARE RIVER CHANNEL

Mr. CLARK. Mr. President, it is well known that there is a controversy pending respecting the deepening of the Delaware River, which improvement was approved by both the Senate and the House, and was granted an additional appropriation, despite the objections of the Bureau of the Budget. The bill has not yet come before this body for its approval, but those of us who are interested in water-resources development across the country are well aware that if we are to make the greatest possible use of the fine water resources of the Delaware River, both for port purposes and otherwise, it is essential that the Federal Government should deepen the channel from Philadelphia to Trenton to 40 feet, and do it as promptly as possible, in order to take care of the great industrial development which is presently under way in that area.

There appeared in the Trentonian, a newspaper published in Trenton, N. J., on Monday, July 22, 1957, a leading editorial entitled "River Channel Facts." I am certain this editorial and the facts it discloses will be of the greatest interest to my colleagues when the public works appropriation bill comes before the Senate for consideration, and I ask unanimous consent that the editorial may appear in the CONGRESSIONAL RECORD at this point in my remarks.

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

RIVER CHANNEL FACTS

Despite the ever-mounting evidence to the contrary, the deepening of the Delaware River is still being condemned in some quarters as a project beneficial to only one concern.

It is particularly unfortunate that this old bugaboo should have arisen at a time when a recommendation of the Senate Appropriations Committee for an allocation of $11 million for work on the channel during the coming year is up for consideration.

This is $2 million in excess of what the House of Representatives had recommended, although still $5.5 million short of what the Army Corps of Engineers maintains could be profitably used during fiscal 1958. The measure will now go to a conference committee, and it is to be hoped that the Senate figure will be approved.

But to get back to some recent uninformed allegations regarding the beneficiaries of a deeper Delaware: It is true that United States Steel's Fairless Works will benefit, but so will the National Gypsum Co.'s multimillion-dollar plant, the Phoenix Iron & Steel Co., planning a $276 million plant, and the Wood Conversion Co., another multimillion-dollar enterprise, all in the vicinity of Burlington, plus others which are also planning future business on the assurance of a 40-foot channel in the Delaware.

In addition, of course, the communities along the river, including Trenton and Morrisville, will find that a channel to the sea will open up a whole new vista of growth to them.

It was further alleged that the measure now being worked on by Congress calls for an outlay of $91,738,000. That is not true; as mentioned above, the decision to be made is whether to allocate $9 million or $11 million for work to be done during the current fiscal year.

The eventual total cost of the project will exceed $90 million, but portions of that sum will be voted on a year-to-year basis by Congress.

And citing the $90 million plus figure without stating anything about a return on the investment is dealing rather loosely with the facts. As the Philadelphia Inquirer points out, over the past 50 years Delaware River development has cost the Federal Government $105 million—but, the Government has received in customs receipts more than 14 times that sum.

In 1951 alone port of Philadelphia receipts were $52 million.

The Trentonian has said editorially on numerous occasions that the Federal Government's investment in a deeper Delaware is one that will realize a handsome return.

This is recognized by civic leaders of the Delaware Valley and by congressional representatives from New Jersey, Pennsylvania, and Delaware, all of whom have joined forces in winning initial approval of the project and in fighting for appropriations that can be profitably used to speed the work and the day when the Government will begin to get back its investment—plus, as we say, a never ending handsome return.

A BUDGET SURPLUS—STABILITY OF THE DOLLAR

Mr. THYE. Mr. President, there recently appeared in the Minneapolis Star an editorial commenting on the fact that for the second year in a row, the Eisenhower administration has achieved a budget surplus. This was accomplished in spite of the fact that costs ran $3.4 billion higher than was expected at the beginning of the fiscal year. This surplus totaled $1,640,000,000, and it is gratifying, not only to me, but to all the taxpayers of the Nation, to realize that under the leadership of President Eisenhower the National Government's debt has been reduced by more than $1½ billion during the past year.

We who are elected to high office, Mr. President, are placed by the voters in a place of responsible stewardship. It humbles me to think of the responsibility which has been vested in us. At the same time, I know that my colleagues are encouraged by the knowledge that our President is exercising his stewardship in a responsible way.

President Eisenhower has stated that he realizes the inflationary effect which deficit spending has on our national economy. He has also stated that it is his purpose to do his very best to prevent an increase in the national debt, and, if possible, to reduce it. The goal which he seeks, and the goal to which we in the Congress must be dedicated, is to further insure the stability of the dollar through working with the President to keep the national budget in balance. Eventually we will achieve our purpose, because a stable value of the dollar will serve to decrease the costs of running the Government and maintaining our Nation's defense. Price increases accounted for a $1.7 billion reduction in the amount of the expected surplus for the past fiscal year. If the inflationary pressures in our economy can be eliminated so as to prevent the recurrence of this unbudgeted loss, the value of the taxpayers' dollar will be relatively increased, and the tax assessment can be reduced.

Stability of the value of the dollar and tax relief for our Nation's taxpayers are the two most important elements of the stewardship with which we are entrusted. Our President recognizes his responsibility, and we must also recognize ours.

I ask unanimous consent, Mr. President, that the Minneapolis Star editorial to which I have made reference be printed in the RECORD at this point as a part of my remarks. I wish to call the attention to my colleagues to it, with the hope that they will find time to read it, because it is a very well-written comment on the handling of our national budget.

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

A BUDGET SURPLUS

For the second year in a row the Eisenhower administration has achieved a budget surplus. Even though spending ran more than $3.4 billion ahead of original plans, the administration ended the 1957 fiscal year with a surplus of $1.645 billion because Government income was $4.7 billion higher than expected.

This was only the fifth time in the last 11 years that the budget has been in balance. The budget was balanced 1947, 1948, and 1951, all during the administration of former President Harry Truman. The budget never was in balance during the administration of the late President Roosevelt, and the annual wartime deficits reached $57.4 billion in 1943.

Critics contend that Government spending contributes to inflation. It does, but it would contribute even more if the budget were not in balance. Under this administration the policy is to keep taxes high enough to cover spending, and thus there will be no tax cut until spending declines—or the present tax rates produce more taxes than needed to cover expenditures.

The Government ended the fiscal year with a debt of $270,634,000,000, the lowest level since fiscal 1954. That debt is only slightly higher than the $269,422,000,000 reported in fiscal 1946. This indicates that Government revenues have almost matched Government spending over that 11-year period of time.

Secretary Wilson has proposed a cut of $142 million in the sum appropriated for the Defense Department as a result of the recently announced 100,000-man cut in the armed services. However, this reduction in cost might well be wiped out by inflation. Last year, for example, the Pentagon spent about $3 billion more than it had estimated, largely because of higher costs of the things it buys.

These figures indicate the extent of the savings that could be made in the event real disarmament could be achieved. Defense still is taking more than 50 cents out of every tax dollar, and unfortunately, it probably will continue to do so unless and until we can get a workable, enforceable disarmament agreement with Russia.

Until that goal is reached, there is little chance for any big tax cut, any big reduction in public spending, or any big cut in the Federal debt. In the meantime, we should be pleased with the balanced budget of 1957 and the surplus—small as it is—that reduced the Federal debt.

INSPIRING REPORT TO BOARD OF DIRECTORS OF CARE, INC.

Mr. WILEY. Mr. President, yesterday afternoon it was my pleasure to be present at a luncheon of the board of directors of the famed organization, CARE—Cooperative for American Remittances to Everywhere.

I have in my hand the text of the splendid and inspiring report which was submitted by the executive director of CARE, Mr. Richard Reuter, describing CARE's broad-gaged and effective services during this past year.

The principal address at the luncheon was made by our distinguished colleague, the junior Senator from Minnesota [Mr. HUMPHREY]. The address which our colleague delivered was one of the finest I have ever heard. It not only was inspirational, but it was very factual, and it was a challenge to our method of handling our foreign policy.

Our associate spoke eloquently in praise of what CARE has accomplished throughout the world. He based his observations on his most recent trip. He reported that, in country after country, he was told by American officials and foreign officials that CARE symbolized American generosity and humanitarianism to countless foreign peoples; indeed, it symbolizes America itself.

The Senator from Minnesota stressed that in our worldwide contest with Soviet totalitarianism, the Federal Government alone cannot hope to match the total Soviet challenge—economic, political, military, social, intellectual, cultural, and so forth.

But when the Federal Government is joined by voluntary—private—organizations throughout America, as symbolized by CARE, then we can and will meet the totalitarian challenge successfully.

Other points emphasized by the Senator from Minnesota included: A strong case for 3-year extension of Public Law 480, the Agricultural Trade Development Act, and the great asset represented by our surplus foods like dry milk powder, which we should use constructively, rather than waste or feed to animals. He also stressed the need for enabling the church and voluntary agencies to be promptly reimbursed by ICA on ocean freight charges, rather than to have to themselves negotiate with foreign governments—which is, after all, Uncle Sam's own job.

COMMENTS BY UNDER SECRETARY WILLIAMS

The Senator from Minnesota was introduced by a very able and distinguished American, the Honorable Walter Williams, Under Secretary of Commerce. Mr. Williams, in his remarks, which were both witty and exceedingly keen and sound, commented on America's responsibility to reach the minds of foreign peoples. He spoke of the "enormity of the power of America when measured, for example, in humanitarian values." He pointed out how, at the recent American exposition in Pozan, Poland, the eager Polish people poured in in great throngs.

HEARTWARMING REACTIONS OF POLES

Obviously, there is a deep feeling among the devout, friendly Polish people toward our people. It is a natural, spontaneous reaction.

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

Mr. WILEY. Mr. President, I ask unanimous consent that I may proceed for 2 minutes more.

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

Mr. WILEY. Mr. President, one Polish woman came up to an American at Poznan and said, "God bless America," and she burst into tears. Another Pole who visited the American area day after day said in effect, "I want to be at this little piece of America as much as possible." And still another Pole said to an American, "Don't let America ever leave us again."

America will not, if it is left to us to decide. I hope there will be an increasing contact between ourselves and the Poles. I hope we will send them not only our agricultural surpluses, but will send our books and our magazines and newspapers and our artistic performers, the very best in American culture, the best in American thought, the best we have to offer in every walk of life, and that there will be a two-way street of exchange.

So, too, I hope that we will make increasing good use of CARE, and of all the other voluntary agencies which serve our country so well throughout the world.

I hope that CARE will be able to fill the hungry stomachs of more of the Egyptian people, for example—a people with whom we certainly have no quarrel, and whom we certainly wish well in their legitimate aspirations for more of the good things of life.

Guns and munitions are necessary to hold the line, Mr. President, but when American milk, butter, cheese, wheat, and other things we have in surplus fit into a given situation, where people are starving and aged people need sustenance, our charitable attitude represents the spirit of America and an expression of the American philosophy reduced to terms of material help.

The address which the Senator from Minnesota delivered I believe should be made available to all Americans. At the luncheon there were people from all over the country, and the group sensed what the Senator from Minnesota was talking about when he said that, supplementary to holding the line, what is needed is use of the great abundance America has, so that the people of the world will know in fact we are what we are, a great, giving people.

I hope a copy of the speech of the Senator from Minnesota will come to my attention, so that I may have it reproduced in the RECORD.

Mr. President, I send to the desk the text of the 11th annual report to CARE's board of directors, representing 26 great private organizations. I ask unanimous consent that it be printed at this point in the body of the RECORD.

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

ELEVENTH ANNUAL REPORT OF COOPERATIVE FOR AMERICAN REMITTANCES TO EVERYWHERE, INC., FISCAL YEAR ENDING JUNE 30, 1957

DONORS PROVIDED $6,921,835

This has been a year of challenge, a year of transition, and a year of growth for CARE. It has witnessed the conclusion of the extensive reorganization begun in 1956, and a resultant refinement of programs and strengthening of internal organization. Of equal importance, it has witnessed the deepening and spreading of our public support.

CARE has been able to respond quickly, and effectively, to two major crises created by the world political turmoil—the problems of the Hungarian refugees and the plight of the victims of the Near East hostilities; and to two less publicized disasters—fire in Hong Kong and drought in Ceylon. Despite these emergency demands, the American public made it possible for CARE to fulfill its normal commitments in regular program, food crusade, and self-help by contributing a total of $6,921,835.

PUBLIC SUPPORT INCREASED 66 PERCENT

This nearly $7 million of donor support is an increase of 66 percent over fiscal year 1956. It was provided by 1,423,000 donations, many in turn, of course, representing group collections. CARE in 1957 received an increased support from schools, clubs, veterans groups, Government employees and business firms. This nationwide acceptance of CARE is reflected also in official program support from national organizations such as VFW, American Legion Auxiliary, Eagles, Rotary, National Education Association, Parent Teachers Association; and from our member agencies, particularly the AFL–CIO, the Cooperative League, and the General Federation of Womens Clubs. However, that the individual donor is still the backbone of CARE is emphasized by the fact that our average contribution is $4.86.

SELF-HELP NOW 13 PERCENT OF DONOR SUPPORT

The year 1957 has seen the emergence of an effective self-help program. Donors gave $531,419 for this program which provides nonexpendable material to support technical assistance projects. Starting this spring we have put increased emphasis on interpreting this important part of CARE's program. As a result, during the last 6 months' period, ending June 30, over 13 percent of CARE support was earmarked by donors for the self-help program (8 percent for full year). We are also experimenting with a self-help fund technique which provides special receipts and allows group processing. This spring, 85 percent of self-help money was for this fund, rather than for specific units. Therefore we have been able to initiate a policy of projecting allocations to missions on a semiannual basis. This permits more effective planning and more prompt delivery of supplies upon receipt of donor funds through the use of a modified stockpiling or prepurchase plan. Self-help is now programed the same as food crusade and other packages. We are also coming closer to providing the same quick response to need that has been a hallmark of the regular CARE program.

As a matter of policy, CARE has limited itself to the provision of equipment and supplies, utilizing existing sources of supervisory and technical personnel in recipient countries. While coordinated with and frequently complementing programs of the United Nations, the United States Government, Colombo plan, or indigenous governments, wherever possible, CARE self-help has been channeled through indigenous voluntary groups in order to strengthen the democratic principles of voluntary association.

The material supplied by CARE includes a variety of packages maintained in supply—books, plows and agricultural hand tools, medical supplies, various trade kits, sewing machines. In addition, CARE has also supplied scientific equipment and makes special purchases for specific community needs for village aid and rehabilitation. CARE's growing list of village aid projects illustrates a constant CARE policy of strengthening the socioeconomic fabric of the areas served at the community level. One particularly concerned donor has provided, himself, $30,000 for this phase of the work and has assured CARE of a continuing interest and support.

CARE's self-help programing has proved most useful and least expensive in countries where CARE missions have already established ongoing relief programs. Where such is the case, self-help rehabilitation measures can be planned as part of an integrated program of assistance, and overhead minimized.

COOPERATION WITH OTHER GROUPS FURTHER EXTENDED

We are presently developing cooperative relationships with professional and other specialized groups working in the international field to provide technical guidance and list priority needs in order to assure maximum utilization of available CARE funds. Arrangements at year end with the International Society for the Welfare of Cripples and the World Veterans Federation offer specific opportunities for important pilot programs under this policy of joint support of indigenous technical assistance projects.

As a further step in responsible programing we have assigned George Bent, an experienced CARE mission chief, to Asia with the sole responsibility to assist the various mission chiefs in research and development of self-help projects.

BOOK PROGRAMS IMPORTANT SELF-HELP COMPONENT

The scientific and technical book program started in 1949 was CARE's first self-help project and continues to be an important component. During the year the extensive CARE scientific and technical bibliography was completely revised by Mr. Hawkins, of the New York Public Library, and Dr. Fulton, of Yale. This ambitious undertaking has proven of real value above and beyond its use for our own book program.

CARE has continued its purchasing, shipping, and distribution service for USIA under the Indian wheat loan program and the Finnish war debt program. These and smaller supplementary purchases for USIA amounted to $893,329 worth of books and scientific equipment. This unpublicized program in cooperation with USIA has been carefully handled by CARE's purchasing department and overseas personnel and the relationship has been mutually satisfactory and pleasant.

The promotion of the $30 unit American Bookshelf received a significant lift toward the end of this year. Ten thousand dollars was contributed by a group of paperback book publishers for a series of public service TV and radio programs promoting the 99-volume paperback Bookshelf of American Literature. Arthur Larson, John Daly, Celeste Holm, John Cameron Swayze, John Reed King, and Mrs. Raymond Clapper participated in the films and tapes made.

The Hungarian refugee program was enriched with 25,000 sets of English-Hungarian dictionaries and conversation books. Special funds were contributed for technical and scientific books for students and professionals and 5,000 copies of an impressive book with the story of well-known Hungarian emigres and their adjustment to their new homeland was distributed.

With the advice and encouragement of the American Library Association, Children's Bookshelves in Spanish, Chinese, and Urdu are being included in the children's book program.

Continuing support of the book programs comes from many sources. The problem of increasing costs of books still bedevils us, nevertheless, the validity and importance of the book program encourages its continuance.

CARE SURPLUS PROGRAMS REACH 7 MILLION DAILY

Despite all of the above reported emphasis on self-help, CARE is still very much involved in relief feeding. By the end of fiscal year 1957 CARE programs utilizing agricultural surplus commodities made available under Public Law 480 were distributing food to over 7 million needy people every day. Two techniques are used: (1) The food crusade, and (2) country feeding programs.

FOOD CRUSADE PACKAGES REACH FAMILIES

The food crusade is an adaptation of the original CARE food-package idea under which agricultural surplus commodities are used primarily in a family unit of an average of 22 pounds. The costs of this distribution program to the needy in 19 countries are covered by $1 public contributions. The name and address of the donor goes with each package; distribution is under supervision of CARE, United States personnel; each package is receipted for by the recipient.

During fiscal year 1957, 3,767,944 units of food crusade shipped overseas utilized 85,643,970 pounds of food as follows:

	Pounds
Milk powder	35,565,912
Cheese	12,559,830
Flour	11,414,078
Corn meal	2,922,000
Rice	14,947,500
Beans	7,734,600
Unmilled corn	500,000

It is estimated that 2½ million people a day received supplementary rations every day of the year under this food crusade. The American public, encouraged by a full-scale program sponsored by the advertising council, contributed $3,263,362, or 47 percent of CARE's total donor support.

COUNTRY PROBLEMS SUPPORTED BY HOST GOVERNMENTS

Most unique, however, is CARE's use of agricultural surplus through so-called country programs. Under these programs, now operating in 12 countries, CARE sets up and supervises the distribution of United States surplus to needy individuals countrywide through institutional feeding or rationing programs. The most common form of program is a school-lunch distribution. The host government pays all direct costs, including supervisory CARE personnel, and all internal transportation. Donor-contributed funds are not used in these programs. Foreign governments paid $518,258 during fiscal year 1957, in dollars, to cover expenses incurred in country feeding programs. In addition they paid in local currencies for internal transportation and for local expenses.

This year 226,396,798 pounds of surplus foods have been shipped under country programs, as follows:

	Pounds
Milk powder	93,265,287
Flour	88,860,000
Cheese	32,954,066
Butter and butter oil	5,400,233
Rice	2,799,706
Beans	1,876,106
Corn meal	1,000,000
Cottonseed oil	241,400

The duration of distribution varies from 9 to 12 months for each contract. Averaged over a 12-month period, 4½ million people daily received supplementary rations through the country-program technique.

COUNTRY PROGRAMS EMPHASIZE LOCAL PARTICIPATION

There is an important factor here that should be stressed. These country programs have been particularly effective in encouraging, and even developing, soundly based social welfare programs with a firm foundation of local support. CARE personnel, both United States and indigenous, assist in the training of local personnel in the handling of foods. The importance of continuity of supply and careful accountability is emphasized. As a result a school-feeding or institutional program can be, and probably will be, continued as a fully indigenous responsibility with purchased commodities when the local economy justifies.

ONE DOLLAR COST COVERS 200 POUNDS DISTRIBUTION

Country programs now in force (overlapping fiscal years 1957 and 1958) call for a total of 226,396,798 pounds of commodities with a value of $31,989,280. The host governments provide $759,395 in dollars and $371,700 in local currencies. This averages just over 200 pounds for a dollar of cost, including all expenses except ocean freight and overseas internal transport. The United States Government provides $3,551,068 of ocean freight and host governments $1,559,706 ocean freight (and all internal transport). To move almost $32 million worth of surplus requires, therefore, a total of $5,110,777 of ocean freight, 31 percent of which is paid by receiving governments. This important part of the CARE program probably should be reported more widely to the American public and the American Congress. This technique may well prove a useful transition step from foreign relief to full local responsibility for welfare programs.

COMMODITY AVAILABILITY RESTRICTS PROGRAMS

The greatest problem facing CARE in developing food crusade and country programs of maximum effectiveness is the inability to carry through long range planning due to the uncertainty of commodity availability. Except for flour, corn meal and cheese, all commodities are subject to unexpected withdrawal. These three items by themselves are less valuable than in combination with other products. For example, no program in the Orient can be fully effective without rice. Beans are useful in both Europe and the East. Butter or cottonseed shortening or oil is a major ingredient in a balanced program. Yet during 1957, each of these commodities was withdrawn from availability for at least part of the year. Even milk powder which is a basic commodity in all voluntary agency programs, had to be put on quota allotment because of limited stocks.

The assurance of supplies for an extended period and the availability of a balanced list of commodities are of importance to CARE. However, present American surplus emphasis on sale for local currency under title I makes both of these requisites for most effective title III programs relatively unattainable. As stocks of surplus items become limited, use through approved voluntary agency programs may prove more in the public interest than sales for local currency.

EXTENSIVE EGYPTIAN PROGRAM ENDED IN 1957

The political difficulties over the high dam at Aswan and the Suez crisis made it impossible for CARE to renew its 92 million pound Egyptian country program, valued at $26 million, after the first year's distributions ended on September 30, 1956. Although a new program has been requested by the Egyptian Government, supplies for such an ambitious project have not yet been made available. The Egyptian distribution had been the largest single program ever administered by a voluntary agency.

This cutback and the end of the availability of butter, with its high per pound value, have been the two reasons for the drop of almost $15⅓ million in the value of agricultural commodities shipped by CARE during 1957, compared to 1956. As a result, total CARE volume of operations this year dropped from $39,402,155 to $26,061,578.

EMERGENCY ARAB RELIEF UNDERTAKEN

During the Middle East hostilities, Fred Devine, CARE's Mission Chief to Egypt, was evacuated with his family to Italy by the United States Eighth Fleet. Devine assisted in Yugoslavia in the emergency Hungarian refugee program and returned to Egypt, as soon as hostilities permitted, with food crusade packages for evacuees from Port Said and the Sinai Peninsula. The food packages were followed by textiles, tents and household goods. In all a total of $121,648 worth of food and other relief materials were distributed. During this period CARE's feeding program for economic refugees in the Gaza strip was continued first with Israeli supplies through our Tel Aviv mission and later once again with Egyptian supplies shipped from Alexandria.

HUNGARIAN REFUGEE AID MAJOR 1957 EFFORT

The Hungarian revolt electrified the Free World and the subsequent flight of the victims evoked a wave of sympathy around the world that in many ways was unprecedented.

For CARE it meant a crisis of need to be met in Austria, in Hungary itself and later in Yugoslavia. It meant too a redeployment of its most experienced staff into Vienna and a problem in logistics that was as costly as it was urgent. Also it meant a quick but confident decision that the crisis could be met without disrupting CARE's ongoing programs in areas of equal need, if less dramatic appeal.

In short order an office was set up in Vienna under Bert Smucker from Berlin and supplies began coming in from the United States, and from German and Italian stockpiles. At the height of our program a seven-man United States staff worked with refugees in Austria and Yugoslavia. Cash was made available to the mission to speed local purchase in Austria. Food, new shoes, and underwear, new clothing for children and their elders, blankets, welcome kits, and books were distributed. Later self-help kits were distributed.

Simultaneously Bob Meyer, Yugoslav mission chief, accompanied food packages taken from our Yugoslavia stockpile into Budapest. This was by arrangement with the Hungarian Red Cross and distributions were carried out without incident.

Then began the long drawn out negotiations, through the ICRC, for a sizable emergency CARE program within Hungary. Two million and a half dollars worth of supplies were offered, including 500,000 food packages containing 7 pounds of title II food provided by ICA and 4 pounds of food purchased by CARE. During the progress of the negotiations, blankets and coal went to Budapest from Vienna via the ICRC. Our basic request was that we be permitted two American representatives and that the relief goods be clearly marked CARE-via ICRC-gift of the American people. This the Kadar Government finally did not accept. CARE was not able to establish a mission in Hungary. We have no regrets about the firm position taken by CARE's board on representation and marking. Our regret is that the American people through CARE could not come to the relief of the suffering Hungarians at a time when primary relief was so badly needed and the desire to help was so clearly manifested by donors.

During the later period of this crisis the number of Hungarian refugees in Yugoslavia increased materially and with the increase came also an increased need. CARE turned more of its attention to this situation and stepped up its shipments of food and other supplies into Yugoslavia.

As the Austrian phase of the crisis stabilized CARE, on May 1, announced that the Austrian program would be closed out by the end of the fiscal year. The food and other needs were less urgent and were being met adequately by the indigenous agencies and other relief groups.

During fiscal year 1957, we distributed $1,143,431 worth of supplies as follows: $681,000 in Austria, $262,625 in Yugoslavia, and $199,000 in Hungary. Distributions are continuing in Yugoslavia and countries of second asylum.

This was made possible by the generous response of the American and Canadian donors who responded with unprecedented generosity, providing almost $2 million for this emergency. CARE's appeal was strengthened by being included in the HERO (Hungarian Emergency Relief Organization) campaign, sponsored by the White House and supported by the advertising council.

With the cooperation of ICEM, two special groups—representing the disk jockeys' national organization and the Yankee Network—were flown to Vienna to review the situation, and interpret the problem and the CARE program to the American public.

Frank Goffio, deputy director, personally coordinated the work of translating quickly contributed dollars into effective programing and much of the credit for CARE's responsible, cooperative relief effort belongs to him and to Bert Smucker, who tirelessly coordinated the overseas work.

STANDARD PACKAGES STILL HALF OF VOLUME

The Cali explosion in Colombia, the protracted Alto Plano drought in Peru, both the riots in Kowloon and the pre-Christmas fire, the Ceylon drought in the north central province, all created emergency situations requiring disaster programs undertaken by CARE during 1957. Fires, floods, droughts, hurricanes, and other disasters frequently receive but scant mention in the press, but require emergency aid from stockpiles on hand or special shipments. The backbone of this phase of CARE's work usually is the standard package, particularly blankets, amenity kits, and food packages.

These basic packages are used in general relief projects, and also for designation to friends and relatives overseas, particularly in Israel, Yugoslavia, and Greece. They include a wide variety of expendable items such as nonsurplus foods, new shoes, welcome kits for refugees, blankets, textiles, and specially purchased items of clothing for emergency use in situations such as the Hungarian crisis. This standard package operation is based on the original CARE program. In 1957, donors contributed $3,127,054 or 45 percent of CARE's total donor volume. This is an increase of almost $1⅓ million above the standard package volume in 1956.

FORTY-EIGHT AMERICANS NOW OVERSEAS

During 1957, we continued our policy of working toward a more intensive, rather than extensive program overseas. The missions in Laos and Haiti were closed because of the inability to make a significant contribution to the economies of these countries or to properly interpret a voluntary agency program. The mission to Finland was closed at the end of June because the Finnish economy has now reached the point where continued CARE aid did not seem necessary nor justified. Austria, reopened early in November for the Hungarian crisis, was closed in June.

Overseas expansion during the year was reflected in new missions, to administer country programs which were opened in El Salvador and Costa Rica. In order to strengthen our Indian program, an office was opened in Bombay, and one is planned on the east coast of India, both with American personnel. In the same way, an American assistant has been assigned to the Dacca office in east Pakistan.

Two additional overseas developments might be specifically mentioned. A contract for a 26-million-pound surplus country program has been signed with the Philippines and the difficult programing of this large distribution is now being planned by Paul Gordon. And final details are being worked out for CARE to take over the responsibilities in Korea for the 40-million-pound UNICEF children's milk distribution. Both the Philippines and Korean missions will be given additional personnel when the programs become operative.

Negotiations with Poland for a full-scale CARE program in that country last spring resulted in an agreement in principle with every prospect of negotiations being successfully completed this summer. A two-man American staff will head up the Polish CARE program.

At year's end, CARE had 48 Americans serving overseas in 27 countries; compared to 42 in 24 countries at the end of fiscal year 1956. Our aim to assign at least two Americans to every overseas mission is progressing favorably and should be completed during 1958.

Although no overseas conference was held during 1957, each member of the executive staff visited one or more areas overseas during the year. This on-the-spot sharing of planning and operations resulted in greater understanding and cooperation between New York headquarters and overseas personnel.

NEW FIELD OFFICES IN KANSAS CITY, DENVER, AND DETROIT

On the domestic front new CARE field offices were opened during the year in Kansas City and Denver and plans were completed for a July opening in Detroit. R. H. Macy in Kansas City, Mo., and J. L. Hudson's in Detroit are providing headquarters space for CARE in these two important cities not previously serviced by full-time staff. At the year's end CARE had 44 people serving at field offices outside New York and a total of 218 employees in New York. In all, therefore, CARE had 310 employees on June 30, 1957. Of these employees, 75 received 10-year service pins during the year.

The United States field personnel met in New York during August and again in March; and an organized program of executive visits was also followed to offices in this country and Canada.

L. L. L. Golden joined the staff this spring as public relations director, completing our New York executive staff assignments.

One other personnel note might be mentioned. Two students from Connecticut College for Women and one from Smith College are working this summer in New York under an intern training program worked out in cooperation with the colleges. It is hoped to extend this intern plan overseas during 1958.

NEW YORK TIMES SUPPLEMENT REACHED ALMOST 2 MILLION

On Sunday, February 10, 1957, the New York Times published a 16-page supplement devoted to CARE: A Report to the People. This impressive account, amply documented and illustrated, told simply and effectively the CARE story—its history, organization, program, and support. Widely distributed through the New York Times 1,300,000 circulation and also through our own channels with 500,000 reprints, it reached large and important segments of the American public, its leadership and opinion molders.

The publication was sponsored by the national advisory committee and was made possible through the generosity of Becton, Dickinson & Co.; Nationwide Mutual Insurance Co.; Standard-Vacuum Oil Co.; Walter Baker division, General Foods Corp.

A significant further contribution to the effective distribution of the supplement was made by members of the national advisory committee of CARE who wrote personal letters to their friends and business associates calling their attention to it.

FEDERAL EMPLOYEES CAMPAIGN RAISED $364,000

Probably the single most encouraging development for the future was the inclusion of CARE in 1957 in the new program for fund raising in the Federal establishment.

Our first year's experience in the Federal Employees Fund Campaigns, both domestic and overseas, was most satisfactory. Despite shortage of time to prepare for these campaigns, the wide acceptance that CARE enjoys stood us in good stead both among the Federal civilian employees and the members of the Armed Forces.

In the domestic campaign we worked in conjunction with the Crusade for Freedom, soliciting concurrently with the eight approved health agencies. This joint crusade brought CARE $292,000 of which $254,000 was specifically designated by contributors for CARE. The balance was from undesignated contributions. Our experience in working jointly with the Crusade for Freedom was satisfactory, apparently, to both organizations.

In the overseas campaign CARE was 1 of 7 agencies. Out of total collections of $218,000 CARE received $72,000.

The total receipts to CARE domestic and overseas was $364,000 through June 30. We look forward to a larger measure of success this coming year which will be the first full year under the new White House-sponsored Federal fund raising procedure.

To Walter Williams, Under Secretary of Commerce, goes sincere appreciation for his invaluable leadership in this effort. In his capacity as chairman of the domestic joint crusade and also of the overseas campaign his contribution to their success is outstanding. Thanks, too, must go to the thousands of key men who served as volunteers in this vast undertaking.

Olive Clapper, and the Washington office staff, provided primary liaison on this program. To them goes the credit for patience and skill in working with the Government, cooperating agencies, and CARE's own staff as this new venture was launched.

ADVERTISING COUNCIL REDUCES SUPPORT

Most discouraging development was notification at the year's end that advertising council was in a position to provide only bulletin listing during next year's food crusade. After 10 years of full advertising council support, this action by the council is regretted and could prove a serious deterrent to maximum public support next year.

LIONS BECOME MEMBER AGENCY

At the May meeting of the board of directors Lions International application for membership in CARE was accepted unanimously. With its several thousand clubs in the United States and overseas and its emphasis on service the Lions International should make a major contribution toward the support, direction, and interpretation of CARE both here and overseas.

FINANCIAL FOUNDATION STRONG

Although final audited figures for 1957 are not yet available, the tentative 12-month statement shows a 1957 net margin of approximately $440,808 earned on a total volume of $26,061,578 for the year. The CARE board of directors voted to provide from net margin $150,000 worth of supplies to refugees in Germany. After deducting this $150,000 distribution, CARE has a net margin remaining at the end of the fiscal year of approximately $955,084.

During 1957 CARE spent $248,489 for publicity and public relations; $614,206 for direct mail, field offices, and promotion; and $388,424 for administrative expenses, travel, and general expenses. This provides a 4.80 percent overhead and fund raising cost.

Foreign operating delivery and processing expense totaled $1,542,867 or 5.92 percent for direct operating costs.

We feel these figures showing a total organization overhead and program operating cost of under 11 percent are well within reasonable limits.

NEED ONLY DETERMINANT OF CARE PROGRAM

This report has given the highlights of CARE activity of the past year. It cannot attempt to tell the story of the daily evidence of volunteer support and the continuing and in most cases unsolicited assistance in so many ways from thousands of people all over the country. To this the loyal work of our staff contributes much. The leadership and constant guidance of the officers and board of directors have been largely responsible for keeping CARE sound financially, effective in programing and healthy in outlook. To the national advisory committee all of us must give our thanks for their wise counsel and for their increasing help in interpreting the programs to government and business.

There is a temptation to say in conclusion that this has been a good year for CARE. But how can there ever be a good year when you are dealing with misery and sorrow and need? Probably the best we can say is that we attempted to fulfill a public trust with honesty, efficiency, and warmth.

Our only reason for being is to provide a channel for Americans and others who wish to take part—on a person-to-person basis—in a program of relief and reconstruction. More people did that this year, more effectively, to more people—through CARE—than in any previous year. That is encouraging. However, we can never be really satisfied as long as there is need for a CARE in this world.

Thank you for privilege of serving as executive director.

RICHARD W. REUTER.

THOMAS JEFFERSON: THE CHIEF SPOKESMAN FOR TRIAL BY JURY

Mr. O'MAHONEY. Mr. President, I desire to have printed in the RECORD a letter, written by Thomas Jefferson, which I think demonstrates that he was the chief spokesman for trial by jury.

Thomas Jefferson is universally recognized to have been the foremost spokesman of civil rights in the history of the United States. We who call ourselves Democrats are proud to refer to him as the founder of our party. He was in fact, however, the head of the Democratic-Republican Party, and, after the disappearance of the Federalist and the Whig Parties, the founders of the new Republican Party, which party afterward nominated Lincoln for the Presidency, went back to Jefferson for their inspiration. Indeed, shortly before he was elected to the Presidency, Lincoln wrote one of his eloquent letters to the citizens of Boston, Mass., who were celebrating the birthday of Thomas Jefferson. In his letter he recognized the liberal leadership of Jefferson.

Yesterday the Senate, through the united action of Democrats and Republicans, eliminated substantially all of part III from the pending civil rights bill because it was believed that the part eliminated was a violation of human rights. Thus again there was a union of Democrats and Republicans under the inspiration of both Jefferson and Lincoln.

I now desire to invite the attention of my colleagues, particularly those on the Democratic side, to the fact that Thomas Jefferson was a vigorous spokesman for the right of trial by jury. He praised the Constitution of the United States because it had established a Government of checks and balances so far as the executive and the legislative branches of Government were concerned, but he pointed to the defects in the Constitution because of the failure of the framers to write in a Bill of Rights.

Thomas Jefferson was not in the United States, of course, when the Constitution was drafted. He was in France at the time, representing the government of the Colonies, so to speak—the government of the Thirteen Original States which won the Revolution.

Thomas Jefferson was one of the most effective leaders in the battle to write the Bill of Rights, and one of his principal objectives in fighting this battle was to make certain that trial by jury was established and guaranteed in the Federal Constitution for the protection of those charged by the Government with criminal offenses.

In a letter from Paris, France, addressed to Col. David Humphreys, Thomas Jefferson said:

> The Constitution, too, which was the result of our deliberations, is unquestionably the wisest ever yet presented to men, and some of the accommodations of interest which it has adopted, are greatly pleasing to me, who have before had occasion of seeing how difficult those interests were to accommodate. A general concurrence of opinion seems to authorize us to say, it has some defects.

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

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that I may read the remaining paragraph and a half of the letter.

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

Mr. O'MAHONEY. Mr. President, the letter continues:

> I am one of those who think it a defect, that the important rights, not placed in security by the frame of the Constitution itself, were not explicitly secured by a supplementary declaration. There are rights which it is useless to surrender to the Government, and which governments have yet always been found to invade. These are the rights of thinking, and publishing our thoughts by speaking or writing; the right of free commerce; the right of personal freedom.
>
> There are instruments for administering the Government, so peculiarly trustworthy, that we should never leave the Legislature at liberty to change them. The new Constitution has secured these in the executive and legislative departments but not in the judiciary. It should have established trials by the people themselves, that is to say, by jury.

CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded, 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 Wyoming [Mr. O'MAHONEY], to add at the ending of the bill a new part V relating to jury trials.

Mr. GOLDWATER obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. GOLDWATER. I yield.

Mr. O'MAHONEY. 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. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HOOVER COMMISSIONS—TEN YEARS OF EFFORT TO BRIDLE BIG GOVERNMENT

Mr. GOLDWATER. Mr. President, this month of July 1957 marks the 10th anniversary since a determined effort was started to put a bridle on runaway government. If the extraordnary size of our current peacetime Federal budget is any measure of these 10 years of effort, our real trouble today is not a question of whether we can cut the size of big government, but whether we can prevent it from getting wholly out of control and out of bounds.

The Federal Government approached the turn of the century with the very wise words of Grover Cleveland as its guide. He said:

> It is the business of the people to support the Government, not of Government to support the people.

EXPANSION OF FEDERAL GOVERNMENT

Government grew slowly in the first quarter of our century, but it suddenly speeded up and broke into a gallop after 1932. Its functons multiplied from a variety of causes. Depression and war accelerated the movement. Bureaus were piled upon bureaus. Federal Government orders and regulations broke State and local lines. Soon there was scarcely any activity in individual and community life that was not reached by the long arm of the Federal Government. With this tremendous expansion came inevitable duplication, inefficiency, and waste. By 1947 a movement to control the expansion of the Federal Government was long overdue.

THE FIRST HOOVER COMMISSION

On July 7, 1947—a decade ago—Congress created the first Commission on the Organization of the Executive Branch of the Government. This was the first Hoover Commission. It was empowered to "study and investigate the present organization and methods of operation of all departments, bureaus, agencies, boards, commissions, offices,

independent establishments and instrumentalities of the executive branch."

The most important job of the first Commission was to make an inventory of the sprawling bureaus and recommend either the weeding out or consolidation of duplicating activities. After 2 years of intensive work by 24 task forces composed of highly qualified experts, the Commission submitted 272 specific recommendations for reducing Federal overlapping, duplication, and waste. Congress and the executive branch worked together to put into effect 72 percent of these recommendations, with eventual total savings so far estimated at more than $7 billion.

In the course of the Commission's work, as well as in the conditions following its report, it was soon found that getting rid of duplication, inefficiency, and waste was only a part of the job. Big Government and its tremendous cost to the taxpayers could never be cut down to acceptable size merely by reshuffling its parts and streamlining its operations.

Big Government, with "spit and polish," remained Big Government just the same.

If real economy was to be effected, and if our system of individual freedom and enterprise was to be preserved, the long arm of the Federal Government would have to be shortened.

This meant the reduction of Federal Government functions—cutting some out altogether and transferring others to State and local governments. This is the main difference between the first and second Hoover Commissions. The first Commission concerned itself with the structural reorganization of Government departments, agencies, and bureaus—the working parts of the huge Federal machine. It tried to work out "how" and "where" functions could be performed more efficiently and economically within the existing Government framework.

THE SECOND HOOVER COMMISSION

The second Hoover Commission was directed to go beyond this to matters of policy and substance. It sought to determine whether some Federal Government activities, functions, and programs should be substantially altered or eliminated entirely.

Charged with this task, the second Hoover Commission commenced operations shortly after President Eisenhower signed the Congressional legislation on July 10, 1953. Like the first Commission, the second was made up of Members from both Houses of Congress and from both political parties, Government officials, and eminent men from universities, finance, industry, and other sections of American life. Expert staffs were again recruited from all these sources to pool their talents on this important work. The work of both Commissions was bipartisan, or, more correctly, nonpartisan.

Two years of study and investigation by the second Hoover Commission resulted finally in 19 separate reports setting forth 314 recommendations. Some 50 of these recommendations could be put into effect by the President under the Reorganization Act of 1949 if the Congress extended it; 145 recommendations could be carried out by administrative action in the Government departments and agencies; and 167 required further legislation by Congress. The total adds up to more than 314, because some recommendations fall in more than one category.

If all these recommendations were fully adopted, it is estimated that more than $5 billion a year in eventual savings would be possible.

ACTION ON THE WORK OF THE SECOND HOOVER COMMISSION

In a report dated February 21, 1957, the Senate Government Operations Committee stated that the 84th Congress enacted 36 public laws, 2 House resolutions, and 1 Senate resolution which implement 55, or approximately one-third, of the 167 legislative recommendations of the second Hoover Commission.

This promising start was followed up in the first session of the 85th Congress. Some 49 bills relating to Hoover Commission recommendations had been introduced as of July 15, 1957, and are in various stages of the legislative process. Three of these measures have become public law—codification of veterans' laws, transfer of historical records to the National Archives, and Reorganization Plan No. 1 of 1957, which finally liquidates the Reconstruction Finance Corporation. A number of others should be passed before the session ends, and further action can be expected in the second session of this Congress.

A White House announcement on May 23, 1957, stated that 280 proposals of the Second Hoover Commission's recommendations have been or are now being implemented by the executive branch. Since the White House added all the individual items in the 314 recommendations of the Commission to get a total of 497 proposals, the 280 implemented to May 23 amount to action on a little more than half of the Commission's proposals. But a great many of the most important proposals still await action.

SAMPLES OF SAVINGS TO DATE

Disagreements exist over the exact amount of savings made to date as a result of the recommendations of the two Hoover Commissions. Leaving aside conflicting estimates of potential savings that should be made over the long run, the Citizens Committee on the Hoover Report made a careful effort to pinpoint some illustrative specific savings, capital returns, and increased revenues which can be traced to the recommendations of the two Hoover Commissions. Its findings were reported by National Chairman Clarence Francis on May 21, 1957. The report shows certain specific savings traceable in whole or in part to the work of the two Hoover Commissions, amounting to $2,818,000,000. This would be a part of a larger total of savings which cannot be so readily calculated or pinpointed.

The bulk of these pinpointed savings—$2,337,900,000—stems from adoption of the proposals of the first Hoover Commission. Its recommendations led to budgetary economies in five Federal departments as follows:

	Million
General Services Administration	$677.0
Veterans' Administration (hospital cancellations)	545.0
Post Office Department (post and post cards only)	72.0
Reconstruction Finance Corporation (abolished)	474.4
Defense Department	569.5
Total	2,337.9

In the same manner certain specific savings can be attributed to the second Hoover Commission recommendations or as a continuation of the work of the first Commission for a total of $480,100,000. Individual items are:

	Million
Treasury Department	$20.3
General Services Administration	131.7
Federal Housing Administration	.5
Interior Department	.6
Commerce Department	19.3
Veterans' Administration	13.6
Post Office Department	56.0
Health, Education, and Welfare Department	2.2
Defense Department (10 percent of total economies)	235.9
Total	480.1

These figures cover only a part of the total Federal operations affected by the Hoover Commission's recommendations. They illustrate the fact that substantial savings have been certified by responsible Government agencies. Other savings less easily identified undoubtedly have been made. Administrative efficiencies resulting from the adoption of many Commission recommendations must also eventually result in savings as well as in better Government management.

UNFINISHED BUSINESS

Finally, there are the savings yet to be realized as soon as the remainder of the Commission's recommendations are adopted. Some of these are highly important and will result in substantial economies.

For example, in a letter dated June 17, 1957, to the President of the Senate and Speaker of the House of Representatives, President Eisenhower urged top priority to the following bills pending in Congress: Extension of the Reorganization Act of 1949; authorization of appropriations on the basis of annual accrued expenditures; provision for training of Federal personnel at public and private facilities; repeal of provision for clearance of real property transactions with Congressional committees; and discontinuance of the Postal Savings System.

These five bills are in various stages of Congressional procedure, but none has been finally passed and cleared for Presidential signature.

It should be noted that the extension of the Reorganization Act of 1949 would make it possible for the President to adopt some 50 recommendations of the second Hoover Commission.

Passage of the bill for accrued expenditure budgeting would provide an instrument capable of achieving considerable economies. This bill would limit all appropriations to a single year. It would require yearly review of all spending programs. It would limit the carryover

of unspent funds when programs are changed or canceled. Look at the absurd situation in which we find ourselves. Last May, Secretary Wilson reported to the Senate Committee on Appropriations that the Army was spending this year—1957—the last of some $12.5 billion made available 1 month before the Korean war ended.

Carryover funds run in excess of $70 billion. If, by close scrutiny of such funds each year, a reduction of only 1 percent were made—and that is a conservative estimate—a minimum saving of $700 million annually would result.

The Postal Savings System has long outlived the need which called it into existence and has little justification for its continuance today. Its elimination by Congress would effect some savings and get rid of another barnacle on our ship of state.

Aside from these priorities in legislation, the President has urged other action by Congress to reduce the cost of Government. In his message to Speaker RAYBURN of April 18, 1957, pointing out opportunities for savings, the President made six proposals which relate to the Hoover Commission report. These would, first, establish interest rates on Government loan programs adequate to cover borrowing costs; second, provide user charges for use of Federal airway facilities in place of general public subsidies; third, encourage State and local groups to participate in water resources development; fourth, limit certain new projects to those fully approved and urgently needed; fifth, establish procedures for the return of surplus Federal land and other property to private, local, or State use; and, sixth, enact the annual accrued expenditures act and extend the Reorganization Act of 1949.

On June 18, 1957, a large group of outstanding men and women representing many organizations and interests came from 26 States to Washington to urge the adoption of Hoover Commission recommendations. They approved resolutions embodying 12 objectives stemming from the Commission's work. Most of the proposals listed are in the the form of pending bills, and many have been urged upon Congress by the President and the Director of the Budget. If all these proposals were adopted, there would be greater economy in Government and improved management of the public business.

THE HOOVER COMMISSIONS AND THE PROBLEM OF BIG GOVERNMENT

Any attempt to appraise the work of the two Hoover Commissions must be measured by the central problem they were designed to meet.

This is the problem of big government. I believe a strong case can be made that this is as great a danger to our future as is communism. Both threaten our system of private economy, our constitutional form of government, and the freedom and security of the individual. Communism may even be the lesser danger since the threat is from abroad, and on that account can be dealt with more realistically and decisively.

But big government is another thing. By growing in our midst and often with our ready help, big government has gained a certain respectability and support among certain groups of our people. The collectivists are for it because they want power concentrated in Washington. The bureaucrats are for it because it increases their power and perpetuates their jobs. It is not so easy to deal with a threat of that kind.

I know that a certain amount of bigness is an inevitable consequence of our times—the result of the size and wealth of our country, of the tremendous growth and demands of our population, of the march of technological progress, and of the expanding scale of depressions and wars in which we have been involved.

But to draw the conclusion from this that the Federal Government has to expand in proportion to the growth of everything else in our lives is to lose sight of the real function of government. The function of government is to preserve the basic foundations of our national life, not to destroy them. If the Federal Government grows so big that it threatens our very form of government, our system of private economy, and our individual freedoms, then it is time to stop and see where we are headed.

A few facts dramatically show the measure of big government.

In 1910 the Federal budget took $694 million and cost the average family $34 a year, plus a share of the national debt of $57 for the average family.

By 1930 the Federal budget was $3.44 billion, costing $115 per family, with a national debt of $540 per family.

In 1955 the budget was $65 billion, $1,500 per family, with the debt burden $6,500 per family.

Any other data we take to measure the expansion of the Federal Government reveals the same trend. Between 1930 and the start of 1957 Federal Government civilian employment increased from 600,000, with a payroll of a little over a billion dollars to 2,400,000 with a payroll of $10 billion.

Or take one more yardstick. Federal internal revenue collections in 1930 totaled just $3 billion in round numbers. By 1955 they exceeded 70 billions.

Then, in January 1957, after better than 10 years of agitation about the cost of big government, and 2 years after the second Hoover Commission rendered its report, the President presented Congress with a budget for 1958 of $71.8 billion.

Secretary of the Treasury George M. Humphrey commented that if this trend continued it might lead to "a depression that would curl your hair." The public became aroused, and considerable pressure was brought to bear on Members of Congress to reduce the budget. This was followed by much ridiculous jockeying between Congress and the Executive as to how much budget cutting was possible without endangering national security or reducing popular public services. When the smoke cleared away it became evident that while some economies have been made in appropriations, the Federal Government is likely to spend as much in 1958 as it spent in 1957, if not more.

ACCOMPLISHMENTS OF 10 YEARS' EFFORT

These sober facts give us an opportunity to put the Hoover Commission reports in proper perspective to the problem they grappled with. What has been accomplished in the 10 years since the first Commission was launched?

First, of course, is the savings already mentioned.

Second, is the elimination of what may be called nonsensical practices such as the Navy's 60-year supply of canned hamburger and a gallon of catsup to go with each pound. The Signal Corps, for example, was 8.5 years ahead on flashlight batteries—which last only about 2 years. The Post Office now buys concrete posts on the west coast for $3.50 which it formerly shipped all the way from Baltimore at a cost of $15. Government agencies have been borrowing at 3 percent and lending at 2 percent. Taxpayers foot the difference.

Third. Considerable reorganization of agencies and functions was effected, consolidating some, coordinating others, and eliminating many to end duplication and waste and to achieve more efficient management in Government. Considerable gains also stem from the adoption of modernized budgeting and accounting procedures.

Fourth. Government was induced to dispose of many businesses and enterprises which it had undertaken for wartime and other reasons. Synthetic rubber plants, inland-waterway ship lines, and other enterprises have been sold and the money returned to the Treasury. The Commission found that in the Defense Department alone there were more than 2,500 business-type enterprises, and that at least 1,000 were needless and in competition with private business. To date some 179 such establishments have been closed, and the hope is to close more of them. In the same way, the Federal Government sold off a lot of its enormous accumulation of surplus property.

This, in brief, is the record for 10 years. The effort to carry out more of the Commission's recommendations continues. There is no doubt that the Commissions were needed and that they did a magnificent job. Congress and the executive branch cooperated fully with their work. The Government Operations Committee of the Senate and House in particular are to be highly commended for the special efforts they made to carry forward the work of the Commissions. And without the fine work of the citizens' committee for the Hoover reports, which labored unceasingly to mobilize public support, the achievements to date would have been much less impressive.

Yet the surface has been barely scratched. At best, a modest start has been made. Far too many recommendations still slumber in Congressional committee pigeonholes.

DESPITE ACCOMPLISHMENTS, BIG GOVERNMENT CONTINUES

With all that has been accomplished, the conclusion cannot be escaped that the trend to big government continues. Its threat to our private economy, our form of government and our individual freedoms still exists.

Duplication, inefficiency, and waste were found by the first Hoover Commission. They turned up again in the findings of the second Hoover Commission, although 72 percent of the first Commission's recommendations were carried into effect. So long as the trend to big government continues, as it does, further duplication, inefficiency, and waste will be found any time we look for it.

Does this mean we are helpless in the grip of big government? Are we powerless to prevent the Federal Government from taking over more and more of the functions of State and local governments? Will the Federal Government continue to encroach on our private economy until finally private enterprise is little more than an appendage to state socialism?

We are already far along that road. The Federal Government is still outside of our control. Congress cannot effectively exercise its power to cut the budget. Real tax relief is almost impossible. Our efforts to reduce the public debt barely make a dent in the total while the interest charges today are almost double the amount that it cost to run the whole Government in 1930.

Centralized power still remains enormous. If another crisis like war or depression hits us, our only choice may be between national collapse and the man on horseback. In either case, the America of our fathers—the system which brought us to the greatest freedom and highest standards of living the world has ever known—will be gone, perhaps forever.

We cannot afford to surrender to this trend. We must redouble our efforts to reverse it. What can we do?

THE FUTURE: STEPS TO CURB BIG GOVERNMENT

First. We can press on more vigorously for the adoption of more of the recommendations of the second Hoover Commission.

Second. We can establish something like a permanent form of Hoover Commission to make continuous studies of inefficiency and waste, of how to eliminate functions, how to achieve further economies, and how to improve management of the public business.

Here, I would suggest that we reinvigorate the powers of the Joint Committee on Reduction of Nonessential Federal Expenditures, known as the Byrd committee. This committee serves both Houses of Congress. For years it has kept a careful check upon Federal personnel. A careful check upon Federal functions is equally necessary.

Adequately staffed with experts, the joint committee could carry on where the Hoover Commission left off. Government needs constant scrutiny in the public interest if today's economy is not to become tomorrow's waste. Experience sadly teaches that the virus of bureaucratic elephantiasis quickly returns after each shot of investigation wears off.

Mr. President, continuous studies by the joint committee, backed by the Government Operations Committees of both Houses, could save us millions of dollars for each thousand we spend in investigations. This was demonstrated by the Truman committee during World War II.

Third. We can push every recommendation of the Commission on Intergovernmental Relations—known as the Kestnbaum report—that offers a chance to return some functions, responsibility, and taxing powers to the States and local communities.

Fourth. The States themselves can, and should, pick up the President's invitation to them in his Williamsburg speech to set up machinery which can help in restoring to the States the functions and powers they have lost to the Federal Government. This offers the most promising instrument for cutting the size of the Federal Government and preserving the powers of the States.

I shall start them off with their first case. In 1946, as a result of certain mine disasters, Congress was pressured to have the Federal Government take over the job of mine inspection. Mr. President, here is a function that is State and local by any criteria. Mining States are relatively few. The place of work and inspection—the mines—is highly localized. The local community knows intimately the conditions and safety requirements of operations. State and local laws and police powers operate directly upon mining employers and employees. Enforcement can be directly supported by the people most concerned with mine operations—the mine workers, the mine unions, and the local population. Why should the Federal Government in distant Washington be concerned with this job? Every circumstance makes mine inspection a State and local function, and the right of the States and local communities to do the job should be restored to them.

Fifth. We Members of Congress cannot sidestep the fact that we, ourselves, are to blame for much of the growth of big government.

Year by year—

The President said at Williamsburg—

responding to transient popular demands, the Congress has increased Federal functions.

This is true. We have yielded, often too readily, to the pressures of the bureaucracy for more powers and more money. We have encouraged the public to make more and more demands upon Government. We have not shown enough courage to resist the pressures of special interest groups who unceasingly ask for more benefits and favors from Government. In our desire to serve our people, we do not realize that we are unwittingly undermining their self-reliance and their freedoms.

As the late Justice Brandeis wrote:

Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

Mr. President, if we would honestly serve the public trust, we should begin competing to repeal laws; to cut down, instead of enlarge, Federal handouts; to reduce Federal programs; and to look with icy stare on every request for larger appropriations.

We should educate the people, wherever we can, on why this is of utmost importance to them, and we should let them know what they can do to help us reduce the size of Government.

We should impress upon our people the words of President Eisenhower that—

Those who would be and would stay free must stand eternal guard against excessive concentration of power in government.

Mr. President, after I prepared these remarks, I came upon two interesting news items, published in the newspapers of yesterday and today, which give me cause for a little encouragement along the lines that the American people are finally realizing that if they want less money spent in Washington and if they want less power concentrated in Washington, it is time they started pulling themselves up by their own bootstraps. I am very happy to report that the best indication of this, and the brightest light to appear on this all too dim horizon came from the little town of Cibola, in my State of Arizona. The newspaper article dealing with this matter is a most interesting recitation.

It seems that several years ago the farmers in that area who raise cotton on the shores of the Colorado River, and who were required to transport the cotton several hundred miles to the railhead, and then to the gin, decided it would be wise to build a bridge over the Colorado River.

So they wrote to the Corps of Army Engineers about the matter. In reply, they received the usual "gobbledygook" stating that the project was not economically feasible, and that, besides, the bridge would take a number of years to construct, and that, besides, the cost would be $250 million. However, they also received from the Corps of Army Engineers a book on how to build a bridge.

Mr. President, do you know what those farmers had the temerity to do? They, themselves, built a bridge across the Colorado River, and they built it at a cost of $50,000. Then they charged the farmers who drove their automobiles and trucks across the bridge $1 or $2 apiece; and now the bridge has been paid for. However, no one outside of that small community knew the bridge was there until some fishermen who were floating down the river the other day ran smack into it.

Now I understand that the farmers—who built the bridge because of their desire to save themselves millions of dollars in transportation costs, as required, before the bridge was built, in order to haul their cotton to the railhead and thence to the cotton gin—are today faced with the fact, so they are informed, that the law requires that before building a bridge, they must obtain the approval of the Army Corps of Engineers, the Secretary of the Army, the Bureau of Reclamation, the California Division of Highways, the California Toll Bridge Authority, and the Arizona Highway Department.

Mr. President, I stand in the Senate today and commend those enterprising people of my State for having enough of the old pioneer gumption in them to build the bridge themselves and to say—well, Mr. President, we cannot say it here—but to say, "Disregard the Federal Government"; because, if the Federal Government had built the bridge, in the first place, it would not have been built for 10 or 15 years; and, in second place, when the bridge finally was built, it would have cost at least $250 million.

Mr. President, I wish to call attention to another incident which came to my attention this morning, and which gives me cause for a little more glee than I usually have these days when I find the spending of the Federal Government at an alltime high and when I find the debt of the Federal Government amounting to approximately $1,675 for each person in the country. In this particular case, my glee began yesterday, when one of the committees of the House of Representatives said, "No" to the Hells Canyon project, which would have taken more than half a billion dollars out of the pockets of the taxpayers of the United States, for the construction in the Northwest of a power project which already has been nearly completed by means of the use of private funds.

Today, Mr. President, I read in the morning newspapers that the Federal Power Commission has issued licenses for the development on the Snake River of two more dams to be constructed by private interests, in order to take care of the power needs of the Pacific Northwest.

Furthermore, Mr. President, this morning, when the August issue of the Reader's Digest came to me, I noticed in it an article entitled "The Pacific Northwest Stands on Its Own Feet," written by William Hard. In the article, Mr. Hard points out that, more and more, the people of the Pacific Northwest—in spite of what we hear on the floor of the Senate, in spite of what we read in the left-wing press of the country, and in spite of what we hear on the floor of the House of Representatives—are rising up to take their own problems into their own hands and to do what our forefathers did—grab their bootstraps, and pull—which, I am happy to say, the people in so many parts of the West still do.

I wish to read what Mr. Hard said in concluding the article:

> When I consider what is being done by the Puget Sound Utilities Council, by the Chelan Public Utility District, by the Grant Public Utility District, by other neighboring municipalities and PUD's, I can only repeat: "The Pacific Northwest is right now my favorite region." It is producing men who can stand on their own local feet.

Mr. President, I could not help but notice the other day an article by George Sokolsky on the Mormon people. The Mormon people form a large percentage of the population of my State. They have the answer to this question. They have an answer to "squander bust" Government. They do it themselves. What America needs today are a lot of do-it-yourself kits. Let the localities, counties, and States of this country do it themselves, before this expanding Federal bureaucracy kills the one remaining hope that God's government, created with inherent freedoms, may continue to grow and live in the American way in the years to come.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. GOLDWATER. Yes.

Mr. SMITH of New Jersey. I wish to commend the Senator for the speech he has made today. I was not present to hear it, but I read it. The Senator from Arizona gave me a copy of the speech ahead of time. His review of the work of the Hoover Commission has made a valuable contribution to this important subject. I have been working hard for the Commission's objectives ever since the first Commission was created. I was a cosponsor of the bills which created both Commissions.

I commend the Senator for the statement he has made and the views he has expressed about the way to meet the issue of Federal spending. I am glad to identify myself with the remarks of the distinguished Senator from Arizona.

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

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

Mr. GOLDWATER. I yield.

Mr. WATKINS. I am sorry I heard only about the last paragraph of the Senator's speech. I will say, with respect to the Mormon people, that they have been doing everything they possibly can for themselves; but they agree with what Lincoln said, that the Government should do the necessary things the people cannot do for themselves. That is one reason why they supported wholeheartedly the Colorado River project and other reclamation projects. In the early days they constructed all the projects they themselves could possibly construct and they never asked for Government help at all, and never took any aid from any other people, except themselves, to do the things it was possible to do in that area. However, when it came to the larger projects which were completely beyond their means to build, and completely beyond the reach of ordinary financing methods, such as borrowing money on bond issues, a difficulty presented itself to them. So the Mormon people have accepted Federal help in projects of that kind, which are in the interest of Government itself, in the final analysis. They have gone that far in the case of large projects which could not be constructed by private enterprise.

Mr. GOLDWATER. I could not agree more with my distinguished friend from Utah. I think the Federal Government has a very limited place in following the concept of Lincoln that the Federal Government should do for the people those things they cannot well do for themselves; but I invite attention to the fact that the Federal Government, for the past 25 years, has gone way beyond that concept. It is now looking for ways to help the people. The Federal Government has bird dogs out 365 days a year, looking for things it can do for the American people, things which I do not think the American people actually want the Federal Government to do for them, but once they get used to having it done for them, they find it is the easy way, and then they say, "Let us have a little more from Washington." That is the point I have been trying to make.

I have lived all my life with those good Mormon people. In fact, day after tomorrow I shall be honored to deliver a talk to them. The theme of my talk will be the recognition of the great contribution they are making, not only in this country, but all over the world, by showing people that if they want a church, if they want a school building, if they want any building, they can erect it themselves, and it is the people's duty to do the things they can do themselves.

Mr. WATKINS. I should like to make one further comment. There are people in the Northwest who are trying to stand on their own feet, and they realize they have a problem that cannot be solved by Government alone. They have a vast river system, and it will require about $6 billion to develop its remaining resources. Many of those people realize that private enterprise must carry a part of that load and burden, wherever it can do so. The Government should not be called upon to undertake projects the people can construct themselves, keeping in mind, of course, the comprehensive development of the whole area.

The Senator from Arizona has mentioned the Mormon people. They comprise a large portion of the population of Idaho. In the areas where they live they have been uniformly in favor of the private development of the Hells Canyon area, because they believe sincerely in that principle. It was many years before any Federal reclamation project was adopted in the areas where they live. For many, many years there were no projects except what the people could provide themselves.

As of today, about 85 percent of all the giant power and reclamation projects in the West have been developed by private enterprise. That is the place for private enterprise. The Government should undertake such projects only when the people themselves cannot undertake them. That is a principle which is absolutely for the good of the country, and by following that principle we shall, in the end, have a much better economy, Government, and people than we shall if we get to the point where we call upon the Government to take over all our activities.

I understood the Senator from Arizona to say that as of today the Government is running around looking for places where the Government can spend money. If the Senator said that, I do not agree with him. I think this administration is getting away from that philosophy.

Mr. GOLDWATER. I do not like to find fault with my own administration, but I remind the Senator that there were 13 new proposals for such projects in the new budget submitted to the Congress. Possibly some of them were needed, but we now have 67 of them.

Mr. WATKINS. I do not know the projects to which the Senator is calling attention, but I am quite certain it will

be found that some of them are the kind I have been talking about, the kind the Government should undertake because the people themselves cannot construct them. I think that is the philosophy being adopted in all the proposals of this administration.

Mr. GOLDWATER. I think the Senator from Utah and I are in complete agreement. We both feel the Federal Government has grown too large. In spite of the attempts of the present administration to stop following such practices, it seems still to have its growing pains. I think we are in agreement with the thought I have expressed—if people want to have less spending and lower taxes, they have got to stop asking the Central Government to help them more and more.

Mr. WATKINS. I call attention to the fact that many of the programs were started many years ago, before this administration came into power, and the present administration is bound to carry out the law of the land. In cases of that kind, no doubt there will be some reaching out to help people who can help themselves.

Mr. GOLDWATER. I thank the Senator.

Mr. WATKINS. I thank the Senator for the opportunity he gave me to make my observations.

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 offered by the Senator from Wyoming [Mr. O'MAHONEY].

Mr. HOLLAND. 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. HOLLAND. 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. KEFAUVER. Mr. President, the problem of jury trials, as related to the civil-rights legislation, has given me considerable concern, as I know it has many other Members of the Senate.

I desire to protect the right to jury trials in cases of criminal action. As Senators know, under the bill as worded jury trials could be denied, even in cases where the defendant is to be sentenced criminally. I think this is wrong. In our quest for liberty we have fought too long and too hard for the right to trial by jury to surrender it easily.

Of course juries have been criticized. Juries have on occasion been wrong.

All of us who have practiced law before juries have felt from time to time that there have been miscarriages of justice. By and large, however, the jury system is the best that has been devised, particularly for the settlement of matters affecting the liberty of people.

Not long ago I was reading Justice William O. Douglas' little book An Almanac of Liberty, in which he eloquently recalls some of the historic moments in which we fought for and secured the right to trial by jury.

He describes a jury—its shortcomings as well as its strength—as well as I have seen it described anywhere in this one short paragraph:

> A jury reflects the attitudes and mores of the community from which it is drawn. It lives only for the day and does justice according to its lights. The group of 12, who are drawn to hear a case, makes the decision and melts away. It is not present the next day to be criticized. It is the one governmental agency that has no ambition. It is as human as the people who make it up. It is sometimes the victim of passion. But it also takes the sharp edges off a law and uses conscience to ameliorate a hardship. Since it is of and from the community, it gives the law an acceptance which verdicts of judges could not do.

The most important words of Justice Douglas, applied to the specific instances which may arise under the pending bill, are his concluding words:

> Since it is of and from the community, it gives the law an acceptance which verdicts of judges could not do.

In that connection, Mr. President, the public reaction to the decision of the jury in the so-called Clinton case is given a great deal more importance than if the decision had been reached and if judgment had been rendered by the judge sitting alone without a jury.

At the same time that I seek to protect this right, I want the legislation which we pass to be meaningful legislation—legislation that will achieve the results which we are led to believe it will achieve.

In order to accomplish that purpose, we must be certain that the judge has the authority to enforce his own orders and to uphold the dignity of his own court. Otherwise, our judicial system would break down.

The pending amendment to the bill is that offered by the Senator from Wyoming [Mr. O'MAHONEY]. The Senator from Wyoming submitted two jury trial amendments to the bill. His first amendment was, in my opinion, thoroughly unsatisfactory. It merely provided that in any proceeding for contempt, the court shall, if it appears that there are one or more questions of fact to be determined, or disputes of fact, order that such questions of fact shall be tried by a jury.

The result of the amendment first submitted by the Senator fom Wyoming, and on which he addressed the Senate a number of times, would be to render the bill unworkable, in my opinion. There is no difficulty in raising questions or disputes of fact about anything. A judge may say that a defendant violated an injunction. The defendant may say that he did not. Immediately a question of fact is therefore raised.

I have submitted an amendment which I think is workable. It separates criminal from civil contempt, and provides a jury trial for criminal contempt, but no jury trial for civil contempt. The difference in these approaches is shown very well in an excerpt from the column of Arthur Krock, in the New York Times of July 19.

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

Mr. KEFAUVER. I yield.

Mr. CLARK. Let me say to the Senator that while I do not personally favor a jury trial amendment to part IV, if there is to be a jury trial amendment, I believe the Senator from Tennessee has prepared one which far better fits the need than the amendment of the Senator from Wyoming.

I ask the Senator whether, in his judgment, these words in his amendment are not really the pertinent part, and whether the Senator agrees with me that they very clearly set forth—in fact, far more clearly than the amendment of the Senator from Wyoming—what he has in mind. I quote from the last paragraph of the amendment of the Senator from Tennessee:

> Nothing herein or in any other provision of law shall be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with, as distinguished from punishment for, violation of injunctions, decrees, and orders issued in any action or proceedings instituted under section 1980 of the Revised Statutes (42 U. S. C. 1985), as amended, or under section 2004 of the Revised Statutes (42 U. S. C. 1971), as amended.

Was it not the Senator's intention to make it clear that there should be no jury trial in civil-contempt cases?

Mr. KEFAUVER. I appreciate the question and the observation of my distinguished colleague from Pennsylvania, whose remarks on this issue I have listened to and read with interest in the RECORD.

It was my intention, in the last paragraph, to spell out, so that no one could misunderstand, and so that there would be no confusion, what the amendment, if enacted into law, would provide.

As stated, the purpose is to secure compliance with the injunctions, decrees, and orders of the court, as distinguished from punishment for violation of such orders. In securing compliance with the injunctions there would be no jury trial, and the judge could proceed without a jury trial.

Mr. CLARK. I raise that question because, in my judgment, the amendment offered by the Senator from Wyoming is somewhat fuzzy in that connection.

Mr. KEFAUVER. Does the Senator refer to the first or second amendment submitted by the Senator from Wyoming?

Mr. CLARK. I refer to the second amendment. The second amendment is, of course, an improvement over the first, but in my judgment the concluding paragraph of the amendment of the Senator from Tennessee is a far clearer statement of what I think the Senator from Wyoming probably intended than are the words of his own amendment.

Mr. KEFAUVER. Let me say that I have no pride of authorship—

Mr. CLARK. I understand.

Mr. KEFAUVER. I make the point in my speech that I think the meaning is spelled out more clearly in my amendment, and that it would be more generally understood.

The last paragraph in the second amendment of the Senator from Wyoming, which I think we might properly read into the record at this point, is as follows:

This section shall not apply to any proceeding for civil contempt to enforce compliance with or remove obstruction to the carrying out of any injunction, restraining order, or other order issued by a court under this act; but any person adjudged in civil contempt shall be entitled to be freed from detention upon giving an appropriate undertaking that he will in good faith comply with and not obstruct the carrying out of such injunction, restraining, or other order.

I think the last paragraph of my amendment is preferable, and clearer, because it spells out what is meant by civil contempt. In the last paragraph of my amendment there occurs the language "to secure compliance with." In the same sentence is the language "as distinguished from punishment for"—

The last phrase of the amendment of the Senator from Wyoming is really a restatement of textbook law, as to what happens when a person purges himself of civil contempt. It raises the question whether the general principle of the law, as contained in my amendment, or a definition of what would happen, as contained in his amendment, is preferable.

It also raises the question as to what "an appropriate undertaking" is. There might be a long dispute about that question. The amendment of the Senator from Wyoming raises quite a number of questions which are a little uncertain and undetermined.

Mr. CLARK. A specific problem is raised, not only by the amendment of the Senator from Wyoming, but by the comments he made yesterday afternoon on the floor of the Senate in explaining it. Perhaps I can obtain help from the Senator from Tennessee in this connection.

With respect to the portion of the amendment of the Senator from Tennessee which was just read into the RECORD, I understand the Senator from Tennessee feels that if a defendant should violate an injunction and be called into court in a civil contempt proceeding, the judge, for the purpose of assuring compliance, could send him to jail or fine him without a jury trial, even though what he had done was in itself a crime. Does the Senator from Tennessee follow me? That situation would involve a civil contempt, would it not?

Let me give an example. Suppose, to take an extreme case, and one which I am sure would never occur, 3 individuals approached a registrar in order to be registered, and the registrar denied registration to all 3; and in the course of the proceedings he got into a fight with 1 of the 3 and committed an assault upon him, which is a crime. Suppose the registrar were then haled before the judge for contempt, and put in jail because he did not register the other two. I take it that in the view of the Senator from Tennessee that would still be a civil contempt proceeding, even though, in the course of his contempt, he had committed a crime, and he would not be entitled to a jury trial merely because he had committed a crime.

Mr. KEFAUVER. That is correct. He would not be.

Mr. CLARK. In my view, the Senator from Wyoming takes a different approach, and follows the rule of the present law, under the Clayton Act, that in any case in which a contempt also constitutes a crime, the jury type of trial is permitted.

In my judgment, that would put a premium on violence and crime, in order to require a trial; whereas, in the case of a mere defiance of the court, without a crime, no jury trial would be provided. That is why I infinitely prefer the amendment of the Senator from Tennessee.

Mr. KEFAUVER. The Senator has correctly stated my position. In my opinion, under the language of the amendment, if the judge wanted to secure compliance with his order, even though in carrying out the order a crime was committed, the action would still be in civil contempt, but it would not mean that a separate action could not be brought for the violation of the law.

Mr. CLARK. Of course.

Mr. KEFAUVER. I am glad the Senator from Wyoming is in the Chamber.

Mr. CLARK. To the extent to which the Senator from Tennessee and I have agreed as to the meaning of his proposed amendment, it would change the present provision in the Clayton Act, would it not, which authorizes a jury trial in all contempt proceedings in connection with which a crime has been committed?

Mr. KEFAUVER. Parts of sections 21 and 22 of the Clayton Act, as originally passed, read as follows:

If the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States, or under the laws of any State in which the act was committed, shall be proceeded against for his said contempt as hereinafter provided.

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

Mr. CLARK. One of the sections of the Clayton Act is now section 3691 of title 18, United States Code, entitled "Jury Trial of Criminal Contempts," which was read into the RECORD by our good friend from Wyoming yesterday. It appears at page 12572 of the CONGRESSIONAL RECORD, and it reads as follows:

Whenever a contempt charged shall consist in willful disobedience of any lawful writ—

I skip—

of any district court of the United States by doing or omitting any act or thing in violation thereof—

These are the binding words—

and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury.

As I understand—and I am sure the distinguished Senator from Wyoming, who is in the Chamber, will correct me if I am wrong—the Senator from Wyoming does not intend that his amendment shall make any change in that provision of the law; whereas the Senator from Tennessee and I have agreed that the amendment of the Senator from Tennessee would make such a change. Is that correct?

Mr. KEFAUVER. It does make such a change, and it is intended to make such a change. I wish to call attention to the remarkable history of this provision of the Clayton Act, and in that connection to point out that at some time when we can act more leisurely, in committee, we should take steps to have a restudy of this whole statute for which there is great need.

I have read provisions of the original Clayton Act contained in sections 21 and 22. In a footnote it is stated that sections 21 to 25 were repealed by act of June 25, 1948.

It continues:

Said act reenacted said matter, excluding section 23, as to substance, as 18 U. S. C., section 402. Section 23 was omitted as no longer required, in view of the civil and criminal rules promulgated by the Supreme Court.

The granting of a jury trial in a case involving a criminal offense was not in the original section 22, although it is now the law.

Mr. CLARK. That was the codification, I believe.

Mr. KEFAUVER. That was the codification.

Under the original section 22, it might be argued that it would not make any difference whether the United States was a party or whether a private individual was a party; the defendant would be entitled to a jury trial in a case of criminal contempt. However, the revised statutes, title 18, section 3691, from which the Senator from Pennsylvania has read an excerpt also provides that "this section shall not apply to contempts in any suit or action brought or prosecuted in the name of or on behalf of the United States." Of course that is new language.

Mr. CLARK. That refers, I am sure, to what is proposed to be done under part IV of the bill, which is to take the case from under the jury trial provision of the Clayton Act by permitting the Attorney General to make the United States a party, and thus make the 29th exception to the Clayton Act where the United States is a party, because in 28 other cases already the jury trial provisions have been set aside by a provision which permits the United States to become a party, and in such instance there is no jury trial for civil or criminal contempt.

Therefore, I agree with the Senator from Tennessee, and I believe we are getting to the heart of this issue.

Mr. KEFAUVER. Yes; the Senator is correct. That is what part IV would do. That is the subject matter.

Mr. CLARK. I am sure the Senator from Wyoming will correct us if he feels we have misstated his position. However, my quarrel with the present amendment of the Senator from Wyoming in this regard is that it puts a premium on crime and violence, because the more violent the action of the defendant, the more likely will he get a jury trial, and the milder he is and the more reasonable he is in violating the injunction of the court, the more likely he is to be haled into court under a civil contempt proceeding and put in jail or fined, without a jury trial. I should think that perhaps the emphasis should be in reverse. I am happy that that point has been met in the amendment of my friend from Tennessee.

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

Mr. KEFAUVER. Fortunately, the Senator from Wyoming is in the Chamber, and I am very happy to yield to him.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Senate will be in order. The Senator from Tennessee has yielded to the Senator from Wyoming.

Mr. O'MAHONEY. I should like to make response to the inquiry of the Senator from Pennsylvania. Because of the manner in which the Senator from Pennsylvania propounded his inquiry to the Senator from Tennessee, it is necessary for me to speak, or forever hold my peace, because the Senator from Pennsylvania said that, since the Senator from Wyoming was on the floor, he would undoubtedly correct the assumption of the Senator from Pennsylvania.

Mr. CLARK. If it was wrong.

Mr. O'MAHONEY. That is what I desire to do. The Senator has made an assumption, it seems to me. One of the unfortunate factors in this whole debate has been the tendency of the opponents of the measure as it was originally presented to the Senate to assume that southern juries and southern officials would commonly be very uncooperative with the courts, and that they would so conduct themselves as to prevent the registration of Negroes; that the heaviest penalties would have to be imposed; that it would be necessary for the courts to resort to contempt proceedings; that it would be the general practice of southern officials to defy the courts and defy the law.

I contend that, from the evidence which has been presented to this body by our colleagues from the South, and the evidence we have from the reports which have come from the South, we cannot safely make such an assumption. I do not believe that in the drafting of legislation to protect the right to vote we should draw any such severe, autocratic terms as to provoke that sort of resistance. Therefore, I feel that we had better encourage cooperation with the law and cooperation toward the solution of this social ailment, which racial discrimination is, in all truth.

As I have said, Members of the Senate from the South are men to whom we would, without question, refer any problem affecting ourselves as individuals.

There have been demonstrations such as occurred in the trial of John Kasper, in Tennessee, that white juries do convict. There was a man who went into Tennessee as an agitator. He was a segregationist. He was asserting that he would, under all circumstances, defy the courts, and so forth.

One would have imagined, in such circumstances, from the arguments which have been made in support of the bill, that such a man could not have been convicted by a white jury. I heard those predictions made. But Kasper was convicted by a white jury because the jury did not want riots; it did not want disobedience of the law; it did not want the action which the Senator from Pennsylvania just said would be almost inevitable. I do not think it would be inevitable. I think the Senator from Pennsylvania was basing his question upon the assumption of a development which will not come about.

I am confident that in 90 percent of the cases which are likely to happen from now on concerning the registration of voters, the juries in the South, and particularly the registering officials, will obey the orders of the courts. Since we are cautioned, let us say, by the Supreme Court in its antisegregation decision, to move cautiously, I should prefer to let a controversy proceed through the court. I assume that if that was good advice coming from the Supreme Court, which handed down the antisegregation decision, it is also good advice with respect to the conduct of Congress toward appointed officials in the South.

We must not assume that they will disobey the law; we must assume that they will obey the law. If they refuse to obey the law, then perhaps it will be time for the Senator from Pennsylvania and other Senators who sponsored the very rigorous bill which was before us until the Senate acted yesterday, to find an occasion to proceed.

I thank the Senator from Tennessee for yielding to me.

Mr. KEFAUVER. I agree with the general sentiments expressed by the distinguished Senator from Wyoming. The question which the Senator from Pennsylvania raised——

Mr. CLARK. And which, I may say, remains unanswered.

Mr. KEFAUVER. The Senator from Wyoming, in interpreting the second amendment which he offered and discussed yesterday, at page 12572 of the RECORD, referred to and read from the language of title 18, section 3691, the recodified provision of the Clayton Act, to the effect that where a contempt was coupled with the commission of an act which constituted a criminal offense, then the defendant would be entitled to a jury trial when the judge brought the defendant before the court for the purpose of having him comply with his order.

The Senator from Wyoming, in discussing that point at page 12572 of the RECORD of yesterday, said that that was the distinction which was being made between criminal contempt, on the one hand, and civil contempt, on the other.

I had said it was my intention to provide in my amendment that if the judge had brought the defendant into court for the purpose of forcing compliance with the court's order, that would relate to civil contempt, notwithstanding the fact that in his action the defendant might have committed a criminal offense; that the criminal offense would be handled separately, and that that mere fact would not entitle him to trial by a jury. The Senator from Pennsylvania had interpreted the language of the Senator from Wyoming as being different from that conclusion.

Mr. CLARK. The reasons were set forth by the Senator from Wyoming on the page to which the Senator from Tennessee has referred, where the Senator from Wyoming, after quoting a section of the Clayton Act, said:

> There is the clear distinction of existing law regarding a criminal contempt which appears to be a gesture of willful disobedience of the court and is also an act which has been defined as a crime, either by Federal statute or by the law of the State in which the act or omission to act took place.

From that statement I had assumed—and I think the Senator from Tennessee agrees with me—that the Senator from Wyoming by his amendment did not intend to make any change in existing law in that regard; whereas the Senator from Tennessee does intend to make a change in existing law. I was indicating my agreement with the Senator from Tennessee, and my regretful disagreement with the Senator from Wyoming.

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

Mr. KEFAUVER. I yield.

Mr. O'MAHONEY. It is my opinion that the Senator from Pennsylvania misunderstands what I was saying. A jury trial amendment, in whatever form it appears, must come into the bill; otherwise men can be tried for criminal contempt who are not officials, who, though they may have been charged as conspirators, may not even have been upon the scene or have taken part in planning or promoting any act of violence to carry out the conspiracy—who may—indeed, have had no part in it. Unless a jury trial is provided, innocent people who are not officials and who are not positively identified may be sentenced for criminal offenses by the court.

Bear in mind that neither the amendment of the Senator from Pennsylvania nor the amendment——

Mr. CLARK. I have presented no amendment.

Mr. O'MAHONEY. I was speaking of the Senator from Tennessee, not of the Senator from Pennsylvania. The Senator from Pennsylvania has such a delightful personality that it is always a temptation to attribute to him anything that was said by any other able Senator on the floor.

Mr. CLARK. I thank my friend, and deny the allegation.

Mr. O'MAHONEY. The point I am making is that under these amendments the criminal contempt must take place

before any proceeding for contempt or the right of jury trial takes place. The amendments which have been offered, both by the Senator from Tennessee and by myself, have been designed, as I understand, to encourage compliance with a civil contempt proceeding, with the civil jurisdiction, without a trial by jury; and that is what I was trying to say yesterday.

But I acknowledged, when I was interrogated by the Senator from Colorado [Mr. CARROLL], that following a hearing on an order to show cause, after the order to register has been issued by the court, with a date certain when the registration shall be completed, if the registrar then willfully disobeys the order, he subjects himself to punishment for criminal contempt, but not before.

Mr. CARROLL. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Tennessee yield to the Senator from Colorado?

Mr. KEFAUVER. In a minute I shall yield to the Senator from Colorado.

Mr. President, first let me say that in any event I wish to make my position about this matter clear, for the sake of the legislative history. My position is that the intention under the amendment I have submitted is that if, for instance, a person interferes with the registration of a citizen to vote, and if at the same time the person who does the interfering attacks a Federal officer—which would be a separate offense—and if the judge calls in that man, for the purpose of trying to get him to comply with an order of the court, the fact that at the same time he committed another criminal offense would not entitle him to a jury trial in connection with the effort of the judge to obtain compliance with his order, which would be the situation under the recodification of section 22 of the Clayton Act, which is title 18, United States Code, section 3691. In that case it is my intention that the judge shall endeavor to enforce compliance in a civil action; and then the assault on the Federal officer would be a separate offense, and would be handled separately. The joining of the two of them would not give rise to a jury trial.

Mr. CLARK. Mr. President, I thank the Senator from Tennessee for his very clear explanation, which, I think, very carefully distinguishes between the meaning of his jury-trial amendment and the meaning of the jury-trial amendment of our friend, the Senator from Wyoming [Mr. O'MAHONEY.].

Mr. CARROLL. Mr. President, will the Senator from Tennessee yield to me at this time?

Mr. KEFAUVER. I yield.

Mr. CARROLL. I wish to say to the Senator from Tennessee, the Senator from Wyoming, and the Senator from Pennsylvania that they are making a fine contribution to the issue which confronts us. I think the Senators who are lawyers can settle this issue, because they understand what are the basic issues.

First of all, I think we are in agreement regarding the distinction between civil contempt and criminal contempt. I do not believe there is now any dispute about that.

Mr. CLARK. I am not sure that the Senator from Wyoming agrees.

Mr. CARROLL. I understand the views of the Senator from Wyoming. I have read his remarks in the RECORD. I think he understands it completely, and I subscribe to his interpretation of the distinction between civil contempt and criminal contempt.

Mr. O'MAHONEY. I thank the Senator from Colorado.

Mr. CARROLL. Mr. President, if the Senator from Tennessee will yield further to me, let me say that in my humble opinion, after reading the Supreme Court's decisions, the Congress has no authority to interfere with the civil contempt jurisdiction of the Supreme Court or of the inferior courts which Congress has created. I think that is clear, and I think it runs through the Federal court decisions.

Mr. KEFAUVER. I think Congress could do it; but I think it would be very unwise for Congress to take such action for it would destroy the dignity, the power, the effectiveness, and the esteem of the courts, if Congress were to do so. Since Congress created all the courts except the Supreme Court, I think Congress would have the right to do almost anything it wanted to do in that case; but it would be foolish for Congress to do it.

Mr. O'MAHONEY. Mr. President, will the Senator from Tennessee yield to me, so that I may speak in support of the position he has just taken?

Mr. KEFAUVER. I am happy to yield, if that will be satisfactory to the Senator from Colorado.

Mr. CARROLL. Certainly.

Mr. O'MAHONEY. I wish to say to the Senator from Colorado that I think he is mistaken when he says the Congress has no power to interfere with courts in this matter. The Congress did interfere with the action of a district court judge in the case of Judge Peck, of Missouri, when the Congress found that the judge had attempted to exercise what at that time was called the inherent power of the court—something that, it was contended, preceded the adoption of the Constitution and the law of the land. Congress did that by passing the Buchanan-Webster Act, to prescribe just what the power of the court in contempt proceedings is.

Mr. CARROLL. Mr. President, if I may respond to the remarks of the Senator from Wyoming——

Mr. O'MAHONEY. The Senator recognizes that, does he not?

Mr. CARROLL. I wish to say that I thought the lawyers could settle this matter here and now.

Mr. KEFAUVER. Mr. President, I think the Senator from Colorado is making a great contribution toward settling it. I will join the Senator from Colorado in an effort to settle it right now.

Mr. CARROLL. I wish to say that if we can once get clear the question of civil contempt, the question of whether the Congress has the authority will be decided by the Supreme Court.

I refer, in connection with this matter, to the case of Michaelson against United States. Let me state that in that case the Supreme Court said that even in criminal contempt the field was narrow, and the scope limited. That was the first movement in the history of jurisprudence in the United States to modify the scope of criminal contempt. Nowhere do I find a decision that the Congress can interfere with civil contempt. But that is another issue.

I think we now find that the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Pennsylvania [Mr. CLARK] hold the same view, namely, that civil contempt applies to the compulsory power of a court to intercede in behalf of a private person, to protect his rights. We agree as to that.

The point is that the Senator from Wyoming is not asking for a jury trial for that. So the question of whether Congress has that power is moot.

A question then arises in the case of a criminal contempt, punishable by the court, that is to say, punishable by a sentence for a certain period of time in jail, for an act, not to help an individual, but to vindicate the authority of the court. That is the basic premise of criminal contempt. The question is this: Shall Congress interpose a jury trial between the right of some contumacious person, some person standing in contempt, and the court's right to vindicate its authority; shall Congress let a jury determine whether the court's order was correct?

On yesterday the Senate voted to strike out part III of the bill. The arguments applicable in the Clinton case are, in my opinion, not applicable here. We are now dealing with the constitutional right to vote. Let us examine this matter briefly.

Today, all private individuals everywhere in the United States have a right to go into Federal court to protect their right to vote under the statutes and under the Constitution; and there are Federal court decisions to that effect. They come from a number of Federal-court judges, including judges in the Southland. These decisions relate to an equity right; and the courts have intervened.

The question is whether we wish to let the Attorney General have the equity power to maintain a suit in behalf of an individual or a group of individuals. Of course, if he does it—as the distinguished Senator from Tennessee and the distinguished Senator from Wyoming have pointed out—if Congress grants that power, that may deny the right to a trial by jury. Can we agree on that? Have I misstated, anywhere along the line, the case as to what the law is?

Mr. KEFAUVER. I think the law is under the general statute—under title 18, section 3691—namely, that unless there is some special provision, if the United States has brought or is prosecuting the suit in the name of or in behalf of the United States, then the general provision of that section granting a right of jury trial does not apply.

Mr. CARROLL. I agree with the Senator from Tennessee. So we are agreed on all those points.

Then we come to the real question, and this is the heart of the whole issue.

Mr. O'MAHONEY. Mr. President, will the Senator from Tennessee permit me to make a comment at this point?

Mr. KEFAUVER. Yes; if that is satisfactory to the Senator from Colorado.

Mr. CARROLL. Of course.

Mr. O'MAHONEY. We are trying to clarify the understanding among ourselves. If I correctly understood the statement the Senator from Colorado made, it was that where an individual entered an equity court to secure the right to vote, there would not be a trial by jury.

Mr. CARROLL. No; I did not say that.

Mr. O'MAHONEY. Then did the Senator from Colorado say there would be a trial by jury?

Mr. CARROLL. Yes; I said there would be a trial by jury.

Mr. O'MAHONEY. Let me point out to the Senator the reason why I have a slightly different interpretation, because in the pending bill we are not dealing with the situation which the Senator has described. We are dealing with a completely different provision, which is this, and I now read from page 11, subsection (c), of section 131:

Whenever any person has engaged—

That is past action—

or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action.

So we are not dealing with a case in which the individual injured has brought suit in an equity action. It is a case where the United States itself has entered the field, with the great power of the Central Government of the United States, to take the place of an individual citizen. Here is the question that is before us on the trial-by-jury amendment: Shall we deprive the independent individual, as a citizen of the United States who is charged with a crime, of the right of trial by jury when the great Government of the United States, acting through the Attorney General, tries to punish him without a jury trial in a contempt proceeding? Whether it is civil or criminal, that is a violation of a basic civil right which the Senate should not stand for, and that is why both the Senator from Tennessee and I have presented texts on the question.

Mr. KEFAUVER. Mr. President, if the Senator from Wyoming inferred that there should be a jury trial whether it is in civil or criminal proceedings, I do not go along with what he said, because it is only when it comes to criminal violation that I believe we can safely grant a jury trial, and should do so.

I think that might come about in several ways. For example, if a registrar refused to register a certain person, a judge should issue a show cause order, he would bring that person into court, and present him with the order. If the person refused then to comply with the order, the judge ordinarily would bring the defendant into court and say, "I hold you in contempt. I may incarcerate you, but you have the key in your own pocket. If you will register these people, then you will comply with the order, and you will then purge yourself of the contempt." But suppose he refused to do so and stayed in jail beyond the registration date. I would say, under those circumstances, the judge and the Government might then consider wanting to penalize the person for noncompliance with the order of the court, in which event he would be brought into court under a criminal contempt proceeding, which in many respects is quite different from a civil proceeding.

Mr. CLARK. If the Senator will yield, but in that event there would be a jury trial.

Mr. KEFAUVER. In that event there would be a jury trial. However, I think it is possible, even before the time for registration has expired, that the judge might want to punish the person in criminal contempt. Suppose the person had openly defied the court's order and issued statements that he was not going to comply with the judge's order, and had defied the dignity and the authority of the court. Even before the registration date, the judge might want to punish him for contempt. There would have to be a choice. If it was to be a criminal contempt, the defendant would have to have a jury; if a civil contempt, he would not have to have a jury.

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

Mr. KEFAUVER. I yield.

Mr. CARROLL. I think the Senator's explanation is exactly what the law is in all civil and criminal contempts. For example, using the illustration of registration, where the court's order is compulsory, the persuasive process is no longer applicable. As the Senator from Wyoming suggested, the defendant might have to post bond. That would still be a civil contempt. But when the situation changes, the contempt changes, and it becomes criminal contempt. At that point, the Senator from Tennessee feels the defendant should have a jury trial.

That is why I say if we can clarify the issue, we may get somewhere. The distinction between civil and criminal contempt is complex. There have been many decisions on the question, and many text writers have written on it. I think if we can boil the question down, as we are attempting to do today, we can come to the question of policy, whether we want to provide a jury trial in criminal contempt cases involving the basic constitutional right of trial by jury. That will become a policy based upon some of the very fine arguments, with which I do not fully agree, of the Senator from Wyoming. That is the purpose I had in mind in the beginning of my remarks. If we could get a few lawyers in the discussion to help us understand these fine distinctions, and then had the understanding drafted into an amendment, and see how it applied to the law, it would be helpful. May I have a minute or two——

Mr. KEFAUVER. Before I yield further to the Senator, while we are trying to make a record of what we consider to be the difference between civil and criminal contempt, I think it is well to point out some of the other earmarks which determine whether it is one or the other. I believe, in that connection, the best description is that by Justice Lamar, in the Gompers case, decided in 1910, and reported in volume 220, United States Reports. The court pointed out that a person cannot be called upon to testify against himself in criminal contempt. Gompers and others were called upon to give testimony against themselves. The court pointed out time and time again that what is important is the motive of the action, whether it is compliance or punishment for violation. Where, however, it was the latter—that is, criminal contempt, punishment for violation—it was of such a nature that the person had certain constitutional rights; that in criminal contempt he could not be called upon to testify against himself; that he was presumed to be innocent until proved guilty. The court in that case might very well have gone on and said, although the court did not say so, that among the constitutional rights was the right to a trial by jury.

Those are some of the earmarks of the differences, and they have been well described by the Senator from Colorado, and they are set forth very eloquently and distinctly in that case.

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

Mr. KEFAUVER. I yield.

Mr. CARROLL. Actually, in the Gompers case, there was a very fine description of the distinction. Perhaps we ought to take the pertinent section and put it in the RECORD. The decision drew this further distinction: In a civil contempt case, where there was before the court a person who was refusing to abide by the court's order and the court issued a mandate, if the person were put in jail and imprisoned he carried the keys into the jail with him, and he became his own warden. When he complied with the order of the court, he turned the key in the cell lock to bring himself out. That is civil contempt.

Mr. KEFAUVER. The Senator is correct. The judge is not punishing the man; the man is punishing himself because he will not comply.

Mr. CARROLL. To put it in a different way, the person coming into the court had certain rights, and that person's rights as an individual were protected by the court. To use the classic illustration of a divorce alimony case: the children are hungry, the husband will not contribute to the family support, so the court of equity says, "Pay to take care of your family or I will put you in jail." If the man contributes to the support of his family, that is enough. He is then able to turn the key in the lock of the door and walk out of jail. No one discussing constitutional rights under common jurisprudence would say, "Such a man should have a right to a trial by jury, because that is criminal contempt."

Mr. KEFAUVER. It is civil contempt.

Mr. CARROLL. Until the Clayton Act was passed in 1914, for 140 years of American jurisprudence there had been a distinction between criminal and civil contempt, and nowhere, in all the decisions, did we ever find the right to a trial by jury. I think that is a reasonable statement of the law in most States of the Union. The Clayton Act for the first time created the issue of the right of trial by jury. The type of criminal contempt covered by the Clayton Act grew out of economic conditions.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. KEFAUVER. The Senator from Colorado is correct. The Clayton Act of 1914 is the first instance of the jury trial provision being incorporated into the Federal statutes.

Mr. CARROLL. In 1914. If I may continue at that point, and if the Senator will yield further, the reason for that action was that employers were using the Federal courts at that time to restrict the constitutional rights of their employees to bargain collectively and assemble together.

It was after that time, however, that the trial by jury change was made. In the Clayton Act of 1914, however, the United States Goverment was excluded from participation in jury trials. The legislation excluded the United States Government, saying, "In suits maintained by the Government the defendants are not to have a right of trial by jury for criminal contempt."

Mr. KEFAUVER. The Senator is correct. The act provided that the trial by jury provision did not apply if the United States were a party plaintiff.

Mr. CARROLL. I will say to the Senator from Tennessee that in the Norris-La Guardia Act, as I understand it, the law was enlarged, in 1932, to include the United States Government; and then the Congress, by passage of the Taft-Hartley Act, took away that which had previously been granted in 1914 and 1932, and, I believe, restricted the use of both previous statutes.

The Senator from New Jersey [Mr. CASE] is asking for recognition. Perhaps the Senator from New Jersey wishes to interject some comments at this time.

Mr. KEFAUVER. Before I yield to the Senator from New Jersey, I think it would be well for us to make sure the facts are straight. I think we may have gotten the facts a little confused.

Section 22 of the original Clayton Act gave a right to trial by jury regardless of whether a private person or the Government was a party to the action. I have here the original provision. That provision did not say anything about a differential as between private parties and the United States Government.

Mr. CARROLL. When was the United States Government excluded?

Mr. KEFAUVER. It was definitely excluded when the time came for the recodification of the Clayton Act, in June 1948, title 18, United States Code, section 3691, then the exception was made that it would not apply when the Government was a party prosecuting a suit.

Mr. CARROLL. I appreciate the information the Senator from Tennessee has given us, because this is the first time in the debate of 2 weeks that we have received that information. I, and I am sure other Senators, have been led to believe that the original Clayton Act of 1914 excluded the United States Government from its provisions if the Government prosecuted the suit.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. ERVIN rose.

Mr. KEFAUVER. I see a great constitutional lawyer standing, the Senator from North Carolina [Mr. ERVIN].

Mr. CASE of New Jersey. I defer to the Senator from North Carolina as a greater constitutional lawyer, although I should like to ask a question myself.

Mr. KEFAUVER. The Senator from New Jersey is also a great constitutional lawyer.

Mr. ERVIN. The Clayton Act of 1914 excluded jury trial in cases by the Government.

Mr. CASE of New Jersey. The Senator is correct.

Mr. ERVIN. But the great liberal from Idaho, Senator Borah, proposed an amendment to strike out that provision about the Government. He said that such discrimination in favor of the Government had no basis in fact, that it was repugnant to every sense of justice, and was discrimination which could not be supported. Senator Borah offered an amendment to strike out the exemption applicable to Government cases, which amendment failed of adoption by only three votes.

I say here and now that there is no basis for discrimination in procedural matters in favor of the Government. If there is any basis for discrimination, it ought to be on behalf of the individual, if there is going to be a different kind of procedure. I stand on the position of Senator Borah.

When the Norris-La Guardia Act was passed in 1932, the Norris-La Guardia Act applied to the Government as well as to everybody else. One of the reasons given for passing the Norris-La Guardia Act was that the exemption in favor of the Government, giving the Government loaded legal dice—which is what it amounted to—had prevented justice from being done under the Clayton Act. Therefore, the Norris-La Guardia Act was passed in 1932, and made to apply to the Government as it applied to all other litigants.

Mr. CARROLL. Mr. President, will the Senator yield to me, so that we can keep the RECORD clear?

Mr. KEFAUVER. I yield.

Mr. CARROLL. In order to keep the RECORD clear, without all the fine arguments, let me ask a question. I know the arguments are good, and I know the distinguished Senator from North Carolina is aware that the Borah amendment failed, but, to keep the RECORD clear, am I right in my contention that in 1914 the original Clayton Act excluded the United States Government?

Mr. ERVIN. Yes. It denied jury trial in cases brought by the United States.

Mr. CARROLL. Am I right in my assertion that in 1932 the Norris-La Guardia Act included the United States Government?

Mr. ERVIN. Absolutely. One of the reasons why the Norris-La Guardia Act was passed was that the exclusion of jury trial in cases by the Government under the Clayton Act proved that the Clayton Act in operation was insufficient to afford protection to labor.

I will add that the reason why the Congress passed the Clayton Act was that, instead of enforcing the criminal laws against strikers, the practice followed was to obtain injunctions to keep persons from violating the laws against assault and battery. Injunctions were resorted to, so that persons could be punished for contempt without having a right to trial by jury for the charges of assault and battery. That was the reason why the statute was passed.

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

Mr. CARROLL. If the Senator will yield further to me, the Senator from Tennessee and I were simply trying to develop the chronological sequence of the laws which existed prior to 1914 with reference to civil and criminal contempt, and to establish what the Clayton Act did in 1914 and what the Norris-La Guardia Act did in 1932. We are trying as a group of lawyers to clarify the issue, and then we can determine the proper policy to be followed.

Mr. CASE of New Jersey and Mr. JAVITS addressed the Chair.

Mr. KEFAUVER. I yield first to the Senator from New Jersey.

Mr. CASE of New Jersey. Mr. President, I should like to join in the present discussion for the purpose of clarification and not for the purpose of debate on policy.

When the provision for a jury trial was first put into the law in 1914—and I think we will be shown to be right on this point—it applied only in suits for injunctions brought by private persons. The distinction between civil and criminal contempt in the traditional way was not covered, but a jury trial was to be allowed only for such contempts as were crimes under statutes of the Federal Government or a State. So the statute in a way is confusing in the consideration of the issue here, when we are trying to determine what the distinction is between civil and criminal contempt.

Broadly speaking, the Senator from Tennessee has been developing this matter, I think, in a very logical way, from the point of view of the definition based upon the opinion in the Gompers case and in the subsequent decisions, which are landmarks in the statement of the law on this particular point.

The purpose of the civil contempt proceeding is to compel performance. Criminal contempt is involved in upholding the dignity of the court, and enforcing punishment in aid of the dignity of the court and its judicial processes, where performance is no longer possible.

Mr. KEFAUVER. I thank the very able Senator from New Jersey. He is a great constitutional lawyer.

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

Mr. KEFAUVER. I yield.

Mr. JAVITS. Inasmuch as we are clarifying the facts, I think one thing

needs to be added about the Norris-La Guardia Act, and that is that in 1947 Congress, in effect, repealed what it had done in the Norris-La Guardia Act, by enacting the Taft-Hartley law, which provides that labor injunction cases shall, in the main, be brought by the United States Government. It did not repeal that section of the law which provided that when the United States Government was a party complainant and there was ensuing contempt, there would be no jury trial. So the most recent deliberation by the Congress as an expression of intent continued the situation in which the United States Government, as a complainant, despite the fact that the law applied to labor injunctions, should not have a jury trial in an ensuing contempt proceeding.

With respect to the original enactment in 1914, it is also a fact that this capped a considerable number of decades in which there had been no jury trial whatever in contempt cases.

Further, in respect to labor injunctions, the Senator from Oregon [Mr. MORSE], I think, made a very unusual and discerning analysis of that subject the other night. He pointed out that the great difference between an injunction in the Norris-La Guardia Act cases and in the cases we are discussing is fundamentally this—and this was undoubtedly the reason why Congress acted as it did: In the Labor Act cases, when the judge issued an injunction, that was the end of the matter, because the strike was broken or ended then and there, the minute the injunction was issued.

That is not true in the cases we are discussing. Hence, there is no special overriding reason for setting aside the idea of the Government not having a jury trial.

I think Congress evidenced its real intent on that subject in 1947. In addition, there has been a great deal of loose talk to the effect that there is no constitutional or civil right to jury trial in a contempt case. I think it has been shown that there is. If we are straightening out the facts, let us get that one straight.

Mr. KEFAUVER. Mr. President, I wish to move along, because I told my distinguished colleague from Virginia [Mr. ROBERTSON] that I would speak very briefly.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. CASE of New Jersey. There is one point which I should like to make to complete this development, and that is this: The 1914 statute provided that, in suits brought by individuals for injunctions, in cases in which the act complained of as a violation of the court's order was also a violation of a criminal statute of a State or the Federal Government, the right of trial by jury should apply. But it was not held, and it has never been held, that a criminal contempt, as such, entitled the person involved to a trial by jury. It is only when the act, though it may be criminal contempt from the standpoint of the equity proceeding, and may be punishable, so far as the judge is concerned, is also a violation of a criminal statute of the State or Federal Government. If the act done, which violates the court's order, is not a violation of a criminal statute of a State or of the Federal Government, no right of trial by jury exists.

Mr. KEFAUVER. That is not true of the Norris-La Guardia Act provision. It is true of the Clayton Act provision, as recodified.

Mr. CASE of New Jersey. With the exception of the labor cases under the Norris-La Guardia Act; and, as has already been pointed out, that act has been almost entirely modified by the provisions of the Taft-Hartley Act.

Mr. KEFAUVER. I will say to the Senator from New Jersey that the intention of the last paragraph of my amendment is that if the effort is to secure compliance with an injunction, and a person is brought into court for that purpose, he may be tried and dealt with by the judge in a civil contempt proceeding, without a jury, even though at the same time he may have committed a criminal offense, which criminal offense would be handled separately. The mere fact that he had committed a criminal offense when he was doing some act for which the judge brought him into court in a civil contempt proceeding would not entitle him to a jury trial. Do I make myself clear?

Mr. CASE of New Jersey. I appreciate the Senator's intent. I believe that of all the various amendments which have been suggested, his is perhaps most worthy of thoughtful consideration, though such consideration as I have been able to give it thus far leaves me with the strong conviction, up to the present time, that it is still a very undesirable amendment.

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

Mr. KEFAUVER. I yield.

Mr. ERVIN. I agree with the distinguished Senator from New York that there is nothing in the Constitution which provides that a person has the right of trial by jury in contempt cases. However, if that argument is applied as an objection to the amendment of the distinguished Senator from Tennessee, the same argument might be applied against the entire bill, because there is nothing in the Constitution which provides that civil rights are to be enforced in the way in which the bill provides for their enforcement. So what is sauce for the goose is sauce for the gander. If that argument would lie against the amendment, it would also lie against the bill.

I agree with the able and distinguished Senator from New Jersey that the Clayton Act provides that a criminal contempt is a contempt which is also a violation of Federal or State law. The reason the Clayton Act was passed was to prevent exactly what is attempted here—the substitution of injunctive processes for criminal prosecution for the purpose of circumventing jury trials.

I thank the Senator from Tennessee for yielding to me.

Mr. KEFAUVER. I thank the Senator for his contribution.

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

Mr. KEFAUVER. I yield.

Mr. LONG. The only case which has been made out against trial by jury, so far as I know, arises by reason of the examples referred to in the State of Louisiana, dealing with certain persons who are members of white citizens' councils, who challenge the right of certain Negroes to vote.

It seems to me that there has been no greater misrepresentation than has been perpetrated on the floor of the Senate; and I am sure that those who were responsible for it did not know the facts. There has been an effort to create the impression that because such things occurred, the people of the South, from one end to the other, should not be entitled to trial by jury.

In the first place, when white citizens challenge the right of Negroes to vote, they are challenging the qualifications of such Negroes based upon the laws of the State. For the enlightenment of Senators, before the debate is concluded, I shall place in the RECORD the Louisiana laws relating to the qualifications of voters. There are a great number of qualifications which voters must meet in order to be qualified to vote in the State of Louisiana.

Any person, whether he be colored or white, has the right to challenge the qualifications of any other registered voter. In most instances, the cases which have been cited are cases in which the person who was challenging the qualifications of another voter was challenging them entirely in accord with the laws of the State, when there was no recourse under the law, whether the case involved civil contempt, criminal contempt, trial by jury, or no trial by jury.

Several of the challenges involved cases in which the person was not living at the place where the registration showed he resided. Other challenges involved instances in which persons had moved from the community, and cases in which certain individuals had not furnished the information required by law in order to qualify as voters. But in none of those cases had there been a court injunction issued against the person challenging the qualifications of a person who was otherwise qualified to vote.

So here we have a situation in which no contempt of court is shown. Certain allegations are based upon what I believe to be very erroneous information furnished by the Attorney General, to the effect that a fair trial could not have been had, and that the same people would have violated court orders had court orders been issued—in other words, that they would have been in contempt of court, when, as a matter of fact, not a single injunction suit was brought against any of them. In many cases the statements of fact are completely erroneous.

Yesterday I noticed a story concerning what happened in Grant Parish, La., where approximately 600 or 700 colored voters were challenged by members of a white citizens' council.

What those who cite that case do not disclose is the fact that when those voters came forward and presented themselves with witnesses to prove that they lived in that community, their

names were restored to the rolls, and that the only persons whose names were not restored to the rolls were those who never presented themselves to the registrar. That is an example that is being given to condemn the entire South, 40 million people, with the charge that those 40 million people should be denied the right of trial by jury.

Mr. KEFAUVER. I appreciate the information of the Senator from Louisiana, and I know he will develop the subject fully. I did not intend to get into a factional discussion of the matter—as to what went on in various communities, or what did not go on in those communities in connection with voting—because I wished, so far as possible, to confine my discussion to the amendment, which would grant a jury trial in criminal contempt cases, which I believe should be granted.

While I have no information about the matter to which the Senator from Louisiana has referred, I shall await with a great deal of interest his statement. I have the feeling that not only in the South, but also in other parts of the United States, not only Negroes, but Spanish-American and oriental citizens, as well as citizens of many other minority groups, are not having their rights properly protected. I believe granting a jury trial in criminal contempt cases would be a reasonable step toward protecting their rights.

Mr. LONG. If I understand the Senator's amendment and his argument, it would apply in a given situation somewhat in this fashion: Let us say that a Federal district attorney has knowledge brought to him that in a certain area a man is being denied the right to qualify as a voter, although he is qualified to vote. In that case the Federal judge could issue a temporary restraining order against the registrar, requiring him to register either that individual or a broad group of persons who were being discriminated against because of race, color, or creed.

If the registrar declines to register a person because, he says, the person is not qualified, the registrar does that at his peril, and the judge can call the registrar before him, without trial by jury, and order him to register such qualified voter, or he will be put in jail until he does. That would be the judge's right under the so-called civil contempt procedure.

When the registrar complies and registers that man or those people, so that the applicants may vote, the registrar, of course, is free and can go about his affairs and return to his office and his regular duties. Is that correct?

Mr. KEFAUVER. That is not quite the situation. Certainly the registrar would be entitled to a hearing or a trial on the matter as to whether the applying voter was qualified. If the judge acted arbitrarily, an appeal could be taken. There are many other situations.

Mr. LONG. But the registrar would not have the benefit of a jury trial. Is that correct?

Mr. KEFAUVER. In the case of a registrar who refuses to register a person whom the judge has found to be qualified to be registered, the registrar would not be entitled to a jury trial.

Mr. LONG. Therefore the Senator's amendment would not provide a jury trial in remedial cases where the judge can obtain compliance by ordering the registrar to do a certain act. However, the Senator would give the same registrar the right of trial by jury in the event that someone wanted to proceed with a criminal prosecution and put the registrar in jail for 2 or 3 years for failing to register a voter.

Mr. KEFAUVER. If the registrar persisted in flouting the will of the judge, or the registrar waited until after registration could not be effected, and the Government and the judge felt that for violating the decree of the court the registrar should be punished, and brought into court under a criminal-contempt proceeding, where he could be sentenced to jail for a specific length of time, and that such punishment was in the judge's mind, the registrar would be entitled to trial by jury.

Mr. LONG. If I may ask this last question, I shall not interrupt the Senator further. When there has not been a single case of any southern citizen violating any injunctions such as are contemplated by this proposed legislation, when there is no evidence of any southern citizen violating an injunction by a court to register a voter, there is no merit whatever to denying the entire South the right of trial by jury, on the assumption that a southern citizen would not obey a court injunction. Is that correct?

Mr. KEFAUVER. I am convinced that the citizens of the South, as also citizens of other parts of the country, wish to obey court injunctions. As a people we have respect for and obey court decrees and injunctions. I do not know what violations there have been thus far. I do not know what injunctions have been issued. However, I believe that my amendment is on a sound basis since its purpose is to put into effect a judge's order. I believe that courts have the right to put into effect the decrees they issue, and such proceedings should be civil-contempt proceedings, and should be tried without a jury. However, when it comes to punishing a person, then I think the proceeding should be classified as a criminal contempt, and in such case a defendant ought to have the benefit of trial by jury.

Mr. JAVITS. Mr. President, will the Senator yield briefly to me—I shall not take more than a minute—so that I may answer the Senator from North Carolina?

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

Mr. KEFAUVER. I yield first to the Senator from Alabama.

Mr. HILL. Reference has been made to the Taft-Hartley Act, and the fact that in certain cases there was a denial of jury trial under that act. Is it not a fact that that act was passed in 1947, and that next year, in 1948, Congress proceeded to revise and recodify the law of the United States? At that time there was put into the code a provision to the effect that in any contempt case involving labor disputes, or disputes arising out of a labor situation, the accused shall have the right to trial by jury.

Mr. KEFAUVER. The Senator is correct. The Norris-La Guardia provision was put into the code in title 18, section 3692, and that is in the law today. The point the Senator from New Jersey made, however, was that under the Taft-Hartley Act, for which neither the Senator from New York nor I voted——

Mr. JAVITS. I did not vote for it.

Mr. HILL. I did not vote for it either.

Mr. JAVITS. We are together on that point. [Laughter.]

Mr. KEFAUVER. As a matter of fact, however, most of the injunction cases have been brought under a different act, so that this provision has not been used recently, although it is still in the law.

Mr. HILL. Is it not a fact that in 99 out of 100 cases under the Taft-Hartley Act, the injunction is brought not in the district court, but in the circuit court of appeals, where there is no provision for trial by jury?

Mr. KEFAUVER. I believe that is correct.

Mr. JAVITS and Mr. CARROLL addressed the Chair.

Mr. KEFAUVER. The Senator from Alabama is quite correct. The Taft-Hartley Act was passed in 1947.

Mr. HILL. In 1947; that is correct.

Mr. KEFAUVER. It was the year afterward—1948—when in the recodification of the laws the Norris-La Guardia Act was included in the code.

Mr. HILL. The provision was more specific in the Norris-La Guardia Act. Section 3692 of chapter 233, page 2519, title 18, Criminal Code and Criminal Procedure, provides:

> Jury trial for contempt in labor-dispute cases. In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

Mr. CARROLL. Mr. President, will the Senator yield for a question?

Mr. KEFAUVER. I yield.

Mr. CARROLL. The Senator from Alabama seems not to be reading the decision of the United States versus the United Mine Workers. Perhaps this is to get around the Norris-La Guardia Act. The United Mine Workers' case was both a civil and a criminal contempt case, and the Supreme Court held, notwithstanding this statute concerning the Norris-La Guardia Act, that the Norris-La Guardia Act was not applicable.

Mr. HILL. If the Senator from Colorado will examine the United Mine Workers' case, he will find that that case arose before this statute was written into the law. I think the Senator had better check his dates.

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

Mr. KEFAUVER. I yield.

Mr. JAVITS. The Senator from Tennessee is trying to equate with the bill

the right, which does not exist, to a trial by jury in a criminal contempt case under the Constitution, and he admits that there is no such constitutional right. If the Senator can bear the burden of showing that Federal protection of the right to vote and the equal protection of the State laws as to voting is not a constitutional right, then the 14th and 15th amendments do not mean what they say, and none of us can read English.

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

Mr. KEFAUVER. I yield.

Mr. ERVIN. The Senator from North Carolina is opposed to the bill because it is nothing in the world but a method of circumventing the Bill of Rights in the name of civil rights.

Mr. KEFAUVER. Mr. President, I must carry on.

Mr. JAVITS. I thank the Senator from Tennessee.

Mr. ERVIN. I also thank the Senator from Tennessee.

Mr. KEFAUVER. I think this has been an illuminating discussion, but I promised to be brief. I have been speaking too long. Other Senators wish to address the Senate this afternoon.

At the time the colloquy began, I was about to quote from an article by Mr. Arthur Krock and also from an article in the Washington Post and Times Herald. I ask unanimous consent that the excerpts be printed at this point in the RECORD.

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

[From article by Arthur Krock, New York Times of July 19, 1957]

A third member of the "liberal" group, Senator KEFAUVER, of Tennessee, has moved to amend part IV to provide specifically for jury trials in certain circumstances. His proposal is for juries "in criminal contempt cases arising out of civil actions, but not in civil contempt cases." The former "are used not only to force compliance with the court's orders but also to punish the offender for flaunting [sic] the court's authority." In the latter instances a man "detained [jailed] by the court if he fails to comply * * * will be released as soon * * * as he can purge himself of contempt."

This does not meet the objection of those who hold that persons in jeopardy of imprisonment under the administration bill have the implicit constitutional right of trial by jury in such cases, where the facts are bound to be disputed. And this group has a spokesman whose entire record is classified in the current political parlance as consistently liberal. This is Senator O'MAHONEY, of Wyoming.

[From the Washington Post and Times Herald of July 20, 1957]

Judges should be left free to enforce their injunctions or orders under the bill by either civil or criminal contempt proceedings. Civil contempt cases would be handled entirely by the judge. Under such proceedings the judge could send a person to jail for failing to obey an injunction; but the offender could free himself at any time by compliance. Action of this kind would be remedial rather than punitive. So far as we have been able to determine, there is no requirement anywhere for juries in civil contempt cases.

If the judge should resort to criminal contempt, a jury trial should be provided in two kinds of cases; those cases involving substantial controversy as to the facts, and other cases in which punishment was sought for contempt to persons who had not been parties to the proceedings which led to the order or injunction. The purpose here would be to avoid the substitution of nonjury criminal contempt hearings for jury trials in cases resembling criminal prosecutions and to insure that every accused person would have his day in court.

Senator KEFAUVER has introduced an amendment to require jury trials in all criminal contempt cases under the bill while leaving the judges free to use civil contempt without resorting to juries. Commendable though it would be in many respects, this arrangement might prevent the use of criminal contempt in some cases in which it would be fully justified. In our opinion, the use of a jury should not be made mandatory in criminal contempt cases involving no substantial controversy over facts and when the person cited for contempt has already had his day in court.

Mr. KEFAUVER. Mr. President, I ask unanimous consent that my proposed amendment and also the amendment of the Senator from Wyoming [Mr. O'MAHONEY] be printed at this point in the RECORD.

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

THE KEFAUVER AMENDMENT

At the end thereof add a new part as follows:

"PART V—AMENDMENT TO THE FEDERAL CRIMINAL CODE TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS OF COURT GROWING OUT OF CIVIL RIGHTS CASES

"SEC. 151. Title 18, 'Crimes and Criminal Procedure,' of the United States Code, is hereby amended by adding a new section No. 3693 to follow immediately after section 3692 and reading as follows:

"'§ 3693. Jury trial for criminal contempt in civil rights cases

"'In all cases of criminal contempt arising under the laws of the United States governing the issuance of injunctions, restraining orders, decrees, or other orders in any action or proceeding instituted under section 1980 of the Revised Statutes (42 U. S. C. 1985), as amended, or under section 2004 of the Revised Statutes (42 U. S. C. 1971), as amended, the accused, upon demand therefor, shall be entitled to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed. Punishment, as provided in criminal contempt proceedings under this section, shall be by fine or imprisonment, or both, under the limitations of the second paragraph of section 402 of title 18 of the United States Code.

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

"'Nothing herein or in any other provision of law shall be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with, as distinguished from punishment for violations of, injunctions, decrees, and orders issued in any action or proceedings instituted under section 1980 of the Revised Statutes (42 U. S. C. 1985), as amended, or under section 2004 of the Revised Statutes (42 U. S. C. 1971), as amended'."

THE O'MAHONEY AMENDMENT

At the end of the bill add the following:

"PART V—JURY TRIALS IN CERTAIN CONTEMPT CASES

"SEC. 151. In any proceeding to impose criminal penalties for contempt of any injunction, restraining order, or other order issued in an action or proceeding under this act, the accused, upon demand therefor, shall be entitled to trial by jury which shall conform as near as may be to the practice in other criminal cases.

"This section shall not apply to any proceeding for civil contempt to enforce compliance with or remove obstruction to the carrying out of any injunction, restraining order, or other order issued by a court under this act; but any person adjudged in civil contempt shall be entitled to be freed from detention upon giving an appropriate undertaking that he will in good faith comply with and not obstruct the carrying out of such injunction, restraining, or other order."

Mr. KEFAUVER. The second amendment which the Senator from Wyoming [Mr. O'MAHONEY] offered and the amendment which he has presently called up for consideration, follow the same philosophy which I have adopted.

I congratulate the Senator from Wyoming on abandoning his previous position that there should be a jury trial when there was a dispute of fact, and his adoption of this new approach which I have been urging, and which has substantial acceptance by many thoughtful constitutional lawyers.

I believe that the distinction between civil and criminal contempt, which appears in my amendment, is clear and unequivocal. Anyone can understand it.

I submit, further, that by keying the penalties to those in the Clayton Act, which my amendment does, my amendment prescribes a maximum penalty of 6 months' imprisonment and $1,000 fine for violation, which also is clear and unequivocal.

I think it is important that the amendment we adopt shall also clearly state that any court has a right to deal with any acts committed in its presence by the use of words similar to those in the Norris-La Guardia Act, so that litigants and lawyers will clearly understand it.

Senators may compare the two amendments which I have asked be printed in my remarks in other respects, and find language in the text of one or the other that is preferable. For instance, I like very much the concluding words of the O'Mahoney amendment, which point out clearly in the textbook definition how a party held for civil contempt can purge himself.

I do not intend to be quibbling over words in thus comparing the amendments. But words are important in this instance. We often hear Members of the Senate complain and accuse the courts of legislating. I submit that the courts have no choice but to legislate, in effect, when we hand them a hastily drafted and ill-defined measure and ask them to interpret it. What we should do is strive to make our words so clear that it will not be necessary for the courts to turn to committee reports and floor debate for legislative history in order to interpret our wishes. We ought to state

them plainly, and then we will not have to complain about the courts legislating.

The key sentence in my amendment is this:

Nothing herein or in any other provision of law shall be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with, as distinguished from punishment for violations of, injunctions, decrees, and orders.

And so on. How would that be applied? The distinction is clearly made that its application would depend on the purpose which the judge had in mind. Let us take a hypothetical case. Suppose it were charged that a registrar was refusing to register a group of voters. The judge probably would call the registrar in under a show cause order, and probably would call along with him some of those denied the right to register. He would hear the matter. This is a point in the proceedings at which facts are in dispute, but there would be no jury at this point under any of the amendments, for the court has entered no order and there are no formal charges on which a trial could be based.

After hearing the matter in chambers, the judge issues a mandatory order requiring the registration of those who have been denied. The registrar ignores the order. It is at this point that the court's order has been flouted. No judge can ignore this, otherwise our entire system of law would disintegrate.

The judge has no alternative but to cite the offending registrar for contempt. But he can do so in one of two distinct ways. He may want to punish the registrar for his offense. If so, under my amendment, he must offer the registrar a right of a trial by jury. He must give him a right to a trial before 12 of his peers. I think it is highly important to retain this right, which the people have won on battlefields against the nobles from the days of Runnymede.

On the other hand, the judge may simply want to secure compliance with his order. There is no criminal charge involved; it is merely civil. He would have the power to incarcerate the offending registrar, but only until he complied with the order. The registrar would have the keys in his pocket, so to speak.

All the proponents of the bill, from President Eisenhower on down, have said that it is not intended to be punitive. If so, then I do not see how there can be serious objection to my amendment as I prepared it, and to what the Senator from Wyoming [Mr. O'MAHONEY] apparently has in mind also. If our purpose is to guarantee the right to vote to all persons in the future, rather than to punish for misdeeds in the past, we can accomplish that end with this bill and my amendment. That is my purpose.

Without such a jury-trial amendment, we will have sacrificed a great right—the right to trial by jury for criminal acts.

With an all inclusive jury-trial amendment, such as that first offered by the Senator from Wyoming, we would render the bill unenforcible and would do a great disservice to our system of courts in America. But with the bill containing my amendment, we will make democracy stronger and more vital by assuring to all our people the right of the ballot. With its use, any remaining injustices—and there are some—can be corrected by the free use of the franchise.

I shall be glad to sit down with the Senator from Wyoming [Mr. O'MAHONEY] and any other Senators who may be interested in order to work out this highly technical, but extremely important problem.

Mr. President, since it has been referred to, and is a very brief opinion, I ask unanimous consent that I may have printed immediately following my remarks the opinion, without the syllabus, in the case of Gompers against Buck's Stove & Range Co., reported in volume 221, United States Reports, page 492.

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

STATEMENT BY MR. JUSTICE LAMAR

This is a proceeding to reverse a judgment finding that Samuel Gompers, John Mitchell, and Frank Morrison were guilty of contempt in violating the terms of an injunction restraining them from continuing a boycott, or from publishing any statement that there was or had been a boycott against the Buck's Stove & Range Co. The contempt case grew out of litigation reported in 33 App. D. C. 83, — L. R. A. (N. S.) —, 516. It will only be necessary to briefly refer to the facts set out in that record.

The American Federation of Labor is composed of voluntary associations of labor unions with a large membership. It publishes the American Federationist, which has a wide circulation among the public and the Federation. Samuel Gompers is president and editor of the paper. John Mitchell is vice president of the federation and president of the United Mine Workers, one of the affiliated unions. Frank Morrison has charge of the circulation of the paper. The federation had a difference as to the hours of labor with the Buck's Stove & Range Co., of which J. W. Van Cleave was president, who was also president of the American Manufacturers' Association. This controversy over the hours of work resulted in a boycott being declared against the Buck's Stove & Range Co., and it was thereupon declared "unfair" and was published in the American Federationist on the "unfair" and "we don't patronize" lists. The company filed in the supreme court of the District of Columbia its bill against the federation, the defendants above named and other officers, alleging that the defendants had entered into a conspiracy to restrain the company's State and interstate business, in pursuance of which they had boycotted it, published it on the unfair lists, and had by threats also coerced merchants and others to refrain from buying Buck's products for fear that they themselves would be boycotted if they continued to deal with that company. The result of the boycott had been to prevent persons from dealing with it, and had greatly lessened its business and caused irreparable damage.

After a lengthy hearing, the court, on December 18, 1907, signed a temporary injunction, which became effective when the bond required was given on December 23.

Thereafter testimony was regularly taken, and on March 23, 1908, the injunction was made permanent, with provisions almost identical with the temporary order of December 17, 1907.

From this final decree the defendants appealed, but before a decision was had, the Buck's Stove & Range Co. began contempt proceedings by filing in the supreme court of the District a petition entitled *"Buck's Stove & Range Co., plaintiff* v. *The American Federation of Labor et al., defendants,* No. 27,305, Equity," alleging that petitioner had "filed in this cause its original bill of complaint, naming as defendants, among others, Samuel Gompers, Frank Morrison, and John Mitchell." All of the record and testimony in the original cause was made a part of the petition, as follows:

"Reference is hereby made to the original bill and exhibits filed, the answer and amended answer of the defendants, the testimony taken on both sides, the original order restraining and enjoining the defendants pendente lite, and the final decree in the cause, and each and every other paper and proceeding in this cause from the institution of the suit to the filing of this petition, and it is prayed that the same may be taken and read as a part thereof at any and all hearings on this petition, whether in this court or on appeal from its decision herein rendered."

Some of the publications were charged to be in violation of the terms of the temporary injunction, dated December 23, 1907, and others were alleged to be in violation of the final decree dated March 23, 1908.

The petition set out in nine distinct paragraphs the speeches, editorials, and publications made at different times by the several defendants, charging that in each instance they continued and were intended to continue the boycott, and to republish the fact that the complainant was or had been on the unfair list. It concluded by alleging that by the devices, means, speeches, and publications set forth, and in contempt of court, the defendants had disobeyed its orders and violated the injunction. The prayer was (1) that the defendants be required to show cause why they should not be attached for contempt, and adjudged by the court to be in contempt of its order and its decree in this cause, and be punished for the same. (2) And that petitioner may have such other and further relief as the nature of its case may require. Signed: Buck's Stove & Range Co., by J. W. Van Cleve, president. It was also sworn to by the president of the company and signed by its solicitors.

A rule to show cause issued, requiring each of the defendants to show cause why they should not be adjudged to be in contempt and be punished for the same. Each of the defendants answered under oath, and, as treating the contempt proceeding as a part of the original cause, admitted the allegations as to the history of the litigation in paragraphs 2, 3, 4, and 5 of the petition, but "for greater accuracy refer to the record in this cause." Publications were admitted, but explained. Each of the defendants denied under oath that he had been in disregard or contempt of the court's order, and denied that any of the acts and charges complained of constituted a violation of the order. There were several issues of fact on which much evidence was taken. This related to the question of intent, and whether there had been a purpose and plan to evade any injunction which might be granted. There was also an issue as to whether John Mitchell had put a resolution to the convention of the United Mine Workers; whether Samuel Gompers and Frank Morrison had rushed the mailing of the January issue of the American Federationist, on December 22, so as to avoid the injunction dated December 17, which became operative on giving bond by complainant on December 23; and also whether they had thereafter sold and circulated copies of this issue containing the Buck's Stove Co. on the "unfair" and "we don't patronize" lists. Evidence was taken partly by deposition, partly before an examiner in chancery.

Each of the defendants was called as a witness by the complainant, and each testified as to facts on which the allegation of intent or evasion was based, and as to the publications, speeches, and resolutions which

the petition alleged constituted an act of disobedience and contempt of court.

"The court made a special finding as to 2 of the 9 charges, and then found that all 3 of the defendants were guilty of the several acts charged in paragraphs 17 and 26; that respondents Gompers and Morrison were guilty of the several acts charged in the 16th and 20th paragraphs; that respondent Morrison was guilty of the acts charged in the 25th paragraph; and that respondent Gompers was guilty of the several acts charged in the paragraphs 19, 21, 22, and 23. The finding concluded:

"The court, being fully advised in the premises, it is by it, this 23d day of December, A. D. 1908, considered that the said respondents, Samuel Gompers, Frank Morrison, and John Mitchell, are guilty of contempt in their said disobedience of the plain mandates of the said injunctions; and it is therefore ordered and adjudged that the said respondent Frank Morrison be confined and imprisoned in the United States jail in the District of Columbia for and during a period of 6 months; that the said respondent John Mitchell be confined and imprisoned in the said jail for and during a period of 9 months; and that the respondent Samuel Gompers be confined and imprisoned in the said jail for and during a period of 12 months; said imprisonment as to each of said respondents to take effect from and including the date of the arrival of said respective respondents at said jail."

On the same day the defendants entered an appeal, which was allowed, and bail fixed. After notice to the defendants the complainant moved "the court to amend or supplement its decree by awarding to it its costs against the defendants under the proceedings in contempt against them." This motion was granted in an order which recited that "upon consideration of the motion of complainant, filed in the above cause, for award of its costs in the contempt proceedings in said cause against the defendants Samuel Gompers, John Mitchell, and Frank Morrison, and after argument by the solicitors of the respective parties, the motion is granted, and it is ordered that the complainant, the Buck's Stove & Range Co., do recover against the defendants named, its costs in the said contempt proceeding, to be taxed by the clerk, and that it have execution therefor as at law."

The parties also entered into a stipulation, the material portions of which are as follows:

"For the purpose of avoiding unnecessary cost in the matter of the appeal by the defendants Samuel H. Gompers, John Mitchell, and Frank Morrison from the judgment against them under the contempt proceedings in the above entitled cause, it is stipulated that, * * * with the approval of the court of appeals, the record in the above cause [*Buck's Stove & Range Co.* v. *American Federation of Labor et al.*] * * * may be read from by either party to the appeal in said contempt proceedings, insofar as the same may be relevant and material, with like effect as if the said record of the original cause were embraced in the transcript, in the appeal from the said contempt proceedings."

This stipulation was signed by counsel for the defendants and for the Buck's Stove & Range Co.

The petition in the contempt proceeding, the answer, orders, final decree, amended decree, and stipulations, were all entitled in the original cause, *Buck Stove & Range Company* v. *The American Federation of Labor, Samuel Gompers, John Mitchell, Frank Morrison, et al.* The appeal papers in the court of appeals of the District were, and those here on certiorari are, entitled *"Samuel Gompers, John Mitchell, and Frank Morrison, appellants,* v. *The Buck Stove & Range Company."*

On December 23, 1908, the defendants were found guilty of contempt, and on the same day they appealed. On March 26, 1909, the court of appeals rendered its decision in favor of the Buck's Stove Co. on the appeal from the decree of March 23, 1908, and found that the decree was, in some respects, erroneous, and modified it accordingly. From that decision both parties appealed to this court—the Buck's Stove Co. contending that it was error to modify in any respect; the American Federation of Labor et al. contending that the court of appeals erred in not reversing and setting aside as a whole the decree granting the injunction.

There subsequently came on to be heard in the court of appeals of the District of Columbia the appeal from the decree in the contempt proceeding. On that hearing the Buck's Stove & Range Co. moved to dismiss the appeal, because the evidence had not been incorporated in a bill of exceptions, claiming that it was a criminal proceeding and was governed by the practice applicable to law cases. This motion was resisted by the defendants, who contended that the contempt proceedings were a part of the equity cause, and that the case was to be governed by equity practice, in which the whole record could be examined on appeal.

The court of appeals held that the proceeding was for criminal contempt, and that for want of a bill of exceptions it could not examine the testimony, but must treat the findings of fact by the judge as conclusive, and limit its consideration to the question whether, as a matter of law, the petition charged and the finding found acts which amounted to a violation of the injunction. It held that some of the facts alleged did constitute a good charge of contempt, and as each of the defendants was found to be guilty of at least one of such acts of disobedience constituting a violation of the injunction and a contempt of court, it held that the conviction must be sustained. This ruling was put on the ground that on a general verdict of guilty, the conviction and sentence on an indictment containing several counts, some of which were bad, must stand, if those which were good would sustain the sentence. It therefore not only refused to examine the evidence, to determine whether the proof was sufficient to sustain the conviction, but it also declined to consider the sufficiency of the other charges in the petition, of which the defendants were also found guilty. It affirmed the judgment of the supreme court of the District. The defendants thereupon applied for and obtained a writ of certiorari.

The appeal and cross appeal in the original cause of the *Buck's Stove & Range Co.* v. *American Federation of Labor* were heard here together. During the argument it appeared that the parties had settled their differences, and on the ground that the questions were moot this court dismissed both appeals. (219 U. S. 581, 55 L. ed. 472, 31 Sup. Ct. Rep. 472). Following this disposition of those appeals, and on the same day, the contempt case was called, and was argued by counsel for the Buck's Stove & Range Co. and counsel for Samuel Gompers, Frank Morrison, and John Mitchell.

Messrs. Alton B. Parker, Jackson H. Ralston, Frederick L. Siddons, William E. Richardson, and John T. Walker for petitioners.

Messrs. J. J. Darlington and Daniel Davenport for respondent.

(Mr. Justice Lamar, after making the foregoing statement, delivered the opinion of the court:)

The defendants, Samuel Gompers, John Mitchell, and Frank Morrison, were found guilty of contempt of court in making certain publications prohibited by an injunction from the Supreme Court of the District of Columbia. They were sentenced to imprisonment for 12, 9, and 6 months, respectively, and this proceeding is prosecuted to reverse that judgment.

The order alleged to have been violated was granted in the equity suit of the *Buck's Stove & Range Co.* v. *The American Federation of Labor and others,* in which the court issued an injunction restraining all the defendants from boycotting the complainant, or from publishing or otherwise making any statement that the Buck's Stove & Range Co. was, or had been, on the "unfair" or "we don't patronize" lists. Some months later the complainant filed a petition in the cause, alleging that the three defendants above named, parties to the original cause, in contempt of court and in violation of its order, had disobeyed the injunction by publishing statements which either directly or indirectly called attention to the fact that the Buck's Stove & Range Co. was on the unfair list, and that they had thereby continued the boycott which had been enjoined.

The defendants filed separate answers under oath, and each denied: (1) That they had been in contempt or disregard of the court's orders; (2) that the statements complained of constituted any violation of the order; and, on the argument, (3) contended that if the publication should be construed to amount to a violation of the injunction, they could not be punished therefor, because the court must not only possess jurisdiction of the parties and the subject matter, but must have authority to render the particular judgment. Insisting, therefore, that the court could not abridge the liberty of speech or freedom of the press, the defendants claim that the injunction as a whole was a nullity, and that no contempt proceeding could be maintained for any disobedience of any of its provisions, general or special.

If this last proposition were sound, it would be unnecessary to go further into an examination of the case, or to determine whether the defendants had in fact disobeyed the prohibitions contained in the injunction. *Ex parte Rowland* (104 U. S. 612, 26 L. ed. 864). But we will not enter upon a discussion of the constitutional question raised, for the general provisions of the injunction did not, in terms, restrain any form of publication. The defendant's attack on this part of the injunction raises no question as to an abridgment of free speech, but involves the power of a court of equity to enjoin the defendants from continuing a boycott which, by words and signals, printed or spoken, caused or threatened irreparable damage.

Courts differ as to what constitutes a boycott that may be enjoined. All hold that there must be a conspiracy causing irreparable damage to the business or property of the complainant. Some hold that a boycott against the complainant, by a combination of persons not immediately connected with him in business, can be restrained. Others hold that the secondary boycott can be enjoined, where the conspiracy extends not only to injuring the complainant, but secondarily coerces or attempts to coerce his customers to refrain from dealing with him by threats that unless they do, they themselves will be boycotted. Others hold that no boycott can be enjoined unless there are acts of physical violence, or intimidation caused by threats of physical violence.

But whatever the requirement of the particular jurisdiction, as to the conditions on which the injunction against a boycott may issue, when these facts exist, the strong current of authority is that the publication and use of letters, circulars, and printed matter may constitute a means whereby a boycott is unlawfully continued, and their use for such purpose may amount to a violation of the order of injunction. *Reynolds* v. *Davis* (198 Mass. 300, 17 L. R. A. (N. S.) 162, 84 N. E. 457); *Sherry* v. *Perkins* (147 Mass. 212, 9 Am. St. Rep. 689, 17 N. E. 307); *Davis* v. *New England R. Pub. Co.* (203 Mass. 470,

25 L. R. A. (N. S.) 1024, 133 Am. St. Rep. 318, 89 N. E. 565); *Brown* v. *Jacobs' Pharmacy Co.* (115 Ga. 431, 452, 57 L. R. A. 547, 90 Am. St. Rep. 126, 41 S. E. 553); *Gray* v. *Building Trades' Council* (91 Minn. 183, 63 L. R. A. 753, 103 Am. St. Rep. 477, 97 N. W. 663, 1118, 1 A & E. Ann. Cas. 172; *Lohse Patent Door Co.* v. *Fuelle* (215 Mo. 421, 472, 22 L. R. A. (N. S.) 607, 128 Am. St. Rep. 492, 114 S. W. 997); *Thomas* v. *Cincinnati, N. O. & T. P. R. Co.* (4 Inters. Com. Rep. 788, 62 Fed. 803, 821); *Continental Ins. Co.* v. *Fire Underwriters* (67 Fed. 312); *Beck* v. *Railway Teamsters' Protective Union* (118 Mich. 527, 42 L. R. A. 407, 74 Am. St. Rep. 421, 77 N. W. 13); *Pratt Food Co.* v. *Bird* (148 Mich. 632, 118 Am. St. Rep. 601, 112 N. W. 701); *Barr* v. *Essex Trades' Council* (53 N. J. Eq. 102, 30 Atl. 881). See also *Ludwig* v. *Western U. Teleg. Co.* (216 U. S. 156, 54 L. Ed. 427, 30 Sup. Ct. Rep. 280); *Bitterman* v. *Louisville & N. R. Co.* (207 U. S. 206, 52 L. ed. 172, 28 Sup. Ct. Rep. 91, 12 A. & E. Ann. Cas. 693); *Board of Trade* v. *Christie Grain & Stock Co.* (198 U. S. 236, 49 L. ed. 1031, 25 Sup. Ct. Rep. 637); *Scully* v. *Bird* (209 U. S. 489, 52 L. ed. 903, 28 Sup. Ct. Rep. 597.

While the bill in this case alleged that complainant's interstate business was restrained, no relief was asked under the provisions of the Sherman Antitrust Act. But if the contention be sound that no court, under any circumstances, can enjoin a boycott if spoken words or printed matter were used as one of the instrumentalities by which it was made effective, then it could not do so, even if interstate commerce was restrained by means of a blacklist, boycott, or printed device to accomplish its purpose. And this, too, notwithstanding section 4 (26 Stat. at L. 209, chap. 647, U. S. Comp. Stat. 1901, p. 3201) of that act provides that where such commerce is unlawfully restrained, it shall be the duty of the Attorney General to institute proceedings in equity to prevent and enjoin violations of the statute.

In *Loewe* v. *Lawler* (208 U. S. 306, 52 L. ed. 505, 28 Sup. Ct. Rep. 301, 13 A. & E. Ann. Cas. 815), the statute was held to apply to any unlawful combination resulting in restraint of interstate commerce. In that case the damages sued for were occasioned by acts which, among other things, did include the circulation of advertisements. But the principle announced by the court was general. It covered any illegal means by which interstate commerce is restrained, whether by unlawful combinations of capital, or unlawful combinations of labor; and we think, also, whether the restraint be occasioned by unlawful contracts, trusts, pooling arrangements, blacklists, boycotts, coersion, threats, intimidation, and whether these be made effective, in whole or in part, by acts, words, or printed matter.

The court's protective and restraining powers extend to every device whereby property is irreparably damaged or commerce is illegally restrained. To hold that the restraint of trade under the Sherman Antitrust Act, or on general principles of law, could be enjoined, but that the means through which the restraint was accomplished could not be enjoined, would be to render the law impotent.

Society itself is an organization, and does not object to organizations for social, religious, business, and all legal purposes. The law, therefore, recognizes the right of workingmen to unite and to invite others to join their ranks, thereby making available the strength, influence, and power that come from such association. By virtue of this right, powerful labor unions have been organized.

But the very fact that it is lawful to form these bodies, with multitudes of members, means that they have thereby acquired a vast power, in the presence of which the individual may be helpless. This power, when unlawfully used against one cannot be met, except by his purchasing peace at the cost of submitting to terms which involve the secrifice of rights protected by the Constitution; or by standing on such rights, and appealing to the preventive powers of a court of equity. When such appeal is made, it is the duty of government to protect the one against the many, as well as the many against the one.

In the case of an unlawful conspiracy, the agreement to act in concert when the signal is published gives the words "Unfair," "We don't patronize," or similar expressions, a force not inhering in the words themselves, and therefore exceeding any possible right of speech which a single individual might have. Under such circumstances they become what have been called "verbal acts," and as much subject to injunction as the use of any other force whereby property is unlawfully damaged. When the facts in such cases warrant it, a court having jurisdiction of the parties and subject matter has power to grant an injunction.

Passing, then, to the consideration of the question as to whether the defendants disobeyed the injunction and were therefore guilty of contempt, we are met with the objection that, for want of a bill of exceptions, we must treat the decree as conclusive as to the fact of disobedience, and can only examine the petition and the finding to determine whether one charges and the other finds acts which constitute a contempt of court. This view was adopted by the majority of the court of appeals, which treated this as a criminal proceeding, refused to examine the testimony, and affirmed the judgment in analogy to the rule that, on a general verdict of guilty upon an indictment containing several counts, some of which were bad, the conviction would not be reversed if there was one good count warranting the judgment.

The rule originated in cases where the finding of guilty was by the jury while the sentence was by the judge. In such cases the presumption is that the judge ignored the finding of the jury on the bad counts, and sentenced only on those which were sufficient to sustain the conviction.

But there is no room for such presumption here. The trial judge made no general finding that the defendants were guilty. But in one decree he adjudged that each defendant was respectively guilty of the nine independent acts set out in separate paragraphs of the petition. Having found that each was guilty of these separate acts, he consolidated the sentence without indicating how much of the punishment was imposed for the disobedience in any particular instance. We cannot suppose that he found the defendants guilty of an act charged unless he considered that it amounted to a violation of the injunction. Nor can we suppose that, having found them guilty of these nine specific acts, he did not impose some punishment for each. Instead, therefore, of affirming the judgment if there is one good count, it should be reversed if it should appear that the defendants have been sentenced on any count which, in law or in fact, did not constitute a disobedience of the injunction.

But, in making such investigation, it is again insisted that this is a proceeding at law for criminal contempt, where the findings of fact by the trial judge must be treated as conclusive, and that our investigation must be limited solely to the question whether, as a matter of law, the acts of alleged disobedience set out in the finding constitute contempt of court.

This contention on the part of the Buck's Stove & Range Co. prevents a consideration of the case on its merits, and makes it necessary to enter into a discussion of questions more or less technical, as to whether this was a proceeding in equity or at law. Where results so controlling depend upon proper classification, it becomes necessary carefully to consider whether this was a case at law for criminal contempt, where the evidence could not be examined, for want of a bill of exceptions; or a case in equity for civil contempt, where the whole record may be examined on appeal and a proper decree entered.

Contempts are neither wholly civil nor altogether criminal. And "it may not always be easy to classify a particular act as belonging to either one of these two classes. It may partake of the characteristics of both." *Bessett* v. *W. B. Conkey Co.* (194 U. S. 329, 43 L. ed. 1002, 24 Sup. Ct. Rep. 665). But in either event, and whether the proceedings be civil or criminal, there must be an allegation that in contempt of court the defendant has disobeyed the order, and a prayer that he be attached and punished therefor. It is not the fact of punishment, but rather its character and purpose, that often serve to distinguish between the two classes of cases. If it is for civil contempt the punishment is remedial and for the benefit of the complainant. But if it is for criminal contempt the sentence is punitive, to vindicate the authority of the court. It is true that punishment by imprisonment may be remedial as well as punitive, and many civil contempt proceedings have resulted not only in the imposition of a fine payable to the complainant, but also in committing the defendant to prison. But imprisonment for civil contempt is ordered where the defendant has refused to do an affirmative act required by the provisions of an order which, either in form or substance, was mandatory in its character. Imprisonment in such cases is not inflicted as a punishment, but is intended to be remedial by coercing the defendant to do what he had refused to do. The decree in such cases is that the defendant stand committed unless and until he performs the affirmative acted required by the court's order.

For example: If a defendant should refuse to pay alimony, or to surrender property ordered to be turned over to a receiver, or to make a conveyance required by a decree for specific performance, he could be committed until he complied with the order. Unless there were special elements of contumacy, the refusal to pay or to comply with the order is treated as being rather in resistance to the opposite party than in contempt of the court. The order for imprisonment in this class of cases, therefore, is not to vindicate the authority of the law, but is remedial, and is intended to coerce the defendant to do the thing required by the order for the benefit of the complainant. If imprisoned, as aptly said in *Re Nevitt* (54 C. C. A. 622, 117 Fed. 451), "he carries the keys of his prison in his own pocket." He can end the sentence and discharge himself at any moment by doing what he had previously refused to do.

On the other hand, if the defendant does that which he has been commanded not to do, the disobedience is a thing accomplished. Imprisonment cannot undo or remedy what has been done, nor afford any compensation for the pecuniary injury caused by the disobedience. If the sentence is limited to imprisonment for a definite period, the defendant is furnished no key, and he cannot shorten the term by promising not to repeat the offense. Such imprisonment operates not as a remedy coercive in its nature, but solely as punishment for the completed act of disobedience.

It is true that either form of imprisonment has also an incidental effect. For if the case is civil and the punishment is purely remedial, there is also a vindication of the court's authority. On the other hand, if the proceeding is for criminal contempt and the imprisonment is solely punitive, to vindicate the authority of the law, the complainant may also derive some incidental benefit from the fact that such punishment tends to prevent a repetition

of the disobedience. But such indirect consequences will not change imprisonment, which is merely coercive and remedial, into that which is solely punitive in character, or vice versa.

The fact that the purpose of the punishment could be examined with a view to determining whether it was civil or criminal is recognized in *Doyle* v. *London Guarantee & Acci. Co.* (204 U. S. 605, 607, 51 L. ed. 644, 645, 27 Sup. Ct. Rep. 313), where it was said that "while it is true that the fine imposed is not made payable to the opposite party, compliance with the order relieves from payment, and in that event there is no final judgment of either fine or imprisonment. * * * The proceeding is against a party, the compliance with the order avoids the punishment, and there is nothing in the nature of a criminal suit or judgment imposed for public purposes upon a defendant in a criminal proceeding." *Bessette* v. *W. B. Conkey Co.* (194 U. S. 328, 48 L. ed. 1002, 24 Sup. Ct. Rep. 665); *Re Nevitt* (54 C. C. A. 622, 117 Fed. 448); *Howard* v. *Durand* (36 Ga. 359, 91 Am. Dec. 767); *Phillips* v. *Welch* (11 Nev. 178).

The distinction between refusing to do an act commanded (remedied by imprisonment until the party performs the required act), and doing an act forbidden (punished by imprisonment for a definite term), is sound in principle, and generally, if not universally, affords a test by which to determine the character of the punishment.

In this case the alleged contempt did not consist in the defendant's refusing to do any affirmative act required, but rather in doing that which had been prohibited. The only possible remedial relief for such disobedience would have been to impose a fine for the use of complainant, measured in some degree by the pecuniary injury caused by the act of disobedience. Rapalje, Contempts, sections 131–134; *Wells, F. & Co.* v. *Oregon R. & Nav. Co.* 9 (Sawy. 601, 19 Fed. 20); *Re North Bloomfield Gravel Min. Co.* (11 Sawy. 590, 27 Fed. 795); *Sabin* v. *Fogarty* (70 Fed. 483).

But when the court found that the defendants had done what the injunction prohibited, and thereupon sentenced them to jail for fixed terms of 6, 9, and 12 months, no relief whatever was granted to the complainant, and the Buck's Stove & Range Co. took nothing by that decree.

If, then, as the court of appeals correctly held, the sentence was wholly punitive, it could have been properly imposed only in a proceeding instituted and tried as for criminal contempt. The question as to the character of such proceedings has generally been raised, in the appellate court, to determine whether the case could be reviewed by writ of error or on appeal. *Bessette* v. *W. B. Conkey Co.* (194 U. S. 324, 48 L. ed. 997, 24 Sup. Ct. Rep. 665). But it may involve much more than mere matters of practice. For, notwithstanding the many elements of similarity in procedure and in punishment, there are some differences between the two classes of proceedings which involve substantial rights and constitutional privileges. Without deciding what may be the rule in civil contempt, it is certain that in proceedings for criminal contempt the defendant is presumed to be innocent, he must be proved to be guilty beyond a reasonable doubt, and cannot be compelled to testify against himself. *Boyd* v. *United States* (116 U. S. 616, 29 L. ed. 746, 6 Sup. Ct. Rep. 524), *United States* v. *Jose* (63 Fed. 951); *State* v *Davis* (50 W. Va. 100, 40 S. E. 331, 14 Am. Crim. Rep. 282), *King* v. *Ohio & M. R. Co.* (7 Biss, 529, Fed. Cas. No. 7,800); *Sabin* v. *Fogarty* (70 Fed. 482); *Drakeford* v. *Adams* (98 Ga. 724, 25 S. E. 833).

There is another important difference. Proceedings for civil contempt are between the original parties, and are instituted and tried as a part of the main cause. But, on the other hand, proceedings at law for criminal contempt are between the public and the defendant, and are not a part of the original cause. The court of appeals recognizing this difference, held that this was not a part of the equity cause of the *Buck's Stove & Range Company* v. *American Federation of Labor*, and said that "the order finding the defendants guilty of contempt was not an interlocutory order in the injunction proceeding. It was in a separate action, one personal to the defendants, with the defendants on one side and the court vindicating its authority on the other." [33 App. D. C. 567.]

In this view we cannot concur. We find nothing in the record indicating that this was a proceeding with the court, or more properly the Government, on one side and the defendants on the other. On the contrary, the contempt proceedings were instituted, entitled, tried, and, up to the moment of sentence, treated, as a part of the original cause in equity. The Buck's Stove & Range Co. was not only the nominal, but the actual, party on the one side, with the defendants on the other. The Buck's Stove Co. acted throughout as complainant in charge of the litigation. As such and through its counsel, acting in its name, it made consents, waivers, and stipulations only proper on the theory that it was proceeding in its own right in an equity cause, and not as a representative of the United States, prosecuting a case of criminal contempt. It appears here also as the sole party in opposition to the defendants; and its counsel, in its name, have filed briefs and made arguments in this court in favoring affirmance of the judgment of the court below.

But, as the court of appeals distinctly held that this was not a part of the equity cause, it will be proper to set out in some detail the facts on this subject as they appear in the record.

In the first place the petition was not entitled *"United States* v. *Samuel Gompers et al."* or "In re Samuel Gompers et al.," as would have been proper, and, according to some decisions, necessary, if the proceedings had been at law for criminal contempt. This is not a mere matter of form, for manifestly every citizen, however, unlearned in the law, by mere inspection of the papers in contempt proceedings ought to be able to see whether it was instituted for private litigation or for public prosecution, whether it sought to benefit the complainant or vindicate the court's authority. He should not be left in doubt as to whether relief or punishment was the object in view. He is not only entitled to be informed of the nature of the charge against him, but to know that it is a charge, and not a suit. *United States* v. *Cruikshank* (92 U. S. 542, 559, 23 L. ed. 588, 593).

Inasmuch, therefore, as proceedings for civil contempt are a part of the original cause, the weight of authority is to the effect that they should be entitled therein. But the practice has hitherto been so unsettled in this respect that we do not now treat it as controlling, but only as a fact to be considered along with others, as was done in *Worden* v. *Searle* (121 U. S. 25, 30 L. ed. 857, 7 Sup. Ct. Rep. 814), in determining a similar question. Thus considering it, we find that the petition instituting the contempt proceeding was entitled in the main cause. *"Buck's Stove & Range Company, plaintiff,* v. *American Federation of Labor et al., defendants,* No. 27305, Equity," and that the answers of the defendants, every report by the examiner in chancery, every deposition, motion, and stipulation, every order, including the final decree and the amended decree, were all uniformly entitled in the equity cause. Not only the pleadings in the original cause, but all the testimony, oral and written, was, by reference in the petition, made a part of the contempt proceedings. The trial judge quoted largely from this oral testimony thus introduced in bulk, and the severity and character of the sentence indicate that he was largely influenced by this evidence, which disclosed the great damage done to the complainant's business by the boycott before the injunction issued.

It is argued the defendants' answers concluded with a statement that, as questions of criminal and quasi-criminal intent were involved, a jury was better qualified to pass on the issue than a judge, and in the event he should be of opinion that the charges had not been sworn away, they moved that issues of fact should be framed and submitted to a jury. Such a motion was not inconsistent with the theory that this was a proceeding for civil contempt in equity, but was in strict accord with the practice under which questions of fact may be referred by the chancellor to a jury for determination.

In proceedings for civil contempt, the complainant, if successful, is entitled to costs. Rapalje, Contempts, section 132. And evidently on the theory that this was a civil proceeding, and to be governed by the rules applicable to an equity cause, the Buck's Stove & Range Co. moved the court to amend the decree so as to award to it its costs. After argument by solicitors for both parties, the motion was granted, and the court adjudged that the complainant do recover against the defendants its costs in said contempt proceeding. This ruling was no doubt correct, as this was a civil case, but could not have been granted in a proceeding for criminal contempt, where costs are not usually imposed in addition to the imprisonment. Where they are awarded, they go to the Government, for the use of its officers, as held by Justice Miller, on circuit. *Durant* v. *Washington County, Woolw.* (377, Fed. Cas. No. 4,191).

In another most important particular the parties clearly indicated that they regarded this as a civil proceeding. The complainant made each of the defendants a witness for the company, and, as such, each was required to testify against himself—a thing that most likely would not have been done or suffered if either party had regarded this as a proceeding at law for criminal contempt, because the provision of the Constitution that "no person shall be compelled in any criminal case to be a witness against himself" is applicable not only to crimes, but also to quasi-criminal and penal proceedings. *Boyd* v. *United States* (116 U. S. 616, 29 L. Ed. 746, 6 Sup. Ct. Rep. 524).

Both on account of the distinct ruling to the contrary by the court of appeals, and the importance of the results flowing from a proper classification, we have with some detail discussed the facts appearing in the record, showing that both parties treated this as a proceeding which was a part of the original equity cause. In case of doubt this might, of itself, justify a determination of the question in accordance with the mutual understanding of the parties, and the procedure adopted by them. But there is another and controlling fact, found in the brief but sufficient prayer with which the petition concludes. We have already shown that in both classes of cases there must be allegation and proof that the defendant was guilty of contempt, and a prayer that he be punished. The classification, then, depends upon the question as to whether the punishment is punitive, in vindication of the court's authority, or whether it is remedial, by way of a coercive imprisonment, or a compensatory fine, payable to the complainant. Bearing these distinctions in mind, the prayer of the petition is significant and determinative. After setting out in detail the acts of alleged disobedience, the petition closes with the following prayers: (1) "That the defendants show cause why they should not be adjudged in contempt of court and be punished for the same;" and (2) "that petitioner may

have such other and further relief as the nature of its case may require."

"Its case," not the Government's case. "That petitioner may have relief," not that the court's authority may be vindicated. The Buck's Stove & Range Co. was not asserting the rights of the public, but seeking "such other and further relief as the nature of its case may require." If it had asked that the defendants be forced to pay a fine to the Government, or be punished by confinement in jail, there could have been no doubt that punishment pure and simple was sought.

On the other hand, if it had prayed that the court impose a fine payable to the Buck's Stove & Range Co., the language would have left no doubt that remedial punishment was sought. It is not different in principle, if, instead of praying specifically for a fine payable to itself, it asks generally for such relief as the nature of its case may require. In either event such a prayer was appropriate to a civil proceeding, and under it the court could have granted that form of relief to which the petitioner was entitled. But, as the act of disobedience consisted not in refusing to do what had been ordered, but in doing what had been prohibited by the injunction, there could be no coercive imprisonment, and therefore the only relief, if any, which the nature of petitioner's case admitted, was the imposition of a fine, payable to the Buck's Stove & Range Co.

There was, therefore, a departure—a variance—between the procedure adopted and the punishment imposed, when, in answer to a prayer for remedial relief, in the equity cause, the court imposed a punitive sentence appropriate only to a proceeding at law for criminal contempt. The result was as fundamentally erroneous as if in an action of A versus B, for assault and battery, the judgment entered had been that the defendant be confined in prison for 12 months.

If, then, this sentence for criminal contempt was erroneously entered in a proceeding which was a part of the equity cause, it would be necessary to set aside the order of imprisonment, examine the testimony, and thereupon make such decree as was proper, according to the practice in equity causes on appeal. And if, upon the examination of the record, it should appear that the defendants were in fact and in law guilty of the contempt charged, there could be no more important duty than to render such a decree as would serve to vindicate the jurisdiction and authority of courts to enforce orders and to punish acts of disobedience. For, while it is sparingly to be used, yet the power of courts to punish for contempts is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law. Without it they are mere boards of arbitration, whose judgments and decrees would be only advisory.

If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls the judicial power of the United States would be a mere mockery.

This power has been uniformly held to be necessary to the protection of the court from insults and oppression while in the ordinary exercise of its duty, and to enable it to enforce its judgments and orders necessary to the due administration of law and the protection of the rights of citizens (*Bessette* v. *W. B. Conkey Co.* (194 U. S. 333, 48 L. Ed. 1004, 24 Sup. Ct. Rep. 665)).

There has been general recognition of the fact that the courts are clothed with this power, and must be authorized to exercise it without referring the issues of fact or law to another tribunal or to a jury in the same tribunal. For, if there was no such authority in the first instance, there would be no power to enforce its orders if they were disregarded in such independent investigation. Without authority to act promptly and independently the courts could not administer public justice or enforce the rights of private litigants (*Bessette* v. *W. B. Conkey Co.* (194 U. S. 337, 48 L. Ed. 1005, 24 Sup. Ct. Rept. 665)).

Congress, in recognition of the necessity of the case, has also declared (Rev. Stat. 725, U. S. Comp. Stat 1901, p. 583) that the courts of the United States "shall have power * * * to punish by fine or imprisonment * * * contempts of their authority," including "disobedience * * * by any party * * * to any lawful * * * order * * * of the said courts." But the very amplitude of the power is a warning to use it with discretion, and a command never to exert it where it is not necessary or proper. For that reason we can proceed no further in this case, because it is both unnecessary and improper to make any decree in this contempt proceeding.

For, on the hearing of the appeal and cross-appeal in the original cause in which the injunction was issued, it appeared from the statement of counsel in open court that there had been a complete settlement of all matters involved in the case of *Buck's Stove & Range Co.* v. *American Federation of Labor.* This Court therefore declined to further consider the case, which had become moot, and those two appeals were dismissed (219 U. S. 581, 55 L. Ed. 472, 31 Sup. Ct. Rep. 472). When the main case was settled, every proceeding which was dependent on it, or a part of it, was also necessarily settled—of course, without prejudice to the power and right of the court to punish for contempt by proper proceedings (*Worden* v. *Searls* (121 U. S. 27, 30 L. Ed. 858, 7 Sup. Ct. Rep. 814)). If this had been a separate and independent proceeding at law for criminal contempt, to vindicate the authority of the court, with the public on one side and the defendants on the other, it could not, in any way, have been affected by any settlement which the parties to the equity cause made in their private litigation.

But, as we have shown, this was a proceeding in equity for civil contempt, where the only remedial relief possible was a fine, payable to the complainant. The company prayed for such relief as the nature of its case may require, and when the main cause was terminated by a settlement of all differences between the parties, the complainant did not require, and was not entitled to, any compensation or relief of any other character. The present proceeding necessarily ended with the settlement of the main cause of which it is a part. *Bessette* v. *W. B. Conkey Co.* (194 U. S. 328, 333, 48 L. ed. 1002, 1004, 24 Sup. Ct. Rep. 665); *Worden* v. *Searls* (121 U. S. 27, 30 L. ed. 858, 7 Sup. Ct. Rep. 814); *State* v. *Nathans* (49 S. C. 207, 27 S. E. 52). The criminal sentences imposed in the civil case, therefore, should be set aside.

The judgment of the Court of Appeals is reversed, and the case remanded, with directions to reverse the judgment of the Supreme Court of the District of Columbia, and remand the case to that court with direction that the contempt proceedings instituted by the Buck's Stove & Range Co. be dismissed, but without prejudice to the power and right of the Supreme Court of the District of Columbia to punish by a proper proceeding, contempt, if any, committed against it.

Reversed.

Mr. KEFAUVER. Mr. President, I yield the floor, and I express deep appreciation to the Senators who have taken part in the discussion this afternoon.

Mr. ROBERTSON. Mr. President, with all due deference to the amendment offered by the Senator from Tennessee [Mr. KEFAUVER], I rise in support of the O'Mahoney amendment, which, in the opinion of the junior Senator from Virginia, affords a little clearer protection of the right to trial by jury than the amendment which has recently been under discussion.

Seldom has Congress wrestled with a bill so subtle and difficult to understand as H. R. 6127. Some Members of this body, who once accepted assurances of its sponsors that this was merely a mild bill dealing with the right to vote, discovered the falsity of that claim in time to join in the successful effort on yesterday to strike out part III which would have given unprecedented and completely unwarranted powers to the Attorney General of the United States.

This action was applauded by editorial writers and commentators who only a few weeks ago had themselves failed to realize the true implications of the bill. Even the President of the United States admitted that there were some things in the bill which he did not clearly understand, and explained that his primary interest was in the protection of the right to vote.

That right is endorsed by everyone, so far as I know, who has expressed opposition to H. R. 6127, but we feel that there are other rights which also are of supreme importance, and that among these is the right of trial by jury—the cherished emblem of personal freedom.

In the hope, therefore, that those who saw the dangers of part III also may be made to recognize the need for further modification of the bill to protect the right of trial by jury, I desire to add something to what I said on this floor on June 6 as to the faults I still see in this bill which cause me to be deeply opposed to it.

There is a variety of arguments that could be used for my purpose. I could point out that the bill is unnecessary because there is ample law already for the protection of civil rights, and that the allegations on which the argument that it is needed are based are vague hearsay which would be unacceptable in any court.

I could point out that it is dangerous because it makes possible oppression of a sizable segment of our population by an overeager, overzealous or unscrupulous official.

I could point out that it departs widely from accepted legal procedures by bypassing administrative and State remedies and by authorizing actions based on suspicion that a future deed may be in violation of the law.

My immediate purpose, however, is to focus attention on two points:

First. The nature of civil rights and aspects of this bill which indicate that it should properly be called an anti-civil-rights bill.

Second. The significance of the right of trial by jury, which the bill would constrict and endanger.

True civil rights, Mr. President, often considered under the designation of civil liberty, are chiefly associated with the security and freedom of the person. But, if we examine the term in the context of American history, we find the definition of these rights seems to be

a changing and expanding one. It must, therefore, be reviewed in the historical perspective.

In the connotation with which it is how used, the term civil rights first came into prominence during the first decade after the War Between the States when the emancipated slaves were being adjusted to their new life.

The Civil Rights Act of 1866, enacted over the veto of Andrew Johnson, dealt with the right to contract, the right to be a witness, the right to hold, inherit, and convey real property, and the right to the same due process of law that was applicable to whites, including application of the same punishments and penalties.

This raised a sharp issue of constitutionality. If the Federal Government became the prime protector of rights in these fields, what became of the powers reserved to the States and the people thereof by the 10th amendment to the Constitution, and what did this do to the basic doctrine of separation of powers?

In his veto message, Johnson said:

> If Congress may guarantee to Negroes equal civil rights, may it not grant them the right to vote, the right to hold public office, and the right to marry white persons?

The primary question involved was not whether the freed slaves should have some of these rights, but whether the securing of them was a proper functioning of the Federal Government.

It was to meet these constitutional objections to the first Civil Rights Act that the 14th amendment was proposed and ratified in 1868, under conditions which I shall not discuss in detail at this time, but which involved disfranchisement of most of the white persons in the South, and coercive measures to insure ratification which made a mockery of democratic processes.

The 15th amendment, with similar intent and like coercion was ratified in 1870, and on May 31, 1870, Congress enacted a new Civil Rights Act based on these amendments.

The provisions of the 1870 act were:

First. It reenacted the 1866 Civil Rights Act.

Second. It provided that all citizens otherwise qualified to vote should be allowed to vote without any distinction as to race, color, or previous condition of servitude.

Third. It provided that when two or more persons should conspire with intent to deprive any person of his civil rights, that should constitute a felony.

Fourth. In addition to renacting the 1866 act, it provided that any person who, under color of law, and so forth, subjected any inhabitant to a deprivation of his civil rights, should be guilty of a misdemeanor.

Fifth. Further detailed implementation was made of the right of suffrage.

After passage of this act, new questions were raised as to its constitutionality, even under the amendments added to the Constitution; and the issue reached the Supreme Court in what has been termed the *Slaughterhouse* cases (16 Wall. (U. S.) 36).

The decision in these cases distinguished between national citizenship and State citizenship. For the protection of national privileges and immunities, the Court held that the citizen may look to the Federal Government; and the Court enumerated the following rights as owing their existence to the Federal Government.

First. The right of a citizen to come to the seat of government, to assert any claim he may have upon that government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions.

Second. Free access to seaports where foreign committee is carried on.

Third. Free access to subtreasuries.

Fourth. Free access to land offices.

Fifth. Free access to the courts of the several States.

Sixth. Federal protection on the high seas.

Seventh. Federal protection within the jurisdiction of a foreign government.

Eighth. The right peaceably to assemble and petition for redress of grievances.

Ninth. The privilege of the writ of habeas corpus.

Tenth. Right to use navigable waters within the territory of the States.

Eleventh. Rights secured to citizens by treaties.

Twelfth. Right of a citizen of the United States to become a citizen of any State by bona fide residence therein.

Thirteenth. Rights secured by the 13th amendment.

Fourteenth. Rights secured by the 15th amendment.

The Slaughterhouse cases were based on a matter which at first glance seems of minor consequence from the standpoint of the Nation. The question involved was whether the State of Louisiana, in passing a law to regulate slaughterhouses near New Orleans, had discriminated against certain citizens who previously had engaged in this business; and whether, in so doing, the State had violated the 14th amendment.

But the Justices of the Supreme Court indicated the importance which they gave to the underlying issue by handing down a decision which occupies more than 100 pages in the official reports, and which includes an exhaustive analysis of the limits of the 14th amendment.

The Court said it was quite clear—

> That there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

The decision then defined the rights of Federal citizenship as including the rights I have listed.

But, the Court went on to say that—

> If there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizens of the State as such, the latter must rest for their security and protection where they have heretofore rested.

They are not embraced, the Court said, in the paragraph of the 14th amendment which says:

> All persons born and naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The decision referred to the history of the Constitution and to earlier court decisions, and said:

> It would be the vainest show of learning to attempt to prove by citations of authority that up to the adoption of the recent amendments (that is, the 13th, 14th, and 15th) no right or pretense was set up that those rights depended on the Federal Government for their existence or protection beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government.

The Court then examined the purpose of the 14th amendment, and said it could not find in this or in the 13th or 15th amendment any purpose to destroy the main features of the general system of our Government.

The decision said that to say the intention was to bring within the power of the Congress the entire domain of civil rights heretofore belonging exclusively to the States would involve a departure from the structure and spirit of our institutions, and the effect would be to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character.

The decision significantly added:

> Under the pressure of all the excited feelings growing out of the war, our statesmen have still believed that the existence of the States with powers for domestic and local government, including the regulation of civil rights, the rights of person and of property were essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations on the States and to confer additional power on the Nation.

That decision still stands and was the foundation upon which President Eisenhower based his statement with respect to States rights in the campaign of 1952, which I have already quoted.

Parenthetically, Mr. President, I might say that those who today are so critical of some of us who have expressed open disagreement with a 1954 decision of the Supreme Court and who condemn as lawless our peaceful efforts to build up sentiment to have that decision altered should explain how they distinguish between our actions and those of the civil rights advocates who from 1872 to 1954 constantly sought to overturn the philosophy of the Slaughterhouse cases and the numerous other cases in which the Court accepted the thesis that the balance between State and Federal power must be preserved.

Returning to our review of the historical perspective of civil rights in the United States:

After the Slaughterhouse cases, we find court decisions dealing with two main categories of civil rights:

First. Those protected by the power of the Federal Government against invasion by State action.

Second. Those protected by the power of the Federal Government against invasion by private persons.

In the first category are freedom of speech and assembly, freedom of the press, freedom of religion, and the right to benefit of counsel. In the second category are the right to assemble peaceably for the purpose of petitioning the Federal Government for redress of grievances; freedom of speaking and printing on subjects relating to the Federal Government, Federal elections, Federal laws, Federal operations and officers; protection of persons from violence while in Federal custody and protection of Federal elections by the Congress.

It should be noted, however, that the second grouping of rights, which the courts have said the Federal Government should protect against invasion by private persons, involve actions directly concerned with the Government itself; and time after time the Supreme Court has said the 14th and 15th amendments are directed at State action and not individual action, and that the wrongful act of an individual, unsupported by State authority, is simply a private wrong, which is a subject for State action.

It was because of their efforts to cover wrongful actions of individuals against other individuals that several of the post-Civil War civil rights statutes were knocked down by the courts, or their application greatly restricted.

The Supreme Court never directly challenged the basic decision concerning States rights contained in the Slaughterhouse cases, but has in recent years insidiously attacked that decision in a roundabout way by broadening the alleged meaning of due process of law.

The constant effort of those who have supported so-called civil rights bills in the Congress in recent years has been to broaden Federal jurisdiction over activities of individuals, and that has been a primary reason for my opposition to these proposals.

As the Supreme Court well said in the case of *United States* v. *Stanley, et al.* (109 U. S. C. p. 3 et al.), which wiped from the books part of the civil-rights acts of 1875:

> If this legislation is appropriate for enforcing the provisions of the amendment it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? * * * The truth is that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the 10th amendment of the Constitution, which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

The correctness of the Court's conclusion that this kind of expansion of Federal powers is unjustified becomes evident when we recall the history of our Constitution.

During the debates in the Constitutional Convention in Philadelphia, a marked difference of opinion developed over the views of Hamilton and the views which Jefferson communicated to Madison and other members of the Virginia delegation as to the type of Federal Government to be created by the Constitution—whether the people should have the right to local self-government within the respective States, concerning matters that wholly related to the State, or whether the country should be ruled by a strong central government with autocratic powers.

Hamilton favored a Federal Government empowered to pass all laws and to be the judge of the proper exercise of its powers, eliminating all State sovereignty. Those views were stoutly resisted by Jefferson and Madison, and, fortunately for us, the views of Jefferson and Madison prevailed.

But when the famous document prepared in Philadelphia reached the Virginia Convention assembled in Richmond for ratification, Patrick Henry, familiar, of course, with the fight that had been made by Hamilton, opposed ratification.

He spent hours debating the opening words, "We the people of the United States," alleging that those words indicated an intention to form a powerful nation of all the people of the country, and not just a union of 13 sovereign States.

In other State ratifying conventions, as well as that of Virginia, concern was expressed because, although State Constitutions usually were prefaced with a Bill of Rights, no statement of the rights of the individual citizen was embodied in the Federal Constitution.

It was known that this omission was not an oversight, for Gerry and Mason in the Philadelphia Convention had moved that a committee be appointed to prepare a Bill of Rights, but that motion was lost by an equal division of the States.

After the convention had completed its work, it immediately became evident that many people felt insecure under the proposed Constitution without a written guaranty to protect them against encroachments on the part of the Federal Government.

It took all the great popularity of Washington and the logic of Madison and Marshall to overcome the reluctance of Virginia to risk the loss of her sovereignty, and Virginia ratified only on the assurance of Madison and his followers that amendments safeguarding personal liberty and States rights would be offered as soon as the new Congress was organized.

In the course of the debate, which raged in printed pamphlets and letters to publications, as well as in the ratifying convention itself, George Mason, in a letter addressed to citizens of Virginia, criticized the failure to include a declaration of rights in the Constitution, and said this meant the people were not secure "even in the enjoyment of the benefits of the common law, which stands here upon no other foundation than its having been adopted by the respective acts forming the constitutions of the several States."

Mason said:

> The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several States; thereby rendering laws as tedious, intricate, and expensive, and justice as unattainable by a great part of the community, as in England.

Richard Henry Lee wrote a series of letters in which he signed himself, "The Federal Farmer," and in which he pointed out features of the proposed Constitution which he regarded as dangerous. In one of these, dated October 12, 1787, Lee said the Constitution was a fundamental compact between the people and the Federal Government, and the Federal rulers would not be bound by any other compact. He said it would be absurd for them, in making laws, to look over all the State constitutions to see what rights were established as fundamental and must not be infringed upon. Therefore, he argued, a bill of rights ought to be a part of the fundamental compact.

Massachusetts and New York, like Virginia, ratified the Constitution only on the firm promise that amendments would be adopted.

Five of the eleven States which ratified prior to the inauguration of the new government proposed a total of 77 amendments, including 9 by Massachusetts, 4 by South Carolina, 12 by New Hampshire, 20 by Virginia, and 32 by New York. North Carolina, which refused to ratify without amendments, suggested 26, and Rhode Island, with a delayed ratification, asked for 21 amendments, making a grand total of 124 immediate changes in the Constitution which were proposed by the ratifying States.

In his inaugural address of April 30, 1789, Washington, who had practically pledged himself to an early attempt to amend the Constitution in order to assure ratification, called the attention of Congress to the fact that the Members would have to "decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of the objections which have been urged against the system, or by the degree of inquietude which had given birth to them."

He said he felt assured that while Congress would "carefully avoid every alteration which might endanger the benefits of a united and effective government. A reference for the characteristic rights of freemen and a regard for the public harmony will sufficiently influence your deliberations on the question of how far the former can be impregnably fortified or the latter be safely and advantageously promoted."

On the following Monday, Madison informed the House that he would move consideration of amendments to the Constitution on the fourth Monday of May—3 weeks later. The next day, May 5, the House, in response to Washington's inaugural, declared:

> The question arising out of the fifth article of the Constitution will receive all the attention demanded by its importance and

will, we trust, be decided under the influence of all the considerations to which you allude.

On that day and the following day the formal requests of Legislatures of Virginia and New York for amendments to the Constitution were presented to the House by Bland, on behalf of Virginia, and Lawrence, on behalf of New York. It was agreed that both should be entered upon the Journal, but that Congress could not enter upon the subject of a convention to amend the Constitution until required to do so by the application of the legislatures of two-thirds of the States. But this left open the alternate method of Congress proposing amendments, and on June 8, 1789, Madison presented his amendments and moved that the House consider them in a Committee of the Whole.

Madison, recalling his pledges to the Virginia Convention, said he felt honorbound to bring the amendments before the House as soon as possible, and to advocate them until adopted or rejected by the constitutional two-thirds vote. There was debate over how the amendments should be considered—whether in the Committee of the Whole or by a select committee—and some speakers warned that those who had ratified with the expectation of speedy amendment would lose faith in the sincerity of Congress if there was any undue delay.

In advocating action Madison said the chief objection to the Constitution had been its lack of a Bill of Rights, and that if the proposed amendments were adopted many of those dissatisfied would become Federalists and the two States not yet in the Union would be influenced to join it. He said he did not want to open the door for consideration of the Constitution as a whole.

Madison finally agreed to have his amendments considered by a select committee of 11, 1 from each State. This committee reported the amendments on July 28, but it was August 13 before the recommendations were considered. On August 21 the House agreed to 17 amendments, which were committed to a committee of 3 to arrange, and this smaller committee reported on August 24, recommending that the articles be submitted as amendments for ratification by three-fourths of the States.

When the House amendments were read in the Senate on August 25 there was considerable opposition both to these amendments and to amendments in general. A motion to postpone consideration until the next session of Congress was defeated, but the amendments were not taken up until September 2, and after several days of debate they were returned to the House with alterations. The House refused to agree to some of the changes and asked for a conference. A second committee of conference was required to iron out differences, and action was completed only 4 days before the first Congress adjourned on September 29.

Sessions of the Senate at that time were secret, and its journal a mere outline, but from this it appears that of the original 17 House amendments 2 were rejected, and the remaining 15 boiled down into 12, of which 10 were ratified by the States.

The two Virginia Senators, Richard Henry Lee and William Grayson, were not satisfied with Madison's amendments and sent a letter to the Virginia Legislature suggesting that Virginia continue to insist on another general Constitutional Convention. Virginia finally ratified 12 amendments on December 15, 1791, the last of all the States to do so.

I have recited this history to show how important the Bill of Rights was considered to be by the Founders of our Nation, and how probable it is that the new Federal Union could not have survived if this assurance of protection had not been given to the people.

The first 8 amendments ratified have to do with the rights of individuals and are properly a Bill of Rights, while the 9th and 10th have to do with limiting the strong nationalistic tendency of the Constitution.

In urging adoption of the 9th and 10th amendments, Madison said:

> If they are incorporated into the Constitution independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights. Besides this security there is a great probability that such a declaration in the Federal system would be enforced, because the State legislatures will jealously and closely watch the operations of this Government and be able to resist with more effect every assumption of power than any other power on earth can do; and the greatest opponents of a Federal Government admit the State legislatures to be sure guardians of the people's liberty. I conclude from this view of the subject, that * * * we should offer something in the form I have proposed, to be incorporated in the system of government as a declaration of the rights of the people.

Thomas Jefferson, writing in 1800 on the adoption of these amendments also said:

> It (the Government) can never be harmonious and solid while so respectable a portion of its citizens support principles which go directly to a change in the Federal Constitution to sink the State governments, consolidate them into one, and to monarchise a single government. * * * I do verily believe that if the principle were to prevail of a common law being in force in the United States * * * it would become the most corrupt Government on earth. * * * What an augmentation of the field for jobbing, speculating, plundering, office building, and office hunting would be produced by an assumption of all the State powers into the hands of the General Government. The true theory of our Constitution is surely the wisest and best, and the States are independent as to everything within themselves and united as to everything respecting foreign nations.

So, Virginia and other States in which there were important factions fearful of the powers of a strong central Government were persuaded to ratify the Constitution by the promises of beloved and respected leaders that the Great Compromise would not be invalidated.

And today, Mr. President, those who speak for Virginia on the floor of the Congress would be faithless not only to their constituents but to their heritage if they did not resolutely oppose these proposals inspired by the same type of thinking which moved Alexander Hamilton to say in the Constitutional Convention of 1787 that he saw no reason for refusing to extinguish the State governments except that such action would shock the public opinion.

How do the so-called civil rights bills which have had major consideration in the Congress last year and this year fit into that pattern?

They have started off by proposing to set up a troublemaking commission which would go snooping around in the States and localities, looking for possible violations of civil rights and issuing reports which might be timed for political effect in various parts of the country.

The Honorable J. Lindsay Almond, Jr., a former Member of the House of Representatives and now the distinguished attorney general of Virginia, testified before the House Judiciary Committee that this proposed Commission would be "vested with sweeping powers so broad, so general and unbridled as to constitute it a board of inquisition and ex parte condemnation. It will provide," he said, "a source of harassment to the several States which it will seek to victimize in derogation of their rights under the Constitution to administer their own internal governmental affairs."

The bills also have proposed a new assistant to help the Attorney General of the United States handle the additional business which a new civil rights bill might be expected to generate. This simply adds one more bureaucrat and an indeterminate number of janizaries authorized to spend Government funds for unnecessary and partisan ends.

More serious are the proposals to allow the Attorney General to institute action not only in cases where civil rights statutes have been violated, but also when he believes any persons are about to engage in acts or practices which would give ground for such action and which authorize the bringing of action in Federal courts before available administrative remedies and appeals to State courts have been tried. These are in part IV as well as the eliminated part III of the bill.

The effect of these provisions was accurately described by one of my Virginia colleagues [Mr. ABBITT] who told the other body that the provision waiving the necessity of exhausting State remedies "permits one man, a political appointee, to supersede State law, State remedy procedures, and State jurisdiction when and if it suits his fancy to do so. State authority is ruthlessly thrust aside. The police powers of the State are wiped out by a wink of the eye or a nod of the head by the political hatchetman of the administration then in power and he is made the sole guardian of the people with full authority to bring suits or refuse to bring suits in their behalf in all civil-rights matters."

The most vicious part of the bill passed by the House last year, however, which was not fully understood at the time and which was carried over into this year's bills, is the one which would effectively deprive the victims of the Attorney General of the sacred right of trial by jury.

This would be accomplished by authorizing civil-rights actions, including the obtaining of injunctions, in the name of the United States, rather than in the name of the citizen whose rights are alleged to have been violated.

The result would be to evade jury trial requirements of the third article and the 6th and 7th amendments to the United States Constitution and to permit accused persons to be put in jail and held for an indefinite period by order of a Federal judge without what the American Colonists in their 1774 Declaration of Rights called "the great and inestimable privilege of being tried by their peers of the vicinage."

Last year the sponsors of the House bill succeeded in getting the bill passed with only limited discussion of this key provision. This year, when more persons became aware of its implications, open defense became necessary and sponsors of the pending bill brazenly admitted they wanted this provision because without it they feared they would have trouble convicting persons accused of violations in certain States.

Commenting on the action of the House in refusing to adopt an amendment protecting the right of trial by jury, the Washington Star, in an editorial published on June 16, said:

> It means that the President, who carried five Southern States last year, does not trust southern jurors to live up to their oaths. For the real reason behind the drive against the jury trial amendment was the fear, real or professed, that southern juries would not convict defendants in civil rights contempt trials, regardless of the evidence.
>
> Whatever the case with respect to the President, it is clear that the House has prejudged, and adversely prejudged, an entire area of the country.

I digress, Mr. President, to add that the judgment has been demonstrated to be incorrect by the action of a jury in a school case in Clinton, Tenn.

> In effect, this was a vote of no confidence in the South, and that, we think, is a high price to pay for some supposed political advantage among Negro voters outside the South. * * *
>
> We do not believe that considerations of expediency, especially considerations based on speculation, justify bypassing the jury trial, and we trust that this matter will receive more earnest consideration in the Senate.

Mr. President, I again digress to add that we are thankful to a splendid constitutional lawyer from the West, who can approach this matter from an absolutely nonpartisan, nonpolitical position. The Senator from Wyoming [Mr. O'MAHONEY] has given consideration to this problem, and has proposed an amendment which has again been endorsed by an editorial in the Washington Star, which has been read by our distinguished majority leader, an editorial which said, "The elimination of part III has greatly helped this bill." That is certainly true.

The editorial went on to say that if we can also safeguard trial by jury, this cherished emblem of personal rights, this constitutional right, this right which was claimed by English-speaking people even before they had the right of suffrage—long before we had any right of suffrage in this country, because we did not have suffrage at first—then we will make a better bill of it.

Mr. President, I sincerely hope that will be the attitude of the Senate when it votes. Shall we indict a whole section of the country and deny a constitutional right which the people have always enjoyed; namely, the right to jury trial in a criminal case? The right of trial by jury is all the O'Mahoney amendment provides.

In a civil contempt case there is no right to a jury trial. In a criminal contempt case the defendant is given the right to ask for a jury trial. If the defendant would rather take his chances with the judge, that is permissible, but in that case he waives the right for himself; we do not waive it for him.

Mr. President, I earnestly hope that when the Senate votes on the bill it will take that position. The Senate must consider that the President has said: "My concern is the protection of the right to vote." No one challenges that. There is a constitutional provision guaranteeing the right to vote. Who will stand on the floor and say, "I do not want any free American citizen to have the privilege of voting"? No one will.

Let us not forget, as I have said, that the right of trial by jury is also a constitutional right, and it could be a much more precious right to some people than the right to vote. We can preserve the right to vote without resorting to the political expediency of denying the right to a trial by jury.

Mr. President, I now return to what I had previously prepared on this subject.

Sponsors of the proposed legislation sought to justify their position by referring to the 1957 bill as a "watered down" version of the bill passed by the House last year. They said additional protective provisions had been written in; and, as to the jury provisions, the Attorney General said "the Government seeks no new or radical procedures to govern injunction suits in civil-rights cases," and that "suits for preventive relief under the proposed legislation will be governed by the traditional rules of procedure which have always applied to such suits."

The fallacy and lack of candor of those statements, Mr. President, was clearly exposed on the floor of the Senate on June 6, 1957, in a colloquy I had with the distinguished Senator from North Carolina [Mr. ERVIN], who spoke with the authority of an experienced member of the judiciary.

I commend to every Member of this body a rereading of the statements made on that occasion by the Senator from North Carolina, showing how traditional procedures would be abandoned and radical, new steps taken to make law enforcement subservient to the whims of an individual holder of a political office.

On the occasion to which I have referred and preceding my exchange of questions and answers with my colleague from a neighbor State, I attempted to indicate the significance of this particular jury-trial provision in a bill which had not yet come to the Senate, in the hope that wider appreciation of its implications would result in its elimination.

I attempted to outline, in brief form, the history of the right to trial by jury and to show its relation to our constitutional form of government and I suggested that, while the first experiments in getting rid of trial by jury by shifting cases into an exempt classification might be aimed at certain sections of the country, the process involved a threat against every believer in American constitutional liberty.

Because what I said on that occasion was generally ignored by the press and I fear it received little attention from my colleagues, Mr. President, I ask unanimous consent to have included at this point in the RECORD my discussion of trial by jury as previously recorded on pages 8467 to 8470 of the RECORD of June 6, 1957.

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

THE INESTIMABLE PRIVILEGE OF TRIAL BY JURY

Mr. ROBERTSON. Mr. President, for us in Virginia there is irony in the fact that in the midst of celebrating the 350th anniversary of the Jamestown settlement, where representative government on the North American Continent was started, we must pause to fight a proposal sponsored by the President of the United States to abridge one of the most valued rights of self-government, namely, trial by jury.

Under the mocking label of civil rights, the President and his chief law-enforcement officer, the Attorney General, are pressing upon the Congress legislation which would undermine our constitutional liberty and restrict rights which have been cherished since colonial days.

Earlier this week the Senate committee which has been considering the so-called civil-rights bills voted to insert in the one recommended by its subcommittee an amendment assuring to defendants in civil-rights cases the same kind of protection of their right to a jury trial which is now granted in cases involving labor disputes.

On the other side of the Capitol, however, there is a bill under consideration almost identical with the Senate subcommittee's bill in which the threatened abridgment of jury rights still remains.

We do not know what the status of this provision will be in the bill which may be sent to the Senate by the other House. We cannot be sure that those who have accepted the Attorney General's viewpoint that abridgment of jury trials is the heart of the bill will not succeed in their efforts to have the Senate Judiciary Committee reverse its decision. And, in any case, we know that whenever one of these bills is considered on the floor of the Senate a major issue will be the right of trial by jury.

When the time comes for that Senate debate, which now seems inevitable, I shall say, as I have said throughout my service in the Congress, that so-called civil-rights legislation is ill considered, inadvisable, and unnecessary. I shall try to point out how it would create friction and ill will that, in the long run, would harm instead of help those alleged to be its beneficiaries. And, above all, I shall try to make clear the danger that the precedent set and the forces placed in motion by such legislation would strike another blow at the already weakened foundation of a government of balanced powers—a central government having only delegated powers with the sovereign States and the people retaining control of all others not specifically prohibited to them.

In the meantime, however, before the stage of debate on a specific bill is reached, I want to bring to the attention of the Senate the significance, as I see it, of the issue

of trial by jury as it is involved in this legislation. I desire to remind the Senate of the background of the right which would be infringed and to point out that this is not a sectional matter but a fundamental one which vitally concerns the citizens of every State of the Union.

And, Mr. President, because I have high personal regard for the present occupant of the White House, it is with sorrow that I must point out the disservice he is doing to the cause of constitutional liberty, in which I am sure he too believes, when he allows the prestige of his office to be thrown behind this legislation.

What a grand opportunity the 350th anniversary of the first permanent English settlement gave the President to emulate the example of Daniel Webster on the 100th anniversary of the birth of George Washington. After praising Washington's contribution to the birth of a new nation; after extolling the benefits the people had derived from the form of government Washington had helped to frame; Webster made an eloquent plea for its preservation. He concluded with the eloquent reminder, which I have often quoted in the past, that other misfortunes may be borne and their effects overcome, but that we cannot reconstruct the fabric of demolished government.

"Who shall rear again the well-proportioned columns of constitutional liberty?" Webster asked; and he solemnly answered "If these columns fall, they will be raised not again."

I had hoped that when the President of the United States became aware of the significance of some of the proposals being made under the label of civil rights he would denounce them in the name of constitutional liberty, but I have been disappointed.

At a press conference last month the President said:

"The civil-rights bill is a very moderate thing, done in all decency and in a simple attempt to study the matter, see where the Federal responsibilities lie, and to move in strict accordance with the Supreme Court's decision, no faster and no further."

Then, when the representative of a Virginia newspaper asked how he felt about the bill's denial of jury trials, the President replied that he was "not going to talk about that matter," and said his questioner would have to ask Attorney General Brownell, who "knows more about it than I do."

As I have said, I have high personal regard for the President and, although I do not always agree with him, I frequently have been able to support his recommendations. I am not unmindful of the fact, however, that the Attorney General is by tradition a political appointee who after he has taken office does not always abandon his partisan viewpoint; and I must frankly say that my observation of the conduct in office of Mr. Brownell has not convinced me he is an exception to this rule.

Therefore, I am not willing to accept as final the word of the Attorney General as to the merits and characteristics of this and other civil-rights bills, and I am concerned by the implication in the quotations I have cited that the President has placed such reliance on this subordinate official.

I am not so optimistic as to believe the President will find time to read all that I say here today, or that it will be read by the millions of citizens who have not yet realized what a chipping away of the right of trial by jury might mean to them and to their children in the future.

I am determined, however, at least to get on the record some analysis of the right of every citizen to trial by his own neighbors, which has been well called the favorite child of English law.

There is, it seems to me, Mr. President, a certain lack of logic in the argument of the sponsors of these bills. On the one hand, they protest that it is only a little thing to slip civil-rights cases into the limited classifications of injunctions which may be handled without jury trials, and they say all the important legal rights of defendants still will be preserved.

On the other hand, however, the Attorney General calls the jury provision the heart of the bill, and it is coupled with such short-cutting procedures as authority to institute action whenever the Attorney General thinks someone is about to engage in acts that would violate the law, and the privilege of taking cases directly to Federal court before available State administrative remedies have been attempted.

No wonder the Washington Star, in an editorial published on April 16, 1957, said these bills contemplate a radical and even dangerous projection of the Federal judicial power, and asked: "In principle, why should not defendants in civil-rights disputes be entitled to at least the same jury protection as defendants in labor disputes?"

To give just one illustration of the meaning of these proposals regarding jury trials, let us contrast an actual case with one which might arise if the Attorney General's proposal is accepted.

On May 27, in Guntersville, Ala., where a labor dispute was in progress, there occurred a shooting in which 2 persons were killed and 6 others were wounded. A local judge then granted a temporary injunction against mass picketing. If, in that acute situation, pickets had marched, in defiance of the order, and had been arrested, they could have demanded and obtained a jury trial.

On the other hand, let us suppose that a registrar of voters in some States should refuse to register an applicant who failed to comply with some requirement of State law. Let us suppose, further, that the applicant belonged to a minority group and appealed to the Attorney General, who, under the proposed civil-rights bill, could then go into a Federal court and obtain an injunction in the name of the United States, calling upon the official to register the would-be voter. The registrar might feel he was in peril of prosecution from the State if he made the registration in violation of the State law; but if he refused, and thereby violated the Federal injunction, he would be subject to imprisonment, and would have no opportunity to have the facts in his case considered by a jury.

Obviously, just such cases are the ones the sponsors of this proposed legislation have in mind when they say there cannot be the kind of enforcement of the civil-rights laws which they want, if jury trials are permitted. They anticipate that a man's neighbors, who know his reputation and his devotion to duty, will not see him sent to jail for making the wrong choice between apparently conflicting obligations. In a direct conflict between Federal and State laws, they know the former must prevail; but they will distinguish between such cases and attempts to enforce some Federal official's ideas of what should be done in the light of modern sociological trends and psychological studies.

As the Senators from North and South Carolina said in their minority subcommittee views on the Senate bill:

"The arguments that criminal prosecutions are cumbersome and slow and that jurors are reluctant to indict and convict are identical with those given for the establishment of the Court of Star Chamber, the enactment of the acts of Parliament depriving American colonists of the right of trial by jury, and the Congressional opposition of former days to the jury trial provision of the Clayton and Norris-LaGuardia Acts."

Mr. President, I digress here to add something which is not included in my prepared remarks. I refer to a development of yesterday, namely, the statement President Eisenhower made when he quoted from the acceptance speech of William Howard Taft, in 1908, at the Chicago nominating convention. Mr. Taft, who later became the distinguished President Taft, was a great and able man. But ultimately he was defeated because he was in favor of a high protective tariff, especially on wool, and that displeased his sponsor, Teddy Roosevelt; and also because in that speech Mr. Taft went on record as saying that it would never do to give union labor or labor of any kind a jury trial, when the case was before a Federal judge on injunction proceedings.

Because my friendship with President Eisenhower has lasted a long time—I knew him when I was a major in the Army, in World War I, and he was a lieutenant colonel, and I have known him ever since—I regret that anyone should suggest to him that he attempt to bolster the opinion of the Attorney General in this matter, in regard to a broad category of cases, by quoting the statement made by William Howard Taft in regard to trial by jury—a statement which evidently the press did not catch correctly, because I have before me the exact words used by Mr. Taft, as published; and I heard over the radio a quotation from President Eisenhower's statement. In the first place, the words used by President Eisenhower are not exactly the ones used by Mr. Taft, although perhaps President Eisenhower was quoting from memory. However, the point is that Mr. Taft was at that time criticizing the Democratic platform on which William Jennings Bryan had been nominated, which platform said that when a violation of an injunction order occurs outside a courtroom, those who had engaged in the violation should have the right of trial by jury.

Trial by jury, Mr. President, never was intended as a quick and easy way to obtain convictions. Trial by ordeal or by torture used to be much more effective from that standpoint. The introduction of the principle of trial by jury into Anglo-Saxon jurisprudence was not for the purpose of simplifying the work of prosecutors, but was for the protection of the rights of the accused; and it was established only over the opposition of kings and tyrants and their henchmen.

Even though there are, as the Attorney General and his assistants have pointed out, particular kinds of cases involving either civil or criminal contempt in which citizens of the United States have no constitutional right of trial by jury, the primary purpose in these instances is to protect the status quo with regard to property while the issue is being settled. To argue that because there is this limited area of exclusion, we are justified in extending it to include new classes of cases by the indirect device of making the United States a party to the action, is to ignore the whole theory on which trial by jury rests and the history of its development.

In his interesting historical study entitled "Trial by Jury," published in 1875, William Forsyth said:

"Trial by jury does not owe its existence to any positive law * * * it is not the creature of an act of Parliament establishing the form and defining the functions of a new tribunal."

The great English legal authority Blackstone called it "a trial that hath been used time out of mind in this nation, and seems to have been coeval with the first civil government thereof"; and Sir Francis Palgrave said a tribunal of sworn witnesses elected out of the popular courts and employed for the decision of rights of property may be traced to the Anglo-Saxon period, although the use of a jury in criminal cases appears to have been unknown until the time of William the Conqueror.

Blackstone thought trial by jury was provided for in Magna Carta, which declared that no freeman shall be hurt in either his

person or property except by the legal judgment of his peers or by the law of the land. Forsyth doubted whether the term "trial by his peers" could have been applied to a jury because of its limited function of passing on facts, rather than rendering judgments; but he conceded that a conclusive finding of facts is a judicial act, and said the term "judgment" might, therefore, be applied to a jury's decision.

This is a nice point for controversy, and I invite my Senate colleagues to visit Jamestown, Va., where one of the originally enrolled copies of Magna Carta is on display, and read that document for themselves. I am happy to see on the floor two distinguished colleagues who have already done that, the distinguished Senator from Ohio [Mr. LAUSCHE], and the distinguished Senator from North Carolina [Mr. ERVIN]. Regardless of technicalities, I believe any of my colleagues who visit Jamestown will come away from that spot "where the infancy of our Nation was cradled and defended" convinced that the spirit, at least, of Magna Carta is violated when a politically appointed officer in the executive branch of the Government is authorized to intervene in an action of one individual against another individual in the name of the Federal Government and to obtain a sentence of imprisonment from a Federal judge appointed for life, without an opportunity for the accused to call on a panel of his fellow citizens to pass on the facts involved in the case.

Going back to the early history of England, we find disputes respecting land decided by the voice of the community where the parties lived, and, as a later development, a select number was substituted for the whole community. This group gave their testimony upon oath and therefore were called the jurata. This suggested to Henry II and his counselors the idea of the assize, which was the jurata in a technical form, but the assize had a technical meaning and was applied only to certain proceedings.

An ancient statute of uncertain date provided that in cases where land of small extent or value was involved the justices might select a jury of 12 freemen instead of the grand assize of 12 knights. Thus, the common man obtained a decision from his peers. Gradually justices appointed to hold the assize were directed to entertain other questions than those cencerning land, and juries were allowed to accept evidence from witnesses in court. By the reign of Edward III, trials by jury in criminal cases were nearly, if not quite, the same as at the present day.

This was the Anglo-Saxon heritage which came to America with the colonists in 1607, and which they made a part of their own system after the first representative government in America was set up at Jamestown in 1619.

The regard in which our forefathers held the right of trial by jury is indicated by their statement in the colonial Declaration of Rights of October 19, 1765, which said "trial by jury is the inherent and invaluable right of every British subject in these Colonies," and which condemned an act of Parliament "extending the jurisdiction of the courts of the admiralty beyond its ancient limits," so they could try the colonists for various offenses without a jury—a procedure similar to that attempted in the bill before the Judiciary Committee today.

This colonial reaction against the Stamp Act enforcement methods had been preceded by a more reserved resolution passed by the Virginia House of Burgesses on May 30, 1765, but it was followed, on February 27, 1766, by an unequivocable statement of a distinguished group, headed by Richard Henry Lee, which met at Leedstown, Va.

The Leedstown resolution signers declared "all due allegiance and obedience to our lawful sovereign," and asserted their determination to "preserve the laws, the peace, and good order of this Colony as far as is consistent with the preservation of our constitutional rights and liberty."

They went on to say, however, that they knew it to be the birthright privilege of every British subject, including the people of Virginia, to be legally tried only by their peers, and they declared:

"If, therefore, any person or persons shall attempt by any action or proceeding to deprive this Colony of those fundamental rights we will immediately regard him or them as the most dangerous enemy of the community and we will go to any extremity not only to prevent the success of such attempts but to stigmatize and punish the offender."

Mark you, Mr. President, that was long before the Declaration of Independence.

The resolutions pointed out that the Stamp Act in many cases worked to deprive the British American subject of his right to trial by jury, and said:

"We do determine at every hazard and paying no regard to danger or to death, we will exert every faculty to prevent the execution of the said Stamp Act in any instance whatsoever within this colony."

Mr. President, the names of many of the Virginians who signed the Leedstown resolutions are preserved in our State today through their descendants, and their spirit also has been handed down. If the attempt is made by the Federal Government now, in a so-called civil-rights bill, to constrict the right of trial by jury, as George III did nearly two centuries ago in his Stamp Act, Mr. President, you will find not dozens, but thousands of Virginians, and their fellow believers in constitutional liberty in other States, ready again at every hazard to exert ever faculty against usurpation of their fundamental rights.

As I previously indicated, the sentiments expressed in the colonial resolutions of 1765 and 1766 were stated again in the Declaration of Rights of October 14, 1774, which said the colonists were entitled to "the great and inestimable privilege of being tried by their peers of the vicinage."

These views were reiterated in the Declaration of Independence, written by Thomas Jefferson and adopted by the Continental Congress in 1776, which accused the King of England of trying to establish an absolute tyranny, and included in the list of grievances against him: "depriving us in many cases of the benefits of trial by jury."

And, of course, trial by jury in criminal cases was embodied in and made part and parcel of the Constitution of the United States, which provides in article III:

"The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed."

When the first 10 amendments were adopted this was reinforced by the fifth amendment, which says:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury."

And the sixth amendment, which says:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed."

The framers of the Constitution included no provision for jury trials in civil cases, leaving that to determination by the respective States, but this omission led to such sharp and widespread criticism that in the first session of the Congress there was included, among the Bill of Rights amendments, the seventh, which provides:

"In suits at common law, where the value in controversy shall exceed $20, the right to trial by jury shall be preserved. And no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

"This—"

Said Mr. Justice Story—

"is a most important and valuable amendment, and places upon the high ground of constitutional right the inestimable privilege of a jury trial in civil cases—a privilege scarcely inferior to that in criminal cases, which is conceded by all to be essential to political and civil liberty (Story's Commentaries, III, 638)."

Mr. President, I want to repeat, for emphasis, the last quotation from one of the great Justices of our Supreme Court and one of our leading authorities on constitutional law. Mr. Justice Story said the privilege of trial by jury in civil cases is scarcely inferior to that in criminal cases, which is conceded by all to be essential to political and civil liberty.

How ironic, then, to seek, in what is called a civil-rights bill, to tamper with, circumvent, and limit a right which is conceded by all to be essential to political and civil liberty.

Mr. Justice Story, in his discussion of this subject, also referred to a Supreme Court decision on an appeal in a civil suit in which it is stated:

"The trial by jury is justly dear to the American people. It has always been an object of deep interest and solicitude, and every encroachment upon it has been watched with great jealousy. The right to such a trial is, it is believed, incorporated into, and secured in every State constitution of the Union."

It has been said that if Englishmen are distinguished for one moral feature more than another it is a love for fair play and an abhorrence of injustice. The very essence of the jury trial is its principle of fairness.

A significant comment on the influence of jury trials on national character and political institutions is to be found in Alexis de Tocqueville's book on Democracy in America.

De Tocqueville warned that a jury system limited to criminal trials always is in peril because the people see it in operation only at intervals and in particular cases. They are accustomed to dispense with it in the ordinary affairs of life and look upon it merely as one means, and not the only means, of obtaining justice. But this French statesman and writer, a keen observer of our American experiment, who predicted that the two great powers of the world would be Russia and the United States, said that when jury trials embrace civil actions they are constantly before the eyes of the people and affect all their interests. The jury then becomes associated with the very idea of justice.

He said the jury, and especially the civil jury, serves to imbue the minds of the citizens of a country with a part of the qualities and character of a judge, and this is the best way of preparing them for freedom. It spreads among all classes a respect for the decisions of the law; it teaches them the practice of equitable dealing. Each man in judging his neighbor thinks that he may be also judged in his turn. So, said de Tocqueville, the greatest advantage of the jury is its use as an instrument for the education of people who will govern themselves.

This writer went on to say that the jury also is a political institution of the highest value.

"The jury," he wrote, "is emphatically a political institution. The man who judges in criminal cases is, then, really a master of society. The institution of the jury places the people themselves, or at least one class of citizens, upon the seat of the judge. The institution of the jury, then, actually places the direction of society in the hands of the people, or of this class."

In his book on the English Government, Lord John Russell said:

"It is to trial by jury more than even to representation (as it at present exists) that the people owe the share they have in the government of the country; it is to trial by jury, also, that the government mainly owes the attachment of the people to the laws; a consideration which ought to make our legislators very cautious how they take away this mode of trial by new, trifling, and vexatious enactments."

Once again, Mr. President, I want to repeat for emphasis that statement of Lord Russell, reminding us of how much the attachment of a people to the laws of their country stems from their reliance on trial by jury and warning legislators that they should be "very cautious how they take away this mode of trial by new, trifling, and vexatious enactments."

The proposal of the Attorney General, backed by the President, to abridge the right of trial by jury is new and it is vexatious. But its final effect may be far from trifling.

No Member of this distinguished body will dare assert that the preservation of American constitutional liberty is of no moment in his home State. How, then, can any Senator assume that if he votes to limit and restrict the constitutional right of jury trial he is not voting away cherished rights of his own constituents?

The first experiment in the use of such new Federal power to evade jury trials because it is easier to convict without a jury may be in the South, but the cold, hard fact is that we are considering a law of national application, not limited to the question of suffrage. As stated on page 17 of the subcommittee minority views, the Senate bill "covers in substantial measure the entire spectrum of civil rights."

No State, of course, is without the seeds of an economic, religious, or racial problem.

The point involved here is well illustrated by a case decided by the Supreme Court of the United States in 1866—*Ex parte Milligan* (4 Wall. 2 (118)). This involved a citizen of Indiana who had not been in military service but who was sentenced by a military tribunal in 1864 to be hanged for disloyal conduct during the Civil War.

Just as the pending bill would allow civil rights cases to be taken directly into Federal courts and tried without a jury without first exhausting administrative remedies or the possibilities of action by State courts, so in 1864 the military court took jurisdiction and sentenced a man although the courts of Indiana never were closed during the war.

The Supreme Court set aside the military conviction, saying the defendant should have been tried before a jury in a court of law and in the decision this language was used:

"Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now after the lapse of more than 70 years, sought to be avoided.

"Those great and good men foresaw that troublous times would arise, when rules and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism."

That statement, made by the Supreme Court of the United States in 1866, is no less pertinent today and certainly there is less excuse for avoiding jury trials now to help the Attorney General handle some pet cases than there was for trying to get around it in the stress of the War Between the States.

The only safe and just rule to follow is the golden rule, and if my colleagues will think of what might happen sometime in their own States, as it did in Indiana in 1864, they will join me in opposing any bill which would deprive a single citizen of the right of trial by jury which he otherwise would enjoy.

Mr. ROBERTSON. I wish to add some further observations, reemphasizing the significance of trial by jury as a feature of our way of life and restating my objections to any constriction of or interference with that right.

While the two or more millions who will visit Williamsburg and Jamestown in connection with the celebration of the 350th anniversary of the first Jamestown settlement will see many worthwhile replicas of an earlier civilization, the most significant result of the celebration in Virginia, and I hope throughout the Nation, will be a quickened appreciation of the fundamental principles of self-government which started on Jamestown Island in 1619, were crystalized in immortal words in the Declaration of Independence in 1776, and finally were translated into a Constitution in 1787 which Gladstone said was the greatest instrument ever struck off by the hand and purpose of man.

Referring to that Constitution, the brilliant author and biographer of James Madison, Irving Brant, recently said:

The Constitution was framed after 30 years of colonial and national ferment, of armed revolution and political experiment, during which every intelligent American had become a student of government. As a result, this convention brought together the best informed group of statesmen that ever was assmbled by democratic processes in the world's history.

The fundamental reason for the armed revolution referred to by Brant was the tyranny of a British King. The incident which touched off the fighting first in Massachusetts, and later throughout the Thirteen Colonies, was the action of the British Parliament in authorizing agents of the Crown to proceed for the collection of excise taxes, including punishments for violations, in a Court of Admiralty, which meant, of course, the denial of trial by jury.

So, the best informed group of statesmen that ever was assembled by democratic processes in the world's history had among its major objectives:

First. To form a central government with sufficient power to represent adequately the new nation in foreign affairs but without the power to become tyrannical in domestic affairs; and

Second. To safeguard the economic and political rights of the people, including the right of trial by jury which had been a cherished right of British citizens for hundreds of years before the first settlers arrived at Jamestown in 1607.

The framers of the Philadelphia Constitution wrote into that document very definitely the right of trial by jury in all criminal actions. But conventions in Virginia and other States called to ratify the Constitution felt, as I shall point out hereafter, that the protection of the States and of the people against a future tyrannical government was not sufficiently explict; that the protection of personal and property rights of the individual were not sufficiently explicit and that the Constitution should guarantee trial by jury in civil, as well as criminal cases. Those three objectives were, of course, accomplished in the first 10 amendments, the last of which was for the preservation of States rights as a safeguard against a tyrannical central government.

Mr. President, we have ample warnings in history of the dangers of tampering with the right of trial by jury. The Tudor princes frequently put pressure on the sheriff to return a panel favorable to the wishes of the Crown. Refractory juries were summoned before the Star Chamber or Privy Council and reprimanded and sometimes punished with fine and imprisonment. But even the Star Chamber never ventured to deprive the subject of his general right to trial by jury.

In our own history there have been three outstanding occasions when assaults were made on the right of every citizen to a jury trial. The first, as I have said, was in colonial days when King George III took jury trials away from the people by the oblique device of shifting cases to the admiralty courts where the right did not exist under common law. Obviously there was a difference between having a judge who would settle a dispute between individuals over property rights issue an order to protect the property until a settlement was reached and giving that judge authority to enforce the Stamp Act, which the colonists contended violated their rights, and to put in jail without a jury trial those who resisted his orders.

Our forefathers reacted to that attempt by their resolutions of 1765, 1766, and 1774, affirming their right to "the great and inestimable privilege of being tried by their peers of the vicinage," and by the Declaration of Independence of 1776 which condemned the King for "depriving us in many cases of the benefits of trial by jury," and which was followed by our successful war for independence.

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

Mr. ROBERTSON. I am glad to yield to the author of the amendment which I am so happy to support.

Mr. O'MAHONEY. A moment ago I heard the Senator refer to the oblique attempts by George III to deprive the colonists of the right of trial by jury, by transferring to the admiralty court cases which really should have had trial by jury.

Mr. ROBERTSON. That is correct.

Mr. O'MAHONEY. Does not the Senator believe that the provision contained in the pending bill which would give to the Attorney General a right which he does not now possess, to institute proceedings in equity court, is the

same sort of oblique maneuver as was used by George III, because it is designed to avoid jury trials?

Mr. ROBERTSON. The Senator from Virginia has eliminated from his prepared speech some portions which certain individuals might consider political, because he wished to make a rather historic, nonpolitical discussion of this question. But, inasmuch as a distinguished colleague has asked him a frank question, the Senator from Virginia is compelled to make a truthful answer, whether it be considered political or not. He is compelled to say that the Senator from Wyoming is 100 percent correct.

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

Mr. ROBERTSON. I yield.

Mr. ERVIN. George III and the British Parliament had a perfect constitutional right to enact the laws to rob Americans of a jury trial. There was nothing in the constitution to prohibit them from doing so.

Mr. ROBERTSON. George III did not have any written constitution. The British do not yet have a written constitution.

But we did have the fundamental principle of no taxation without representation. The Stamp Act was imposed on the colonists. It was feared that juries would not convict, so, as has been stated, the British took a shortcut and went into admiralty court, and the colonists did not like it.

In Virginia we had a patriot named Patrick Henry. He rose in old St. John's Church and told where he stood on the subject of liberty. He said:

> Give me liberty or give me death.

He also recounted how two other tyrants had gotten it in the neck, so to speak, and he said:

> George III may profit by their example.

He said:

> If this be treason, make the most of it.

So that is what I have to say to the distinguished Attorney General by my analogy, which I was not going to use, but which was brought out by a question. It puts his action in the same category with what George III did. Therefore I say he can make the most of it, because that is the fact.

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

Mr. ROBERTSON. I yield.

Mr. ERVIN. It might also be noted that for more than 170 years all Americans have been entitled to enjoy the benefits of the Bill of Rights, among which is the right of trial by jury in an essentially criminal case. In other words, we could probably find more extenuating circumstances for King George than we can for the proponents of the bill.

Mr. ROBERTSON. Jury trial is mentioned in four different places in our written Constitution. That is why we seek to amend the bill in order to make it a more perfect instrument, instead of trying to protect constitutional right by destroying an equally precious and even more valuable constitutional right.

Mr. ERVIN. When all is said, cannot this bill be summed up as a bill which, under the beguiling name of civil rights, attempts to rob Americans of the Bill of Rights?

Mr. ROBERTSON. The Senator from Virginia has labeled his discussion as "The anti-civil-rights bill," because it destroys more rights than it seeks to protect.

A second assault on Americans' right to trial by jury was aimed at a section rather than the Nation as a whole. It occurred immediately after the War Between the States, when my own State of Virginia was declared incapable of self-government and designated as "Military District No. 1." Other Southern States were similarly treated and military courts took the place of juries in administering what was called justice against a proud people suddenly subjected to the domination of carpetbaggers and slaves, who had not had time to learn the ways of freedom. It was under these circumstances that Congress passed the Force Act of 1866 which President Johnson vetoed as unconstitutional. Then, with most of the former voters of the South still disfranchised, amendments to the Constitution were adopted to bolster harsh and punitive legislation. That suspension of the right of trial by jury existed for only a comparatively short period, but it resulted, Mr. President, in bitterness which took far longer to erase than that caused by the bloodshed of 4 years of war.

The pending bills masquerading under the civil-rights label represent another attempt, by indirect and devious methods, to circumvent the right of trial by jury, and again the intended target is a particular section of the country.

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

Mr. ROBERTSON. I yield.

Mr. LONG. The argument has been made that southern jurors could not be trusted to try southern people, based on the charge of a denial to colored people of the right to vote. The fact of the matter is that while there have been some challenges made of prospective voters in some Southern States, in most cases such challenges were made in accord with State laws and were well taken. However, never have we had cited an instance when a court has issued a temporary restraining order, which ordered a person not to challenge a qualified voted, in which the court order has been defied. We have not had even one case cited of a defiance of a court order whereby a court was seeking to protect voting rights. Nevertheless, even though not one such case can be cited, in which a court order was defied, we in the South are being told that a jury would not find an honest verdict. I submit there is no case made at all for such a charge.

Mr. ROBERTSON. The Senator from Louisiana is correct. The junior Senator from Virginia practiced law as a country lawyer for many years before he was elected to Congress. During much of that time, he was what is called a commonwealth attorney. In some States the commonwealth attorney is called a district attorney, while in other States he is called the prosecuting attorney or prosecutor. The commonwealth attorney in Virginia represents the Commonwealth in criminal cases.

I happen to know that it is a fact that in 9 times out of 10, a colored man accused of crime would rather be tried by a white jury than by a colored jury. A white jury would be more lenient with a colored man than would a colored jury, and that is why a colored man in such circumstances prefers to be tried before a white jury.

The Senator from Virginia has been in politics in Virginia since 1912, and in that time he has never known of any instances in Virginia of any effort being made to prohibit anyone from voting.

Of course, it is necessary for a voter to register. However, it should be remembered that our literacy test in Virginia is not so hard as the one in New York City. The one in New York City is certainly much harder than the one we have in Virginia, even though we register voters permanently, and in New York City it is necessary to register a voter before each general election. The fact remains that in New York City more people are denied the right to vote through failure to register before each general election than are denied the right to vote in Virginia for failure to register and to pay the poll tax.

We do have a poll tax in Virginia. It is a very modest tax. It is less than the cost of a fifth of liquor. The receipts from the poll tax go to the schools. Our patriotic citizens do not object at all to paying the poll tax. In my home county we have more people, because of their interest in schools, who pay the poll tax than we have registered voters.

The charge is made: "You do not have enough people voting. Why don't you have more people voting in Virginia?" The reason more people do not vote in Virginia is that the people in Virginia are satisfied with the kind of government we have there. When people are satisfied with their government, they do not raise a commotion on the hustings. The charge is made that we are denying Negroes the right to vote. Let me say that there are 85,000 registered Negro voters in Virginia.

If they paid the $1.50 poll tax, a great many more would be able to vote. We do not keep voters from registering, but neither do we pay the $1.50 poll tax for them. If they would rather invest the $1.50 in spiritus rectificatus, or in something else, that is their business; but I ask people not to tell us that we are taking the right to vote from Negro people. We do not do that. We do not need this bill at all.

I agree, however, with the Senator from Louisiana, that if we are to have a bill, it should be in proper form, and not be in the guise of a bill that would deny one constitutional right in order to protect another one.

But the cudgel which we are asked to give the Attorney General could be used in the future in other sections and for quite different purposes than those now contemplated.

This possibility is evident if we recall uses already made of the loophole in the jury-trial system which the proponents of this bill would enlarge.

There have been certain types of cases in which jury trial was not available—

cases in which there was contempt in the presence or vicinity of a judge who had to have power to preserve on his own initiative the dignity and integrity of his court, and cases in which a court order was needed to protect the status quo of property pending a final decision; and the judge might threaten punishment if it were removed or dissipated.

Proper use of injunction and contempt proceedings in such cases, however, is quite different from the kind of abuse which occurred when powerful corporations called on judges to use these powers to crush labor unions. It was to correct such abuse that Congress placed in the Clayton and in the Norris-La Guardia Acts specific provisions protecting the right of jury trial in labor-dispute cases.

In advocating the Norris-La Guardia Act in 1932, one Member of the House said:

> I have read injunctions so fantastic, so arbitrary, that they were practically but one step from a threat of jail to a striker if he coughed, spat, or chewed. Some injunctions read very much like orders of an army of occupation bent upon vicious revenge. Many injunctions are not used to protect property from irreparable loss, but issued to disorganize unions and to terrorize and intimidate those on strike.

That quotation, Mr. President, is from the present chairman of the Judiciary Committee of the other body which handled the civil-rights bill passed by the House this year.

It is the worst kind of quibbling to say that no harm is done by taking away the right of jury trial in civil-rights cases because the Constitution doesn't guarantee this right in cases involving contempt. That is in line with the argument of those who contended at the time our Constiution was framed that the intention of the Philadelphia Convention was to abolish jury trials in civil cases because they were not specifically mentioned in the original document.

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

Mr. ROBERTSON. I yield.

Mr. LONG. Is it not the most outrageous type of injustice to ask a judge to sign an injunction or to issue an order against someone without ever hearing any evidence to the contrary at all—a completely ex parte hearing—and then to ask that the same judge shall try a person for violating the judge's own order, without ever having a jury or any impartial person consider the case at all?

Mr. ROBERTSON. I fully agree with my friend from Louisiana. It is very important that in criminal matters the provision which is proposed by the O'Mahoney amendment be adopted so as to give those who ask for it the right to a jury trial.

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

Mr. ROBERTSON. I yield briefly.

Mr. LONG. I am certain the Senator realizes there are many instances in which voters should be challenged. For example, many of the names listed on registration rolls are those of persons who have died or who have moved away from the State. It is certainly improper to have someone "voting tombstones" on election day. Under the circumstances, there should be the right to challenge the votes of persons whose names are improperly on the rolls. At the same time, if someone made a mistake in challenging a name, it would be completely improper to deny him the right to a fair trial when he was completely in good faith in making the challenge.

Mr. ROBERTSON. I agree with my friend from Louisiana.

Even Alexander Hamilton, a leader of the movement for a strong central government, would not defend that viewpoint because he knew it could prevent the ratification of the Constitution. Hamilton discussed the question at length in No. 83 of the Federalist papers, starting out by admitting that the objection to the plan of the convention which had met with the most success in his own State related to the lack of a constitutional provision for trial by jury in civil cases.

He said the mere silence of the Constitution in regard to civil cases had been artfully represented as an abolition of trial by jury on the surmise that "a thing which is only not provided for is entirely abolished."

Hamilton continued:

> Every man of discernment must at once perceive the wide difference between silence and abolition. * * * The rules of legal interpretation are rules of commonsense, adopted by the courts in the construction of the laws. The true test, therefore, of a just application of them, is its conformity to the source from which they are derived. This being the case, let me ask if it is consistent with commonsense to suppose, that a provision obliging the legislative power to commit the trial of criminal cases to juries is a privation of its right to authorize or permit that mode of trial in other cases? Is it natural to suppose that a command to do one thing is a prohibition to the doing of another, which there was a previous power to do, and which is not incompatible with the thing commanded to be done? If such a supposition would be unnatural and unreasonable, it cannot be rational to maintain, that an injunction of the trial by jury, in certain cases, is an interdiction of it in others.
>
> A power to constitute courts, is a power to prescribe the mode of trial, "and consequently, if nothing was said in the Constitution on the subject of juries, the legislature would be at liberty either to adopt that institution, or to let it alone. This discretion, in regard to criminal causes, is abridged by an express injunction; but it is left at large in relation to civil causes, for the very reason that there is total silence on the subject. The specification of an obligation to try all criminal causes in a particular mode, excludes indeed the obligation of employing the same mode in civil causes, but does not abridge the power of the legislature to appoint that mode, if it should be thought proper. The pretense, therefore, that the national legislature would not be at liberty to submit all the civil causes of Federal cognizance to the determination of juries is a pretense destitute of all foundation.

Applying his general maxim explicitly to the Constitution, Hamilton went on to say:

> It must appear unquestionably true, that trial by jury is in no case abolished by the proposed Constitution; and it is equally true, that in those controversies between individuals in which the great body of the people are likely to be interested, that institution will remain precisely in the situation in which it is placed by the State constitutions. The foundation of this assertion is that the national judiciary will have no cognizance of them, and, of course, they will remain determinable as heretofore by the State courts only, and in the manner which the State constitutions and laws prescribe.

The next sentence, Mr. President, in Alexander Hamilton's discussion of the attitude of the authors of our Constitution toward jury trials is one which I feel is particularly significant. He said:

> All land causes, except where claims under the grants of different States come into question, and all other controversies between the citizens of the same State, unless where they depend upon positive violations of the articles of the Union by acts of the State legislatures, will belong exclusively to the jurisdiction of the State tribunals.

Note, please, that the chief apostle of federalism assured the people of his State, before they ratified the Constitution, that controversies between citizens of the same State would belong exclusively to the jurisdiction of State tribunals unless there were positive violations of the articles of the Union by acts of State legislatures.

Thus, as was recognized by the Justices of the Supreme Court in the slaughterhouse cases, Federal courts might act to protect rights of national citizenship jeopardized by official actions of State officials, but certainly there was no thought that if one citizen, possibly through an erroneous interpretation of a State law, deprived another citizen of some right or fancied right, the Attorney General of the United States could intervene in the name of the United States, obtain an injunction, and have the accused citizen locked up for an indefinite period.

I wish also to read with emphasis the statement by Hamilton, in his Federalist paper, that—

> The friends and adversaries of the plan of the Convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury. Or, if there is any difference between them, it consists in this; the former regard it as a valuable safeguard to liberty, the latter represent it as the very palladium of free government. For my own part, the more the operation of the institution has fallen under my observation, the more reason I have discovered for holding it in high estimation; and it would be altogether superfluous to examine to what extent it deserves to be esteemed useful or essential in a representative republic, or how much more merit it may be entitled to as a defense against the oppressions of an hereditary monarch, than as a barrier to the tyranny of popular magistrates in a popular government. Discussions of this kind would be more curious than beneficial, as all are satisfied of the utility of the institution, and of its friendly aspect to liberty.

Speaking as the champion of a powerful central government, Hamilton then said he could not see the inseparable connection between the existence of liberty and trial by jury in civil cases because "arbitrary impeachments, arbitrary methods of prosecuting pretended offenses, arbitrary punishments upon arbitrary convictions, have ever appeared to me the great engines of judicial despotism; and all these have relation to criminal proceedings."

Hamilton, with his faith in the beneficence of a Federal bureaucracy and its appointees, did not foresee, as Jefferson and his followers did, the possibility of twisting civil and equity proceedings to new purposes and the issuance of the kind of "fantastic" and "arbitrary" injunctions against which the Norris-La Guardia Act was aimed and which would be encouraged by the pending legislation.

He went on to say in his essay, however, that notwithstanding "the doubts I have expressed, as to the essentiality of trial by jury in civil suits to liberty, I admit that it is in most cases, under proper regulations, an excellent method of determining questions of property; and that on this account alone, it would be entitled to a constitutional provision in its favor, if it were possible to fix with accuracy the limits within which it ought to be comprehended."

He pointed out the difference between the limits of jury trial in different States and compared the State judicial establishments to those of Great Britain in which jury trial prevails only in the courts of common law. Because of the diversity among the States he said no general rule could have been fixed by the Convention to correspond with the circumstances of all States and "more or at least as much might have been hazarded, by taking the system of any one State for a standard as by omitting a provision altogether."

He stated his reasons for believing in the separation of equity from law jurisdiction and said this might be upset by attempts to provide for jury trials in civil cases. He discussed also the difficulties of defining cases which trial by jury ought to embrace and then, in his summarization said that trial by jury in criminal cases had been provided for in the most ample manner in the plan of the Convention; that this mode of trial will remain in full force as established in the State constitutions, untouched and unaffected by the plan of the Convention in far the greatest proportion of civil cases; that trial by jury is in no case abolished by that plan, and that there were many difficulties in the way of making provision for it in the Constitution.

This discussion by Hamilton has been described by Mr. Justice Story, one of the leading expounders of our Constituition, as a monument of admirable reasoning and exalted patriotism.

In his own Commentaries on the Constitution of the United States, Justice Story included comments of his own which have a bearing on our present discussion of the importance which should be attached to the right to trial by jury and its relation to the Constitution.

Mr. Justice Story said:

It seems hardly necessary in this place to expatiate upon the antiquity, or importance of the trial by jury in criminal cases. It was from very early times insisted on by our ancestors in the parent country, as the great bulwark of their civil and political liberties, and watched with an unceasing jealousy and solicitude. The right constitutes the fundamental articles of Magna Carta, in which it is declared, no man shall be arrested, nor imprisoned, nor banished, nor deprived of life, etc., but by the judgment of his peers, or by the law of the land. * * *

When our more immediate ancestors removed to America, they brought this great privilege with them, as their birthright and inheritance, as a part of that admirable common law, which had fenced round, and interposed barriers on every side against the approaches of arbitrary power. It is now incorporated into all our State constitutions, as a fundamental right; and the Constitution of the United States would have been justly obnoxious to the most conclusive objection, if it had not recognized, and confirmed it in the most solemn terms.

The great object of a trial by jury in criminal cases is to guard against a spirit of oppression and tyranny on the part of rulers, and against a spirit of violence and vindictiveness on the part of the people. * * * So long, indeed, as this palladium remains sacred and inviolable, the liberties of a free government cannot wholly fall.

Mr. Justice Story recalled that Congress at its first session, under the guidance of the friends of the Constitution, proposed an amendment, which was ratified by the people, and is now incorporated into the Constitution, providing that—

In suits at common law, where the value in controversy shall exceed $20, the right of a trial by jury shall be preserved. And no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

He said this amendment completely struck down a major objection to ratification of the Constitution and secured the right of a trial by jury, in civil cases, "in the fullest latitude of the common law."

He recalled that, like the other amendments proposed by the same Congress, it was coldly received by the enemies of the Constitution, and was either disapproved by them, or drew from them a reluctant acquiescence, but it weakened the opposition by taking away one of the strongest points of attack upon the Constitution.

Said Mr. Justice Story:

Still, it is a most important and valuable amendment; and places upon the high ground of constitutional right the inestimable privilege of a trial by jury in civil cases, a privilege scarcely inferior to that in criminal cases, which is conceded by all to be essential to political and civil liberty.

Those statements are so cogent and so applicable to our present situation, Mr. President, that I want to quote one final passage from Story's commentaries, in which he said:

Mr. Justice Blackstone, with the warmth and pride becoming an Englishman living under its blessed protection, has said:

"A celebrated French writer, who concludes, that because Rome, Sparta, and Carthage have lost their liberties, therefore those of England in time must perish, should have recollected, that Rome, Sparta, and Carthage, at the time, when their liberties were lost, were strangers to the trial by jury."

It is observable, that the trial of all crimes is not only to be by jury, but to be held in the State where they are committed. The object of this clause is to secure the party accused from being dragged to a trial in some distant State away from his friends, and witnesses, and neighborhood; and thus to be subjected to the verdict of mere strangers, who may feel no common sympathy, or who may even cherish animosities, or prejudices against him. Besides this; a trial in a distant State or Territory might subject the party to the most oppressive expenses, or perhaps even to the inability of procuring the proper witnesses to establish his innocence. There is little danger, indeed, that Congress would ever exert their power in such an oppressive, and unjustifiable manner. But upon a subject, so vital to the security of the citizen, it was fit to leave as little as possible to mere discretion.

But, although this provision of a trial by jury in criminal cases is thus constitutionally preserved to all citizens, the jealousies and alarms of the opponents of the Constitution were not quieted. They insisted, that a Bill of Rights was indispensable upon other subjects, and that upon this, further auxiliary rights ought to have been secured. These objections found their way into the State conventions, and were urged with great zeal against the Constitution. They did not, however, prevent the adoption of that instrument. But they produced such a strong effect upon the public mind, that Congress, immediately after their first meeting, proposed certain amendments, embracing all the suggestions, which appeared of most force; and these amendments were ratified by the several States, and are now become a part of the Constitution.

I regret, Mr. President, that the danger which Mr. Justice Story regarded as slight, the danger that the Congress would exert power in an oppressive and unjustifiable manner to deprive citizens of their right of trial by jury, and to drag a man to trial away from his friends, and witnesses, and neighborhood, now seems imminent.

It is against that danger that I am warning when I state my opposition to the pending bill.

Turning from the historical viewpoint, let us consider the legal aspects of this proposal.

A so-called civil-rights bill enacted without a provision for jury trials in cases involving contempts of Federal injunctions would fit squarely into the exception made in our Criminal Code in title 18, United States Code, section 3691.

This section specifically exempts from the right to trial by jury those accused of contempt for violating an order, writ, or injunction of a Federal court when the action taken by the court is on behalf of or in the name of the United States.

Enactment of such a bill would deny the traditional and important right to trial by jury which we must take every precaution to maintain as a bulwark against tyranny to our citizenry in matters that go beyond their property rights and deal with their personal rights in their everyday dealings with one another, rights which in themselves were a vital part of the origin of the jury system centuries ago.

Immediately following the section of the code allowing exceptions from jury trials when the United States is involved, under which proponents of civil-rights legislation are attempting to place us, is section 3692 of title 18. This section safeguards the right to trial by jury to those accused of contempt of a court order in the field of labor disputes, another great field of personal relations in which Congress already has seen fit to set the

pattern of safeguarding the individual against oppression. This section is largely the result of the forethought and endeavor of the late Senator Morris. It was formerly section 111 of the Norris-La Guardia Act, enacted March 23, 1932, and later was moved over into the Criminal Code.

Two years before passage of the Norris-La Guardia Act, and when the need for the kind of protection it afforded was widely recognized, Mr. Justice Sutherland, of the Supreme Court, in the case of *Patton* v. *U. S.* (281 U. S. 276), said:

> It is reasonable to conclude that the framers of the Constitution simply were intent upon preserving the right of trial by jury primarily for the protection of the accused.

His statement in that celebrated case is quite applicable to our considerations here for jury trials for contempt of civil-rights injunctions. He went on to state:

> Not only must the right of the accused to a trial by a constitutional jury be jealously preserved, but the maintenance of the jury as a factfinding body in criminal cases is of such importance and has such a place in our traditions that before any waiver can become effective, the consent of Government counsel and the sanction of the court must be had, in addition to the express and intelligent consent of the accused.

Mr. Justice Story, of the Supreme Court, 100 years ahead of Mr. Justice Sutherland, commented on the guaranty of the right to trial by jury in civil cases in the following significant language in the case of *Parsons* v. *Bedford, Bradlove, and Robeson* (28 U. S. 433, 446):

> The trial by jury is justly dear to the American people. It has always been an object of deep interest and solicitude and every encroachment upon it has been watched with great jealousy. The right to such trial is, it is believed, incorporated into and secured in every State constitution in the Union; it is found in the constitution of Louisiana. One of the strongest objections originally taken against the Constitution of the United States was the want of an express provision securing the right of trial by jury in civil cases. As soon as the Constitution was adopted, this right was secured by the seventh amendment of the Constitution proposed by Congress; and which received an assent of the people so general, as to establish its importance as a fundamental guaranty of the rights and liberties of the people.

What Mr. Justice Story said about all States providing for jury trials in 1830 is by and large true today, whether the State be a code State or a common law State, although there are several variations in criminal procedure—see *Patton* v. *U. S.* (281 U. S. 276) and *Williams* v. *Hert* (110 F. 166)—and in civil procedure. The latter category relates generally to the amount in controversy, the size of the jury, and the well-known fact that a State is not bound by the Federal Constitution to provide a right to trial by jury. See *Edwards* v. *Elliott* (88 U. S. 532), *Chicago R. I. & P. R. Co.* v. *Cole* (251 U. S. 54), Williams against Hert cited above. The jury system, however, is protected in varying degrees by all of our State constitutions.

The remarks of Mr. Justice Miller, published in the American Law Review some years ago, volume XXI, pages 861, 863, are just as appropriate today as they were then:

> In my experience in the conference room of the Supreme Court of the United States, which consists of nine judges, I have been surprised to find how readily those judges come to an agreement upon questions of law, and how often they disagree in regard to questions of fact, which are apparently as clear as the law. I have noticed this so often and so much that I am willing to give the benefit of my observation on this subject to the public, that judges are not preeminently fitted over other men of good judgment in business matters to decide upon mere questions of disputed fact.

Mr. President, trial by jury is both a valuable and essential part of our judicial and political system. Lord Brougham, the eminent English historical writer and Lord Chancellor, summed the matter up when he said, quoting an earlier and unidentified speaker:

> All we see about us, kings, lords, and commons, the whole machinery of the state, all the apparatus of the system and its varied workings, end in simply bringing 12 good men into a box.

It is highly dangerous for us to tamper with an institution so fundamental because, as Lord Brougham indicated, the jury represents the very essence of our system of Anglo-Saxon justice; and, as Woodrow Wilson truly said:

> Justice has nothing to do with expediency. Justice has nothing to do with any temporary standard whatever. It is rooted and grounded in the fundamental instincts of humanity.

Mr. President, I sincerely hope the O'Mahoney jury-trial amendment will be adopted.

Mr. President, I make the point that a quorum is not present.

The PRESIDING OFFICER (Mr. LONG in the chair). The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMATHERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STENNIS in the chair). Without objection, it is so ordered.

ORDER FOR RECESS TO TOMORROW AT NOON

During the delivery of Mr. ROBERTSON's speech,

Mr. JOHNSON of Texas. Mr. President, will the Senator from Virginia yield to me?

Mr. ROBERTSON. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Virginia may yield to me, in order that I may propound two unanimous-consent requests and make an announcement and a brief statement, with the understanding that these remarks will be printed following his in the RECORD, and that in yielding for this purpose, he will not lose the floor.

Mr. ROBERTSON. I am glad to yield for that purpose.

The PRESIDING OFFICER (Mr. STENNIS in the chair). Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until tomorrow, at 12 o'clock noon.

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that following the convening of the Senate tomorrow, there be the usual morning hour for the transaction of routine business, subject to a 3-minute limitation on statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT REGARDING PROCEDURE AND RECESS OVER SATURDAY

Mr. JOHNSON of Texas. Mr. President, I announce that after conference with the distinguished minority leader, we believe it the better part of wisdom—in view of the fact that the Senate has had a long week and has been in session many hours daily—that there not be a session on Saturday, so that Senators will be able to clear up the matters which have accumulated in their offices. I give this notice so that Senators can plan accordingly.

We expect the session today to last late in the evening, so that Senators who desire to address themselves to the pending business may have an opportunity to do so.

On tomorrow, the Senate will convene at 12 o'clock; and we expect a shorter session than usual. However, the Senate will remain in session for as long as necessary in order to accommodate Senators who desire to address themselves to the pending business.

I hope it will be possible to obtain a unanimous-consent agreement to have the Senate vote on the pending question in the early part of next week. I shall make another announcement after I confer further with the distinguished minority leader, and when we are able to be more definite regarding the matter.

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.

Mr. JOHNSON of Texas. Mr. President, the Washington Star today has made a contribution not only to public understanding of the bill before us, but also to clarity in the English language.

The Star, in an excellent editorial, makes the point that this bill was strengthened, not weakened, by the action the Senate took yesterday. It also asserts that the bill would be strengthened by the adoption of a realistic jury-trial amendment.

Mr. President, I wish to call particular attention to this editorial because it

bears upon a point I consider fundamental.

To my way of thinking, a bill is "strong" if it can accomplish a useful purpose. It is "weak" if it undertakes to accomplish a purpose in an undesirable way and in a way which is destined from the beginning to failure.

Frequently, the best way to prevent a bill from accomplishing a purpose is to insert so-called strong language.

I do not know the name of the writer who produced this editorial. But he is a man of understanding and perception. He is not confused by the distinction between strong language and strong purpose.

I believe the bill was strengthened by the action the Senate took yesterday. I believe the bill will be strengthened by the addition of an appropriate jury-trial amendment.

The Senate has plenty of time in its wisdom to work out this problem, and I am confident we shall come to a meeting of the minds.

I ask unanimous consent that the Washington Star editorial be printed 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:

STRONGER, NOT WEAKER

There were other motives which influenced the votes of Senators yesterday to strike out the controversial provisions of part III of the civil-rights bill. It is reasonable to believe, however, that many of the Senators in the majority were honestly seeking an affirmative answer to a question asked by Senator SMITH of New Jersey in recent debate: "Shall we now unitedly join in a sincere movement toward real cooperation with a view to accomplishing first things first—the right to vote?"

By naming the right to vote as the thing to take first, Senator SMITH was not advocating the neglect of other civil rights also subject to abuse or denial which were covered in part III. The Senate majority in yesterday's vote included many Senators vigorously sympathetic with removal of all forms of racial discrimination in this country, but fearful of a blunderbuss legislative attack on too many targets. They questioned its practicability as well as its wisdom as a matter of public policy. In addition, too many uncertainties, lacking convincing explanations, had been exposed in part III.

There are many who will consider yesterday's vote a weakening, or watering down, of the civil-rights bill. The more logical belief is that it will strengthen the bill. If the new resort to enforcement of law by injunction in the complex field of civil rights is going to prove effective, that proof should be most readily available through efforts of the Federal Government to prevent the unlawful denial of voting rights.

The bill would also be strengthened, not weakened, by some amendment that will draw the line between the circumstances in which trial by jury is the right of any defendant who asks for it, and those in which courts will exercise their powers in contempt proceedings without a jury, such as the O'Mahoney amendment. That amendment has been revised as the debate of the past 10 days has brought the issue into sharper focus. It draws a distinction between civil contempt and criminal contempt. In civil contempt the judge seeks compliance with the court's orders without a jury, and the defendant holds the key to his own cell by his ability to purge himself of contempt by compliance. In criminal contempt, the judge is administering punishment for violation of his order as well as for the commission of a criminal offense, and that punishment is after the event and beyond practical enforcement of his order. The Clinton trial is the most readily available example of the type of contempt case in which a jury should sit, and, under the O'Mahoney amendment, would sit.

The contention that such an amendment would weaken the bill is unrealistic. A failure to adopt it will stir up more snakes than it kills, and if beaten down will represent the sacrifice of one civil right in the hope of strengthening another one, lending to the bill a punitive character that President Eisenhower said he wanted to avoid.

Mr. JOHNSON of Texas. Mr. President, I thank my friend, the Senator from Virginia, for yielding to me; and I appreciate his courtesy.

Mr. JAVITS. Mr. President, at this time will the Senator from Virginia yield to me, in order to permit me to request unanimous consent that two insertions be made in the RECORD?

Mr. ROBERTSON. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, as a part of my remarks, an editorial entitled "Capitol Hill and Clinton," which was published today in the New York Times; and an editorial entitled "The Knoxville Trial," which was published today in the New York Herald Tribune.

Both editorials explain the effects on the pending O'Mahoney amendment of the trial at Clinton, Tenn., and point out the fact that the Senate still has to make the fundamental decision which those of us who are arguing so strongly against the jury-trial amendment believe needs to be made by the Senate. I believe it appropriate to have the editorials printed at this point in the RECORD, in view of the fact that the distinguished majority leader has just obtained unanimous consent to have printed in the RECORD certain material which bears upon the effect of the vote taken on yesterday in the Senate.

Furthermore, Mr. President, I desire to express my gratitude to the Senator from Virginia for yielding to me.

Mr. ROBERTSON. Mr. President, I have been glad to yield to my colleagues. I regret that the lateness of the hour makes it impossible for me to yield to other Senators.

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

[From the New York Times of July 25, 1957]

CAPITOL HILL AND CLINTON

There was no obvious connection of cause and effect between the verdict of guilty rendered in the criminal contempt case in Knoxville, Tenn., on Tuesday against Frederick John Kasper and six of his associates and the continuing debate on the civil rights bill in the Senate. But regardless of cause and effect we have to think of these two incidents as related. They are related because each has something to do with the progress of democracy in this country.

Kasper and his followers were convicted by a white jury of 10 men and 2 women, who debated the evidence for 2 hours and 10 minutes, of stirring up disorder in Clinton, Tenn., in protest against racial integration in a public high school. In this high school at the time of the riots there were 800 white youngsters and about a dozen Negroes. Seemingly there would have been no trouble if Kasper and his friends had not come into the picture for the purpose of making trouble. I should be noted, however, that Kasper and the other defendants were not convicted of stirring up trouble, but of stirring up trouble in violation of an order of a Federal court. Four defendants were acquitted, a fact which indicates that the jury made careful distinctions. Kasper, it should also be noted, was already under a contempt sentence of 1 year for direct contempt in defying the Federal court.

The Clinton case will be used by both sides in the continuing argument over the proper way to enforce civil rights. We will do well to be cautious in drawing conclusions. East Tennessee is traditionally Republican, and during the Civil War it sent men into the Union Army. What happened when the Clinton case was carried into court in nearby Knoxville might not happen in the Deep South. It might not happen in that part of the South, let us say in western Tennessee or Mississippi, where the plantation system once ruled. It might not happen in the mountain villages of the South, where race relations may be complicated by economic competition between the white man and the Negro.

The case proves little, in fact, except a quality of conscience in one white jury and the general respect for Federal District Judge Robert L. Taylor. We may hope that in years to come white juries and mixed juries will desire to do exact justice to both races throughout the South, no less than the North. Meanwhile, the Federal Government, through its proper legislative, executive, and judicial agencies, must do what it can within the limits of its legal powers and the boundaries of what is humanly possible.

Until this year, and for some 80 preceding years, it has seemed impracticable to get Federal legislation which would guarantee the southern Negro rights no greater and no less than those possessed by his white neighbor. The 14th and 15th amendments were not fully enforced. Now, as the current debate on the civil rights bill, the passage of that bill by the House, and the amending process that has been going on in the Senate indicate, it will be possible to enact remedial legislation.

The solid core of unreconstructed southern Senators—some 18 in all—cannot prevent this passage. These 18 votes, plus the votes of a considerable number of Senators who believe in making haste slowly and in using as much persuasion as possible and as little coercion as possible, have been able to modify the original bill. As yesterday's voting proved, that portion of the measure included in part III, which invoked the injunctive process to enforce integration and civil rights other than the right to vote, is now out. The Clinton case may indicate that it never needed to be in.

At any rate, what is manifestly coming out of the Senate discussion will be a reasonably strong provision protecting the Negro's right to vote—and that will be about all at this time. It will be quite a lot, for if the voting right of the Negro is protected, the protection of his other rights is pretty sure to follow. We retain confidence in the view already often expressed on this page that this will go down in history as a year of progress for democracy in America.

[From the New York Herald Tribune of July 25, 1957]

THE KNOXVILLE TRIAL

The verdict of a Knoxville jury has given great comfort to those who believe in the absolute necessity of lawful processes in the continuing struggle over segregation. Dealing with the cases of 11 persons charged with violating the injunction of a Federal

court in Clinton, Tenn., the jury evidenced a discrimination which showed that it considered the case with great care. But it found seven of the defendants guilty, including John Kasper, who injected himself into the Clinton situation at the outset, urging resistance to the entry of Negro students in the previously segregated high school there.

It is important, however, to consider exactly what bearing the Knoxville verdict has upon the contested question of jury trials in civil-rights cases. Some southern Senators have been prompt to assert that the fact that an all-white jury in Tennessee convicted persons charged with offenses involving opposition to desegregation answers the chief argument against the use of jury trials in such cases. Senator GORE, of Ten-Tennessee, for example, said that the outcome of the Clinton case shows that we should not abolish trial by jury.

Whether the action of the Knoxville jury can be considered typical of all the South is at least open to question. One of the defense lawyers in the case, Mr. Ross Barnett, of Jackson, Miss., a former president of the bar association of his State, was quoted as saying after the verdict in Tennessee that "too many people here favor integration or will not speak out for integration." And he added that in Mississippi it is entirely different.

But the argument for normal injunctive procedures does not rest upon whether or not southern juries will or will not convict in civil-rights cases. It rests upon that fact that it is normal when anyone's rights are threatened. Such procedures do not abolish jury trials. They do so only when the United States is a party, and the pending legislation would give the United States the power to intervene in voting cases. The lack of jury trial under those conditions is common to all actions of the kind, and is not confined to the South, or to civil-rights matters. If individuals, or local communities, request an injunction, jury trials may be granted, as was true in the Clinton case. Or—as also has happened—the local communities can request that the Federal Government participate.

Making jury trials mandatory by this legislation would, therefore, impose a new restriction under law. It would inhibit the existing flexibility of the injunctive process, which must be able to operate in times of emergency and civil commotion as well when the atmosphere is calm.

The Senate is narrowing the civil-rights legislation down to protection of the right to vote. That in itself would be a great gain. The right to vote is the basis for other rights, the means whereby they may be won; it has specific and unchallenged statement in the Constitution. If effective protection for this right can be obtained, not at the expense of other rights, but without further strengthening the enforcement procedure for those rights, many may regret that the bill did not go further. But they would be willing to recognize that real progress has been made. The rub is that the right to vote must be effectively protected, by a specific procedure which would make it impossible for local officials or extra-legal pressures to be brought to bear on voters.

The injunction, invoked by the Federal Government in case of necessity and issued by Federal courts, offers a lawful, familiar and probably successful method of attacking the problem. It should be retained in full strength.

Mr. McNAMARA. Mr. President, yesterday, before the Senate voted on the Anderson-Aiken amendment, I said that adoption of that amendment would greatly encourage action to further cripple the pending civil-rights bill.

So it is no surprise that immediately we have begun to debate a jury-trial amendment, another move designed, I feel, to make the civil-rights bill only an empty package with fancy wrappings.

Those of us who firmly believe in the need for civil-rights legislation with meaning must resist these crippling moves.

Civil rights today is the major topic in America. The Nation is interested in knowing how much courage the Senate of the United States has.

Mr. President, last Sunday, on the program Open Hearing on ABC television, the matter of civil rights was discussed by two fine Americans.

One was Jackie Robinson, the famous baseball player. The other was Prof. J. Milton Yinger, of Oberlin College. The program was conducted by Mr. John Secondari, of ABC. I ask unanimous consent that a slightly condensed transcript of this program be printed in the body of the RECORD as a part of my remarks.

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

Mr. SECONDARI. There are 15 million Negroes in the United States, two-thirds of them live in the South; one-third, or 5 million, live in the North. Tonight we are concerned with these, the northern Negroes. Who are they? What do they do? Where do they come from? Where are they going, and are they happy with the way the traditionally liberal and open-minded North is behaving toward them? One at a time. Who are they? And where do they come from? Originally, almost all Negroes came from the South. The point of issue is, when did they come? And the answer is that Negroes have been coming north for as long as it has been possible for them to come. But in particular, they have been coming north during the past 17 years. During the 10 years between 1940 and 1950, the Negro population in the North increased by 52 percent. Out in the Western States, the Negro population grew by 234 percent. The Negro was on the move. Heading toward those areas where he could find better job opportunities, better living conditions. During this decade he moved out of the southern farm areas and into the northern factories and western industry. Today there are 750,000 Negroes in New York. Chicago has more than one-half million. Three hundred thousand Negroes live and work in Detroit. But did the Negro find what he was seeking? In his travel out of the South and away from the land, did this bring him closer to his goal? Or was it a case of the pastures being greener on the far side of the far-off mountain? Those are the questions that we ask our guests tonight. First we go to Jackie Robinson. Everyone knows him. One of baseball's great players. Now he is an officer in the Chock Full of Nuts Co. He is active in the National Association for the Advancement of Colored People. He is interviewed today by ABC reporter, Bob Fleming.

Mr. FLEMING. Jackie, since you left baseball just what have your activities been?

Mr. ROBINSON. Well, I am working as vice president in charge of personnel for the Chock Full of Nuts Restaurant firm in New York; I've been working for the National Association for the Advancement of Colored People; and I am also on the staff of Look magazine. And I was very interested in their wonderful article they have coming out Tuesday on Inside the NAACP. It tells a very fine story and it is worth reading, I think.

Mr. FLEMING. Have you done enough work in this field of race relations and with your experience, of course, to be somewhat of an authority on it?

Mr. ROBINSON. Well, actually, Mr. Fleming, I live by the way that I feel. I don't claim to be an authority but I feel these things very seriously and I try to live by the way that I feel and I wish other people would do the same thing.

Mr. FLEMING. Now, just exactly are the areas of integration problems in the North? Mainly in education, mainly in housing, mainly in social opportunity or jobs? Just where do you think the biggest problems are in the North for Negroes?

Mr. ROBINSON. Well, there are tremendous problems. There is no question about that. The South isn't the only place that has its problems. The thing that we like most about the North is the fact that we have some recourse. I mean that if we run into difficulties there are laws, there is legislation. We can go and we can fight for our rights here in the North and that is one of the things that we like about it.

Mr. FLEMING. Let's take your own case, Jackie. Your job was a situation which was a great experiment really in race relations, but before then your education was not especially a race relations problem, was it?

Mr. ROBINSON. I had no problems at all. I was raised out in California. I had the opportunity of going to the city system out there in Pasadena and Los Angeles and I was able to get as good an education as I could get for myself. I mean, it was up to me.

Mr. FLEMING. And what's the situation on your housing, where do you live now?

Mr. ROBINSON. I live in Stamford, Conn. We had just a very few problems when we first moved in. And I get quite a kick out of people talking about what Negroes will do to the property values when and if they move into a certain area. We have a very nice place up in Stamford, and we have some wonderful neighbors. When we moved in we were dickering for some property next to us which cost about $8,000. At that time we gave them $4,000. We lost it because our lawyer didn't complete the deal and the owner didn't want to sell it after that. Now he is asking $15,000 for this same property that we could have got for $8,000. There was talk about the problems that we would have when we moved in, that the neighbors resented us. But we can't believe that that is true because our neighbors are as friendly as anyone can possibly be. My children play with the other children in the neighborhood. They get along wonderfuly well. There are no problems and I think if the parents just let the kids grow up and play and judge each other by what they can do, everything will be all right.

Mr. FLEMING. This suggests another question. In the North, are the factors that both the northern whites and northern Negroes are to blame for tensions that we have in the North?

Mr. ROBINSON. Well, actually, I guess you could say that both of us are to blame. I think, however, that we have to say that there is a tremendous fear among white people that because a Negro wants to move in next to them that something is going to happen. I don't know why the fear. I just don't understand it. And I think that the Negro in the North feels very much like I feel these situations. I can only speak for myself, naturally, Mr. Fleming, but I must say that I'm not overly concerned about all of the problems that are happening here as a Negro. I am concerned as a Negro American because I continually read in the newspapers that we are sending ambassadors or men of good will to Asia, to Africa, to influence the colored peoples throughout the world and I don't care who we send or how often we send them over there or how much money we spend to influence them. What it all boils down to is what Senator ERVIN might do here in the United States or what

Senator RUSSELL may do or even the attitude of the President of the United States is going to be the most important thing in the thinking in the people of Asia and Africa. We can continue to send them for as long as we please and in the long run it's going to depend upon how the Negro in America is being treated by his fellow Americans.

Mr. FLEMING. You are not happy then, I take it, about the attitude of the President in the current civil rights controversy?

Mr. ROBINSON. Well, I can't be happy about it. I was very pleased at first because we have a great deal of confidence in the President. We felt that we were vindicated in speaking as we have on many occasions about the attitude of the President. He issued a statement we felt real good. He is speaking the way that he feels. At least, that is the way we feel that he feels and all of a sudden we get knocked spinning when he says that he didn't know really what was in the bill. And actually we're not asking for any special favors and I think that the President and the Senators and everybody else knows that we're not asking for any special favors. I can give you one illustration that reminds me of a Senator ERVIN or a Senator RUSSELL. I was invited to join a golf club. Most of the members in the place told me they wanted me to become a member. The application was approved, according to the members that came to me. The application was to be given to me. Eight people stood up and started hollering; they objected to my becoming a member. Well, frankly, it made very little difference to me whether or not I became a member of this organization. But because eight or so people out of the entire group stood up and made a tremendous amount of fuss, the very same way a few bigoted people here in this country stand up and holler and make a tremendous amount of noise. Then those that consider themselves liberal go into a shell and they won't stand up and be counted. Look at baseball and see what happened there. In baseball we lived together 6 months out of the year.

Mr. FLEMING. You mean all the players on the club?

Mr. ROBINSON. The players on the club. We showered together, we ate together, we traveled in the same trains, we slept in berths right next to one another and our lives were very close for 6 months out of the year. You can look at what has happened in baseball and see that there have been no problems at all.

Mr. FLEMING. Now didn't Birdie Tebbets make a point this week that a Negro ballplayer of his, another Robinson——

Mr. ROBINSON. A very unfortunate statement, Mr. Fleming, because I know very well when I was playing baseball I was thrown at more than anybody else. A pitcher doesn't want a fellow that he feels is going to hurt to dig in on them, so they throw close to keep them from digging in. I, as a hitter, resented it and pushed the buck down to let them know I wanted to dig in because I wanted to do a job. I felt it was a compliment because they threw at me because I felt they were just a bit afraid I would hurt them with the bat.

Mr. FLEMING. You mean they were throwing at a skillful hitter rather than a colored hitter?

Mr. ROBINSON. That's the way I accepted it and I think that is the way all Negro ballplayers today accept it.

Mr. FLEMING. I understand that. Well, then, going back to the point, just exactly what do you think the rights are? We talk about the rights and all of us do, we have different meanings for different words. What rights are Negroes looking for? Is it social equality they are looking for in this controversy? Is it just the right to as good a job, or as good an education, or as good an opportunity as anybody else?

Mr. ROBINSON. I think we are looking for the rights under our Constitution. We feel that we are just as good American citizens as anybody. We fought in the wars. We died for our country and we feel that our Constitution is there for every one of the American citizens, not for just a select few. The 15 million or so people that we have in this country that have gone out and given our lives and we have worked and the Communist people have tried to get to us, tried to talk to us, but we haven't given in because we have a tremendous amount of confidence in our country. All that we are asking for is the same thing that is granted to the other Americans in this country, nothing more, nothing less.

Mr. FLEMING. Well, Jackie Robinson, in your experience, which has been quite broad, do you think there is important progress being made in race relations in the North?

Mr. ROBINSON. Oh, yes, a tremendous amount of progress in my opinion. We are fortunate that we have people like Senator DOUGLAS. I think Senator DOUGLAS is one of the guys that can get up in the morning and look in the mirror and feel that he is doing a job, not for the Negro American. If I thought that was his only purpose, to go out and work for the Negro American, I wouldn't want him to do so, but I feel that Senator DOUGLAS and all of the fine Senators that are working for the rights of all Americans believe that the only way we can accomplish anything is that we grant people what is theirs under the Constitution.

Mr. FLEMING. Now, being as realistic as you would be if I asked you a baseball forecast, what do you think the possibility of attaining nationwide progress in civil rights is? What is your own evaluation of the situation today?

Mr. ROBINSON. It just depends on whether or not enough people in this country have enough courage to stand up and be counted. It depends a greal deal upon our great President, whether he believes enough in the rights of every American citizen to stand up and be heard. It depends on our Vice President and the entire administration. It depends upon all of the decent-thinking Americans and not the people that think solely of themselves. We can't say that this is a northern problem. It is a nationwide problem that will determine the fate of our country, in my opinion.

Mr. FLEMING. And you are willing to concede to those who would criticize the North that there are problems?

Mr. ROBINSON. No question about it, there are trouble spots in the North, but as I said earlier we have ways, we have a recourse and I don't think there is anybody around that would want legislation if we could get around it. I certainly don't want legislation just for the sake of having legislation, but I say where legislation is needed, then we have to have it.

Mr. FLEMING. Your contention would be that your race has made very little progress without legislation and it depends upon that.

Mr. ROBINSON. Mr. Fleming, you are absolutely right. In my opinion, we have had to depend upon it because the so-called liberal has not been affected by these different things that have been happening throughout the country, and when they do happen they might object to them, but they don't have enough spunk to stand up and fight for what they believe in.

Mr. FLEMING. Tell me this, and I am not asking you to pat yourself on the back, if you hadn't been Jackie Robinson, if you had been someone else, given another, equal opportunity in another field, would the race-relation problem in this country have held you back or could you have made the progress you have made?

Mr. ROBINSON. I believe that regardless of the fact, I think I could have made the progress. I went out just to do a job and I think that is what anybody wants, just to do the very best at all times and I don't think anything could have held me back.

Mr. FLEMING. I understand that is all you want for other people of your race and for other people of any race in this country.

Mr. ROBINSON. That is all I am asking for, equal opportunity.

Mr. FLEMING. Thank you very much, Jackie Robinson, and now back to John Secondari.

Mr. SECONDARI. You have heard Jackie Robinson. Now I have here Dr. J. Milton Yinger, of Oberlin College, a sociologist. Dr. Yinger, has any other nation in history ever faced this problem of integrating different races?

Mr. YINGER. The race problem is certainly particularly complicated for the United States. But I think that one would have to say that it is found in a widespread fashion throughout the world. Not always with the white race having to incorporate a 10-percent colored minority; sometimes with the figures reversed. In the Far East, for example, there are a number of multiracial societies. England is beginning to know some of the problems that come from incorporation of citizens of different class and race mixed as a West Indian-African migration picks up. Yes; its a worldwide problem in many ways.

Mr. SECONDARI. Well, are there any criteria for the solution of this problem?

Mr. YINGER. Well, this, of course, is the question we are all most concerned about and I would think that anyone who attempts any simple answer is bound to come up with one that is inadequate. My feeling is that each of the various areas of life, economic, political, housing, education, recreation, and sports, each plays into the other and we have to study it as each affects the other. Happily, in the last 17 years, since 1940 or thereabout, there has been progress, I think, throughout the country on almost every line of interracial relations.

Mr. SECONDARI. In other words, there is no limited solution for 1 problem in 1 specific area, dealing with 1 specific thing like, for instance, a school or a suburb in which people might live or might not live. The problem is nationwide and it goes through every facet of life, is that right?

Mr. YINGER. Exactly. In fact, one of the most serious errors, I think, is to assume, for example, that a civil-rights bill or progress on the political front by itself is particularly meaningful. I happen to be in favor of civil-rights legislation and it is significant that this is the first time in many a decade that there is some serious hope for civil-rights legislation coming out of Congress. But this by itself is meaningless, unless the voter is backed up by better education and by economic opportunity. He is vulnerable as a vote.

Mr. SECONDARI. There is a section of public opinion which believes that the civil-rights legislation and the advancement of the Negro race during the last 17 years is due almost exclusively to a quantity of political factors which have existed in this country during the last 20 years, the last generation. Do you think that is true or do you think that this is merely the development of civilization in our country?

Mr. YINGER. Well, I would say that the political changes have been possible because of a friendly or favorable environment created to an important degree by economic changes. I wouldn't want to give too much attention to this one might say as someone has said that desegregation began with the boll weevil. The boll weevil began to chew away at the one-crop cotton economy of the South. It sped up the process of crop diversification and industrialization. The Negroes began to move out of the South into the North. Urbanization was speeded up. The result is that we now have a much more diversified Negro labor force, scattered much

more widely over the country. Many areas are now concerned about it. And if I were to point a finger at the significant issue, I would say that it was labor shortage, urbanism, industrialization and labor mobility more than the political changes which have simply come in in a favorably time and picked this up and carried it along a little bit farther.

Mr. SECONDARI. In one word, progress.

Mr. YINGER. I would think that we have made significant progress, yes.

Mr. SECONDARI. What is your opinion of integration in the North? Has it worked?

Mr. YINGER. Well, the North is not integrated if you talk in terms of absolutes. There are many areas of segregation, many areas of discrimination. Most particularly and most obviously, we have segregated housing of a very serious order. But here are important differences. There are differences of tone, I think, between the North and South at this point. And this should be paid attention to along with the weaknesses of the northern pattern.

Mr. SECONDARI. Is this a question of racial prejudice, do you believe, or economic pressure?

Mr. YINGER. Both things are involved. There are racial prejudices certainly in the North and the Negro worker, the Negro family with lower economic level on the average, by the way one which is improving, is obviously not in a position to break out of these factors that are created by prejudice. Let me cite just one statistic if I may. The average Negro family in 1930 made one-third of the income that the average white family made in this country. By 1956 he was making over 50 percent. Now this still means that he is highly disprivileged.

Mr. SECONDARI. Is that over all of the United States?

Mr. YINGER. It is over the whole United States.

Mr. SECONDARI. What would you say the proportions were in the North, do you know?

Mr. YINGER. In the North it is a little bit over 60 percent—a little less than two-thirds, that's right.

Mr. SECONDARI. What would it be in the South?

Mr. YINGER. Well, the rural South it is a little bit under half but in the urban South it is somewhere between 50 and 60 percent.

Mr. SECONDARI. I see.

Mr. YINGER. So urbanism affects the increase of income but also the fact that you are in the North or South. Both of these issues are involved.

Mr. SECONDARI. But can racial prejudices be beaten?

Mr. YINGER. I think that we have given up the feeling that the way to attack the problems of injustice on the racial level is to attack individual prejudices. Rather, look at discrimination and say we cannot be concerned about your feelings, your beliefs, your attitudes, these are yours. If you want to be prejudiced, this is your privilege. But we can prevent one citizen from injuring another. We can prevent discrimination. And by looking at discrimination and segregation, the actions of people, rather than at prejudice, their attitudes. We, I think, can make much more effective progress.

Mr. SECONDARI. Is there one particular area, either in the North or South, but I would be principally more interested in knowing about the North, is there particular area in which the Negro has been completely integrated? Can we claim success in any one field?

Mr. YINGER. The very fact that each of these fields is tied to every other field would probably make it necessary for me to say "No." Clearly, in sports there has been a very large amount of integration. With Mr. Jackie Robinson here, I don't need to suggest that a slashing line drive between second and shortstop is something that is very integrated or when Miss Gibson wins at Wimbleton. We realize that a great many things have happened in the field of sports. But I would need again to stress the fact that since each of these effects the other, there is no area where we can claim complete integration, in the North or in the South.

Mr. SECONDARI. How about in your own walk of life? The professorial branches, the university life?

Mr. YINGER. There have been very significant improvements in the employment of professors and teachers of color since 1945. The fact that there is a great teacher shortage and there is going to be an even greater teacher shortage on all levels, from kindergarten to Ph. D level is again a favorable circumstance. There are now many, many universities in the North that have integrated staffs. There are many that would employ trained colored personnel if they were available, but trained Negro personnel unhappily are still not very numerous in this country.

Mr. SECONDARI. There is a section of opinion which believes that the Negro race as a race are intellectually inferior to others, is this true?

Mr. YINGER. This, of course, is a complicated question and one who answers it quickly and with great certainty, I think, makes a mistake. I can only say that as conditions between groups get more and more alike any differences in observed intelligence get smaller and smaller, and it is my considered opinion that there are no human groups that do not share the same range of human capacities given equal conditions.

Mr. SECONDARI. Well, now we've had integration of one form or another in the North for the last 100 years.

Mr. YINGER. Yes.

Mr. SECONDARI. The products of this integrated North, the Negro children in the North, do they register high IQ's in say Negro children in less favored areas?

Mr. YINGER. Oh, by all means. In fact this has been so well established now you can even determine that a Negro child who has been in the North for 5 years will have a higher IQ than a Negro child who has been in the North for 1 year, a Negro child who has been in the North for 9 years has a higher IQ than one who has been in the North for 5 years. Clearly the environment has made an impact on what is presumably, but is not a stable biological fact. Experience, education, opportunity play an important part.

Mr. SECONDARI. Then, let me ask you this question: White children from the same social strata as the Negro children who have been tested, do they generally carry with them the same I. Q.'s?

Mr. YINGER. Not the same I. Q., because strata alone here is not the only factor. There also is the matter of home life, the matter of language used by parents.

Mr. SECONDARI. What I am talking about is comparable families.

Mr. YINGER. As soon as you get comparability you get equality of I. Q. score.

Mr. SECONDARI. So that eventually on this intellectual field, at least, there would be no difference between the white and the Negro?

Mr. YINGER. This appears now to be the fact insofar as we can read the evidence. Let me put it very impudent, I may be abused by my colleagues in the teaching field, I. Q. tests were made out by persons who were college professors, let us say. College professors' children do very well on I. Q. scores. Well, they are used to their parents, their families, or their father's language, his way of approaching things, as a result, they do well on the scores. I don't want to detract from college professors' children.

Mr. SECONDARI. Well, tell me, sir, as a sociologist, and also as an individual what degree of integration do you think that the Negro population can expect in this country?

Mr. YINGER. Ultimate equality I would hope and this would be my moral projection that America will come to the point of treating each person on his individual merit. It will pay no more attention to the amount of pigment under his skin than it will be to the pigment in his hair or the breadth of his shoulders. It will treat him as an individual.

Mr. SECONDARI. One word, a one-word advice on how to solve this problem.

Mr. YINGER. I can't give you one word. I can only say do not assume that by attacking this or that, by paying attention to schools, or civil rights, or job opportunities, or housing alone will do it, but improvement in any one area will mean improvement in all other areas.

Mr. SECONDARI. Thank you very much Dr. Yinger. You have heard Dr. Yinger, of Oberlin College. The name of the program is Open Hearing—the subject is Integration in the North.

PROGRESS IN PUERTO RICO

Mr. SMATHERS. Mr. President, on the 25th of July, 1952, the island of Puerto Rico officially acquired Commonwealth status in close association with the Government of the United States. That historic occasion is rightly celebrated here and in Puerto Rico as constitution day. Events have already shown very clearly that this new status marks the end of one era and the beginning of another—a new and exciting one for our fellow citizens, the Puerto Rican people.

From the first landing of American troops on the island 59 years ago, the people of Puerto Rico have been moving forward toward the fuller self-government in their own, local affairs which has been achieved under the new constitution. Since becoming Amerian citizens in 1917, the inhabitants of the island have never ceased to strive toward the local autonomy which is the base of the American way of life.

With the formulation and ratification of the new constitution 5 years ago, any doubts which may have existed about the status of Puerto Rico disappeared very quickly. The preamble of the constitution itself states the aims of the people in words, which, I believe, can hardly be improved upon:

> We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles.

Similar in many respects to the United States document, the new constitution and the Commonwealth association it has provided have brought a new sense of inspiration and achievement to the island.

Politically, the new role as a Commonwealth has already brought results envisaged by its creators. First and foremost, it has insured to the Puerto Rican

people all the right of self-government at home. This local autonomy has been one of the most important factors in the growth of United States democracy; from the earliest days of colonial settlement, through the tremendous expansion of the westward frontier, down to the present American leadership of the Free World, our system of government has stemmed from the desire and the ability of each State to handle its own problems. This desire and ability have long been evident on the part of the Puerto Rican people. Now, at last, they are enjoying the full scope of political democracy. The latest Puerto Rican elections reveal such overwhelming support for the new status that only a special minority representation clause in the constitution allows any delegates at all to the almost nonexistent opposition.

The result is that Puerto Rico today has all the political stability and community enterprise that come to an area where the Governor and the governed are in complete, enthusiastic harmony.

Hand in hand with an independence in domestic affairs, however, goes Puerto Rico's privileged position of close association with the United States. In foreign affairs, in defense, and in citizenship, the Puerto Ricans are securely protected beneath the aegis of the United States Government. By the mutual consent of the islanders and the mainlanders, this unique arrangement was carefully worked out. Puerto Rico is a self-governing, associated state, and it shares to the fullest extent the privileges of American citizenship.

The leaders that the Puerto Rican people have almost unanimously chosen to guide them through the first difficult years of Commonwealth development reflect the already practiced political judgment of these islanders. The Governor, Luis Muñoz Marín, who has the honor of being Puerto Rico's first elected Governor before and under the Commonwealth, also holds the important distinction of ruling his country for a longer period than any other current executive in Latin American lands. That is, indeed, a fine record of political maturity for the new Commonwealth.

The reason for Gov. Muñoz Marín's success is not hard to discover. A Puerto Rican by birth, the Governor spent much of childhood in Washington, D. C., where his father was Resident Commissioner. After a brief sojourn in Greenwich Village as a poet, Muñoz Marín returned to his native island to devote himself to the political, social, and economic renaissance of Puerto Rico. He works an 18-hour day, handling anything from major political decisions to personal conversations with the man in the street. Nothing that might contribute in any way to the welfare of the island is too small for him to consider. The dynamic imagination of the poet and the practical abilities of the administrator combine in Gov. Luis Muñoz Marín to make him the ideal choice of his people. Like the late and very deeply mourned Philippine President, Ramon Magsaysay, the Governor represents an ideal of leadership in newly independent or self-governing areas of which Americans everywhere can be very proud.

Gov. Muñoz-Marín is ably assisted in his relationships with the Federal Government by Resident Commissioner ANTONIO FERNÓS-ISERN, who is well known to us here. Widely admired by Congressmen of all parties and from all parts of the country, he has represented the Puerto Rican view most persuasively in the United States. Not only in cooperation with the Congress of the United States, but also in his work as chairman of the convention which drafted the new constitution, and in his position on the United States delegation to the United Nations, he has served his commonwealth and his country to the best of his very great abilities. I am sure that he will continue to have the same success in the future as he has always had in the past.

It is not surprising that such excellent leaders have provided Puerto Rico with a firm political foundation as a commonwealth. But it is remarkable—and indeed every day becomes more remarkable—that the Government of the Commonwealth of Puerto Rico has been making tremendous strides economically as well as politically. A few figures will tell the story of Puerto Rico's economic accomplishments within the last 2 decades. In 1940, the net income of the island was $230 million. Today it is nearly a billion dollars. In the last 20 years, per capita income has been multiplied by about 4, with the result that Puerto Rico now enjoys the second highest per capita income in Latin America. Moreover, the value of wages and salaries paid has increased almost five times. This gigantic boom, even though it still leaves Puerto Rico far from being a wealthy state, nevertheless brings it up to a position that has been the envy of underdeveloped countries the world over.

Economically, Puerto Rico's gains are a brilliant reflection of the advantages of commonwealth association with the United States as visualized through the keen eyes of Puerto Rican leadership. Realizing that the island, with its limited supply of land, and its mainstay, sugarcane, could never be prosperous without industry, Gov. Muñoz-Marín went to great lengths to encourage American firms to set up branch factories on the island. The Puerto Rico Economic Development Company, headed by energetic Teodoro Moscoso, had been set up in 1942 for this very purpose. Gov. Muñoz-Marín provided added incentives to all businesses new to the island by offering factories built to desired specifications at a low rent, by offering to train skilled laborers as needed, by offering capital loans—and above all, by exempting these industries from all taxes for 10 years. The result to date is a net gain of 400 new factories. And just within the past year, increased industrialization has created about 20,000 new jobs for Puerto Rican workers.

Operation Bootstrap—as Puerto Rico's great project is called—has indeed been a phenomenal success. In creating useful jobs for a willing and able people, the greatest problem has been the population increase, which steadily absorbs some of the gains, but the degree of success which has been achieved raises high hope for a future in which the Puerto Rican economy will be sustained by a sturdy backbone of industry. When that time comes, Puerto Rican people, who already consume some $600 million of United States goods, will doubtless become still greater buyers themselves upon that great American market to which their labor contributes so generously.

Operation Bootstrap is not aimed alone at an increase in the wealth of the island. It has, in fact, aimed, above all, at an increase in the living standards and an equal sharing of opportunities by all the Puerto Rican people. And here, too, in its social objectives, the ambitious ideals have been realized to a truly remarkable degree. Statistics can tell part of the story in this field. Governor Muñoz-Marín, in his 1957 message to the legislative assembly, indicated some of the largest gains. In education the attendance in both secondary and high schools exceeded original goals; and the 91 percent attendance in elementary schools compares favorably with the United States figure of 96 percent. New postgraduate schools and courses are established each year in the University of Puerto Rico.

With regard to health, the average life span has continued to rise from 46 years in 1940 to 64 in 1955 to 68 now; infant mortality has been greatly reduced; in fact, statistically speaking, Puerto Rico today is a healthier place than continental United States.

Public housing projects have also continued apace, ranging all the way from the $7½ million Hilton Hotel, to entice tourists to the island, to the thousands of build-it-yourself projects, where the government supplies the foundations and roofs, and leaves the walls to be constructed by the people themselves.

But the real achievement in Puerto Rico is best appreciated not by a study of facts and figures, but by a firsthand look at the busy island. For the past few years, visitors to Puerto Rico have all returned full of contagious enthusiasm for the little island and its workers. In the careful study prepared for the National Planning Association as early as 1951, Stuart Chase summed up his impressions of Puerto Rico this way:

> Everywhere one goes, even in the high mountains, he sees new enterprise, new construction, new hope. One must constantly detour because of new roads. Wherever he looks there is a new housing development, a new skyscraper, factory, airfield, concrete baseball park, renovated church, new hospital, school, or market. This rush of physical activity suggests a new determination. * * * It is not the declining slums that the visitor remembers, bad as they still are, but the new vocational school at Ponce, the new library at the university, the amazing new hotels, the textile plant, the new houses which the government is building for the people of the slums.

Today there is still the same reaction. Ambition, activity, and progress have not leveled off, but are continuing to push the statistics and graphs right off the tops of the pages with a record of constructive self-improvement that is unex-

celled anywhere in the world. An article by John Fischer, in the June 1957, issue of Harper's magazine, expresses the same wonder and admiration for a most untypical Latin American country where "the people walk as if they were going somewhere; and they are." I agree with that observation as I look upon this island on the fifth anniversary of its Commonwealth Government. Here is a place where the remarkably able guidance of the popular Democratic Party and its leader Gov. Muñoz-Marín has created a new era of economic and social progress, while at the same time maintaining and even enhancing traditional American ideals of democracy. I know that all my colleagues join me in congratulating the Puerto Rican people on this anniversary and in wishing them continued success under their Commonwealth and in association with the United States.

During the delivery of Mr. SMATHERS' speech,

Mr. LONG. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I am happy to yield.

Mr. LONG. Mr. President, I ask unanimous consent that the remarks I am about to make be printed in the RECORD at the conclusion of the speech of the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I wish to associate myself with the very fine speech of the Senator from Florida.

I, too, wish to extend the most cordial greetings to Governor Muñoz Marín and the other fine people of Puerto Rico.

This is undoubtedly a very fine experiment in Commonwealth government. Apparently it satisfies the people of Puerto Rico. I know the Senator from Florida feels the same as I do, that if the people of that great Commonwealth desired independence, we would be constrained to vote for it for them.

However, from what I am able to ascertain, the people of Puerto Rico are very happy with the Commonwealth status they enjoy, and it has worked out to be very beneficial for both the United States and the people of Puerto Rico. Under this arrangement the people of Puerto Rico are prosperous and are making fine headway.

Mr. SMATHERS. I thank the Senator from Louisiana. The Commonwealth status has proved to be exactly the kind of status Puerto Rico needed and desired. As evidenced by the elections which are held there every 4 years, more and more of the people of Puerto Rico have approved of the Commonwealth status, and a smaller and smaller number of the people of Puerto Rico have voted for independence.

Mr. LONG. As I understand, since Commonwealth status was conferred upon Puerto Rico, the number of people of Puerto Rico who have voted for the Independence Party has been greatly reduced.

Mr. SMATHERS. That is correct and there is more support than ever before for the Commonwealth status, because not only has it given the people of Puerto Rico every individual liberty they want, but at the same time it has provided them with an economic base upon which they have been able to develop remarkably; in fact, they have enjoyed possibly the most miraculous development which has occurred in any area of the world. The Commonwealth status is one which I believe some of our other Territories might well consider very seriously, because that status has had the result of enabling Puerto Rico to develop very rapidly. Commonwealth status has enabled Puerto Rico to progress from being a very poor country, with an extremely dense population, to being one of the most progressive countries, with a high per capita income. Commonwealth status unquestionably has done miracles for Puerto Rico.

Mr. LONG. Mr. President, if the Senator from Florida will yield further to me, let me state that I had the honor and privilege of serving with him on the Senate Committee on Interior and Insular Affairs at the time when the Puerto Rico Commonwealth bill was before the committee. I voted for the bill, as did the Senator from Florida. I am delighted to hear his fine report on the excellent progress made by Puerto Rico under the Commonwealth bill.

Mr. SMATHERS. I thank the Senator from Louisiana. I know that the people of Puerto Rico are very grateful to him for his participation in the drafting of the Commonwealth bill under which they now live.

I think it is historic when any person is able to say that he had a part in the creation of a government under which people subsequently live and under which they find great happiness and make great progress.

At that time the members of the Senate Committee on Interior and Insular Affairs labored hard over the Puerto Rican Constitution. They devoted long hours to it, and they considered it from every possible angle. I know that the contribution made by the Senator from Louisiana was particularly great. That constitution has proved to be a wonderful one for Puerto Rico, and the people of Puerto Rico have greatly appreciated it.

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

Mr. SMATHERS. I yield.

Mr. LONG. Puerto Rico has one great advantage that many nations south of our border do not have, and that is the stability and security of property investments, and the investments of groups, knowing that they are protected by the United States Government. That is undoubtedly a great factor in inducing many large corporations, and even small companies, to go to Puerto Rico and safely invest their money, make a fair return on their investments in that area, and feel it is safe and secure from confiscation.

Mr. SMATHERS. The Senator is correct. Somewhere in the neighborhood of 500 new industries have moved into Puerto Rico within the past 18 months, not all for the purpose only of securing the advantage of favorable labor conditions, but also because they felt that it would be safe to make their investments in Puerto Rico, for the very reasons which the Senator has enumerated.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. SMATHERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. 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.

RECESS

Mr. JOHNSON of Texas. Mr. President, pursuant to the order heretofore entered, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Friday, July 26, 1957, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 25, 1957

The House met at 12 o'clock noon.

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

Almighty God, whose resources of wisdom and strength are always available and abundantly adequate to supply our many needs, may we use them in discharging faithfully the duties of this new day.

Inspire us with a sincere and earnest longing to do that which is well pleasing unto Thee.

Make us acutely sensitive and eagerly responsive to the presence of Thy spirit, girding us with power and guiding us in the ways of truth and righteousness.

Give us clear minds and courageous hearts as we lay hold of tasks which demand the devotion and dedication of our noblest manhood and womanhood.

To Thy name we ascribe all the praise. Amen.

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

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BARDEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 153]

Anfuso	Cole	McIntire
Avery	Dawson, Ill.	Mailliard
Beamer	George	O'Konski
Boykin	Harvey	Powell
Buckley	Holtzman	Preston
Bush	Kearney	Taylor
Celler	Knox	Teller
Chelf	McFall	Widnall

The SPEAKER. On this rollcall 412 Members have answered to their names, a quorum.

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

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PUERTO RICAN CONSTITUTION DAY

Mr. ROONEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. ROONEY. Mr. Speaker, 5 years ago, on the 25th of July, 1952, our island neighbors and fellow citizens in Puerto Rico officially celebrated the birth of the Puerto Rican Commonwealth. Under a constitution which they had framed according to their own needs and ambitions, these loyal Americans achieved self-governing status.

Since that day, the people of Puerto Rico have more than fulfilled the hopes of their continental supporters. Not only have they made a success of their own local political organization under the brilliant leadership of Gov. Luis Muñoz Marín, but also they have set an example in social and economic developments that nations all over the world are envying and copying. By the enterprising development program known as Operation Bootstrap, Puerto Rico succeeded in 1956 in raising its net national income over the billion dollar mark for the first time. As a result, the per capita income on the island is the second highest in Latin America, and this increasing wealth is being used to improve the social and economic status of the whole population.

Today I am happy and proud to offer my congratulations to the Commonwealth of Puerto Rico where our fellow Americans are demonstrating to the mainland and to the world that there are no challenges, social, economic, or political, that cannot be conquered by a democratic government when that government is backed by citizens as loyal and as enterprising as our Puerto Rican neighbors.

I wish to also extend my heartiest congratulations to my good friend the distinguished Resident Commissioner of Puerto Rico, Dr. ANTONIO FERNÓS-ISERN, who has achieved so much in maintaining an amicable understanding between the people of Puerto Rico and the United States.

May these first 5 years of Commonwealth status be merely the beginning of the progress and prosperity which the future holds in store for the people of Puerto Rico.

SCHOOL CONSTRUCTION ASSISTANCE ACT OF 1957

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 further 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 further consideration of the bill H. R. 1, with Mr. PRICE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment offered by the gentleman from Kansas [Mr. SCRIVNER].

Without objection, the Clerk will again report the amendment of the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. SCRIVNER: On page 30, strike out all after the enacting clause and insert "That in lieu of all legislative proposals providing for school construction, 1 percent of all Federal income tax, collected in each State and Territory, shall be covered quarterly into the treasury of each State and Territory, to be expended only for aid to education, including school construction, in accordance with the budget of each State or Territory."

Mr. BAILEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. BARDEN. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BAILEY. I yield to the gentleman from West Virginia.

Mr. BARDEN. Mr. Chairman, I notice from the reading of the amendment that it begins on line 11, page 30. Is this a substitute for the entire section 1 of the bill?

The CHAIRMAN. The Chair understands it to be in the nature of a substitute to the committee amendment.

Mr. BARDEN. I thank the Chairman.

Mr. BAILEY. Mr. Chairman, I rise to call the attention of my colleagues in the committee today to the proposed amendment offered by the gentleman from Kansas [Mr. SCRIVNER]. Any merit this amendment has—I will not say it does not have some merit—is killed by the inopportune time at which it was offered in the committee.

You will recall that the same amendment was adopted last year as a substitute for the pending school legislation, but it was not offered until after the so-called Power amendment had been added.

When the Scrivner amendment was substituted for the school legislation under consideration at the last session, it was discovered that the Powell amendment had been tacked onto the legislation. That killed the Powell amendment. So the committee reconsidered its position and killed the Scrivner amendment. It was done to reinstate the Powell amendment which had been already tacked onto the legislation. The adoption of the Scrivner amendment at this time automatically precludes the offering by the friends of the Powell amendment of any legislation limiting the use of this money, because the money would be returned direct to the States and would not be appropriated by Congress.

Then, too, the adoption of the Scrivner amendment kills all of the administration's idea of distributing this money on the basis of need.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BAILEY. I yield.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RHODES of Arizona. Mr. Chairman, as I got the language of the Scrivner amendment, it is offered in lieu of all legislative proposals providing for Federal aid to education. My inquiry is whether or not if this amendment is adopted and subsequently enacted it would have the effect of repealing Public Laws 815 and 874 of the 81st Congress.

The CHAIRMAN. The Chair would not pass upon the effect of the amendment.

Mr. BAILEY. I thank the gentleman from Arizona for raising this point, because it is one of the points I expect to make later in this presentation.

If you are making this distribution on the basis of the Scrivner amendment, New York, which pays 18 to 20 percent of the Federal income taxes, would get back a tremendous amount of this money. Let me say as to those millionaires who pay that high Federal income tax in the State of New York that a good big part of that income was made out of the resources of the State of West Virginia, and none of that money sent back to New York would ever get to West Virginia to compensate us for the loss of our natural resources. This is happening continuously by the operations of those nonresident taxpayers who are operating the resources of the State of West Virginia.

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

Mr. BAILEY. I yield to the gentleman from New York.

Mr. ZELENKO. May I say to the distinguished gentleman from West Virginia that the Governor of the State of New York and his administration has put itself on record, as the gentleman knows, in favor of the school bill as it exists now, knowing full well that the State of New York will not receive back what it will put into this bill, but because it will be in favor of all the children of the country.

Mr. BAILEY. I thank the gentleman from New York for making this point. It is true that the Governor of the State of New York, Mr. Harriman, during the hearings of my subcommittee made it clear that the State of New York favors this type of legislation.

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

Mr. BAILEY. I yield to the gentleman from Utah.

Mr. DIXON. I wish to congratulate the gentleman from New York, espe-

cially in view of what I said yesterday in answer to the Wall Street Journal about the chamber of commerce there. It is most gratifying to see this statesmanship.

Mr. BAILEY. I thank the gentleman from Utah.

Mr. Chairman, I do not like the wording of this amendment. I am sure there would be a question raised as to whether you could continue to make distribution under Public Law 815 for school construction if this legislation should be approved. It seems to cut off any other sort of Federal aid along with this proposal.

Mr. HALLECK. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. HALLECK. Mr. Chairman, I have asked for this time in order to make a few general observations about this bill and something about what I believe the administration's attitude is in respect to the whole problem before us. What I shall have to say I trust will be understood as applying to the bill itself, to the pending amendment, and to all amendments that may be offered, of which I understand there are several.

May I say at the outset, Mr. Chairman, that on this occasion, as on other occasions since this administration came into power in 1953, there have been some attacks directed at the President in the press and on the floor criticizing him for what these critics call a lack of a firm position.

I have been here quite a while and I have heard these criticisms as they have been directed against the President from time to time. May I say first of all that I disagree with these criticisms that have been directed at our President with reference to this particular matter. I disagree with these criticisms because, in my opinion, the views of the President and the views of the administration have been consistent and those views are known. I might remark in passing that many times it seems to me these criticisms come from the extreme advocates of one position or another who feel that their side is not being sufficiently favored. Well, I sometimes wonder if people in that position can ever be fully satisfied as to the effort put forth in the direction that they would like to have it put forth.

I would like to make one other observation that is in the nature of a reminiscence. I first came here in the year 1935. At that time legislation was sent up to us to be adopted. Sometimes it was not even printed sometimes it was just mimeographed. The Congress was supposed to take this legislation without crossing a "t" or dotting an "i". Those were days when people said the Congress of the United States had abdicated its responsibilities. So far as I am concerned, I am happy that today we have the advice and the guidance of a great President, but at the same time, certainly, in respect to domestic affairs, a President who recognizes that the Congress of the United States is an equal, coordinate branch of the Government, a branch of the Government that has its responsibility certainly in these legislative processes.

Now to get to the measure before us, I want to recite just a little history. On February 8, 1955, there was introduced in the House of Representatives a bill authored by the gentleman from Pennsylvania [Mr. McCONNELL] sometimes referred to as the Hobby bill—Mrs. Hobby was then the Secretary of Health, Education, and Welfare—which was generally understood to be the administration's bill.

Mr. HALLECK. Mr. Speaker, I ask uanimous consent to proceed for 5 additional minutes.

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

There was no objection.

Mr. HALLECK. Mr. Chairman, first I want to read to you the purposes of the act. The purposes of the act were set out in these words:

> It is, therefore, the purpose of this act to provide assistance of a substantial and effective nature to States and communities which are handicapped by the shortage of public school facilities, through—

Now, I call your attention to the fact that these were the things that were to be done:

> (1) purchase by the Federal Government of obligations issued by local education agencies to finance school construction where such obligations cannot otherwise be marketed at reasonable rates of interest;
>
> (2) support by the Federal Government, with the participation of the States, of the obligations issued by State school building agencies established to finance the construction of school facilities for rental to and eventual ownership by local educational agencies;
>
> (3) Federal grants to the States to assist them in helping local educational agencies, economically unable to qualify for the assistance described above, to obtain urgently needed school facilities.

That bill was not reported. Instead, the Kelley bill was reported, and I think it is fair to say that the Kelley bill of last year, as reported by the committee, differed from the administration's proposal in many, many substantial ways. During the debate and consideration of the committee bill, there was offered what was known as the McConnell substitute.

It was offered also as a motion to recommit. It did not go back to the Hobby bill in many important particulars, but it picked up the provision in respect to need and incentive of the local communities and States. On our side we voted almost solidly for that. I recall that in the debate I said that if that substitute was not accepted, in my opinion the bill would be defeated. That is what happened, and again the committee has reported a bill which differs very materially from the administration proposal.

Now there has been talk here about platforms. Our 1956 platform—I have not read your Democrat platform lately, but in referring to the school construction program, our platform said this:

> 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.

I think I can understand the English language and I think I know what that means.

As to the President's attitude, as I have understood it from the beginning, let me say this: President Eisenhower has again and again drawn attention to the critical shortage of classrooms in our country and has pointed out that in spite of increased construction on the part of most of our States, this shortage is bound to increase because of the rapidly growing number of children of school age.

From the many conversations and conferences in which I have participated, it is obvious that the President is convinced that this shortage, particularly the result of factors of a national character over which the States had little or no control, can be eliminated only through some kind of Federal assistance to the States in order to stimulate building.

There is no doubt in my mind that the President is deeply hopeful that the Congress will enact legislation of a self-terminating character that will provide the needed assistance and stimulation with the bulk of Federal assistance distributed on the basis of need.

It seems to me there can be no question whatsoever but that the President strongly believes that the need is today, that it is urgent, and furthermore that this Congress should meet its share of the responsibility to answer this need.

As I have understood it, those have been the President's views. They have been stated time and again. I think they have been very well understood.

Now, as far as this bill is concerned and amendments to it, as an individual Member, acting on an amendment and on the bill, I am going to follow the dictates of my own conscience. I am going to be mindful of the views of the people I represent. I want to say, parenthetically, that the people of my party in Indiana have a plank in their platform against any Federal aid to education. At any event, I shall be consulting with the people whom I am privileged to represent, and certainly I shall not be unmindful of the loyalties that are mine to my party, and the stand of our administration, insofar as I am able to determine how those various things will come up as a matter of application.

There are other amendments pending. I have checked at the Speaker's desk. We have one amendment pending now. There are others that will be offered. As far as I am concerned, I am sure that this House of Representatives will exercise its judgment according to our responsibility, and try to do that which is in the best interests of the country in the consideration of all of these various matters that are coming before us in connection with this bill, although it is always a difficult matter to try to write sound legislation on the floor of the

House when dealing with complex and controversial issues.

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

Mr. HALLECK. No, I do not care to yield.

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

Mr. Chairman, I share with most Americans including the distinguished gentleman from Indiana [Mr. HALLECK], a genuine liking for President Eisenhower. He is a congenial, good-hearted man. He and his family are a credit to the American people.

I have often wondered how it is possible for a man in public life to be so popular with such a variety of people as is this man from Abilene. I think, however, after listening to the explanations of the President's position on Federal assistance for the public schools that I know why everybody likes Ike. It is simply this: Ike, himself, likes everybody so well that he embraces with equal good humor all possible sides of issues on which there are sides to embrace.

Those who favor Federal aid to education such as the distinguished gentleman from New Jersey [Mr. FRELINGHUYSEN], are sure that Ike agrees with them. Those who are opposed to Federal aid are equally sure that the President is opposed, or at the least lukewarm, about bringing the Federal Government into this field. During both the 1952 and 1956 campaigns, Ike campaigned in such a way as to convince the most ardent supporters of Federal aid to education that he was their man, but we are now given the assurance of the honorable gentleman from Illinois [Mr. ALLEN], that if the President was running on Federal aid to education, he wasn't running on the Republican platform.

Now Mr. Chairman, I submit that there is nothing new about the current confusion as to where the genial Mr. Eisenhower stands on controversial issues. We should of course give the President all due credit in coming out boldly for the preservation of the American home, the family fireside, and a man's right to a few turns on the golf links. On these central issues, the President has not only been clear and consistent, he has even been dynamic. But when it comes to such tormenting issues as the school shortage, parity for farmers, civil rights, and the budget, Ike—as illustrated by Herblock—no sooner signals with the left-turn indicator than we notice that the right-turn indicator is also blinking. Just about the time we wonder whether the Presidential car is swinging right or left, the brakes go on and we are left on dead center in the middle of the road. Little wonder that even sophisticated Washington reporters get into trouble when they try to follow the Presidential car too closely.

Mr. Chairman, many of us in the Farm Belt saw the handwriting on the wall 4 years ago. It was on October 4, 1952, that the Eisenhower caravan rolled into Brookings, S. Dak. When it had left, newspapers all over the Nation boldly informed us that Ike was for 90 percent of parity for farmers as a bare minimum but that he really thought it should be 100 percent. Poor Mr. Stevenson was left wondering how he could compete for the farm vote. When it was suggested that Ike had left a loophole and was really not for firm price supports for agriculture, his colleagues cried "foul" and assured us that it was only Democratic trickery to imply that Ike did not mean what he had said about parity. Yet, lo and behold, the election was scarcely cold before the President set about calmly to undo the whole parity structure and to put us on the sliding scale. Neither Ike nor his Secretary of Agriculture bothered to warn farmers that when you are on a slide, the only way you can slide is down. No one ever moved from 90 up to 100 on a slide.

Again on the great fight over the budget, Ike's love for the people enabled him to convince just about everybody that he was on their side. The Congress was warned by the White House that it was our duty to cut the budget but that if we did cut it we would imperil the Nation's security. After tossing about on all sides of the issue for several weeks, the White House finally announced that Ike would address the Nation on the subject of his budget. Is there any man who doubts that the great interest in this address stemmed from the fact that the whole Nation was waiting with bated breath to learn whether or not the President would come out for or against his budget?

On the issue of civil rights, the President was equal to the demands of public relations again. We were assured by his spokesmen in the House that the civil-rights bill was drawn to the President's specifications and that if we granted the compromises asked by our southern friends the President would be most unhappy. But, lo and behold, when the bill reached the Senate and the reporters asked Ike about certain sections, the President expressed his anxiety about these provisions and indicated that he had not yet really read what was in his civil-rights legislation.

Mr. Chairman, all of this leaves us with the conclusion that it is a lot easier to like Ike than to learn what it is that Ike likes.

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

Mr. Chairman, as one who has struggled, who has sweated, and who has worried about a bill to alleviate critical classroom shortages, which no one can authentically deny, I deplore the trend of this argument. Politics should stop at the door of this Chamber when we are considering the alleviation of critical conditions which will affect the future welfare of the children of America.

Let us get back to fundamental positions. There is no question in my mind but that the President of the United States is interested in legislation to help alleviate the classroom shortage. There is no doubt in my mind whatsoever and I say that sincerely. There is a difference of opinion as to how it should be done, and that is quite natural and quite logical.

I have certain views on this matter, deep views, fundamental views, but I have been willing to change some of them as we have gone along. For what purpose? In order to obtain a bill. I have not questioned the politics of people in any of their moves or decisions, and I do not think it is right to question the politics or the motives of the President of the United States in this particular matter. He is acting in the way he thinks proper for the welfare of this country.

Originally there was a proposal from Mrs. Hobby, who was then Secretary of the Department of Health, Education, and Welfare. I was not entirely in accord with that proposal. I liked parts of it. But it was a basic start, as far as I was concerned, it was a basis upon which we would begin to consider and approach the handling of classroom shortages.

Then we had what was known as the Kelley bill. I will say to the gentleman's credit that he endeavored to take many parts of the so-called administration approach. However, we did differ as to the formula in the allotment of funds. The Kelley approach was that all States should receive funds based solely on the school age population of each State. The so-called administration approach was that school-age population, the financial income per child of school age, and effort should be considered. I can say right here that that was the main argument in connection with the Kelley bill versus the so-called administration approach, which was embodied in the bill that the gentleman from New Jersey [Mr. FRELINGHUYSEN] and I introduced.

I tried last year to present an amendment which would consider the financial income, population and effort, but it was defeated. There was a feeling on the part of some that maybe there might be some political credit for the bill, or something of that sort, or whatever it might be, and regardless of all that I am not discussing it, except to say that the bill was defeated.

We started this year and we had a real hope, all of us who favored some kind of assistance to alleviate conditions, that we could work out a compromise bill.

Mr. Chairman, I can say most sincerely that I feel a good compromise bill has been worked out. Now, it does not go as far in one direction as some might wish; it does not go as far in the direction that some others might wish, but I sincerely believe it is a real compromise bill. As far as I am concerned, I have done my best and will continue my efforts to get that kind of a bill approved here in this House.

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

Mr. McCONNELL. I yield to the gentleman from North Dakota.

Mr. BURDICK. Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Pennsylvania. He has spoken my views on this bill but in a much better way than I could do it myself.

Mr. Chairman, I announced my position on national school legislation in a newsletter last February, and I have not changed my position since. The announcement was as follows:

Every session of Congress for the past several years has been bombarded for Fed-

eral aid to education. I have stated my position time and time again, but a Member cannot get the publicity on this matter that the facts warrant.

The President is to be congratulated on his stand on the subject, expressed in clear and unequivocal language. Here is what he says:

"Certain basic principles must govern legislation on Federal grants for school construction, if they are to serve the cause of education most effectively.

"First, the program must be recognized as an emergency measure designed to assist and encourage the States and communities in catching up with their needs. Once the accumulated shortage is overcome, if State and local autonomy in education is to be maintained, the States and communities must meet their future needs with their own resources and the Federal-grant program must terminate. The States and communities already are building schools at a rate which clearly shows their ability to do this.

"Second, Federal aid must not infringe upon the American precept that responsibility for control of education rests with the States and communities. School-construction legislation should state this policy in no uncertain terms. * * * The Federal role should be merely to facilitate—never to control—education.

"Third, Federal aid should stimulate greater State and local efforts for school construction. Many States now make no contribution to school construction, and in some States which do contribute the amount is relatively small. Further, to increase total funds for school construction, Federal grants should be matched by State-appropriated funds after the first year of the program.

"Fourth, the allocation of Federal funds among the States should take into account school-age population, relative financial ability to meet school needs, and the total effort within the States to provide funds for public schools. An allocation system based solely on school-age population would tend to concentrate Federal aid in wealthy States most able to provide for their own needs. An allocation system which provides more assistance to States with the greatest financial need will help reduce the shortage more quickly and more effectively.

"Fifth, in distributing grants under this program within each State, priority should be given to local districts with the greatest need for school facilities and the least local financial ability to meet the need."

Federal control of education is one way to build a totalitarian state and take away from the people the responsibility of self-government. Federal appropriations usually have a string attached, by which the Federal Government takes some authority away from the people to manage their own schools, and there is no doubt that the President has seen this tendency. His stand on this subject should convince the people that he is in favor of more local government—not less of it.

The Wright amendment already adopted makes doubly sure that the Federal Government will in no way control our educational courses of study, or otherwise interfere with local control of our States' educational systems, and with this amendment I will vote for the bill.

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

Mr. McCONNELL. I yield to the gentleman from Pennsylvania.

Mr. FRELINGHUYSEN. I, too, deplore the partisanship which seems to have cropped up here today. I think it ought to be made plain that in the Education and Labor Committee there was virtually no partisanship, and as a result we brought out the bill which we have before us. I think that the members of the subcommittee which first considered this legislation and held hearings on it all recognized, on both sides of the aisle, that the President's leadership and specific recommendations formed the basis for the legislation which we had here last year in the form of the Kelley bill, and that which we have here before us today. I think the President's position has been made plain, and I think without his leadership we would not have gotten as sound legislation as we have. I discussed this matter at some length yesterday in connection with a letter I received from the President. It is found on pages 12607–12608 of yesterday's RECORD. Just two sentences from it, if I may be indulged, Mr. Chairman:

I would not, of course, pass judgment on all the details of this bill while it is still before Congress. As I understood it, however, the bill adheres to principles which I consider basic to sound Federal legislation on this subject.

Then I will skip a few sentences.

Providing adequate classroom facilities for the young people of our Nation is a tremendous challenge which should be met at once. I earnestly hope, therefore, that legislation will be enacted at this session to provide Federal help in this emergency.

It is for that reason, Mr. Chairman, that I do hope we take the advice of our President and proceed with our consideration of this measure.

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

Mr. McCONNELL. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

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

There was no objection.

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

Mr. McCONNELL. I yield to the gentleman from Arizona.

Mr. UDALL. I, as a member of the subcommittee that sat and sweated for 3 months on this bill certainly agree with the gentleman from New Jersey [Mr. FRELINGHUYSEN] who sat with us that if there ever was a bipartisan approach to legislation by people sincerely interested in passing a bill it was adopted by those who formulated this bill. I believe if we are going to have a bill, we are going to have to use that same bipartisan approach on the floor today. The gentleman from Pennsylvania stated a while ago that this is the best compromise we can get; Secretary Folsom has said so; the President has said so. But then I was utterly confused by the statement of the gentleman from Indiana [Mr. HALLECK] who seemed to say to the Members on his side of the aisle that this is not the President's bill, and I would like to see that statement clarified now.

Mr. McCONNELL. May I say this to the gentleman so that we may know what the positions generally are. I think it is only fair to state it clearly. The President is in favor of a bill for school construction. This is not the most preferred bill he wishes. He has made that very clear. He also realizes that legislation is a matter of compromise, and he understands our efforts to compromise. He does say, however, that this is not his first preference; that he prefers a bill where financial need is more emphasized than in the compromise bill.

I think, in a nutshell, that is his position.

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

Mr. McCONNELL. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Chairman, I have talked to the gentleman from New Jersey [Mr. FRELINGHUYSEN] and I think in all fairness there is an additional sentence in the letter that he had from the President that bears out the statement that I made. The words are these:

In that connection—

Referring to the consideration of the bill—

I hope that in its further consideration of the matter the Congress will give close attention to that portion of the bill which allocates funds on the basis of need.

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

Mr. McCONNELL. I yield to the gentleman from Arizona.

Mr. UDALL. The point that I am trying to clarify is that our differences in reference to the need formula has been compromised 50 percent. We just split the difference. In fact, my own inclination has been to agree with the gentleman on the other side of the aisle, and I think I was instrumental in bringing about that compromise. The committee has worked hard and long on this, and if we are going to get a bill it has to be a compromise bill.

Is the President back of the committee bill or not? Because if he is not, then the work of the committee is a shambles, and none of us know where we are. We are adrift here. That is why I think we have to know now the answer to my question.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield to me?

Mr. McCONNELL. I yield to the gentleman.

Mr. FRELINGHUYSEN. I would like to state that it was not my intention to omit that sentence to which the gentleman from Indiana referred, with reference to the question of need, in the President's letter to me. But since the gentleman from Indiana [Mr. HALLECK] has brought it up, and since he referred to the Republican platform, I do think that perhaps we should have some discussion of this question of need.

First of all, let me say that, in my opinion, the legislation now before us contains no violation of any basic principle which the President has advocated. The simple fact of the matter is that the administration proposal incorporated in the bills which the gentleman from Pennsylvania [Mr. McCONNELL] and I——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. McCONNELL] has again expired.

Mr. McCONNELL. Mr. Chairman, I ask unanimous consent to proceed for 2 more minutes.

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

Mr. HOFFMAN. Mr. Chairman, I object.

Mr. BARDEN. Mr. Chairman, I am a little reluctant to suggest this, but I should like to offer a unanimous-consent request on the matter of limiting time on the pending amendment. This amendment was offered about 45 minutes ago, and except for the gentleman who introduced it, the discussion has been on entirely different matters. I am thinking of asking unanimous consent that all debate on the pending amendment close in 20 minutes. I make that unanimous-consent request, Mr. Chairman.

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

Mr. PERKINS. Mr. Chairman, reserving the right to object, may I suggest that the gentleman change his request and make it 40 minutes?

Mr. BARDEN. Mr. Chairman, it is embarrassing to compel someone to stick to the subject. I do not like to do it; no one likes to do it. But I do think the Members must realize that we want to get along and finish with this bill. For about 45 minutes the discussion has not even touched the amendment that is on the desk. Why anybody would want to take another 40 minutes to talk about something other than the amendment, I do not know.

Mr. Chairman, I shall be forced to make objection if Members insist on leaving the amendment that is pending and talking on some other subject. At this time I withdraw my unanimous-consent request.

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

Mr. Chairman, I should like to continue my discussion of this question of need as it was considered in the subcommittee and the full committee. The administration proposal, as incorporated in the bills which the gentleman from Pennsylvania [Mr. McCONNELL] and I introduced, had an equalization formula. It would have provided three times as much aid to poor States as it would to the rich ones. The bill we now have before us would have given twice as much aid to the poorer States.

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

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. BARDEN. Mr. Chairman, I should like the gentleman to discuss the amendment that is pending. If we do not discuss the bill before us, we will never get through.

Mr. FRELINGHUYSEN. Mr. Chairman, I decline to yield further.

The CHAIRMAN. The gentleman will confine his remarks to the pending amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I recognize the fact that the committee wants to proceed as rapidly as possible in consideration of the bill. I recognize also they have been rather patient to what has gone on in the past. I do want to take this time today, at least a portion of it, to talk in a nonpartisan way in reference to this particular amendment and generally to the subject of the entire bill.

In doing so, I want to quote a very short paragraph from a news analysis in Louisiana called PAR. PAR is an abbreviation for the Public Affairs Research Council of Louisiana, Inc. In its February 15 edition PAR addressed itself to this identical subject, and it showed the results of an exhaustive study of the situation regarding educational construction in Louisiana. Remember that Louisiana is one of the States toward which the finger has been pointed as a poor State, unable or unwilling to do its full part in the construction of the school facilities for the public schools of Louisiana. I quote from this edition of this publication:

> In the 10-year period from 1946 to 1947 through 1955 to 1956, expenditures for public-school construction and equipment increased far more rapidly than did public-school enrollment in Louisiana. While enrollments increased 36.8 percent (from 437,841 in 1946–47 to an estimated 599,014 in 1955–56), with the end of wartime restrictions and shortages school capital outlay increased 1,188.1 percent from $2.9 million in 1946–47 to $37.4 million in 1955–56). Over $225.8 million was spent for public-school construction and equipment during the 10 years. In the same period, the total assessed valuation to support local school-construction bonds increased 72.7 percent (from $1,645 million in 1946 to $2,840 million in 1955), and the constitutional debt limit for school bonding purposes was raised from 10 to 25 percent of assessed valuations.

Further, Mr. Chairman, I wish to read to you three of the recommendations made after careful study by this publication in reference to school construction in Louisiana. They are as follows:

> The justification for a Federal-State program of aid for school construction in Louisiana is questionable in view of the following:
>
> 1. Building needs are presently being met with local funds at a more rapid rate than the combined impact of increased enrollments and the loss of classrooms through obsolescence.
>
> 2. There may be as much as $100 million in local funds for school construction authorized but not yet spent in Louisiana.
>
> 3. Although Louisiana is one of the "poor" States under the administration's aid formula, 62 of the State's 67 school systems have more than $569 million presently available in unused bonding capacity after meeting all their school needs to 1959–60 as estimated by the State department of education.

Mr. BARDEN. Mr. Chairman, I move that all debate on the pending amendment close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. HENDERSON].

Mr. HENDERSON. Mr. Chairman, as we discuss H. R. 1, which is the School Construction Assistance Act of 1957, it seems to me that if the Congress would approve such legislation as this, it would approve anything. There are a great number of reasons why this legislation should not be passed. In the first place, there is no need for it. Statistics which are available to the Members of the House indicate full well that the shortage of classrooms has been greatly reduced over the past 4 or 5 years and that if construction under present methods continues at the same as presently, the classroom problem will be taken care of without Federal aid for school construction.

In the second place, this is not a matter in which the Federal Government should interfere. The Federal Government is probably less able to enter into a program of school construction than any State or local government in the United States. I know of no government which is so greatly in debt or proportionately, has such a huge public indebtedness as the Federal Government. Statistics show us that the States and political subdivisions are taking care of the problem. The State of Ohio has embarked upon a tremendous school-construction project and if additional funds are needed for building schools in Ohio, these funds will be obtained. The Ohio Legislature is conscious of the necessity for good educational facilities and that legislature is meeting its obligations as are the legislatures of a great number of States.

I was interested to see the pictures that have been passed around on the floor of the House, examples of inadequate schools. The 1-room school that I attended for 6 years looked like a school in 1 of the pictures. I saw the picture of a high school that reminded me of my high school. But my one-room school is no longer used. When the taxpayers and school officials of my community determined that it, and others like it, were inadequate, new facilities were provided. The high school has become a junior high and as new buildings are completed, will pass out of the picture—in accordance with a schedule which local people, interested in the welfare of our children, determine.

I should like to point out that when additional funds are needed that the people, not the Congress, vote the needed funds. In the past year in my Congressional district, $5,319,373 was voted in bond issues for school construction as follows: Guernsey County, $1,715,000; Monroe County, $1,289,000; Morgan County, none; Muskingum County, $582,500; Noble County, $190,000; Perry County, $908,873; Washington County, $634,000.

In those States in which school facilities are subnormal, an inspection of the cause will find that the States themselves could do a greater job if they desired. The fact that some States have been reluctant to modernize their school facilities has been suggested as a reason why this tremendously costly program should be adopted for the entire United States. That is an insulting suggestion that there is a State in the Union that cannot shoulder the responsibilities of statehood.

A third and very vital reason why this legislation should not be passed is that it is an unwise and dangerous departure which would eventually lead to complete

centralization of educational responsibility and complete Federal domination in the field of education. If we were to admit first, that there is a need for this program, and, secondly, that the States are not carrying out their responsibility, I would still insist that this is not the way to handle the problem. There are a great number of people who feel that the end justifies any means, that if there are shortages of schoolrooms, the thing to do is to railroad this bill through Congress and let the Federal Government pay the bill regardless of the outcome. It is my own feeling that regardless of the need, even for a need so sacred as education, that no improper or dangerous solution should be invoked. I suggest that this is a dangerous program.

Now, what is it that is so dangerous about this Federal construction program? First, it brings the Federal Government into a new field of activity. That in itself should pose questions for those who believe that the Federal Government should not expand its activities. We speak of economy, how can the cost of the Federal Government ever be decreased if it takes on more and more Federal programs? Secondly, this proposed program would penalize the States and local areas which have performed admirably in providing schools and educational facilities. Those progressive areas and States would not benefit from this program, but the areas which had done nothing or had done very little, or had refused to tax themselves to provide for educational facilities would receive the benefit at the expense of those areas which were thrifty and which had provided themselves with schools and which had promoted higher assessments for school purposes.

Third, there is a matter of Federal control or Federal domination. A lot of people say that would never happen in a bill such as this which is just a little deal to give the States some money to build a few schools. I would like to suggest that the Federal Government has never yet gotten into any field of activity over which it did not exercise some measure of control and you may be sure that in a field such as education, that if those Socialist-minded schemers who are lurking in the halls of our bureaus in Washington, could ever get their hands on this program, Federal control would soon be a most prominent factor.

The history of nations who are dominated by dictators, or who have become subject to the communistic philosophy indicates that one of the necessary ingredients is State domination of education, interference with education, and attempt at thought control. We should be alert to the sinister forces which are behind legislation of this sort, pulling strings here, plugging there, giving lip service in the direction of this type of legislation. We who oppose it are accused of being against education, of wanting to hurt the career possibilities of our boys and girls.

It is significant that those who oppose this legislation in the 84th Congress formed a majority of the Members of Congress, and I am confident that those who oppose it today, compose a majority of the Members of the 85th Congress. Can it be said that a majority of these Representatives, men and women from every Congressional district of the United States are against education? It is significant that a great number of those who oppose this legislation are men and women who have proven by their past actions as members of State legislatures, city councils, boards of education and members in PTA's that they are vitally interested in good education. Lurking in the background, hoping for this legislation to pass, are the forces of socialism, not noticeably active, but just waiting, and making use of a great number of handmaidens willing to perform the duties of building public opinion in favor of this legislation. There are those who wish to destroy State and local sovereignty, who believe in a completely centralized form of government. There are those agencies who have found in this program a national cause of their own in order to build membership, in order to have a central theme, in order to have something to work on as a great cause of a great project. Finally, there are those whose responsibilities are great in the field of education, of running our schools, of teaching our boys and girls, who in desperation have seized upon this program as a possible way out for meeting local needs in education. These persons, associations, and organizations are the innocent agents of the real forces behind this legislation.

Mr. Chairman, this is not just another little program, it is not just a matter of assisting local schools to perform the task of educating our youngsters, this is as dangerous a departure into the realm of socialism as if we were to nationalize our railroads or our coal mines or our utilities. Let us not sacrifice the future of democratic America for the sake of obtaining a few school buildings, school buildings which we can build for ourselves in Ohio, constructing the type of buildings Ohioans want, where they want them, when they want them, and with the money that Ohioans furnished. We have the pride, we have the sense of responsibility, we will educate children ourselves.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman and members of the Committee, I am completely opposed to this amendment. We have all agreed during this debate that the States have not done their part of the job in getting classrooms built. One of the chief reasons, I think, is that the States in their tax affairs have earmarked funds in this fashion and have lost control of their budgets.

There is an administration position, a very clear one, and a very succinct one on this issue, which was presented to the committee by Secretary Folsom. In fact, the Secretary was a very forthright and convincing witness. I want to read to the membership the statement he made so that the Members may know exactly what the administration position is.

I quote Secretary Folsom as follows:

I think the approach just described—

That is the Scrivner plan—

is a fundamental mistake in tax policy. It happens I was at the Treasury—

He was Assistant Secretary of the Treasury for about 3 years—

studying the question of tax costs. I know of no plan which would violate sound Federal tax policy more than that.

He went on to quote Senator Taft's statement which I believe the gentleman from New Jersey [Mr. FRELINGHUYSEN] has already referred to and he closed by saying:

I think that is the best argument I have seen against the proposal.

So let us not fool ourselves here. If you want to vote for this amendment in the hope of killing the bill—go ahead and do so; but there is a very clear committee position on this issue and the administration's position is equally clear. So let us go ahead and vote on the real merits of this particular amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. SCUDDER].

Mr. SCUDDER. Mr. Chairman, I am in favor of this amendment because I feel that the committee has not done a proper job in developing the bill which goes to the need of the school system of this country. I would rather see no bill passed than the bill that you now have. If we develop a bill that meets the criteria as presented by the President, I believe that the school program of this country can develop, but this bill does not do the job, nor does it give credit to the States who are presently solving the problem.

I have editorials from papers in my district condemning this bill that is under consideration. I do not believe the committee has done a proper job. I do not believe they considered it from the standpoint of need. Need of today may not be the need of tomorrow. If there is national need, then we should put money into those areas that need it. I do not believe it is any business of the Federal Government to start developing a building program for other States that are presently taking care of their own needs. Eighteen States will be paying more money than they receive in accordance with the program now being developed. This amendment will give back to the States 1 percent of what they pay in income taxes, to implement their own appropriations to take care of their own school facilities. I do not like to see the Federal Government delve into the school system of our country. I believe we are treading on dangerous soil.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MCVEY].

Mr. MCVEY. Mr. Chairman, I think you well know that I do not take the well of this House very frequently, but we are considering a subject this afternoon that is particularly within my field of experience. I have spent more time on education than any other Member of this House. I have dealt with all levels of education from the kindergarten to the post-graduate school of the university. I know something about the shortage in

classroom construction. I have voted for bond issue after bond issue to meet the school construction needs. Last year, it was stated on this floor there was a shortage of 300,000 classrooms. Today we have a shortage of 159,000 classrooms. We have made pretty good progress since those statements were made a year ago.

The States now have total indebtedness of about $13 billion. The deficit of the Federal Government is $271 billion. The States are able to support their educational programs if we give them the opportunity. Years ago we took 25 cents of each tax dollar for the Federal Government. Today we take about 75 cents of each tax dollar and do not leave enough money at home for the support of schools and other responsibilities of the local governments. If we leave more money at home the States will take care of our shortage, and I believe all States will do this. I am for the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I want to recall my earlier remarks to the Committee and remind you of what this amendment will do. It kills off all plans of a division of the funds that are to be distributed on the basis of need, and it precludes offering by the proponents of the so-called Powell amendment legislation that would restrict the use of these funds. It would throw into the already wealthy States who claim they do not need this money, additional money, when it ought to be going to those States in the Union that actually need it.

This is a national issue and not a State issue, as some would have us believe.

I would also again remind you of the satisfactory operation of Public Law 815. Unless this amendment is changed, it will kill the distribution of funds under that type of legislation.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. BECKER].

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

Mr. BECKER. I yield.

Mr. OSTERTAG. Mr. Chairman, I am heartily in favor of the Scrivner amendment.

The Scrivner proposal offers the only possible way in which we can provide Federal aid for schools without inviting Federal control. It reduces Federal participation in the program to the role of tax collector and distributor, while at the same time providing the States with an added portion of their own funds which they can use to enrich or enhance their educational programs in whatever way they deem best.

If we are seriously concerned about our educational program, and also seriously concerned about keeping control in the hands of the States, then the Scrivner formula will work to perfection.

There is another good reason for supporting this approach to the school aid problem, Mr. Chairman. All over this country, officials and the plain people are seriously concerned over the accelerated flow of power to the Central Government here in Washington. A commission was created a few years ago to study this matter. A continuing subcommittee of the House is holding hearings on the subject at this time, and recently a resolution has received committee approval to create a new, select committee to address itself to this problem.

President Eisenhower voiced his own concern over the problem in an address to the 48 governors at Williamsburg, on June 24, and proposed the creation of a Joint Federal-State Action Committee to arrest and reverse this trend. There is thus almost no disagreement as to the desirability of such a step. The only question is where and how to begin to check this potentially dangerous trend.

Mr. Chairman, the way to begin is to begin, and nowhere is there a better place to start than in connection with this school aid program.

The States have made it overwhelmingly clear that they do not want it. The people have made it overwhelmingly clear that they are ready, willing and able to meet their own education needs in their own way. You can travel the length and breadth of this land today, and in small and large communities, you will find that the best and newest buildings in town, and often the largest, are the school buildings. They have been built with local funds, through the will of the local people. The localities are proud of their schools and proud of the effort they have made to meet their school needs. Why, then, should the Federal Government smother this initiative with largesse and the threat of controls, which the localities do not need and do not want.

If the need for Federal aid can be demonstrated—and I am not satisfied that it can—then the way to meet it is to allow the localities to retain 1 percent of the sums they send to Washington as Federal income tax, to meet these needs in their own way. I hope the Scrivner proposal will be approved.

Mr. BECKER. Mr. Chairman, I am heartily in favor of this amendment, but I am opposed to the original bill. I am opposed to the bill because under it my district would get but little. Under the Scrivner amendment there would be some gain.

The statement was made on the floor that the States are not doing a good job in the matter of education. In Heaven's name, who has been doing it in this country, educating the boys and girls all through the years, if it has not been the States? Certainly it has not been the Federal Government. Why not the committee look into the kind of education our children are getting in the fundamentals of education? Are they being taught moral standards? Patriotism? Loyalty? The States and districts have provided the schools, and that is exactly what we are doing in my district in Nassau County today. We had 1 little district which right after the war had 1 small schoolhouse. Today they have 13. The tax rate is $5.85 per hundred of the assessed value on $5,000 homes. They are up to their ears in taxes. They want relief from Federal taxes. They do not want Federal aid in this form, they want relief from Federal taxes. You are not going to reduce taxes by returning money to the States this way. My State is building the schools necessary, and other States will. Pass the Scrivner amendment and return 1 percent of the taxes to the States, so the localities can do the job.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment. It would be an unwise, and perhaps unconstitutional earmarking of funds. It would be a very fundamental mistake to adopt such a change in our tax policy.

I rise also because it would not meet the need, and the gentleman from Kansas apparently recognized that there is a need. The amendment would not give Federal revenues to the areas of greatest need, but gives most of the money to areas that need it least.

The proposal now before us (H. R. 1) would give twice as much to poor areas as to the richer areas. The original administration proposal, as I have previously pointed out, would have given three times as much. So we have two reasonable alternatives before us. On the other hand, I do not think the Scrivner amendment is a reasonable choice. For that reason I hope it is decisively defeated.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] is recognized to close the debate.

Mr. KELLEY of Pennsylvania. Mr. Chairman, the adoption of the Scrivner amendment would defeat the very purpose of this legislation. The committee has worked very hard and it has compromised on the proposals, as the gentleman from Pennsylvania [Mr. MCCONNELL] so ably pointed out a few moments ago.

We have recognized the question of need, and there is no assurance that in the Scrivner amendment needs are taken care of.

The former Senator from Ohio, Mr. Taft, was quoted yesterday, by the gentleman from New Jersey [Mr. FRELINGHUYSEN]. I do not think it would be amiss to repeat that quotation. Senator Taft said:

> It is based on the supposition that in some way a State has some arbitrary right to the taxes collected from sources within its boundaries. If for one moment we admitted such a philosophy the entire financial system of America cracks, because a State has no such interest.

This proposed amendment, therefore, violates the very principle as outlined by the former Senator from Ohio, Senator Taft.

Mr. MORANO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN (Mr. WALTER). The gentleman will state it.

Mr. MORANO. Mr. Chairman, as I understand it, the pending amendment is a substitute for the bill that has been reported by the Committee?

The CHAIRMAN. The gentleman is correct.

Mr. MORANO. I would like to know, Mr. Chairman, if this substitute is adopted, would it be open to further amendment or is this the end of it?

The CHAIRMAN. That would be the end of it because this is an amendment to the amendment, in the nature of a substitute.

Mr. MORANO. Then the Committee would rise, if this amendment is agreed to?

The CHAIRMAN. After voting on the Committee amendment, the Committee would rise.

Mr. MORANO. I thank the Chairman.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Kansas [Mr. SCRIVNER].

The question was taken; and on a division (demanded by Mr. SCRIVNER) there were—ayes 97, noes 112.

Mr. SCRIVNER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BARDEN and Mr. SCRIVNER.

The Committee again divided and the tellers reported that there were—ayes 98, noes 130.

So the substitute was rejected.

The Clerk read as follows:

TITLE I—PAYMENTS TO STATE EDUCATIONAL AGENCIES

Authorization of appropriations

SEC. 101. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1957, and the four 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 under this title.

Allotments to States

SEC. 102. (a) The allotment of any State for the purposes of this title shall be the sum of the amount allotted to it under subsection (b) and the amount allotted to it under subsection (c), with any adjustment in such sum which results from the application of section 103.

(b) One-half of the funds appropriated for any fiscal year pursuant to section 101 shall be allotted among the States as follows: The Commissioner shall allot to each State an amount which bears the same ratio to the funds being allotted by this subsection as the school-age population of the State bears to the total of the school-age populations of all the States.

(c) (1) The remaining one-half of the funds appropriated for any fiscal year pursuant to section 101 shall be allotted among the States as follows: The Commissioner shall allot to each State an amount which bears the same ratio to the funds being allotted by this subsection as the product of—

(A) the school-age population of the State, and

(B) the State's allotment ratio (as determined under paragraph (2)),

bears to the sum of the corresponding products for all the States.

(2) The "allotment ratio" for any State shall be 1.00 less the product of (A) .55 and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for the continental United States, except that the allotment ratio for Hawaii and the District of Columbia shall be .50, and for Alaska, Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be .75. The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this act, and again between July 1 and September 30 of the year 1959, on the basis of the average of the incomes per child of school age for the States and for the continental United States for the 3 most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the 3 fiscal years in the period beginning July 1, 1957, and ending June 30, 1960, and the second shall be conclusive for each of the 2 fiscal years in the period beginning July 1, 1960, and ending June 30, 1962.

(3) For the purposes of this title—

(A) The term "child of school age" means a member of the population between the ages of 5 and 17, both inclusive.

(B) The term "continental United States" does not include Alaska or the District of Columbia.

(C) The term "income per child of school age" for any State or for the continental United States means the total personal income for the State and the continental United States, respectively, divided by the number of children of school age (in the State and continental United States, respectively).

(d) A State's allotment under this title shall remain available for reservation of funds pursuant to section 105 (b) for projects in such State until the end of the second fiscal year following the year for which the allotment is made.

Maintenance of State and local support for school financing

SEC. 103. (a) The sum of the amounts allotted to any State under section 102 for any year shall be reduced by the percentage (if any) by which its State school-effort index for such year is less than the national school-effort index for such year. The total of such reductions shall be realloted among the remaining States by proportionately increasing the sum of the amounts allotted to them under section 102 for such year.

(b) For purposes of subsection (a)—

(1) the "State school effort index" for any State for a fiscal year is the quotient obtained by dividing (A) the State's school expenditures per public school child by (B) the income per child of school age for the State; except that the State school effort index shall be deemed to be equal to the national school effort index in the case of (i) of Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia, and (ii) any State for which the school expenditures per public school child are not less than the school expenditures per public school child for the continental United States;

(2) the national school effort index for any fiscal year is the quotient obtained by dividing (A) the school expenditures per public school child for the continental United States by (B) the income her child of school age for the continental United States.

(c) (1) The school expenditures per public school child for any State for purposes of determining its State school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the State and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the State, as determined by the Commissioner on the basis of data for the most recent school year for which satisfactory data for the several States are available to him, by (B) the number of children in average daily attendance in public elementary and secondary schools in such State, as determined by the Commissioner for such most recent school year.

(2) The school expenditures per public school child for the continental United States for purposes of determining the national school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the States and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the continental United States, as determined by the Commissioner for the same school year as is used under paragraph (1), by (B) the number of children in average daily attendance for such year in public elementary and secondary schools in the continental United States, determined as provided in paragraph (1).

(3) The income per child of school age for the States and for the continental United States shall, for purposes of subsection (b), be determined by the Commissioner on the basis of the incomes per child of school age for the most recent year for which satisfactory data are available from the Department of Commerce.

State plans

SEC. 104. (a) Any State which desires to accept the benefits of this title shall submit to the Commissioner, through its State educational agency, a State plan which shall—

(1) provide that the State educational agency shall be the sole agency for administering the plan;

(2) set forth a program under which funds paid to the State under this title will be expended solely for school facilities construction projects approved by the State educational agency;

(3) set forth principles for determining the priority of projects in the State for assistance under this title which will assure that first priority will be given to local educational agencies which, upon making an effort commensurate with their economic resources, are unable, solely because of lack of such resources, to finance from the resources available to them the full cost of needed school facilities; the priority principles set forth in accordance with this paragraph shall take into account (A) the financial resources of the several local educational agencies in the State, (B) the efforts which have been and are being made to meet their needs for school facilities out of State and local funds, and (C) the urgency of their needs for school facilities, determined according to conditions of overcrowding or lack of facilities, and the extent to which unsafe and obsolete facilities are in use;

(4) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

(5) provide an opportunity for a hearing before the State educational agency to each local educational agency within the State which applies for approval of a construction project under this title;

(6) provide for the establishment of standards on a State level for planning and constructing school facilities; and

(7) provide that the State educational agency will make such reports to the Commissioner, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his duties under this title.

In the case of any State in which a State agency has exclusive responsibility for the financing of the construction of school facilities, the Commissioner may modify or make inapplicable any of the foregoing provisions of this section to the extent he deems such action appropriate in the light of the special governmental or school organization of such State.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a), but shall not finally disapprove any State plan or modification thereof without first affording to the State educational agency reasonable notice and opportunity for a hearing. Hearings hereunder shall be subject to the Administrative Procedure Act.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency, finds that—

(1) the State plan approved under this section has been so changed that it no longer complies with the provisions of subsection (a), or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

he shall make no further reservations under section 105 (b) for projects in the State, and no further payments for any project directly affected by such failure, until he is satisfied that there is no longer any such failure to comply, or, if compliance is impossible, until the State repays or arranges for the repayment of Federal funds which have been diverted or improperly expended. After notice as provided in this subsection to any State, the Commissioner may suspend further reservations of funds under section 105 (b) for projects in the State, pending the making of findings under this subsection.

Payments to States

SEC. 105. (a) Payments under this title shall be made to those State educational agencies which administer plans approved under section 104 and which furnish statements to the Commissioner in accordance with this section. Each such statement shall (1) set forth one or more projects approved by the State educational agency under the plan, (2) set forth the estimated cost of each such project, (3) set forth the amount of the Federal-State grant proposed to be made by the State educational agency with respect thereto, and (4) include a certification that State funds to cover the State share of such Federal-State grant will be available.

(b) Except as provided in section 106, the Commissioner shall issue, to each State educational agency furnishing a statement in accordance with subsection (a), a commitment reserving, out of the State's allotment, for each project included in the statement, the amount requested by the State educational agency for that project. The Commissioner shall change any amount so reserved upon request of the State educational agency and receipt of an amended statement from such agency, but only to the extent the change is not inconsistent with the other provisions of this title. The Commissioner shall pay the amount reserved to the State educational agency upon certification by the State educational agency that the financing of the remainder of the cost of construction of the project has been arranged. Funds so paid shall be used exclusively to meet the cost of constructing the project for which the amount was reserved.

(c) In lieu of certification by a State educational agency pursuant to clause (4) of subsection (a) with respect to a project, the Commissioner may accept certification by such agency that an amount equivalent to the State share of the payment with respect to such project has been arranged through provision for State payments toward the debt service on the loan (if any) to help finance part of the construction of such project, provision for waiver of payments due the State or any agency thereof with respect to such project, or other provision which, in the judgment of the Commissioner, is (or is estimated to be) equivalent to such State share.

(d) If any project for which one or more payments have been made under this section is abandoned, or is not completed within a reasonable period determined under regulations of the Commissioner, the State to which such payments were made shall repay to the United States, for deposit in the Treasury of the United States as miscellaneous receipts, the amount of such payments or such lesser amount as may be reasonable under the circumstances (as determined by agreement of the parties or by action brought in the Federal district court for the district in which such project is located).

Matching by States

SEC. 106. (a) The Commissioner may issue or modify a commitment under section 105 with respect to any project only if the amount to be reserved under the commitment, plus any amounts paid or to be paid under other commitments previously issued under this title to the same State educational agency, does not exceed one-half of the sum of (1) the Federal-State grant toward the cost of constructing such project and (2) the total of the Federal-State grants toward the cost of constructing the projects for which such other commitments have been issued. Until actual construction costs are available, cost determinations under this section shall be made on the basis of the estimates furnished under section 105 (a) and revised estimates furnished in compliance with section 104 (a) (7).

(b) For purposes of this title—

(1) The "Federal-State grant" for any project means the total of the Federal and State funds (including the equivalent thereof as provided in section 105 (c)) paid or to be paid under the State plan toward the cost of construction of such project.

(2) The "State share" of a Federal-State grant with respect to any project is the difference between such grant and the amount paid to the State with respect to such project under this title.

(c) Notwithstanding the preceding provisions of this title, the Commissioner may, during the fiscal year ending June 30, 1958, and during the fiscal year ending June 30, 1959, issue or modify under section 105 a commitment of funds from a State's allotment for each such year if the amounts to be reserved under the commitment, plus any amounts paid or to be paid under other commitments previously issued under this title to the same State educational agency, does not exceed one-half of the sum of (1) the cost of constructing such project and (2) the total cost of constructing the projects for which such other commitments have been issued, and if the State educational agency certifies that the remainder of the cost of constructing the project in question will be paid from funds other than funds paid by the Commissioner under the act of September 23, 1950 (Public Law 815, 81st Cong.), as amended. The cost determinations under this paragraph shall be made on the same basis as is provided in subsection (a).

(d) In the case of any project to which subsection (c) is applicable—

(1) the amount paid or to be paid under this title with respect to such project and the amount of any other payments toward the cost of constructing such project shall be disregarded for purposes of determining under subsection (a) the amount of the commitment for any project which may be reserved during any fiscal year beginning after June 30, 1959;

(2) the statement required by section 105 (a) (3) shall be a statement of the amount of the reservation of funds requested with respect to such project instead of the amount of the "Federal-State grant";

(3) instead of the certification required under section 105 (a) (4), the State shall certify that funds from State or local sources, or both, equal to the non-Federal share of the cost of construction will be available; and

(4) the requirement in section 104 (a) (3) for standards and procedures assuring highest priority to certain local educational agencies shall be deemed met if such priority is assured subject to the matching requirements of this section.

Judicial review

SEC. 107. (a) If any State is dissatisfied with the Commissioner's final action under this title, such State may, within 60 days after notice of such action, file in the United States district court for the district in which the capital of the State is located, a petition to review such action. The petition for review shall (1) contain a concise statement of the facts upon which the appeal is based and (2) designate that part of the Commission's decision sought to be reviewed.

(b) Notification of the filing of the petition for review shall be given by the clerk of the court by mailing a copy of the petition to the Commissioner.

(c) No costs or docket fees shall be charged or imposed with respect to any judicial review proceedings, or appeal therefrom, taken under this act.

(d) Upon receipt of the petition for review the Commissioner shall, within 20 days thereafter, certify and file in the court the record on review, consisting of the complete transcript of the proceedings before the Commissioner. No party to such review shall be required, by rule of court or otherwise, to print the contents of such record filed in the court.

(e) All appeals from orders of the Commissioner shall be heard anew in the district court on the record filed, unless the court, for good cause shown, and on such terms as may be just, orders that other evidence be received.

(f) The court after review may dismiss the petition or deny the relief prayed for, or may suspend, modify, or set aside, in whole or in part, the action of the Commissioner, or may compel action unlawfully withheld. The judgment of the court shall be subject to review as provided in sections 1291 and 1254 of title 28 of the United States Code.

Labor standards

SEC. 108. (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 on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U. S. C. 276a—276a-5).

(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a) of this section, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 F. R. 3176; 64 Stat. 1267), and section 2 of the act of June 13, 1934, as amended (40 U. S. C. 276c).

Mr. BARDEN (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that title I be considered as read and open for amendment at any point.

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

There was no objection.

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

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 31, beginning with line 19, strike out everything down through line 11, page 46, and insert the following:

"TITLE I—PAYMENTS TO STATE EDUCATIONAL AGENCIES

"Authorization of appropriations

"SEC. 101. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1957, and the four 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 as provided in section 104.

"Allotments to States

"SEC. 102 (a) (1) The sums appropriated for any fiscal year pursuant to section 101 shall be allotted among the States on the basis of the income per child of school age, the school-age population, and effort for school purposes, of the respective States. Subject to the provisions of section 103, such allotments shall be made as follows: The Commissioner shall allot to each State an amount which bears the same ratio to the sums appropriated pursuant to section 101 for such year as the product of—

"(A) the school-age population of the State, and

"(B) the state's allotment ratio (as determined under paragraph (2)),

bears to the sum of the corresponding products for all the States.

"(2) The 'allotment ratio' for any State shall be 1.00 less the product of (A 0.50, and (B) the quotient obtained by dividing the income per child of school age for the States by the income per child of school age for the continental United States, except that (A) the allotment ratio shall in no case be less than 0.25 or more than 0.75, and (B) the allotment ratio for Hawaii and the District of Columbia shall be 0.50, and for Alaska, Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 0.75. The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this act, and again between July 1 and September 30 of the year 1959, on the basis of the average of the incomes per child of school age for the States and for the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the three fiscal years in the period beginning July 1, 1957, and ending June 30, 1960, and the second shall be conclusive for each of the two fiscal years in the period beginning July 1, 1960, and ending June 30, 1962.

"(3) For the purposes of this title—

"(A) The term 'child of school age' means a member of the population between the ages of 5 and 17, both inclusive.

"(B) The term 'continental United States' does not include Alaska or the District of Columbia.

"(C) The term 'income per child of school age' for any State or for the continental United States means the total personal income for the State and the continental United States, respectively, divided by the number of children of school age (in the State and continental United States, respectively).

"(b) A State's allotment under this title shall remain available for reservation of funds pursuant to section 105 (b) for projects in such State until the end of the second fiscal year following the year for which the allotment is made.

"Maintenance of State and local support for school financing

"SEC. 102. (a) The sum of the amounts allotted to any State under section 102 for any year shall be reduced by the percentage—if any—by which its State school effort index for such year is less than the national school effort index for such year. The total of such reductions shall be reallotted among the remaining States by proportionately increasing the sum of the amounts allotted to them under section 102 for such year.

"(b) For purposes of subsection (a)—

"(1) the 'State school effort index' for any State for a fiscal year is the quotient obtained by dividing (A) the State's school expenditures per public school child by (B) the income per child of school age for the State; except that the State school effort index shall be deemed to be equal to the national school effort index in the case of (i) Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia, and (ii) any State for which the school expenditures per public school child are not less than the school expenditures per public school child for the continental United States;

"(2) the 'national school effort index' for any fiscal year is the quotient obtained by dividing (A) the school expenditures per public school child for the continental United States by (B) the income per child of school age for the continental United States.

"(c) (1) The school expenditures per public school child for any State for purposes of determining its State school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the State and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the State, as determined by the commissioner on the basis of data for the most recent school year for which satisfactory data for the several States are available to him, by (B) the number of children in average daily attendance in public elementary and secondary schools in such State, as determined by the commissioner for such most recent school year.

"(2) The school expenditures per public-school child for the continental United States for purposes of determining the national school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the States and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the continental United States, as determined by the Commissioner for the same school year as is used under paragraph (1), by (B) the number of children in average daily attendance for such year in public elementary and secondary schools in the continental United States, determined as provided in paragraph (1).

"(3) The income per child of school age for the States and for the continental United States shall, for purposes of subsection (b), be determined by the Commissioner on the basis of the incomes per child of school age for the most recent year for which satisfactory data are available from the Department of Commerce.

"Payments to States

"SEC. 104. When he has computed a State's allotment for a year, the Commissioner shall certify the amount thereof to the District Director of Internal Revenue for the Internal Revenue District of which the State is a part (or, if the State lies in more than one such District, to the District Director designated by the Secretary of the Treasury). From the collections made from such State from taxes levied under part I of subchapter A of chapter 1 of subtitle A of the Internal Revenue Code of 1954 (relating to income tax on individuals), the District Director of Internal Revenue shall retain an amount equal to the State's allotment. He shall then pay the State's allotment for the year, in equal monthly installments, to the State educational agency.

"Use of Federal funds

"SEC. 105. (a) Sums paid to a State educational agency under section 104 shall be expended only for the construction of school facilities. It is the expectation of the Congress that funds granted under this act will be expended by each State in the areas of such State where there exists the greatest need for school facilities, determined according to conditions of overcrowding or lack of facilities, the extent to which unsafe and obsolete facilities are in use, and the greatest need for financial assistance in constructing such facilities, determined according to the proportionate effort of the local educational agencies in relation to their economic resources. A semiannual report as prescribed by the Commissioner shall be submitted by the State educational agency to the Commissioner of Education for the record as to the use of Federal funds. Sums so paid during the fiscal year beginning July 1, 1957, or the fiscal year beginning July 1, 1958, shall not be expended by such State educational agency to pay for more than one-half of the total cost of constructing the school facilities for which such sums are to be expended. Sums so paid during any fiscal year beginning after June 30, 1959, shall not be expended to pay a larger portion of the cost of constructing the school facilities for which such sums are to be expended than is borne by the State (and not by its local educational agencies).

"Diversion of Federal funds

"SEC. 106. If the Commissioner determines, after giving due notice and affording an opportunity for a hearing, that any funds paid to a State educational agency under section 104 are being expended in violation of section 105, he shall direct the appropriate District Director of Internal Revenue to cease making payments under such section to such agency. The Commission shall direct the resumption of such payments when such corrective action, by way of restitution or otherwise, as he finds appropriate has been taken by the State educational agency.

"Judicial review

"SEC. 107. (a) If any State is dissatisfied with the Commissoner's action under section 106, such State may, within 60 days after notice of such action, file in the United States district court for the district in which the capital of the State is located, a petition to review such action. The petition for review shall (1) contain a concise statement of the facts upon which the appeal is based and (2) designate that part of the Commissioner's decision sought to be reviewed.

"(b) Notification of the filing of the petition for review shall be given by the clerk of the court by mailing a copy of the petition to the Commissioner.

"(c) No costs or docket fees shall be charged or imposed with respect to any judicial review proceedings, or appeal therefrom, taken under this act.

"(d) Upon receipt of the petition for review the Commissioner shall, within 20 days thereafter, certify and file in the court the record on review, consisting of the complete transcript of the proceedings before the Commissioner. No party to such review shall be required, by rule of court or otherwise, to print the contents of such record filed in the court.

"(e) All appeals from orders of the Commissioner shall be heard anew in the district court on the record filed, unless the court, for good cause shown, and on such terms as may be just, orders that other evidence be received.

"(f) The court after review may dismiss the petition or deny the relief prayed for, or may suspend, modify, or set aside, in whole or in part, the action of the Commissioner, or may compel action unlawfully withheld. The judgment of the court shall be subject to review as provided in section 1291 and 1254 of title 28 of the United States Code."

Mr. MAY (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

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

There was no objection.

Mr. MAY. Mr. Chairman, this amendment to title I covers some 8 pages, and I believe I can present the important facts to you in my statement as clearly and as effectively as possible.

The basic changes in title I, which I seek to change by rewriting the title are:

No. 1: Revision of the formula so it is keyed more to the need factor as depicted in the original McConnell bill, in line with the President's request that emphasis be placed on need. The formula is based on income per child of school age, the school-age population, and the effort for school purposes of the respective States.

No. 2: The same authorization of funds is allocated, but it is dispensed from the District Director of Internal Revenue within the State to the State Educational Agency, based on the formula, as determined by the Commissioner of Education.

No. 3: The basic powers of the Commissioner of Education to require the State to comply with all the rules and regulations, as contained in section 104, pages 36 through 39, are eliminated. The intent of Congress is directed at prescribing to the States that this money must be used for construction of classrooms, with emphasis on needy areas. Said sums cannot comprise over one-half of the total cost of constructing the school facilities. A semiannual report, as prescribed by the Commissioner, shall be submitted by the State Educational Agency to the Commissioner of Education for the record as to use of Federal funds.

Except for these changes, title I would remain essentially the same and would terminate at the same date.

This, in essence, is the amendment. I repeat some of the remarks I made yesterday concerning it.

First of all, both political parties in their platforms expressed interest in alleviating the shortage of classrooms in the United States which is primarily due to World War II and an increase in school-age population.

Secondly, I recognize that there are various estimates as to the classroom shortage, as has been stated on the floor here, and I am personally willing to admit that even if we compromise on the various estimates we do have a classroom shortage in the United States that must be met.

Third, I see no valid reason why $300 million a year, out of a budget of over $70 billion, should not be used as a stimulant to speed up State activity in school construction, provided—and I say that "provided" is the biggest word here—provided that there are no Federal controls now, nor will there be in the future, nor will this expand into a bureaucracy delving into all levels of our educational institutions, and be continuous forever.

This, to me, is the heart of the whole conflict on the floor today. This is the most serious implication of any long-range principle affecting the minds of our people on our historic educational processes.

I feel that my amendment is sound. I have spent a good deal of time on it. I feel that it is a compromise that should appeal to all sections of the United States. Most important of all, I believe it has eliminated Federal controls and allows the States to have full jurisdiction over the use of these Federal funds.

I believe a majority of the people of the United States will agree that we have a classroom shortage which should be met, but nevertheless met without Federal control or intervention in education.

I agree with the words of Nicholas Murray Butler, president of Columbia University, who some 30 years ago said this:

> A school system that grows naturally in response to the needs and ambitions of a hundred thousand different communities will be a better school system than any which can be imposed upon those localities by the aid of grants of public money from the Federal Treasury, accompanied by Federal regulation, Federal inspections, Federal reports, and Federal uniformities.

My amendment will accomplish what the people are after and what both political parties are after, a stimulant to school construction, but with the rights reserved strictly to the States.

If any further testimony is needed as to the greatest fear being fear of Federal control, coupled with recognition of the existence of a shortage, I can merely refer to the many remarks on both sides of the aisle I have heard here in the past 2 days according to this philosophy.

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

Mr. MAY. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. BASS of Tennessee. I object, Mr. Chairman.

Mr. METCALF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I was a member of the subcommittee on this bill. This is the first time I have spoken on the bill. I participated probably as much as any member of the subcommittee in the lengthy and drawn-out hearings on this legislation. In fact, in the absence of the chairman of the subcommittee, the gentleman from West Virginia, I was required to preside over the hearings the days the chamber of commerce put in their testimony and, for a proponent of the bill, as George Gobel would say, "Them was the very worst days."

Since this is my first opportunity to speak on this bill, I join my colleagues in paying tribute to the ranking minority member of the committee, the gentleman from Pennsylvania [Mr. McCONNELL], not only for his efforts in behalf of this bill but as a splendid chairman in the 83d Congress, when I first joined the committee, and as a fine friend. I am glad that his valedictory effort is in support of a measure to help the children of America such as this. It is characteristic that the gentleman from Pennsylvania would be retiring from Congress to take up another very humanitarian endeavor.

Mr. Chairman, I am opposed to this amendment. Some of you will recall that last year when this bill was on the floor of the House the gentleman from Indiana [Mr. HALLECK] came down into the well of the House and said that the Kelley bill, the school construction bill that was then on the floor, was not the President's bill. With a good deal of acute insight into the bill and a careful analysis of the bill he said that many people thought that section 1 of the bill was the most important part of the bill. Then the gentleman from Indiana said that the President wanted a bill that would provide for a formula on the basis of need, and that the Kelley bill did not provide such a formula because the distribution was on the basis of school-age population. Secondly, that Federal funds had to be matched out of State funds so that there would be an incentive for the various States to add to the funds of the local communities.

In the bill last year, the Federal contribution was matched either out of State funds or out of local funds, or both. The gentleman from Pennsylvania, the ranking minority Member, offered two amendments which were defeated. When the Kelley bill was defeated last year the Republicans excused themselves by saying it was not an administration bill. But this bill, H. R. 1, incorporates every one of the provisions that the administration wants. It incorporates these two major provisions that the gentleman from Indiana said had to be in a bill to get administration approval. The formula on the distribution of funds has been slightly changed—it has been compromised, but the distribution of funds under H. R. 1 is on the basis of need. The States that have a relatively low per capita income will be entitled to twice as much money from the Federal Government for the construction of schools as States that have a relatively high income. If we adopt the amendment offered by the gentleman from Connecticut [Mr. MAY], it will only change that formula to provide that States that have a relatively low income will get three times as much as States that have a high income. We just had a vote on a proposition which provided that to the richer States there would be given an additional amount of money and that the poorer States would have a good deal taken away from them. The committee has decided in this bill that the fairest and most equitable method of distribution so that schools will be constructed in every State and, of course, you know that there are school districts in every State that are in need—that is, the 2 to 1 differential is adequate and will provide more schools and more incentive on the part of the States and local communities to build schools. This was a decision that was made after considerable discussion and research and careful weighing of the testimony before the committee. The 2 to 1 equalization ratio should be retained.

Mr. Chairman, the second thing that this proposed amendment takes out of the bill is the proposal for State plans. We have heard a lot about Federal control in the 2 days of this debate, but I want to say I have examined the various Federal aid to education bills that have been passed by preceding Congresses.

There are 81 such programs in operation today, in most of them there are provisions for State plans. In order to have an orderly handling of the funds of the Federal Government that go into these aid-to-education programs there must be some sort of State plan. This bill has the least interference in the State plan of any of the 81 aid-to-education programs that I have examined. As has already been described by the gentleman from Arizona [Mr. RHODES] much less interference than in Public Law 815 or Public Law 874. But less than in our previously authorized programs for vocational rehabilitation, vocational education, assistance to the land-grant colleges, payments to the schools for veterans under the GI bill of rights, and so on through the whole list. Actually the State plan section of this bill is a withdrawal from previously adopted and accepted conditions of Federal control of education.

That is not to say there is not Federal control in H. R. 1. But it is not Federal control of education. It is a type of Federal control that has been accepted time and time again by Congress after Congress. One of these examples of Federal control that will be eliminated by the May amendment is the provision for the payment of prevailing wage under the Davis-Bacon Act. But that is not Federal control of education, that is not an attempt to influence the minds of children, or the curriculum or teachers. The Davis-Bacon Act should remain a part of this bill.

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

Mr. METCALF. I yield.

Mrs. KNUTSON. Mr. Chairman, I am opposed to this amendment, but I am in favor of the bill, H. R. 1, and I want to associate myself with the remarks of my colleague in the well of the House.

The little red schoolhouse is a fond memory—very fond for some of us who received our education in that one room to which we trudged year in and year out. The village schoolteacher in whose head was all 12 grades of knowledge, patiently gave us all the facts we needed to equip us for life in a relatively peaceful and simple world: the three R's simple facts about our country's geography, its history, a smattering of this and that about the world, and a little about America's industry which was just beginning to "get rolling." Compare with me, if you will, the incredible difference between the ample education given us in the little red schoolhouse of a generation or so ago and the educational requirements of today. It would take a Univac to figure the space needed for our new educational facilities, and I think—with apologies to Univac—even that powerful brain would be hard put to it to figure out how these facilities—laboratories, all kinds of technical study aids and equipment—could be squeezed into the little red schoolhouse.

But more fundamental, of course, is the cost of these technical aids and this complex equipment, and the classrooms themselves, which are absolutely essential to the training and education of our young people to the complexities of modern living and the conduct of the world's work. Two points are involved here and I have not heard either of them covered.

First. It seems clear that the little red schoolhouse was adequate for the needs of the time. It is also clear that the independent farmers who built this country and our way of life, who believed in paying cash for what they needed, in this case education, would establish a tax system which was quite adequate to cover these simple needs. These pioneers taxed themselves for their needs, and logically placed the tax on property. Now, it is true that one way or another most of the educational facilities at this time derive ultimately from property taxation. It is equally true that wealth has shifted from the land to industry, although, of course, its ultimate source is the land. It is equally true that the chief beneficiary of today's education is industry. Our industrial economy requires engineers, scientists, teachers of mathematics, physics, chemistry, astronomy, and other highly skilled occupations. Our very lives depend upon our development of these trained minds. Without them, industry will grind to a halt, and all production of our defense and peacetime requirements will stop cold in its tracks. It is self-evident, therefore, that industry, through taxation, through the Federal Government, must pay its share of the increased cost of these complex educational facilities which provide the trained minds it must have to survive.

This world-shaking change has come about overnight as time goes—in a generation. The needs have come upon us before we have had a chance to figure out how we can pay for them. A generation ago, an administration began the consideration of these problems and the problems of individuals related to and resulting from the changes. It planned for protection of the individual, and for individual's needs, in such programs as social security, unemployment compensation, workmen's compensation and the like. As an analogy, when a man suddenly now requires a serious operation, there is insurance to pay for it—it does not become the disastrous event which formerly could have ruined his life and that of his family. Nationally, we are confronted with the same sort of problem. Surely, there are not too many people in the country today who do not realize that we face a critical shortage of schoolrooms. And they should know our children will suffer for lack of them. Yet we have no insurance to cover the cost. Until we can figure out a permanent solution, we must follow the logical temporary solution of letting industry assist the land in paying for the benefits which accrue largely to it. The bill we are debating today proposes a kind of troubleshooting stopgap arrangement—letting industry, through the Federal Government, help with the crash program of building up in the next 4 years, the essential classrooms it needs to train its future employees as well as the defenders of our way of life. Meanwhile, we can be thinking about a realistic overhaul of our tax structure, which will take practical and permanent account of our changing—I should say changed—economy. The property tax was just fine and realistic in the last century. It covered all the simple needs of those days. Today's needs require today's solutions—if not today, at least first thing tomorrow morning.

Second. The questioning of the propriety of Federal aid in this critical period of classroom shortage is somewhat difficult for me to understand. Early this year I felt it necessary to put out a press release to my district stating my position on this question. With your permission I would like to quote this release in full:

A petition asking my opposition to the Federal-aid-to-education bill came into my office today, addressed to me but in mimeographed form and presumably, therefore, being circulated widely for signatures and possibly forwarded to others of our congressional representatives from Minnesota. I feel it necessary, therefore, to comment on this controversial but vitally important issue. I have been greatly concerned over this problem, not only in my individual capacity, as a parent, and in my former professional capacity as a high-school teacher, but also as your Representative in the Congress.

I have always felt that education is the greatest resource of our country; the type, standards, and scope of our educational facilities will determine among other things whether we as a nation advance in technology or whether we lag behind, as indeed we do, at the present time, lag behind Russia in the number of scientists being trained and educated each year. As our country develops economically and spiritually, there is greater and greater need for development of our educational facilities.

There are many reasons why I have come to feel the necessity of greater emphasis on education. Briefly some of them are these: It is a moral blow to our country when less money goes into education than we spend annually on liquor and tobacco. It is a detriment to our youth not to provide the best education—to furnish them with the tools and the trained mental equipment to make the most of the opportunities provided by this great country of ours, and for which our country has always stood. It is a blow to our defense if young men are not able to work with the highly technical equipment upon which our defense is mounted in these scientifically advanced days. Education is furthermore one of the prime weapons in the fight against juvenile delinquency.

If we are to develop our democracy consistently with progress in other phases of our lives, to retain a forward outlook, and to increase understanding and wisdom in our citizens, we must go forward with a broad and effective program of education. For this, large sums of money are needed; Federal aid to State and local communities for education is essential. Contrary to certain erroneous ideas as to local ability to pay for this great program, there are many, many areas in our country which are not able to foot the bill. Furthermore, in the past and even now, our local school systems rely largely on local taxation. We suffer greatly when, due either to reduction in local property values or to a change in economic conditions, tax receipts are reduced. If farmers do not receive adequate income they cannot pay adequate taxes. The changes in the times have left us with the requirement of changes in our thinking along the lines of tax structure and use of tax money. Right now cities are crying for new revenue sources. Almost all States are considering new means of raising revenue and, in most cases, local

governments have difficulty with the revenue they get. Although the Federal Government is heavily burdened by defense spending, it is, and will remain, the only potential source of revenue for the schools—yet the amounts required of the Federal Government would be a very modest percentage of its total expenditures.

I do not go along with the theory that the employment of Federal funds would automatically mean Federal control. At this time I can think of no area where Federal control has infringed on the rights of State and local communities in the field of education. Where the State has prior control, the Federal Government has a tendency to leave the control in the State and only consider the angle of the four freedoms. The land-grant colleges are federally sponsored but have you ever heard of Federal dictation to these colleges? Does the Federal Government by reason of its aid to the States for rural library services dictate the choice of books or the management of the service? Not to my knowledge.

There are areas, of course, in which Federal financing or Federal aid should—and does—imply Federal control. In the case of the postal service, for example, I don't think anyone would quarrel with Federal control. If this service were under any other (such a State) control, service conditions would be chaotic, and a first-class letter would probably cost 20 cents with no guaranty of its delivery.

Naturally we will hear much both pro and con on this vital issue, since it is an issue that affects us all in a thousand different ways, ranging all the way from the sanctity and enrichment of the family and its individual members, to the vast and thorny problem of national defense. There is a pressing need for increased classrooms and qualified teachers. President Eisenhower's message to Congress points out the need of 159,000 additional classrooms immediately just to take care of the present overflow. No State, no matter how strong economically, can now fulfill this growing need in view of the tremendous and continuing increase in our population and the equally tremendous advances in technology.

We must take the broadest view of the problem wherever possible. We in Minnesota are forward looking, favored, if you will, by the desire on the part of our citizens to build and develop the finest school system possible. We have much of the resources to accomplish this noble purpose. Others and other States are not so fortunate on either count. We who do understand the importance of universal education, who do understand that we as a nation are only so strong as our weakest link—in this case, our most illiterate areas—must take the leadership in this program, for the sake of national safety and the preservation of our high democratic standards.

As time passes, I shall probably like to discuss this problem with you again. Meantime, it will be gratifying to me to have your expressions of opinion on this legislation, since I consider this one of the fundamental issues of our time. In a short space, it is not possible to develop all the arguments for the legislation, but perhaps I have at least been able to give you food for thought on the problem.

Mr. Chairman, one of the additional problems mentioned in the last paragraph of the release is the question of extent of Federal control which would result from Federal aid. With your permission, I would like to quote my reply to one constituent's contention that buildings constructed by the Government are frequently abandoned halfway through construction and left to rot. Often, wartime emergencies do leave Government-built structures to decay without use. I cannot see how this could be true of educational buildings. In the case of school buildings and their construction, the use of Federal funds would lie entirely in the hands of local officials. Unless a farm program were so poor that all the people would have to move out of a community leaving no students in the school, it appears to me school buildings would never be forsaken or left to rot.

The question of Federal control seems to disturb many people. I do not want to dwell on this problem. It has been given ample explanation for all who really want to know how Federal funds are administered. I will quote again from some letters to my district:

Further, on the education problem * * * our only disagreement appears to be over methods. We already have Federal aid to education to the extent of about $2 billion yearly for school lunches, grants in aid, and others. Federal aid of this sort is always channeled into existing State and local educational administrative units and aid for school construction would * * * be handled in this way—through State and local organizations. There would be no Federal control of education, as such. Contrary to popular belief, most Federal programs are aids to States and are administered at State levels. Social security is an example. * * * In addition, our educational systems have school boards at the local level which are in complete control of educational matters at the local level.

In other countries of the world the natural interest of the national government in the education of its citizens does not seem to raise such terrifying pictures of Federal control, the hobgoblin of bureaucratic direction, as it does in this country. In fact, Federal aid to education is the rule rather than the exception. It seems rather taken as a matter of course, if not actually to be considered, in most instances, one of the primary responsibilities of the national government. I have here a publication of the United Nations entitled "Public Finance," in which the budgets of the member nations are set out. With your permission, I should like to quote at random figures from this publication—1956 or 1957 figures:

Country	Total earmarked for education	Total budget	Percent for education
Costa Rica	45.9	259.8	17.7
El Salvador	20.8	155.8	13.3
Panama	10.7	56.7	18.9
Malaya	117.5	1,007.7	11.7
Iran	4,219.0	19,865.0	21.2
Israel	47.6	636.58	7.5
Finland	31.0	195.7	15.8
Netherlands	980.0	6,885.0	14.2
Norway	334.4	4,809.0	6.9
Portugal	658.4	7,433.2	8.8
Sweden	1,205.0	11,221.0	10.7
United Kingdom	413.6	5,766.0	7.2
New Zealand	19.2	200.1	9.6
U. S. S. R.	72,800.0	569,600.0	12.8

The United States is, of course, conspicuous by its absence in national contribution to education—that is, funds earmarked in the budget for purely educational purposes.

In order that the United States not continue to be a wallflower I would suggest that we learn to get along with the rest of the world. We need to learn what others have learned—that the interest of the Government in a literate citizenry is a fundamental interest, particularly so in this modern world. I do not suggest this because I would like to be proud of my own country—I am—but for a much more practical reason. We cannot afford to let any country outrun this country in securing the broadest possible basic literacy. We must realize that we owe it to our children to provide them with the opportunity to "tool up" for their responsibilities in a highly complex world. They must be equipped not only to take their places in their communities, in occupations of their own choosing, but they must also be trained and able to cope in all ways with citizens of other nations. I must confess I was horrified to read that the President of the United States confessed he had had a tough time combating the arguments of a general of the U. S. S. R. How are our young people to cope with the increasingly complex international problems and apparently plausible arguments of other nationals—around the peace council tables or anywhere else in international affairs, if they are not enlightened about such a simple matter as the advantages of the democratic way of life? Who can they "sell" on the fundamental question of which is the better way of life—freedom or slavery—if they do not know which is better or why it is better? How can they follow up an advantage in argument at the council table, if there are not enough citizens behind them who understand what they are doing, understand the modern technology and can use modern techniques of living and defense, to back them up?

This is a very real problem, enlightenment. I am concerned that nothing shall impede the chances of passage of this vital legislation. On March 28 a press release addressed to this very point was sent out from my office:

I have received a number of queries regarding my position on an amendment requiring integration of a State school system as condition-precedent to receipt of Federal aid as opposed to the passage of a school construction bill without restrictions. I feel it is appropriate for me, therefore, to add to my previous statement on Federal aid to education, a copy of my letter to a spokesman for the National Association for the Advancement of Colored People in Minnesota:

"DEAR ———: Thank you for your letter of February 19. I wish to start by saying that when any FEPC or other measure having to do with equality of opportunity, racial justice, and fair play comes before the House for action, COYA KNUTSON's vote will be recorded for it. This is unequivocal.

"However, it would be less than candid for me to tell you that I would vote unqualifiedly for an amendment in the nature of POWELL's amendment. If it should come up in such a way as to be consistent with the passage of school construction legislation, naturally, I would vote with your request. However, I did not vote for POWELL's amendment (and under the same circumstances, I would not, again) because it was a crippling amendment. I feel we cannot hold up this legislation for anyone or for any reason when school construction is so vitally needed throughout the country. When an amendment appears which will most certainly kill such legislation, I will vote against that amendment.

"May I say, parenthetically, that the major purpose of education is the development and

achievement of enlightenment, and this is the prime purpose of democracy. Without enlightenment, no program having for its purpose man's deep understanding of his fellow man and his fellow man's problems can be permanently effective. The two goals should be pursued simultaneously, but not one at the expense of the other.

"When I think back over the circumstances surrounding the Powell amendment, I must confess I do not like them. The fact that Representative POWELL would bolt the liberal Democratic Party when that is the party which has promulgated and always supported the legislation indicates an opportunism that can accomplish nothing—and is not commendable. Furthermore, 90 Republicans voted for the Powell amendment and when this was incorporated into the bill, these same 90 Republicans then voted against passage of the whole bill. When, as and if, these Republicans can be straightened out to the point of desiring both racial justice and an adequate school construction program, and will vote for a bill with the right amendment in it, then you can expect me to vote for such amendment.

"My position is not antagonistic to your own. As I have said, any bill before the Congress which is designed to further the cause of humanity and justice as between your people and mine, will most certainly have my sympathetic and enthusiastic support."

Mr. Chairman the Kelley bill originally called for $3.6 billion over a period of 6 years. H. R. 3986, the administration bill, called for $1,300,000,000 over 4 years. The compromise bill proposes $2 billion over 5 years or $400 million each year. Close alongside of these figures, I would like to place a few additional—and I think—significant figures. As a people, we spend annually at least $9.5 billion for liquor. Tobacco expenditures are over half that amount. Between liquor and tobacco, we spend upward of $15 billion per year. Our total expenditures as a Nation for public-school education through high school are just over $9 billion—less than we spend annually on liquor alone. As I see it, we could very well profit, both morally and in the development of this our greatest national resource—an educated people—by putting at least the same amount into our educational system that we spend annually on tobacco and liquor.

Mr. RHODES of Arizona. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I dislike taking the well to oppose the amendment of my friend, the gentleman from Connecticut, for two reasons. One, of course, is my very high regard for him and the work he is doing as a Member of the House of Representatives. The second is because his amendment appeals to me philosophically. This comes very close to being the McConnell substitute of last year, and the bill which a lot of us on this side wanted when we originally got into this Federal aid for school construction business. However, I am afraid it indicates the impossibility and undesirability of trying to write or rewrite a bill of this complexity on the floor. Let me point out just a few things which are, I think, defects which cannot be overcome in the short time that we have available. In the first place, Mr. Chairman, I will point out that section 101 of the amendment of the gentleman from Connecticut authorizes an appropriation of some $300 million. However, on page 6 of the amendment, the section entitled "Sec. 104" states that the money which is to be paid to the States will be paid directly by the director of internal revenue in the State. This money will never get into the Federal Treasury. I submit to you, Mr. Chairman, that it would be impossible for anybody to administer a law such as this because on the one hand it authorizes an appropriation of money, which never gets into the Treasury, and on the other hand it authorizes a gift of money which has never gone into the Treasury and which is in the hands of a district collector of internal revenue.

I also have very serious doubts as to the constitutionality of this amendment, as I did the amendment of the gentleman from Kansas [Mr. SCRIVNER]. I think it might be held to be an unconstitutional delegation of the powers of Congress to appropriate. I am sure that section 101 of the gentleman's amendment was intended to get around that objection, but I am also positive that section 101, being inconsistent with section 104, certainly does not help the situation any. In other words, to administer a bill like this it would be necessary for the administrative body to decide whether he will enforce 101 or 104. He could not enforce both of them.

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

Mr. RHODES of Arizona. I am sorry I cannot yield.

Mr. TABER. Mr. Chairman, I make a point of order against the amendment on the ground that section 104 of the amendment constitutes an appropriation and it is on a bill coming from a committee not authorized to report appropriations.

That motion is in order at any time before the bill is enacted.

Mr. HALLECK. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. HALLECK. In my opinion, the point of order comes too late. The amendment has been offered and reported and debate has begun on the amendment.

Mr. TABER. Mr. Chairman, it is specifically specified in the rules that that point of order is available at any time during the progress of the bill.

Mr. GROSS. Under rule XXI.

Mr. TABER. Under rule XXI.

The CHAIRMAN (Mr. WALTER). As to the question of timeliness of the point of order, there is no question but that it can be made at this time.

The Chair feels that this language "shall pay the State's allotment for the year, in equal monthly installments, to the State educational agency" makes the amendment subject to the point of order.

The Chair sustains the point of order.

Mr. TABER. If the gentleman desires to continue, I would reserve the point of order.

Mr. RHODES of Arizona. If the point of order is sustained, I have no desire to proceed.

The CHAIRMAN. The Chair sustains the point of order.

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

Mr. Chairman, I am against this bill. I am against any bill that gives the Federal Government any power whatever over the doings of the people in my State, or my family or myself. Ever since 1620, when the Pilgrims landed in Plymouth, we have taken care of the educational system in our State. I want to tell the United States Congress that since 1949 my State has built $600 million worth of school buildings. We would have built more could we have obtained the materials, but everybody knows that for several years after the war building materials could not be bought anywhere. In spite of this, however, we have built $600 million worth of schoolhouses in our State, and we will keep building, the same as we have for 300 years, as long as it is necessary to do so.

One little town in Massachusetts has a tax rate this year of $96 per thousand. I was quite flabbergasted when I learned that, especially having in mind what the gentleman from Texas [Mr. DIES], said yesterday about inflation, but let me remind you that most of that $96 rate is made necessary by school construction. Practically every city and town in the United States, I guess, spends probably 70 percent of its tax money for schools and public welfare.

We find points of order raised against every bill or amendment that comes in here providing for Federal aid. If you have got along so far without Federal aid and they want you to take it, do not do it. Let me remind you of what too often happens when the Federal Government gets a foothold in local affairs. You will recall the scandals that arose some 10 years ago in the matter of the Government's contribution to Federal welfare in the States. The lists of recipients and their financial status were required to be kept secret. But the State of Indiana decided to do something about it, and they put through a law making public welfare information open to the public. The department down here refused to give them their share of the money because the Federal Government did not think such information should be published. But the first thing we did in the next session of Congress was to pass a law allowing Indiana to do it. I may be mistaken, but any Member from Indiana can correct me if I am.

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

Mr. NICHOLSON. I yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman is exactly correct.

Mr. NICHOLSON. I thank the gentleman for corroborating my statement.

Economy has been the big issue this year and I know every single Member has received heavy mail on this subject, some of us getting letters by the bushel asking us to do something about economy. Today, however, we have before us a bill asking for the expenditure of $3 billion, and the Federal Government has got to borrow every cent of it and

add it on to the national debt. I cannot understand the philosophy of those who would increase the already staggering public debt; but as I say, we have before us a bill which would require the borrowing of $3 billion to take care of something that the States have, can, and should take care of for themselves—these school buildings.

Mr. Chairman, I make the statement that there are more and better schools in the United States today than there ever has been, and we will continue to build them and continue to educate the children in this country. The more education a nation has, the more opportunity to talk things over, the more things to see, the more chance we have of continuing this Republic under either a Republican or Democratic House and Senate.

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

The Clerk read as follows:

Amendment offered by Mr. WAINWRIGHT: On page 41, line 22, section 105 of the bill is amended by adding a new subsection at the end thereof to read as follows:

"(e) No funds appropriated pursuant to this title shall be granted to any local educational agency operating school facilities in violation of the decision on segregation by the Supreme Court of the United States."

Mr. WAINWRIGHT. Mr. Chairman, this amendment was offered by the gentleman from New York [Mr. POWELL] last year in a somewhat different form.

Briefly, in the Committee on Education and Labor the history of this amendment is as follows: Last year in our committee I introduced a similar amendment. It was defeated by a close vote. This year in committee, I again introduced a similar amendment. The gentleman from California [Mr. ROOSEVELT] introduced a substitute amendment. The gentleman from Minnesota [Mr. WIER] suggested a compromise amendment. I offered the compromise amendment with the language suggested by the gentleman from Minnesota. The gentleman from California [Mr. ROOSEVELT] seconded my motion. The motion was defeated by a vote of 10 to 16 in committee. So much for the committee action.

Mr. Chairman, we have on record here in the annals of our land a decision which is commonly known as the Supreme Court decision on segregation. We have that decison on the books whether we are in favor of the decision or against the decision. It is the law of the land today.

I say to you, Mr. Chairman, that there is a grave question of constitutionality when an equal body to that of the Supreme Court or the executive branch—I am talking about ourselves, the Congress of the United States—comes in and favors legislation of this kind which would provide for the building of white and Negro schools side by side in the South in those areas which have refused to comply with the Supreme Court decision. I say to my many friends in the South, they have a difficult problem that should be handled by them with State funds and not with Federal funds.

Several weeks ago we had before us a monumental bill which we sent over to the other body, entitled "The Civil Rights Bill." I say to my friends on the right here who have expressed opposition to the amendment which I am proposing, how can you with your right hand rise here and vote for the civil rights bill, then turn around and vote against it today? One of the arguments that was presented was that there was adequate safety in the present bill before us. The action of the other body yesterday eliminated that safety or that security.

Mr. Chairman, I do not believe there is much need for me to take your time today because the question is very simple, clear, and plain. Will we, the Congress of the United States, vote to build segregated schools with Federal tax dollars? That is the question. You can hear all kinds of fancy legal arguments to the contrary, but the question is simply and exclusively, Shall we build those schools with our Federal tax dollars?

I would be astonished at my liberal friends on the other side of the aisle if they are in favor of building schools of this type in the South and I challenge and defy them to present any legal, intellectual, or moral argument to overcome the facts I have just presented.

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

Mr. WAINWRIGHT. I yield to the gentleman from Arizona.

Mr. UDALL. I have read the amendment offered by the gentleman from New York, my colleague on the committee, and it is far more sweeping than anything the gentleman from New York [Mr. POWELL] ever proposed. This amendment simply says:

Any school districts violating the Supreme Court decision.

Mr. WAINWRIGHT. Mr. Chairman, I do not yield any further.

I would like to point out to the House that the amendment I have offered limits the funds to those school districts which do not comply with the Supreme Court decision and not the States. Let us take the State of Delaware. If the State of Delaware practiced segregation in certain counties, and I do not have the information available, and other counties in that State were not practicing segregation, the limitation of funds would be merely to those areas, those school districts which are not practicing segregation.

I may say that this was discussed in committee, and I am sure the gentleman from Arizona was there when it was discussed. The very point that the gentleman from Arizona makes was made by the gentleman from Minnesota [Mr. WIER], and that is the reason I worded the amendment the way I did.

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

Mr. WAINWRIGHT. I yield to the gentleman from California.

Mr. ROOSEVELT. I would just like to ask one question. Does this bill, as it is now written, appropriate any money to local school districts? I do not believe it does. I believe it appropriates money wholly and solely to State agencies.

Mr. WAINWRIGHT. Yes; but the State agencies in turn give it to the local school districts for school construction, and those local school districts would not receive funds where they are practicing segregation.

Mr. BARDEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

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

Mr. PERKINS. Mr. Chairman, reserving the right to object, the passage of the bill depends on the defeat of this amendment. The members of the Committee on Education and Labor certainly want to oppose this amendment, and we do not feel that we should arbitrarily be shut off here and denied time to present our views to the committee on such an important measure as this.

The CHAIRMAN. Does the Chair understand the gentleman to be objecting?

Mr. PERKINS. I object, Mr. Chairman.

Mr. BARDEN. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 30 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I am opposed to this amendment for many reasons. I have time to set forth only one, the principal reason being the language contained in this amendment: No funds appropriated under this title shall be granted to any local educational agency. Federal funds under this bill are given to the head of a State educational agency, and the head of that State educational agency, the chief school officer, would have to be a crystal gazer to find out whether the local educational agency was or was not going to build a school in violation of the decision on segregation by the Supreme Court. You do not segregate boys and girls on blueprints. You do not segregate boys and girls in uncompleted schools. You segregate them after the schools are built. How on earth, after this money is distributed to the chief school officer of the State, the State superintendent of public instruction, would he or she know whether that local educational agency was going to have a segregated school or not? You could never find out until the school was built, the money paid out, the Federal Government and the State government long out of the transaction.

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

Mr. THOMPSON of New Jersey. Mr. Chairman, I ask unanimous consent to yield the time allotted to me to the gentleman from Montana [Mr. METCALF].

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

Mr. BASS of Tennessee. Mr. Chairman, I object.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. MORANO].

Mr. MORANO. Mr. Chairman, I have consistently voted for the Powell amendment whenever it was offered. My views on the basic issue of civil rights

are well known and have not changed. I should like to ask the author of the pending amendment whether or not he signed the minority report against this bill.

Mr. WAINWRIGHT. If the gentleman is asking me whether I am opposed to the present bill, the answer is "Yes." If the gentleman is asking me if I am opposed to the Hobby bill, the answer is "No."

Mr. MORANO. I did not ask the gentleman that question. I asked the gentleman if he signed the minority report to the present bill.

Mr. WAINWRIGHT. I am opposed to the present bill.

Mr. MORANO. If the pending amendment carries, would the gentleman vote for the bill?

Mr. WAINWRIGHT. Provided the Hobby substitute were adopted.

Mr. MORANO. Mr. Chairman, I am against the amendment.

Mr. HAYS of Ohio. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HAYS of Ohio moves that the Committee do now rise and report the bill back with the recommendation that the enacting clause be stricken out.

Mr. HAYS of Ohio. Mr. Chairman, if you really want to kill this bill, you might as well adopt my motion and get the agony over with in a hurry. If you want to do it the hard way, you can adopt the so-called Powell amendment which was offered by the gentleman from New York [Mr. WAINWRIGHT].

I think it is fair to point out that Mr. POWELL's amendment is not an amendment which is designed to be friendly to the people for whom he purports to speak, because it is a well-known fact that if the amendment is adopted, the bill is dead and the colored children of the United States are not going to get any more schools with a dead bill.

Mr. HOFFMAN. Mr. Chairman, I make the point of order, that the gentleman offering the preferential motion to strike the enacting clause is now arguing the Powell amendment, which is the amendment that is pending.

The CHAIRMAN. That is part of the measure before the committee. The Chair feels that the gentleman is proceeding in order and overrules the point of order.

Mr. HAYS of Ohio. Mr. POWELL sent back a message of sorts which every Member of the House has received, which has a Washington dateline. I think it is fair to point out, as I did in the case of the civil-rights bill—and I suppose someone is going to say that I am saying this in the absence of the gentleman from New York; but I would like to point out that it is very difficult to speak in the presence of the gentleman from New York, because he is rarely here; I think it fair to point out. This message that the gentleman, Mr. POWELL, sent to every Member carried a Washington dateline. But if it was written by Mr. POWELL on the date that it carries, it was written on the Riviera, because the latest report that I had in the press about him was that he was in France and that he had just issued a statement to the press that he was the President's religious representative over there to settle some sort of quarrel. He is very vague about the whole thing.

I was happy to note that the White House issued a denial and said he was not representing them; at least, if he was, they did not know about it.

But the point of all this is that the gentleman from New York [Mr. POWELL] is trying, through the gentleman from New York [Mr. WAINWRIGHT], to get his amendment into this bill during his absence on the French Riviera. I again submit to you that if the gentleman's amendment is carried the bill is dead. If you really want to do something about building school buildings, then you will vote against the so-called Powell amendment. If you are against the bill really, truly and sincerely, then this is one way to kill it. I think the matter can be summed up as simply as that.

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

Mr. HAYS of Ohio. I yield to the gentleman.

Mr. MORANO. I do not question the gentleman's sincerity in offering his motion to strike the enacting clause. What I want to know is, is he going to vote for his own motion to strike the enacting clause?

Mr. HAYS of Ohio. The gentleman is going to ask unanimous consent to withdraw the motion, but he assumes the gentleman from Michigan will object because he will probably want to speak against it.

Mr. METCALF. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, a vote in favor of the Wainwright amendment is a vote to kill this legislation, just as surely as the gentleman from Ohio has told you. It is the most critical and crucial vote that is going to take place on the floor.

The other day in the course of debate some Members said they had not heard about any responsible public officials who had asked for the passage of this bill, yet the most responsible public officials in the school world are the chief State school officials, the State superintendents, and the commissioners of instruction. Twenty-six of them, elected officially, elected by the same electorate that elect Members of this body, unanimously passed a resolution saying that they favored the enactment of a bill for Federal aid for school construction, but saying:

We are vigorously opposed to the Federal control of education, which would result in the granting of discretionary authority to Federal administrative officials to withhold funds on the basis of segregation or desegregation, thus substituting their judgment for the judicial process of enforcement as prescribed by the United States Supreme Court.

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

Mr. METCALF. I yield to the gentleman from New York.

Mr. WAINWRIGHT. I am wondering whether the gentleman would go to the heart of the amendment. I know the gentleman is not in favor of segregated schools in the South. Would the gentleman explain how, instead of killing this bill, we can stop the use of Federal funds for the building of segregated schools?

Mr. METCALF. I will explain to the gentleman from New York that we have plenty of law right now to stop building segregated schools. The Supreme Court decision is going into operation whether we adopt this amendment or not. The Supreme Court decision, as I pointed out the other day in colloquy with the gentleman from Georgia and the gentleman from Arizona, applies whether State funds or local funds or any other funds are concerned. We have the presumption in this country that a public official will do his job in accordance with his oath of office and in accordance with the statutes and the Constitution. This amendment points the finger right at the school administrators of a great region of this country and says that "The presumption that you are going to do your job in accordance with the law and the Constitution is a presumption we shall not indulge in these segregation cases." You are saying to officials all over America, State officials, local officials, officials of public instruction, that "We do not believe you are going to carry out the law, so we are going to say to the Commissioner of Education that he cannot give any money to any local educational agency."

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

Mr. METCALF. I yield to the gentleman from California.

Mr. ROOSEVELT. Is it not also true that this amendment is absolutely unworkable, because there would immediately be a whole list of litigations started everywhere which would keep the schools from being built, because there is no decision at this time as to what local school agencies are in violation of the Supreme Court decision?

Mr. METCALF. It is completely unworkable because it is impossible to foresee. Not only does this amendment point its finger at every local official of the States concerned with instruction, and cast a doubt on their integrity, but it points its finger at the colored race and makes the colored race the people who are responsible for withholding schools from people all over America.

Mr. WAINWRIGHT. If the gentleman will yield, I commend the gentleman and think he is making an excellent statement, but does he not agree that if the Supreme Court decision is followed and my amendment is not in the bill it would be years before any action could take place, whereas my amendment would stop things right at the start?

Mr. METCALF. The Supreme Court decision is going to be in effect whether your amendment goes into this bill or not.

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

Mr. METCALF. I yield.

Mr. YATES. The gentleman from New York by his statement just placed himself above the Supreme Court.

Mr. METCALF. Of course he has. The gentleman from New York does not believe in deliberate speed.

Mr. Chairman, the Supreme Court decision is going to be in effect on local funds and State funds and Federal funds regardless of what happens to this

amendment. The Supreme Court decision is going to be in effect so far as the development of segregated schools is concerned. The amendment of the gentleman from New York will not make any difference because the money will already have been distributed to the local officials. The schools will have been built before anyone can tell whether they are going to be operated in compliance with the Supreme Court decision or not. The presumption is that there is going to be compliance. The only effect the pending amendment will have is to prevent some Members from voting for this bill who would otherwise vote for it. It will not speed the course of integration, it will not add to the protection already found in the law for the rights of those attending the public schools of America. It will create an impossible administrative situation and give birth to innumerable lawsuits that will further delay the construction of sorely needed classrooms.

The CHAIRMAN. The question is on the motion offered by the gentleman from Ohio [Mr. HAYS].

The question was taken; and on a division (demanded by Mr. MCCONNELL and Mr. BASS of Tennessee) there were—ayes 54, noes 132.

So the motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. DELLAY].

Mr. DELLAY. Mr. Chairman, I rise in opposition to the pending amendment.

I believe it is clear that the majority of the American people support in principle and in practice a program to give temporary Federal financial aid to the school districts all over the country which are right now—this minute—facing tremendous problems in planning for the future of their educational systems.

The legislative proposal to give emergency Federal aid for school construction is, in my opinion, one of the most important issues to come before the House this session. Millions of American schoolchildren will be affected by what is decided on this issue by the Members of Congress.

We hear from all sides the statement that this is the year for economy in Government, this is the year when we should not embark on new programs which will take money from the Federal Treasury.

Mr. Chairman, we have millions of parents and grandparents all over the country who want their children and their grandchildren to grow up competent to handle the challenge of the modern world. They will be resentful if Congress skimps on educational nourishment.

It has been a source of increasing pride as a freshman Congressman to have tagged along with the Members of this great body who have done an intelligent and admirable job in holding the line and to a successful degree having reduced the budget for the coming fiscal year. However, we have done so in the knowledge that some savings would have to in part furnish aid to programs such as the one we are facing at present.

Mr. Chairman and fellow colleagues, any amendment to force the problem of integration in the school system in any field of Federal aid to education would be both tragic and ironic. Education is the one field that can be most helpful in furthering a peaceful, orderly integration if given the necessary time to educate the people to the idea. Orderly integration can only be brought about by advanced education and greater opportunity for education, particularly in those areas where integration poses the greatest problem and the educational need is greatest.

Mr. Chairman, it is my firm opinion that if the supporters of the proposed amendment reexamine and reevaluate their proposal they will agree that the amendment though sincere in thought is definitely not only impractical in purpose but destructive to the very cause that they would champion, and which I am trying to help.

The CHAIRMAN. The Chair recognizes the gentleman from Delaware [Mr. HASKELL].

Mr. HASKELL. Mr. Chairman, I rise in opposition to this amendment. I have lived with this bill since 1953. I have worked in the executive branch of the Government on this bill and have been on the subcommittee working on this bill trying to compromise it to the position of the President. I believe when we compromised this bill, we compromised it about 70 percent of the way to the position of the President. Originally, there was an equalization in this bill of about 6 to 1. We took it down to 3 to 1. We then took the change in committee and compromised it down to 2 to 1—and I still supported the bill. If we put the Powell amendment in this bill, there is no equalization at all. You simply eliminate the States that need these funds the most for educational purposes. You deprive the most needy of the opportunity to get help. I say that is going backward and I will not be able to support the bill if this amendment carries.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KEARNS] is recognized.

Mr. KEARNS. Mr. Chairman, in listening to this debate and probably as the last school administrator in this body, there is one sad tone to it all. We have forgotten the prime objective, and that is the boy and girl of America. It was my idea that when we were going to build schoolrooms with the brick and mortar approach, it was to supply classrooms for the boys and girls of America. But since this legislation has come before us, we have the Supreme Court involved; we have the White House involved; we have both bodies of Congress arguing on other issues. I do not feel that the gentleman who introduced this amendment is conscientious or true to the boys and girls of America, and for this reason, that any man who stands on this floor and says he is for an amendment like this does not have the interest of the boys and girls of this country at heart.

I ask that the amendment be defeated.

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

The Chair recognizes the gentleman from Pennsylvania [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. Chairman, I think my position in relation to the Powell amendment is well known. It will have a great effect on the final decision on the bill. I think there is a better method of getting at this, and that was mentioned in the Supreme Court decision. I think it is a matter for the courts and not for the Administrator or a department of Government to decide. Therefore, I hope the amendment is defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, this is it. If you are for the bill, vote against this amendment offered by the gentleman from New York who is against the bill. If you want to kill the bill, vote with the gentleman from New York, for the amendment that contravenes the decisions of the Supreme Court of the United States.

This amendment will hamstring the disbursement of all funds under any legislation that may be enacted. The gentleman from New York's amendment is quite different from the amendment offered by his colleague [Mr. POWELL].

I certainly hope the House will vote down the gentleman's amendment, and I do not entertain the fears that some of my colleagues entertain concerning any future appropriations that may follow the passage of the legislation. For instance, Virginia, since we enacted Public Law 874, has received $39,758,902 alone for maintenance and operation from the Government, and for school construction has received $52,514,926. All the States in the Union have received Federal funds to construct school buildings under our impacted legislation. Even the State of Texas has received in excess of $33 million for maintenance and operation from the Government, and more than $44 million for schoolhouse construction.

There has not been the first attempt to attach a rider to an appropriation bill that would prevent the orderly disbursement of these funds. No such attempt has been made in the hospital-construction program, the vocational education and vocational rehabilitation programs. I have a feeling that the House of Representatives would vote down any such amendments in the future that would undertake to interfere with Supreme Court decisions on an appropriation bill.

According to the Washington Post, the President, in my home State of Kentucky, among other things, made this statement when he spoke in Lexington on October 1. He said Democrats lost 1 of the 5 precious years his $2 billion program covered when they voted against a House Republican motion to recommit the bill to bring it into line with his principle "that Federal aid be distributed to States on the basis of need."

Mr. Chairman, I am hopeful that members of the President's party will join with us in defeating this amendment. We should stop quibbling on extraneous issues and pass school-construction legislation.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] is recognized.

Mr. KELLEY of Pennsylvania. Mr. Chairman, most of us remember what happened last year when the so-called Powell amendment was adopted. It was a good excuse for many Members to vote against the bill, and I fear the same thing will happen today.

I am aware of the fact that this amendment has no place in this legislation. This is a matter to be taken care of by the judicial department of the Government. It is most unnecessary at this time. If this amendment is adopted and the bill defeated, it would be a stigma on the colored race. They would be blamed for defeating the bill which has for its purpose the construction of school rooms for all children in the United States.

I hope the amendment is defeated.

The CHAIRMAN. The gentleman from New Jersey [Mr. FRELINGHUYSEN] is recognized.

Mr. FRELINGHUYSEN. Mr. Chairman, I think this amendment is unwise and should very definitely be rejected. There has been a lot of talk about Federal control in legislation of this kind. This would be an attempt to set up the most objectionable kind of Federal control. It would be an attempted prohibition on the States to do certain things. There would be interference with what should be done through judicial processes. It would impede the basic cause of integrating schools as rapidly as may be feasible. It would penalize children because of the accident of where they are living. I think it would very definitely kill the bill. It is improper to inject administrative control by the Federal Government of this kind and the amendment should be defeated. It would be a dangerous precedent, for the principle could be extended to existing legislation or any other legislation of this kind.

The CHAIRMAN. The gentleman from Arizona [Mr. UDALL] is recognized.

Mr. UDALL. Mr. Chairman, I am opposed to the amendment, as I indicated earlier, because in my opinion it is far more sweeping than anything the gentleman from New York [Mr. POWELL] ever proposed. It would substitute a judgment other than a judicial judgment, as I see it in these local integration cases. I fear that it would harm the very people who are trying to inch forward in this problem; that we would by the enactment of this amendment penalize the people of Nashville, Tenn.; Little Rock, Ark.; and the people of North Carolina who are moving toward a solution of this issue. The sort of approach proposed in this amendment would penalize the people who are ready to begin taking a vital first step. I say, therefore, this would defeat the cause of school integration.

I urge the rejection of this amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. ELLIOTT] is recognized.

Mr. ELLIOTT. Mr. Chairman, I plead with the Members of the House to defeat this amendment. If you do not defeat this Wainwright or Powell amendment it will eventually kill this bill as effectively as it ever can be killed. It killed the school construction bill last year. It will kill it again.

I am sure the Members of Congress do not want to set a policy here today that would spread from this situation to strike down our vocational education, to strike down our vocational rehabilitation, to strike down our college housing, to strike down our funds for our land-grant colleges. That would be the effect on the South if the Congress starts putting this type amendment on these bills. This amendment, Mr. Chairman, is more vicious and more penal than any decision ever rendered by the Supreme Court of the United States.

I ask that the amendment be defeated.

If it is not defeated here on teller vote, then I ask and urge that you vote against it on the separate record vote that will come on this amendment.

The CHAIRMAN. The gentleman from California [Mr. ROOSEVELT] is recognized.

Mr. ROOSEVELT. Mr. Chairman, I am sure it is going to be very easy for certain Members of this House to turn my own words back to me and to point out that there is an inconsistency in the stand which I am taking at this time. However, as I said the other day on the floor of this House, I believe that present conditions are quite different than they were when we considered this measure the last time, and I believe very firmly that this amendment is introduced for but one purpose. In the first place it is not even the Powell amendment; in the second place it is introduced by an avowed opponent of the bill. It is introduced merely for the defeat of the measure. I am, therefore, opposed to it.

I want to make very clear in order that I can allay any fears on the part of some who spoke yesterday that while I made it clear that I was reserving the right on the part of those who joined with me in that statement to take future action, as far as I am concerned I will not take any future action on any appropriation bill that may come up.

The CHAIRMAN. The gentleman from Iowa [Mr. COAD] is recognized.

Mr. COAD. Mr. Chairman, I yield my time to the gentleman from California.

Mr. ROOSEVELT. I thank my good friend from Iowa, and I would simply like to add in fairness to those who have a right to know the reasons for the change in my position that I shall make every effort to get recognition under the 5-minute rule a little further in the debate.

The CHAIRMAN. The gentleman from Michigan [Mr. DIGGS] is recognized.

Mr. DIGGS. Mr. Chairman, it was, of course, with a great deal of reluctance that I arrived at the position I stated for the RECORD yesterday; but I believe for a number of reasons that the situation which prevails today is not the situation which prevailed a year ago. It should be obvious that I would not take this stand were I not convinced that there were other adequate remedies to correct the problem aimed at in this amendment. I am for this bill and I hope that the amendment offered by the gentleman from New York [Mr. WAINWRIGHT] does not carry.

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

Mr. HOFFMAN. Mr. Chairman, earlier in the debate we were advised as to the position of the President with reference to this legislation. Why mention his position when just a day or so ago the postal employees bill was up for consideration and every Member of the House who voted except 38, voted in opposition to the President at that time. What is the idea of dragging him into this situation?

A little earlier the House by a substantial majority voted through a civil-rights bill guaranteeing or designed to guarantee the exercise of civil rights by our citizens. One of those civil rights was the right to attend school put through the civil-rights bill. Now there comes along the question as to whether you want to make that right to an education effective. Are you still for civil rights today as a few days ago you were. Are you today? If you are, why oppose this so-called Powell amendment? It is in furtherance of making available to all the civil right to attend school.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HAYS].

Mr. HAYS of Arkansas. Mr. Chairman, I am sure that those who come from States where the problem does not exist, the desegregation problem, could be much more effective than I. Still I do want to support my good friend from Alabama [Mr. ELLIOTT] and the splendid work he has done, because many of us in the South believe in Federal aid to education.

As one who is for the bill, I want to register my opposition to the pending amendment offered by my good friend the gentleman from New York. I have been interested in Federal aid to education for a long time. I have stood for Federal aid of an emergency nature without Federal control. This amendment provides for Federal control with a vengeance. I do want to point out that it proposes to go straight through the State authority down to the local district. That is extremely dangerous in any kind of Federal relationship with agencies of local or State character.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. SHEEHAN].

Mr. SHEEHAN. Mr. Chairman, this reminds me of an old jingle I used to know that went something like this: Consistency is a virtue; find it if you can. Always in a woman and seldom in a man.

I see a lot of my friends here who 2 weeks ago made a great plea for civil rights but are completely reversing themselves today. I am going to be consistent. I have always been for civil rights and I am going to support the Wainwright amendment. I am also going to support and vote for the best possible bill for aid to education.

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

Mr. SHEEHAN. I yield to the gentleman from Michigan.

Mr. JOHANSEN. Would the gentleman agree that on the basis of the statements we are hearing from the other side of the aisle the conditions in the South have improved tremendously in the last 3 or 4 weeks?

Mr. SHEEHAN. There is no question about that and I cannot see where the Democrats are being consistent if they do not support the Wainwright amendment. In other words, many of the gentlemen who were in favor of civil rights when the House considered such a bill several weeks ago are now opposed to civil rights.

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

Mr. COLMER. Mr. Chairman, as I told the House last year, and I brought it out in the Rules Committee this year, this is a case of tweedle dee and tweedle dum. It is immaterial whether this amendment is adopted or not.

Let me say to my southern colleagues that they must not be misled, either by any changes in the last 48 hours or by what has gone on before. This will be offered as an amendment on an appropriation bill. If that is not done it will be done administratively. If that is not done, is there anybody so naive as to believe that the Supreme Court that said you could not have segregated schools with your own State money is going to permit you to receive Federal money and have segregated schools?

So, you lose any way it goes. Do not be misled by these last minute recantations of those who would deny these funds to those States maintaining segregated schools.

In the final analysis your States would be taxed to build schools in other States without receiving any of the benefits.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman, my views with respect to this amendment are set forth in yesterday's RECORD on page 12629. I reiterate them.

I would like simply to make this point, that there are a number of Members in this body who are for the Powell amendment, who would sincerely want to vote for it but who cannot vote for this amendment simply and purely because this is entirely different; this is unworkable; this establishes no standards; this is, in almost every way I can think of, extraneous to this legislation, since none of the funds are to be applied directly to the local educational district to which it refers.

The gentleman from Michigan [Mr. HOFFMAN] a minute or so ago said he was sorry that Eisenhower's name had been dragged into this, and he did not understand why the President had to be dragged into it. Well, neither do a lot of us, but he did, in fact, have to be dragged into it, even in support of his own legislation. The Wainwright amendment can have only one effect if it is adopted. It will kill any possibility of Federal assistance for classrooms for the Nation's children. I urge its defeat.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, when this same amendment was presented to the proposed school legislation at the last session, I took the floor to state that legislation as proposed in that amendment had no place in the legislation then pending. I repeat that today. It is the duty of the court to punish. This proposal is a punitive piece of legislation to punish a few States who have not seen their way clear to comply with the Supreme Court decision. I say to you that it is the duty of the Congress to pass legislation that will bear equally on all of the citizens. It is the place and function of the courts to mete out punishment. They have equal opportunities now in the courts the same as all the rest of the citizens. And, I say to you that this legislation has no place here. Let them go to court.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. WAINWRIGHT]. It seems to me only right and proper that the use of funds authorized by this bill be restricted to schools which are being operated in compliance with Supreme Court decisions. I cannot convince myself that it would be proper to levy Federal taxes upon my constituents for the construction of any schools under this bill which would be operated in violation of a Supreme Court decision. Such action would only encourage the continued violation of such decisions.

Let me take this opportunity further to state that I am in favor of H. R. 1, the Federal aid for school construction bill, and intend to vote for the measure. In my opinion, this bill will be beneficial to the children of this country. I hope that the bill is approved by this body.

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

Mr. O'HARA of Illinois. Mr. Chairman, it is not my province to pass upon the motivation of the gentleman from New York in offering an amendment to a bill for which he intimates he will not vote even though his amendment is adopted. My responsibility is to determine my own vote and I must make that determination solely on the merits of the amendment, granting to all my colleagues the presumption that what they do is done in good faith.

The amendment offered by the gentleman from New York is of similar character to the Powell amendment of last year. There are some differences, principally that of designating in the Wainwright amendment school districts as the units from which funds are to be withheld. Whether this is workable I do not know, and on this point there seems to be some difference of opinion among my colleagues who previously have spoken.

But the objective of the Powell amendment and that of the Wainwright amendment are the same. The purpose is to withhold Federal funds for school purposes in such localities as do not accord all children the use of the school facilities on an equal basis and without discrimination. The question raised is whether in good morals Federal moneys to which all citizens in the payment of taxes make contribution, can be used to construct schools from which the children of some of the contributing taxpayers will be excluded because of the circumstance of race.

I voted for the Powell amendment last year, and I voted for the school construction bill after the Powell amendment had been adopted. This I think was true of every northern Democrat. Many on the other side of the aisle voted for the Powell amendment, and then voted against the bill itself. I do not think this fooled anyone. In all likelihood the same Members who last year voted for the Powell amendment and then voted against the bill itself will follow a similar course this year. The inescapable conclusion is that they are against Federal aid to education. The adoption of the Wainwright amendment will not attract to the bill itself a single vote that otherwise it would not have had. Neither will the adoption of the amendment take away a single vote that would have been cast for the bill itself if unamended. A glance over last year's rollcalls of the Powell amendment and final passage of the bill should suffice.

On the other side there are many Members who are deeply and sincerely opposed to discrimination and who also are deeply and sincerely convinced that the future welfare of our country requires that Federal aid must be given to education. Some of these will vote against the Wainwright amendment because they regard it as part of a strategy not aimed at halting discrimination in our schools, but intended to defeat the cause of Federal aid to education. They believe that the adoption of the Wainwright amendment would defeat the pending bill and that it would make no contribution to the cause to which they are devoted, the cause of ending discrimination on grounds of race or religion in the public schools of our country.

My course, however, was determined when first I became a Member of the Congress and made a pledge to myself that whenever and under whatever circumstances there was given to me an opportunity of casting a vote against any form of discrimination not once would I deviate.

After we have passed on, so busy always are those who remain, that except with loved ones in family circles and among a few close friends we are not long remembered. But after I am gone if perhaps someone should think of me I would like to be thought of as one who gave his life and his humble efforts in a ceaseless fight against discrimination. I do not care what is the target of discrimination. It is discrimination itself that I hold as a destructive force, that operates as a poison to destroy the healthy growth of individuals and of States.

In the 81st Congress, when the housing bill that had come from the committee of which I was a member, and on it I had labored hard, was under consideration in this Chamber, everyone knew that the vote would be very, very close. An antisegregation amendment

was offered, and it was generally believed that the adoption of this amendment would take away the last chance of the passage of the measure. The liberal Members of the House, just as sincere in their opposition to discrimination as was I, lined up to defeat the amendment in order to save, they thought, the bill. I voted for the amendment, which lost by just one vote. Had the amendment carried by one vote and the bill itself later had been defeated there would have been those perhaps who would have blamed me for the defeat of a housing program that was closer to my heart than any other legislative measure that came before the 81st Congress.

So, Mr. Chairman, I shall vote for the Wainwright amendment. I have never voted otherwise. I never will. I shall hold to the pledge I gave to myself on coming here.

I profoundly respect my fellow-liberals who are voting against the amendment and have so sincerely given us their reasons. No one can question them and their loyalty to the cause of civil rights. Their devotion to that cause they have proved time and time again. They are fearful that if Federal aid is not given to the construction of schools, all children will suffer from a lack of classrooms, but if now Federal aid is given the classrooms will be built and in time, as slowly we work out of the shadows of discrimination, they will be opened to all children.

I cannot say, however, that I quite agree in their conclusions. The Members who are against Federal aid to education, whether they come from the South or the North, will not be swayed in their voting against this bill whether it stands in its present form or has added to it the Wainwright amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Chairman, I just have one brief thought particularly for the Members on my right. This particular amendment says in effect that the President of the United States shall now be the person who decides whether school districts are complying with the law or whether they are not. Under the Supreme Court decision, in Brown against Board of Education, the Supreme Court said that schools must be desegregated with deliberate speed. If this amendment is adopted, then before the President of the United States could give any money to any person under this bill, it would be necessary for him to determine that a local educational agency was not operating a school facility in violation of that decision. In other words, that the particular district was desegregating with deliberate speed. I, for one, do not care to put the administration in that particular situation.

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

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. WAINWRIGHT. That is exactly the intention of the amendment and that was exactly the intention of the Powell amendment last year.

Mr. RHODES of Arizona. It may be the intention of the amendment, but it is not my intention as a member of the Republican Party to place the President of the United States in that position.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Chairman, I ask unanimous consent that all Members have permission to extend their remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BARDEN. Mr. Chairman, I yield back the balance of my time.

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

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

There was no objection.

Mr. BOLAND. Mr. Chairman, I am in favor of H. R. 1 that would grant Federal aid to the States for school construction. In my judgment we are faced with a national emergency on school construction. There was a minimum shortage of 159,000 classrooms in the United States at the beginning of the last school year. The enrollment in our schools exceeded normal capacity by more than two million children. States and municipalities have made an effort to reduce the classroom shortage over the years since World War II, but the increase in new classrooms has never kept pace with the increase in the young population of the country. Last year alone some 63,000 classrooms were constructed but this figure hardly dented the deficit.

I think there is an obligation upon the Nation to provide decent education for its children. Decent education cannot be supplied if there are not sufficient classrooms, where there is overcrowding, and where the classrooms are in poor physical condition. The question is whether or not this Nation can afford to support education through Federal aid on school construction. The answer is can we afford not to support it. Can we afford not to assist our young people in obtaining the education they need if this country is to remain strong and a world leader for freedom?

I do not think that the critical shortage in classrooms can be fairly attributed to the failure of States and localities to meet their responsibilities, although there may be isolated instances of such failures. I would vote against any permanent plan of putting the Federal Government into the field of school construction, which is a State and local responsibility, but this legislation has a 5-year limit and is designed to meet an emergency situation.

I do not agree with the ungrounded fear on the part of many people that this legislation will lead to curriculum dictation from Washington. Language has been written into the preamble of this bill forbidding any form of Federal control over school personnel, books, curriculum, or school administration. The concluding section of the bill already contained this prohibition but now it is spelled out in the preamble too.

Mr. Chairman, the record proves that the States and municipalities cannot meet this classroom shortage alone. Therefore, if this emergency shortage is going to be resolved, I think that it is the unavoidable responsibility of the Federal Government to assist with aid to the States at this time.

Mrs. PFOST. Mr. Chairman, I am wholeheartedly in favor of the bill before us to provide Federal funds for public schoolroom construction. In my opinion, it should be passed—and passed promptly.

The committee which brought this bill to the floor has done a superlative job in drafting a measure which is fair and workable. The formula for allotting funds on the basis of school-age population and State income is thoroughly equitable. My own State of Idaho would receive almost $1½ million under the bill in the next 5 years—a sum which would be most welcome, I assure you.

There can be little doubt about the need—out across the Nation—for school construction money. I am not going to engage in the battle of statistics which is waging around the classroom shortage, and the extent to which school districts are meeting that shortage. It is enough for me that thousands of American children are going to school every day in facilities that are substandard and even dangerous to life and health.

School officials from Idaho and all sections of the country have come to Washington to testify in behalf of this school-construction bill. These officials maintain that local districts have bonded themselves to the statutory and constitutional debt limits and still find themselves unable to meet the increased needs for school building.

As you all know, the crucial classroom shortage is a product of both the depression and war years. During the depression years there was not enough money to build schools. During the war years the school districts could not find either materials or manpower. Then along came our war babies and our postwar babies, and we were in serious trouble. School enrollments have increased more in the past 5 years than ever before in our Nation's history. The enrollment increase in the next 5 years will be even greater.

Many communities in both your States and mine cannot cope with this galloping school population. This bill will help some communities to help themselves through a bond-purchase program, and will provide grants to school districts which cannot otherwise meet school needs.

I have never been strongly impressed by the argument that because the Federal Government helps school districts buy some bricks and mortar, it is necessarily going to reach a long arm out from Washington and control the schools which are built. I cannot see that this bill in any way threatens the traditional American concept that what is taught our children, and how it is taught to them, is the responsibility of the State and local community. I certainly would fight, with all the strength I possess, any

attempt from Washington to tell Idaho people how they should operate their schools. And I think Idaho people would do quite a bit of fighting themselves.

Those who argue that this bill would bring Federal control over local schools are literally rolling up their pants legs before they reach the stream, to use a good western expression. As you Members know, school-construction funds would be administered by the States, with any Federal connection very remote. This connection would be completely broken before a pupil or a teacher entered the school.

Mr. Chairman, this is a bill in the best American tradition in that it is an equality-of-opportunity bill. It will equalize the opportunities of American children for a decent education—wherever they may live. We should pass this bill without further delay.

Mr. COLLIER. Mr. Chairman, after any prolonged debate on a controversial issue, it is well to get down to cases. The justification for the legislation before us today rests basically upon the claim that existing classroom needs in certain areas—which admittedly exist—cannot be met at local and State levels. I believe it is fair, then, to proceed on this premise.

For the past three afternoons, I have listened attentively to the debate on this bill which has stretched across a concoction of photographs through an orgy of conflicting statistics and even to the ridiculous inference that those who oppose this particular bill are oblivious to the educational needs and standards of this Nation.

During the entire debate not a single proponent of this bill has offered any concrete facts or figures to refute the statement of the White House Conference on Education, made just 2 years ago, which very concisely concluded, and I quote the words of the report:

> No State has demonstrated financial incapacity to build the schools it will need for the next 5 years.

Not a single proponent of this bill has offered concrete facts or figures refuting the statement of the Committee on Financial Responsibility in the Field of Education, and I quote again:

> Federal aid is not necessary either for current operating expenses for public schools or for capital expenditures for new school facilities.

Not a single proponent of this bill has rendered any explanation for the fact that as of May 1957 only 2 of the 48 States made requests to Washington for Federal assistance. As a matter of fact, the legislatures of only 2 States up to this same date memorialized Congress to approve this new Federal aid program. Are we to believe that the majority of the many fine and competent legislators in the other 46 States are oblivious to their school problem and that we are more concerned and know better than they?

But the naked truth of the matter is that the survey findings and statistics offered by both the proponents and opponents of this bill cannot be accepted as accurate because they were gathered at different levels and with different purposes in mind.

Take any set of figures from any source you prefer on the classroom shortage and ask yourself how much you would actually wager on their accuracy in the final analysis. Then consider the fact that the authorities in some States—who are certainly closer to their own school systems and facilities—were unable to supply the United States Office of Education with any definite information and data.

There is unquestionably a job to be done in certain districts and in some States in providing adequate school facilities. But before any of us become a party to sticking the nose of the Federal Government into it, I believe we should be satisfied that we have done so with the basic objective in mind and with reliable statistics on the number of school districts in the so-called distress areas. Should we not also have these areas and districts pinpointed and have assurance that in each instance everything has been done at a local level to solve the problem? Should we not know why States in which these areas are located cannot meet the need?

Might I suggest that each individual school district first demonstrate its need for more classrooms—the extent of this need and definite proof of its inability to finance construction, either through local or State authority. Only when such proof is available and we know with positive reliability that the problem cannot be solved on any other basis, should we consider Federal assistance which then should be restricted to a loan program providing for repayment to be made within a period of 30 years, as provided in title II of this bill.

As we reach a final vote on this bill, I submit that the real issues at stake have been distorted by various pressure groups both for and against H. R. 1. But I submit further that the injection of the Federal tax dollars into the school systems of America is a very serious step and should not be taken on the strength of what has been presented during the past 3 days of this debate, for if this action is taken, I fear that even the proponents of this legislation will live to regret its enactment. While those fearful of the long-range consequences of this program choose to justify such action as an emergency measure, we know full well the pattern of other Federal-aid programs which have gone on and on, grew and grew, and increase in cost year after year.

If this Congress does pass H. R. 1 we will have to do so consigning ourselves to the fact that it is another member of the mushrooming Federal-aid family of programs which we will endow to our children and our children's children, along with the astronomical Federal debt which stalks to prey upon them in a future generation.

I submit that the legislation in its present form is a buckshot approach to a problem that intelligently should be pinpointed so that it does not result in doing tremendously more overall harm than isolated good.

Mr. PORTER. Mr. Chairman, the measure now under consideration is H. R. 1 and I am proud to speak on its support. This proposed legislation represents informed thinking and speaks for the millions of Americans who want our younger generation to get an education worthy of future citizens.

H. R. 1 has bipartisan support. It is a compromise version, which reflects the statements, made in the platforms of both major parties, that there is an imperative need for the Federal Government to do something to counteract the serious and continuing shortage of classrooms in the United States.

The State of Oregon is distinguished neither by great wealth nor by great poverty and its people are doing their best to solve school problems at the local level. They find it difficult to build schools as fast as they are needed, as long as the building effort is based solely on local and State efforts.

Yesterday, during debate on this legislation, my friend and colleague, the distinguished gentlewoman from Oregon, a member of the hard-working committee which reported the bill we now consider, told you of the sorry school conditions in Oregon. She told you of basements, boilerrooms and hallways being used as classrooms. That sort of learning area is not likely to promote good study, nor promote the retention in our school systems of the teachers who must work under such conditions.

Frankly, gentlemen, I am unable to understand the lack of support for H. R. 1 by the President. Surely he knows the need for Federal aid. Surely he has been told of the shocking conditions. Surely he wants equal facilities for all.

I will not now go into the old but true story that the concern before us today comes because of the increasing number of children born in the United States during and after World War II. But I want to emphasize that if we neglect our schools and our teachers, these children may not be able to fulfill the tasks they will inherit. And, of course, the major task is leadership of the Free World.

There is no denying that these children make demands on our funds, our resources, our patience, and our ingenuity. We must now choose whether to meet these demands or to neglect them.

Competent educators have told us the classroom story. They have spelled out, room by room, the needs on the elementary, junior high school, high school and college levels.

It is this predictability, this certainty, that makes it possible for educators and other far-sighted citizens concerned with the problem of education to forecast the growing pressure on America's institutions of higher learning.

SHORTAGE EVIDENT

Today that shortage falls on the elementary and secondary levels. It won't end there, however, and the need, as reflected in the continuing high birthrate, promises to go on for many years to come.

I repeat that we need an emergency measure to close the gap between the classrooms needed and the classrooms

which exist. We need a program which provides for a short, intensive push to close this gap. We need the type of legislation embodied by H. R. 1 as amended.

In Oregon, residents see that Federal aid in school construction will help meet the need.

I think many of us tend to overlook the fact the Federal assistance to education is as old as the United States itself. Federal aid to education does not involve a new philosophy. It dates back to 1785 when the Northwest Ordinance specified that "there shall be reserved the lot number 16 of every township for the maintenance of public schools within said township."

From this general beginning, Federal aid has taken many forms and has been of vital importance in improving education in this country. Most American State colleges have been encouraged by the two Morrill land-grant acts passed during the second half of the 19th century. The 20th century saw intensive efforts on the part of the Federal Government toward the encouragement of vocational education through the Smith-Hughes Act, the George-Reed Act and its many successors.

The fact of the matter is that the Federal Government is involved in education through school lunches, through veterans' education, and through the recent laws to assure Federal support for the building and operation of local schools in those areas which have seen an unusually heavy Federal impact.

PROGRAMS WELL ADMINISTERED

In telling you of these various programs of Federal aid to education, I think it should be emphasized often that they have been well administered at surprisingly low cost. This is shown in the Hoover Commission report. The Commission found, for example, that the cost of Federal funds involved in the national school-lunch program was less than 2 percent; in vocational education, 2 percent; in resident instruction in land-grant colleges, one-twentieth of 1 percent; and in the Federal assistance laws, less than 1 percent. There is every reason to believe that H. R. 1 will be equally inexpensive to administer. In fact, as originally proposed in the President's budget, the allowance for administration comes to twenty-two one-hundredths of 1 percent of the total proposed funds.

I would like to add a few words to show that the American people would have us enact this type of legislation. The two largest public opinion polling agencies in the country during the past few years have shown a strong, rising trend of support for a bill like H. R. 1.

You may recall the White House Conference on Education, held in Washington a year and a half ago—December 1955. At that time, nearly 2,000 men and women from every State and Territory gathered in Washington, discussed the problems of education, debated the issues, and finally approved Federal aid by a margin of more than 2 to 1. It is ironic that there were some groups which charged before the beginning of the White House Conference, that the committee was stacked against Federal aid. The delegates endorsed Federal aid—unequivocally.

OREGONIAN SELECTED

The 34 members of the President's Committee for the White House Conference on Education included an Oregon high school teacher, Miss Martha A. Shull of Jefferson High School in Portland. She was chosen to serve on this Committee in recognition of her efforts to advance the cause of education, efforts which reached a climax with her election as president of the National Education Association, representing 700,000 American teachers who are celebrating their centennial during 1957.

Miss Shull was a hard-working member of the White House Conference Committee which echoed the sentiments of the 2,000 delegates when the committee, in its official report to the President, wrote the following:

At the present time, the Federal Government provides about 3 percent of the revenue available to the public schools. This aid is limited to certain special purposes such as vocational education, school lunches, and aid for districts in federally impacted areas. Numerous proposals have been made for increasing the participation of the Federal Government in the financing of the public schools.

Most people agree that they do not want Federal control of our schools.

This committee believes that Federal aid for school construction should be made available on a limited basis to all States and Territories and the District of Columbia to help overcome the present school-building emergency. It believes, also, that Federal funds should be provided under the philosophy of encouraging greater use of State and local funds for school purposes. We believe that the best schools can be produced by continuing to assign to the States and local districts primary responsibility for financing, organizing, administering, and controlling the public schools. The committee believes that Federal aid to all the States can be justified, however, only on a temporary basis to meet an emergency situation such as the present school-building emergency.

Many figures are available to underline the school-building emergency mentioned by the Presidential Committee. Most of these figures come from the United States Office of Education which, under orders from Congress, completed a survey of school-building needs, based on an expenditure of some $4 million of Federal and State funds. On the basis of this survey and additional reports from the States, the United States Office of Education has tabulated a continuing classroom shortage coming to a total of 159,000 rooms. This is the immediate need.

OREGON KNOWS NEED

Interest in Federal assistance for school construction has long been evidenced in the State of Oregon. On February 5, 1957, members of the Oregon delegation received a memorial from the members of the Oregon State House of Representatives urging that the Congress of the United States provide legislation giving grants-in-aid for school-building purposes in the various States. Copies of the memorial were sent to the President, Vice President, the Secretary of Health, Education and Welfare, the President and Chief Clerk of the United States Senate and to the Speaker and Chief Clerk of this House. The Oregon memorial was approved January 28, 1957.

I have received many letters from my district and from the State of Oregon. The majority favor passage of H. R. 1.

Let me read you excerpts: Dr. Raymond E. Balcomb of the First Methodist Church, of Medford, Oreg., writes:

I regard this bill as meeting an absolute minimum.

The president of the Portland Teachers' Union No. 111, Phyllis Hutchinson, tells me:

The teachers' union believes that it is essential that there be action by Congress during the present session to provide aid for schools, especially for the construction of new schools to provide classrooms to meet the rapidly rising enrollment in our schools. It is not necessary to tell you that the situation is already acute in many areas and that there is little possibility that anything will be done or can be done on the local or State level to alleviate the crowded conditions in such areas. * * * Your active support of Federal aid to education which is vital to the welfare of the Nation is deeply appreciated by the Portland Teachers' Union No. 111.

CHANCELLOR FAVORS AID

In Eugene, Oreg., the Honorable Frederick M. Hunter, honorary chancellor of the State board of higher education, wired the President to express his support of Federal aid. Dr. Hunter told me:

It is my opinion that the 15,000 active members of the teaching profession of the State of Oregon are vigorously and militantly in favor of this aid. As a citizen of the Fourth Congressional District for 22 years, I urge you to do all in your power to bring about the early Congressional approval of the President's recommendations.

From Roseburg the members of Local 2949, Lumber and Sawmill Workers, have wired me of their support of H. R. 1 as amended. In Sutherlin members of the Lumber and Sawmill Workers Local 2814 express their support. In Eugene, Ted Prusia, executive secretary of the Willamette Valley District Council of the Lumber and Sawmill Workers wired me:

We urge you to vote yes on school construction bill H. R. 1 as amended. This represents the feelings of our 10,500 lumber and sawmill workers in our area.

The Oregon delegation attending the NEA convention in Philadelphia, 105 strong, wired me that they "urge your support for H. R. 1."

Support from many people pours into my office. Yesterday I received, as did other Members, a wire from the Honorable George Meany, national president of the AFL–CIO urging passage of the school construction bill "without any crippling or complicating amendments." Mr. Meany said failure to enact the bill would be a "vital blow to future welfare of our country."

In conclusion, let me reiterate that I believe in local control and support of American schools. I also believe that Federal aid, as provided in H. R. 1, will mean the continuation of local control,

but will provide the means to solve the physical shortage of classrooms in the United States today. Let us stop further delays. Let us unite in support of this compromise version of a bill—the need for which is clearly evidenced.

Mrs. GREEN of Oregon. Mr. Chairman, none of us who were realistically aware of this administration's gyrations on issues vital to the well-being of the people of this Nation have been surprised in the least with its tactics on the Federal aid for school construction.

Since January we have all witnessed the President's tactics during the battle of the budget which resembled a shadowboxing event more than the organized campaign of a Nation's leader convinced of the soundness of his position. No one yet knows how much harm has been done by the confusion precipitated on this one question. Under its cloak, the President has masqueraded a cosmic amiability to all.

But these tactics are of a pattern. They are part and parcel of an attempt to be all things to all men.

On civil rights, the fence-straddling has been just as pronounced—and just as disastrous. When he pulled the rug from under the Senate supporters of a strong civil-rights bill, we are told that the President was not aware of what was in the civil-rights bill until after it had passed the House.

And now on Federal aid for school construction, the general again ordered the retreat. America's schoolchildren cannot be educated by high-sounding pronouncements from the White House in election years. The general needs to contact the field and battle for those things in which he believes. On each of these issues—the administration has used the same tactics—supporting programs with words, not deeds.

That these tactics cannot long remain hidden from the American people is shown by the thoughtful editorial in the Oregon Journal for July 19, 1957, entitled "Fumbling on Civil Rights Bill." I include this editorial in full in the CONGRESSIONAL RECORD:

FUMBLING ON CIVIL RIGHTS BILL

This particular session of Congress has been touted as offering the best opportunity in 90 years for passage of civil-rights legislation.

Yet the bill was hardly off the ground before it ran into trouble. The southerners could have been expected to boobytrap the measure at every opportunity, but the fact is, most of the troubles to date stem from supporters of the bill.

The President's handling of the measure is reminiscent of the handling of the budget earlier in the session. When the budget was introduced, the President seemed to give the impression that cuts not only would be welcome but that it was the bounden duty of Congress to make reductions.

Later he said parts of the bill could not be cut without endangering the Nation's security, and the mutual security part of the budget measure still is in trouble despite two appeals to the people via TV.

On the civil-rights measure, the President said in his press conference the bill's objective is "to prevent anybody illegally from interfering with any individual's right to vote if that individual were qualified under the proper laws of his State."

That is part IV of the bill. Equally prominent is part III, which strengthens the Federal power to enforce all civil-rights laws, including the school-integration law, and it is this section which gives enforcement power by land and sea forces while part IV makes no reference to these powers.

This press conference statement left a perfect opening for Senator RUSSELL, Democrat, of Georgia, who charged that the bill was an example of cunning draftsmanship, and in addition that the measure is being promoted by a campaign of deception.

Further weight to the RUSSELL argument is added by the fact that the enforcement provisions in part III are not spelled out but incorporated by reference to old laws passed in the reconstruction era—laws which obviously are particularly abhorrent to southerners.

When attention was called to these enforcement provisions, the President said he can conceive of no conditions under which he would use force. The obvious Southern answer is, of course, that maybe he wouldn't but some other President might.

Thus, before debate has even started on explosive issues as, for example, the right of trial by jury in injunction cases, proponents are on the defensive and are offering compromises before the fight has really started.

The time is ripe for civil-rights legislation. It will be extremely unfortunate if the opportunity is lost by virtue of inept drafting and handling of the bill.

Mr. BATES. Mr. Chairman, all of us are vitally interested in adequate educational facilities and the general welfare of our children. However, the school building problem is not of such magnitude that we should abandon our traditional convictions and practices in respect to Federal aid for education.

We must never lose sight of the established fact that the downfall of many nations and their way of life has been enhanced by temporary expedients that shortly became a new way of life. Bureaucracy feeds on itself and seldom does any program, no matter how innocent or how temporary it may appear to be, ever become terminated.

It is my judgment that we should recognize these danger signals as they appear and dispose of them, rather than let them engulf us later when we have gone too far down the road to turn back.

I sincerely believe that our State and local communities can solve this problem much more efficiently. My home State of Massachusetts since 1949 has committed itself for $600 million for school construction. Mr. Simeon J. Domas, head of the Massachusetts School Building Assistance Commission, has been quoted in a Boston newspaper as saying:

I do not know of a single Massachusetts city or town that is waiting for Federal aid.

The net effect of this bill will cost my Commonwealth $3,100,000. In other words, the passage of this measure will mean less classrooms for my State. We are struggling to carry our own burdens, and the Governor has urged a sales tax to meet expenses which he believes necessary. Yet, this bill will provide North Carolina, which enjoyed a surplus in its treasury last year of $63 million, a net of $7,500,000. I might add that representatives of that great State are also opposing this bill in spite of this windfall.

The Federal Government can only give money which it has already taken away from the people and because of the waste attendant to bureaucracy, it can only give back a portion of it.

The so-called poor States do not want this aid. Not a single Governor nor head of a school district in the entire country took the occasion to appear in favor of it. The local people are assuming their responsibilities. In the past 4 years, they have spent $8.8 billion for school construction which was more than was spent in the preceding 20 years.

I am opposed to this type of Federal aid and I believe the majority of the people are against it.

I am firmly of the opinion that it is imperative that local school districts maintain control of education. I can imagine few things worse than having the educational system of our country controlled by a Federal bureaucracy.

Mr. BERRY. Mr. Chairman, I have asked for this time to make my position clear on Federal aid to education or its entering wedge—Federal aid to school construction. My feeling is that the United States cannot afford such a program for three principal reasons:

First. We cannot afford it from the standpoint of Federal financing.

Second. We cannot afford it on the basis of sound economic principles considering the nature of human beings.

Third. We cannot afford it from the moral point of view.

Financially—as has been said so many times on the floor of this House—the Federal Government has no money to spend except that which it takes away from its taxpayers. The tax burden today is greater than the taxpayer can bear without adding a few billion dollars to that obligation by this or any other tax-engulfing program.

In 1932 the cost of operating the Federal Government was $5.1 billion. The current budget calls for the expenditure of nearly $72 billion, an increase, if you please, of 700 percent.

The bonded indebtedness of the Federal Government in 1932 was approximately $19½ billion. Today it is approximately $274 billion, or an increase of more than 700 percent.

Can we as a Congress continue to impose greater spending, higher taxes, and higher debt upon this Nation without completely bankrupting it?

We have reached the limit of our taxing ability. There is no other source from which we can increase our tax income. People are demanding tax reduction and yet the Congress sits here day after day imposing greater spending programs upon the American people. Where is the money to come from?

Does not Congress have the obligation to the American people to stop the inflationary trend that has been created by increased spending over the past 25 years? I say, Mr. Chairman, it is time Congress started to put our house in order or we will have no house to put in order.

Economically, mankind has always been plagued with the illusion that it is possible to get something for nothing, and if Washington is permitted to dangle the bait of something for nothing before the eyes of local school boards, local school boards will be prone to take it regardless of actual need as a line of

least resistance, and in some cases, in attempting to match this free money by local levies, they will be spending more than the local communities can afford, and would not otherwise attempt to afford.

Worse than the inducement, however, of urging school districts to spend themselves into bankruptcy, free money from Washington will kill incentive, initiative and human ingenuity, and will freeze human energy, preventing man from doing for himself, at home, what he is capable of doing for himself.

Yes—Federal aid to education will in the long run be harmful to the very thing it purports to accomplish because of the very basic nature of man. American institutions, our industry, and our standard of living, are all a result of individual human energy, directed from within, toward the purpose of fulfilling individual desires or common goals.

Added together, the sum total of all this gives us our total output—our standard of living. This output is our greatest wealth.

Anything which will cause man to sit back and wait for George—or the Great White Father—to do it, kills this incentive, this desire for man to do it for himself and to improve his status and way of life.

Our attempt to make the Indian people economically secure did not help the Indian. It nearly wiped him off the face of the globe.

Building schools for any group who have the potential within themselves to do it for themselves is to treat the common man of that God-given right to learn—learn from living in a free society that he receives only according to his ability—his willingness to do, and not according to his need, as Karl Marx tried to promote in his writings—"giving according to one's ability and receiving according to his need."

When a person places himself in the position of determining a people's need—or a local community's need—this person places himself in a position of being God. Stalin did with his people. This is contrary to basic, American human values. Federal aid to education is contrary to American basic ideals regarding the worth and dignity of the individual.

It seems to me that the school people owe an obligation to themselves and to the future of America to teach these values in each of our communities for the very basis of our democracy is at stake. They, of all people, should know this best.

Communities must work out these problems for themselves. They will build schools as they really see the need for them on the local level. For Washington to build schools for communities who have the means, but who refuse to vote to supply these needs, is like Washington sending freezers to the Eskimos or shoes to the early backwoodsman.

The problem, it seems to me, is one of education, educating the citizen to see the need for good schools, to understand this need so well that it becomes the first basic value in his thinking, with the car, the TV, and so forth, taking second place.

The disturbing fact is that many communities in the more able States are now holding back bond-issue proposals for new schools, which they need and which they can afford, until they see what the outcome of this bill is in Congress. In spite of this tendency on the part of communities to hold off waiting for Uncle Sam to do it for them, the schoolroom shortage has been materially reduced in the last year or two.

Morally, Hitler said, "Give me the children of Germany until they are 12 years old and I care not who has them after that." Put the education of our children under the domination of Washington and you have taken the long step toward fulfilling the prophesy of Nikita Khrushchev when he recently told the people of the United States that their grandchildren would be living under a socialistic form of government.

The Congress cannot provide funds to local communities for them to perform any local functions without the Federal Government retaining the control. The communities cannot expect money from the Federal Government to finance these local functions without expecting to give up local control.

Building classrooms for local communities will be followed by control, dictums, and curriculum directives. This, indeed, would make it possible for a future Hitler to mold the minds of our children—the future of America. This, my friends, America cannot afford.

There is too much at stake in this bill before us today, so much that we cannot and dare not attempt to afford. We cannot afford it from a standpoint of Federal financing; we cannot afford it from a basis of sound economic principles, considering the nature of human beings; and we cannot afford it from the moral point of view of the children upon whom depends the future course of this Nation.

The problem before us today is who can best do the job of educating our children and with whom is their education the safest.

Mr. CRAMER. Mr. Chairman, on the subject before the House today, Federal aid to education, I call to the attention of my colleagues an enlightening editorial indicating how far advanced is Florida in taking care of its own problem—matters not considered by the committees studying this matter.

Anyway, Florida does not want Federal paternalism—and Federal control—in its educational system.

[From the Tampa Morning Tribune of July 23, 1957]

TELL IT TO THE NATION

Suggestion to Governor Collins and the directors of the Florida Chamber of Commerce:

The bill to hand out Federal money for building public schools in the 48 States comes up in the House of Representatives this week. Chances are against its passage. But it provides a handy slingshot by which you gentlemen can knock off two birds with one stone. With the same postage stamp, you can hit a lick for State rights (and responsibilities) and also publicize Florida.

You can do this simply by mailing to every Member of the House and Senate a brochure telling how Florida is meeting its school needs without begging help from Washington.

To our mind, it's a pretty impressive story; one that deserves national telling.

The Florida story should command attention in Washington because this is the fastest growing of the larger States and therefore has the most acute problems in supplying adequate schools.

Let's review what the 1957 legislature did:

1. To relieve the shortage of school buildings, it voted a biennial appropriation of $23,065,000 to be distributed among the counties in proportion to their increased enrollment. Each county must match its share of the construction money.

2. But new schoolhouses are of little use without teachers. To help attract more young men and women to the teaching profession, and induce more of the present teachers to stay, the legislature voted $42,454,000 for raising teacher salaries. Teachers who have satisfactorily completed 3 years of service will be paid a minimum of $4,000 for a 10-month work year; those with 10 years continuous service in Florida will receive at least $5,000. Supplements by some individual counties will substantially increase these salary levels.

3. Because low assessments and the constitutional limit on school mileage make it difficult for some counties to raise enough funds from local taxation, the legislature appropriated $36 million in additional State aid to be divided among counties on a basis of teacher units. This will help both to build schools and to pay teachers.

Counting the $12 million allocated for expanding junior colleges—operated in conjunction with the public school system—the legislature voted $341 million for schools as compared with $190 million for the preceding 2 years.

This represents an increase of $151 million in State school aid, or 79 percent.

Where will the money come from? It will come from increased taxes, primarily through broadening the sales tax to cover more items.

Thus have the people of Florida accepted the responsibility to provide decent schooling for their children. Some of them grumble about the higher taxes, yes; that's human. But most of them have the good sense to realize that unless the State lives up to its responsibility the Federal Government will take it over—and then taxes and controls will be imposed from Washington, at heavy cost in both money and independence.

If Florida, with its pied piper parade of new children, can handle the school problem, so can any other State. All that's needed is a facing up to responsibility; an end to the self-delusion that money which flows from Washington comes out of somebody else's pocket.

A State which thus assumes a painful obligation gains in self-respect and reinforces its claim to the traditional rights of self-government. The cry of "States' rights," heard so often these days, rings hollowly from mouths opened wide to receive Washington's gift worms.

The Florida story makes a powerful argument against Federal paternalism and for State responsibility. And, incidentally, it makes a pretty good advertisement for Florida. It ought to be told to Congress and the Nation.

Mr. WALTER. Mr. Chairman, the Federal school aid bill has met a deserved fate, and I think it would be well to emphasize the terrible dilemma which that legislation presented for all of us who are concerned with fulfilling the Nation's educational needs and at the same time with preserving the sound financial principles of government.

The bill, which would have provided more than a billion dollars supposedly for construction of new school facilities

was not in the form that met the above stated test. Although the proponents of the school-aid bill sought to conceal the true situation, the fact is that only 7 of all the 48 States of the country require any additional Federal funds for construction of new schools and classrooms. The other 41 already have enough money to eliminate their classroom shortages during the next 5 years—money provided previously by Congress or made available by the States themselves.

The recent Report 489 by the Committee on Education and Labor, which contains these statistics, points out that 1 group of 22 States "has only to continue building schools at the same rate they are now doing it to eliminate all known shortages, with their own money, by the time this legislation is supposed to expire." Yet in spite of this record, the report notes, the supporters of this legislation proposed to make available to those States the grand total of $699 million.

Nineteen other States, the report said, which have "little or no need for additional classrooms, will nonethelesss find themselves entitled to share in the Federal handout of well over $1 billion in the next 5 years." To put it another way, the report continued:

> These States, whose current requirements amount to slightly more than 6 percent of the shortage of 159,000 (classrooms) relied on to pass this crisis legislation, will get more than half the Federal money it provides.

Despite the fact that my own State of Pennsylvania has replaced all unsatisfactory facilities and supplied enough schools for excess enrollments it would nonetheless have had available over $135 million.

I have been a vigorous champion of Federal aid to schools when this has been genuinely required by our social responsibilities, as is proved by my votes for assistance to impacted areas. There have been occasions when Federal aid was essential to prevent severe handicaps to education from developing in one area or another. But the legislation which was defeated last Thursday would have done nothing more than create a gigantic pork-barrel fund at the unrestricted disposal of the Health, Welfare, and Education Department which would have been able to employ it for purposes having nothing to do with aid to education.

We may expect recommendations for Federal school aid to come before us again in the future. It is my sincere hope that on this next occasion the legislation will be directed toward real need.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from New York.

The question was taken and the Chair announced that the "noes" appeared to have it.

Mr. WAINWRIGHT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WAINWRIGHT and Mr. BARDEN.

The Committee divided, and the tellers reported that there were—ayes 136, noes 105.

So the amendment was agreed to.

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

The Clerk read as follows:

> Amendment offered by Mr. TEWES: On page 31, line 19, strike out all of title I through page 46, line 11.

Mr. BARDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARDEN. Do I correctly understand that the gentleman's amendment proposes to strike out title I in its entirety?

The CHAIRMAN. It strikes out the entire title; yes.

Mr. BARDEN. Does that strike out the amendment just adopted?

The CHAIRMAN. Yes; if adopted, it will have that effect.

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

The CHAIRMAN. The gentleman will state it.

Mr. UDALL. Mr. Chairman, we considered earlier today two amendments, one offered by the gentleman from Kansas [Mr. SCRIVNER] and one by the gentleman from Connecticut [Mr. MAY]. The purpose of both these amendments was to strike out title I. Both amendments were considered. One was voted down and one was knocked out on a point of order. I make the point of order, Mr. Chairman, that this motion has been made and has been considered and voted down by the Committee of the Whole.

The CHAIRMAN (Mr. WALTER). The Chair calls the attention of the gentleman to the fact that the motions heretofore made were to strike and insert. This is the first time a motion has been made to strike out the entire title. Therefore, the point of order is overruled.

Mr. TEWES. Mr. Chairman, it is hardly necessary for me to say I regret the parliamentary situation has been complicated by the fact that the gentleman from New York was recognized ahead of me. However, I discussed this matter with him previously, and he was alerted to the possibility of my amendment following the adoption of his.

Mr. Chairman, the effect of my amendment can be stated in one sentence. It eliminates all direct grants from the bill and provides for Federal aid to education through the media of loans and Federal credit assistance.

It is offered as a solution to some severe problems of conscience which afflict many of us. We are Members whose instincts and experience make us extremely partisan toward education. Our records as citizens will bear out our sympathetic support of education. Even in our brief tenures we have already indicated by our votes that we, in any balancing of the equities, are frankly on the side of education.

We are deeply interested in the problem which this bill seeks to solve. We have concluded after protracted argument that there is a need. We have come to believe that there are children in the United States unhappily deprived of facilities because of wars and depressions.

Even though some of us come from States which are in the forefront of those diligently meeting their own needs, we want to appraise this from the broad view. My own people from the State of Wisconsin rank at the very top of those who are providing needed facilities. Even the most ardent advocates of this legislation will acknowledge that Wisconsin, short 470 classrooms and presently completing more than 2,000 such rooms, is an example of a State which stands to benefit the least from this legislation. And yet we, having been sent here to take the national view, are interested in trying to do what is best for the national welfare.

Further, many of us who are on this side of the aisle are very conscious that this bill is supported by the President and our Republican administration. Many of us regard the platform pledges of our party as pledges of honor. We are not unmindful of the platform promise made last fall to support Federal aid to education based on need.

But we are troubled by this bill. We are uncertain of the mechanics of it, and we are disturbed by the philosophy of it.

And the nub of our difficulty lies in title I which provides for direct grants to the States. It is these grants and their manner of distribution which make us uneasy. First, in these grants lies the danger of Federal control. I think it unrealistic to argue that Federal grants will not soon involve Federal control. We have seen this inevitable effect in the Federal school-lunch program, and we saw it right here in the House this spring under the federally impacted area program, and we saw it on this floor a few moments ago when the Wainwright amendment was attached to this legislation.

In fact, Congressmen, in my opinion, are derelict in their responsibility whenever they legislate grants without providing some safeguards or regulations in the use of those funds.

Second, we are disturbed by these grants because they represent more of the threat against which our own subcommittee of fiscal policy has so dramatically warned us. It is these built-in grants for future years which almost assuredly guarantee an ever-growing budget and ever-increasing inflationary pressures.

And third, these grants bother us because they are not distributed solely on need. We recoil from a program which puts 85 percent of the money where it is least needed, and only 15 percent where it is needed the most. We are unable to justify a formula which gives something to everybody simply because everybody has to vote on this measure.

As I said, the heart of our trouble, then, is these grants. By striking direct grants from this bill, we are able to help meet the need without the triple danger of, one, extensive Federal control; two, built-in inflationary devices; and three, spending the taxpayers' money in a man-

ner which is based on political considerations other than need.

Mr. Chairman, for these reasons I strongly urge the adoption of my amendment.

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

I had an identical motion at the desk, so therefore I am happy to join with my colleague from Wisconsin in this amendment. Practically the situation as it presently stands, in my estimation, is that this bill, as amended, cannot now be passed by this body. So therefore any of those Members in this Chamber who believe in helping the distressed areas to provide more equal educational opportunity for their children should support this amendment. It has the virtue of not resulting in any new spending program. There can be practically no segregation issue because any community will be able to decide whether it wants to borrow or not borrow. You will have practically no administrative problem. We will have no issue of Federal control of the educational program. This amendment which would make possible loans to areas and districts that have the initiative to mortgage their future in order that their children may have adequate educational opportunity in the shortest possible time, is certainly a proposition that should appeal to every friend of the children of the United States.

I might say after we have charged some $275 billion of debts to future generations we ought to help create the talents among them to help pay the debts we have lodged against them.

Furthermore, I believe that individuals who have voted for rural-electrification programs, who have voted for loans all over the world, and all kinds of lending programs certainly ought to be able to see their way clear to vote for loans to distressed areas or rapidly growing areas that will give their children an equal chance in this land of equal opportunity.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CORBETT] has expired.

Mr. GROSS. Mr. Chairman, I offer a substitute amendment which I send to the desk.

The CHAIRMAN. The Chair will state that this is not a substitute but is a perfecting amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 31, strike out all of lines 19 through 25, and on page 32 strike out all of lines 1 and 2, and insert the following:

"TITLE 1—DEVELOPMENT LOAN FUND FOR SCHOOL CONSTRUCTION

"SECTION 101. (a) There is hereby established a fund to be known as the 'Development Loan Fund' (hereinafter referred to in this title as 'the fund') to be used by the President to finance activities carried out pursuant to authority contained in this title.

"(b) To carry out the purposes of this title, the President is hereby authorized to make loans, credits, or guaranties, or to engage in other financing operations or transactions, to or with such States, organizations, persons or other entities, and on such terms and conditions as he may determine, taking into account whether financing could be obtained in whole or in part from other Free World sources on reasonable terms.

"(c) There is hereby authorized to be appropriated to the President without fiscal year limitation, for advances to the fund, not to exceed $300 million, exclusive of financing that may be obtained from other Free World sources on reasonable terms.

"(d) For purposes of loans provided for in this section, the Secretary of the Treasury is authorized to use the proceeds of the sale of any securities issued under the Second Liberty Bond Act as now in force or as hereafter amended, and not excluding any financial assistance from Free World nations as heretofore provided.

"(e) The President shall determine the terms and conditions of any advances or loans made to the fund pursuant to this section, including the tenure of such advances or loans, whether interest, if any, be charged, and whether any payment of interest or principal shall ever be made."

Mr. McCONNELL. Mr. Chairman, I reserve a point of order against the amendment.

Mr. GROSS. Mr. Chairman, I am sure the Members, especially those who voted for the foreign hand-out bill last week, will recognize the familiarity of the language contained in this amendment.

This language was used to create the new Development Loan Fund in the foreign aid bill and I have simply applied it to this school construction bill.

Let me say to the Members of the House that I have offered this amendment in good faith only up to this point; I want to give those who voted for this new strip-tease act in the foreign aid bill—a strip-tease for the taxpayers, that is—I just want to give you another opportunity to vote. I am going to vote against this amendment that I have offered, but I want to give those of you who so enthusiastically voted for this soft loan provision last week, an opportunity to do that same thing for the schools of this country that you were willing to do for every foreigner from Iceland to Timbuctu.

Mr. Chairman, as everyone well knows, the new development loan fund for foreigners provides a $500 million fund for loans that will be so soft that they will never be paid except perhaps in currencies that cannot be redeemed outside the country which is the benficiary of the so-called loan. This is the worst kind of a back-door handout of the taxpayers money; it is a subterfuge for direct grants, but if I had voted for it last week for a conglomeration of foreigners I certainly would approve it for the people of this country.

Remember, too, that the $500 million in so-called loans will be for absolutely undetermined periods of time and at interest rates, if any, that can be fixed by the President or someone representing him.

Mr. Chairman, I yield back the balance of my time.

Mr. McCONNELL. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my delightful friend here just asked me how my Congressional Quarterly average is, and I want to discuss that for a minute because of item 95 from the Associated Press tape which came in on the wire about half an hour ago. Here is what the Associated Press item says:

There were reports today that President Eisenhower was considering sending the House a statement to clarify his view on the pending school construction bill. Sources who gave the report of that information added the final decision had not yet been reached by the White House. The reports came as the House neared a vote on the $1½ billion bill with some Members privately predicting that the measure would be killed.

Now, I do not know how our Congressional Quarterly scores are going to be affected. To the gentleman from Wisconsin [Mr. LAIRD] I may say that this is one vote on which I am afraid I may not be able to know the President's position at all.

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

The CHAIRMAN. The gentleman will state it.

Mr. CORBETT. I believe the pending amendment is one of the most serious amendments we will have to consider on this bill, and I think the gentleman should confine his remarks to the subject. I make the point of order that the gentleman should speak to the amendment.

The CHAIRMAN. The gentleman will proceed in order.

Mr. THOMPSON of New Jersey. The amendment pending is one which is of great seriousness to all of us. This matter is one which has been discussed in the platforms of both parties. This is a measure which some Members on the minority side say the President supports and others say he does not. Frankly, all I am trying to do is to use up to 5 minutes on this measure in the hope that during that time the President is going to make up his mind whether or not he is for this amendment or what he is for. We wonder whether or not he is even for his own, original bill.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I shall be delighted to yield.

Mr. RHODES of Arizona. I wonder if my friend from New Jersey would feel impelled to withhold voting on the bill until he heard from the President.

Mr. THOMPSON of New Jersey. Oh, no; I would like to support him some more. He is late in making up his mind.

The gentleman from Wisconsin [Mr. LAIRD] is worried about how our Congressional Quarterly score may be affected.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield.

Mr. HAYS of Ohio. If the gentleman from New Jersey would keep on talking

for 3 or 4 months he might get a decision.

Mr. THOMPSON of New Jersey. I do not know about that, because Mr. FOGARTY tells me that the climate of Rhode Island is magnificent any time of the year, so the President will find it most enjoyable any time.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. I appreciate the gentleman wanting to use 5 minutes, but will he be kind enough to express himself yes or no on the pending amendment, just one word?

Mr. THOMPSON of New Jersey. No. Anything I said, I take it, would be redundant.

Mr. BARDEN. Mr. Chairman, I ask unanimous consent that all debate on title I and all amendments thereto close at quarter to 4.

Mr. MAY. Mr. Chairman, I object.

Mr. BARDEN. Mr. Chairman, I move all debate on title I and all amendments thereto close at 10 minutes to 4.

The CHAIRMAN. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. AYRES].

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

The Clerk read as follows:

Amendment offered by Mr. AYRES: Strike out all after the enacting clause and insert the following:

"SHORT TITLE

"SECTION 1. This act may be cited as the 'School Construction Assistance Act of 1957.'

"Findings and purpose of act

"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.

"TITLE I—PAYMENTS TO STATE EDUCATIONAL AGENCIES

"Authorization of appropriations

"SEC. 101. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1957, and the 2 succeeding fiscal years, such amounts, not to exceed $500 million in any fiscal year, as may be necessary for making payments to State educational agencies under this title.

"Allotments to States

"SEC. 102. (a) (1) The sums appropriated pursuant to section 101 shall be allotted among the States on the basis of the income per child of school age, the school-age population, and effort for school purposes, of the respective States. Subject to the provisions of section 103, such allotments shall be made as follows: The Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the sums appropriated pursuant to section 101 for such year as the product of—

"(A) the school-age population of the State, and

"(B) the State's allotment ratio (as determined under paragraph (2)),

bears to the sum of the corresponding products for all the States.

"(2) The 'allotment ratio' for any State shall be 1.00 less the product of (A) 0.50 and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for the continental United States, except that (A) the allotment ratio shall in no case be less than 0.25 or more than 0.75, and (B) the allotment ratio for Hawaii and the District of Columbia shall be 0.50, and for Alaska, Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 0.75. The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this act on the basis of the average of the incomes per child of school age for the States and for the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for the purposes of this title.

"(3) For the purposes of this title—

"(A) The term 'child of school age' means a member of the population between the ages of 5 and 17, both inclusive.

"(B) The term 'continental United States' does not include Alaska or the District of Columbia.

"(C) The term 'income per child of school age' for any State or for the continental United States means the total personal income for the State and the continental United States, respectively, divided by the number of children of school age (in the State and continental United States, respectively).

"(d) A State's allotment under this title shall remain available for reservation of funds pursuant to section 105 (b) for projects in such State until the end of the fiscal year following the year for which the allotment is made.

"Maintenance of State and local support for school financing

"SEC. 103. (a) The allotment of any State under section 102 for any year shall be reduced by the percentage (if any) by which its State school effort index for such year is less than the national school effort index for such year. The total of such reductions shall be reallotted among the remaining States by proportionately increasing their allotments under section 102 for such year.

"(b) For purposes of subsection (a)—

"(1) the 'State school effort index' for any State for a fiscal year is the quotient obtained by dividing (A) the State's school expenditures per public school child by (B) the income per child of school age for the State; except that the State school effort index shall be deemed to be equal to the national school effort index in the case of (i) Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia, and (ii) any State for which the school expenditures per public school child are not less than the school expenditures per public school child for the continental United States;

"(2) The 'national school effort index' for any fiscal year is the quotient obtained by dividing (A) the school expenditures per public school child for the continental United States by (B) the income per child of school age for the continental United States.

"(c) (1) The school expenditures per public school child for any State for purposes of determining its State school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the State and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the State, as determined by the Commissioner on the basis of data for the most recent school year for which satisfactory data for the several States are available to him, by (B) the number of children in average daily attendance in public elementary and secondary schools in such State, as determined by the Commissioner for such most recent school year.

"(2) The school expenditures per public school child for the continental United States for purposes of determining the national school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the States and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the continental United States, as determined by the Commissioner for the same school year as is used under paragraph (1), by (B) the number of children in average daily attendance for such year in public elementary and secondary schools in the continental United States, determined as provided in paragraph (1).

"(3) The income per child of school age for the States and for the continental United States shall, for purposes of subsection (b), be determined by the Commissioner on the basis of the incomes per child of school age for the most recent year for which satisfactory data are available from the Department of Commerce.

"State plans

"SEC. 104. (a) Any State which desires to accept the benefits of this title shall submit to the Commissioner, through its State educational agency, a State plan which shall—

"(1) provide that the State educational agency shall be the sole agency for administering the plan;

"(2) set forth a program under which funds paid to the State under this title will be expended solely for school facilities construction projects approved by the State educational agency;

"(3) set forth principles for determining the priority of projects in the State for assistance under this title which will assure that first priority will be given to local educational agencies, which, upon making an effort commensurate with their economic resources, are unable, solely because of lack of such resources, to finance from the resources available to them the full cost of needed school facilities; the priority principles set forth in accordance with this paragraph shall take into account (A) the financial resources of the several local educational agencies in the State, (B) the efforts which have been and are being made to meet their

needs for school facilities out of State and local funds, and (C) the urgency of their needs for school facilities, determined according to conditions of overcrowding or lack of facilities, and the extent to which unsafe and obsolete facilities are in use;

(4) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

"(5) provide an opportunity for a hearing before the State educational agency to each local educational agency within the State which applies for approval of a construction project under this title;

"(6) provide for the establishment of standards on a State level for planning and constructing school facilities; and

"(7) provide that the State educational agency will make such reports to the Commissioner, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his duties under this title.

In the case of any State in which a State agency has exclusive responsibility for the financing of the construction of school facilities, the Commissioner may modify or make inapplicable any of the foregoing provisions of this section to the extent he deems such action appropriate in the light of the special governmental or school organization of such State.

"(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a), but shall not finally disapprove any State plan or modification thereof without first affording to the State educational agency reasonable notice and opportunity for a hearing. Hearings hereunder shall be subject to the Administrative Procedure Act.

"(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency, finds that—

"(1) the State plan approved under this section has been so changed that it no longer complies with the provisions of subsection (a), or

"(2) in the administration of the plan there is a failure to comply substantially with any such provision,

he shall make no further reservations under section 105 (b) for projects in the State, and no further payments for any project directly affected by such failure, until he is satisfied that there is no longer any such failure to comply, or, if compliance is impossible, until the State repays or arranges for the repayment of Federal funds which have been diverted or improperly expended. After notice as provided in this subsection to any State, the Commissioner may suspend further reservations of funds under section 105 (b) for projects in the State, pending the making of findings under this subsection.

"Payments to States

"SEC. 105. (a) Payments under this title shall be made to those State educational agencies which administer plans approved under section 104 and which furnish statements to the Commissioner in accordance with this section. Each such statement shall (1) set forth one or more projects approved by the State educational agency under the plan, (2) set forth the estimated cost of each such project, (3) set forth the amount of the Federal-State grant proposed to be made by the State educational agency with respect thereto, and (4) include a certification that State funds to cover the State share of such Federal-State grant will be available.

"(b) Except as provided in section 106, the Commissioner shall issue, to each State educational agency furnishing a statement in accordance with subsection (a), a commitment reserving, out of the State's allotment, for each project included in the statement, the amount requested by the State educational agency for that project. The Commissioner shall change any amount so reserved upon request of the State educational agency and receipt of an amended statement from such agency, but only to the extent the change is not inconsistent with the other provisions of this title. The Commissioner shall pay the amount reserved to the State educational agency upon certification by the State educational agency that the financing of the remainder of the cost of construction of the project has been arranged. Funds so paid shall be used exclusively to meet the cost of constructing the project for which the amount was reserved.

"(c) In lieu of certification by a State educational agency pursuant to clause (4) of subsection (a) with respect to a project, the Commissioner may accept certification by such agency that an amount equivalent to the State share of the payment with respect to such project has been arranged through provision for State payments toward the debt service on the loan (if any) to help finance part of the construction of such project, provision for waiver of payments due the State or any agency thereof with respect to such project, or other provision which, in the judgment of the Commissioner, is (or is estimated to be) equivalent to such State share.

"(d) If any project for which one or more payments have been made under this section is abandoned, or is not completed within a reasonable period determined under regulations of the Commissioner, the State to which such payments were made shall repay to the United States, for deposit in the Treasury of the United States as miscellaneous receipts, the amount of such payments or such lesser amount as may be reasonable under the circumstances (as determined by agreement of the parties or by action brought in the Federal district court for the disttrict in which such project is located.)

"Matching by States

"SEC. 106. (a) The Commissioner may issue or modify a commitment under section 105 with respect to any project only if the amount to be reserved under the commitment plus any amounts paid or to be paid under other commitments previously issued under this title to the same State educational agency, does not exceed the Federal share for such State of the sum of (1) the Federal-State grant toward the cost of constructing such project and (2) the total of the Federal-State grants toward the cost of constructing the projects for which such other commitments have been issued. Until actual construction costs are available, cost determinations under this section shall be made on the basis of the estimates furnished under section 105 (a) and revised estimates furnished in compliance with section 104 (a) (7).

"(b) For purposes of this title—

"(1) The 'Federal share' for any State is the allotment ratio for such State, except that (A) in no case shall it be less than 0.33⅓ or more than 0.66⅔, and (B) in the case of Alaska it shall be 0.50.

"(2) The 'Federal-State grant' for any project means the total of the Federal and State funds (including the equivalent thereof as provided in section 105 (c)) paid or to be paid under the State plan toward the cost of construction of such project.

"(3) The 'State share' of a Federal-State grant with respect to any project is the difference between such grant and the amount paid to the State with respect to such project under this title.

"(c) Notwithstanding the preceding provisions of this title, the Commissioner may, during the fiscal year ending June 30, 1958, issue or modify under section 105 a commitment of funds from a State's allotment for such year if the amounts to be reserved under the commitment, plus any amounts paid or to be paid under other commitments previously issued under this title to the same State educational agency, does not exceed the Federal share for State of the sum of (1) the cost of constructing such project and (2) the total cost of constructing the projects for which such other commitments have been issued, and if the State educational agency certifies that the remainder of the cost of constructing the project in question will be paid from funds other than funds paid by the Commissioner under the act of September 23, 1950 (Public Law 815, 81st Cong.), as amended. The cost determinations under this paragraph shall be made on the same basis as is provided in subsection (a).

"(d) In the case of any project to which subsection (c) is applicable—

"(1) the amount of the Federal share and the amount of any other payments toward the cost of constructing such project shall be disregarded for purposes of determining under subsection (a) the amount of the commitment for any project which may be reserved during any fiscal year beginning after June 30, 1958:

"(2) the statement required by section 105 (a) (3) shall be a statement of the amount of the reservation of funds requested with respect to such project instead of the amount of the 'Federal-State grant';

"(3) instead of the certification required under section 105 (a) (4), the State shall certify that funds from State or local sources, or both, equal to the non-Federal share of the cost of construction will be available; and

"(4) the requirement in section 104 (a) (3) for standards and procedures assuring highest priority to certain local educational agencies shall be deemed met if such priority is assured subject to the matching requirements of this section.

"Judicial Review

"SEC. 107. (a) If any State is dissatisfied with the Commissioner's final action under this title, such State may, within 60 days after notice of such action, file in the United States district court for the district in which the capital of the State is located, a petition to review such action. The petition for review shall (1) contain a concise statement of the facts upon which the appeal is based and (2) designate that part of the Commissioner's decision sought to be reviewed.

"(b) Notification of the filing of the petition for review shall be given by the clerk of the court by mailing a copy of the petition to the Commissioner.

"(c) No costs or docket fees shall be charged or imposed with respect to any judicial review proceedings, or appeal therefrom, taken under this act.

"(d) Upon receipt of the petition for review the Commissioner shall, within 20 days thereafter, certify and file in the court the record on review, consisting of the complete transcript of the proceedings before the Commissioner. No party to such review shall be required, by rule of court or otherwise, to print the contents of such record filed in the court.

"(e) All appeals from orders of the Commissioner shall be heard anew in the district court on the record filed, unless the court, for good cause shown, and on such terms as may be just, orders that other evidence be received.

"(f) The court after review may dismiss the petition or deny the relief prayed for, or may suspend, modify, or set aside, in whole or in part, the action of the Commissioner, or may compel action unlawfully withheld. The judgment of the court shall be subject to review as provided in sections 1291 and 1254 of title 28 of the United States Code.

"Labor standards

"SEC. 108. (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 on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U. S. C. 276a–276a–5).

"(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a) of this section, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 F. R. 3176; 64 Stat. 1267), and section 2 of the act of June 13, 1934, as amended (40 U. S. C. 276c).

"TITLE II—FEDERAL PURCHASE OF OBLIGATIONS OF SCHOOL DISTRICTS

"Authority to purchase; limitations

"SEC. 201. (a) In order to assist, as provided in this title, local educational agencies to finance the construction of needed school facilities, the Commissioner may purchase obligations of such local educational agencies pursuant to applications therefor filed under section 203 during the period beginning July 1, 1957, and ending June 30, 1960.

"(b) (1) There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1957, and the next 2 fiscal years, such sums, not to exceed an aggregate of $750,000,000, as may be necessary for the purchase of obligations as authorized by this title.

"(2) The sums appropriated pursuant to paragraph (1) for any fiscal year shall be allocated by the Commissioner to the States on the basis of the school-age population. The amount allocated to each State for a fiscal year shall bear the same ratio to the sums so appropriated for such year as the school-age population of such State bears to the school-age population of all the States.

"(3) The total of the obligations of local educational agencies in a State purchased by the Commissioner pursuant to applications filed under section 203 during any fiscal year may not exceed the allocation to such State under this section for such year. The sums appropriated pursuant to paragraph (1) for any fiscal year shall, subject to the limitation in the preceding sentence, remain available for 90 days after the close of such year for purchases by the Commissioner pursuant to applications filed under section 203 during such year.

"Terms of obligations

"SEC. 202. (a) Obligations purchased under this title may be either general or special obligations of a local educational agency, shall be purchased at par or face value, shall include such provisions as may be agreed upon by the State educational agency and the Commissioner, shall be repaid within a period of 30 years or less, and shall bear interest at a rate equal to the annual rate which the Secretary of the Treasury shall specify as applicable to the calendar quarter during which the application for purchase of such obligations is filed under section 203, plus one-half of 1 percent.

"(b) The annual 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, and by adjusting such estimated average yield to the nearest one-eighth of 1 percent.

"Conditions to purchase of obligations

"SEC. 203. Obligations of a local educational agency may be purchased under this title only upon application by the State educational agency to the Commissioner stating the amount of the obligations which the Commissioner is being requested to purchase and certifying that—

"(a) such local educational agency is, as evidenced by a public offering of such obligations, unable to obtain the funds necessary to finance the cost of construction of the school facilities involved from other sources upon reasonable terms and at the interest rate applicable to obligations purchased under this title;

"(b) there is an opinion by a licensed attorney-at-law, a copy of which shall be submitted with the application, that such obligations have been legally authorized and are binding on such local educational agency;

"(c) the school facilities to be constructed with the proceeds from the sale of the obligations are needed for current or reasonably anticipated enrollments, are consistent with any applicable State redistricting plans or policies, and will be understaken in compliance with applicable State laws and standards;

"(d) such local educational agency is entitled to priority over other local educational agencies in the State with pending requests for purchase of their obligations under this title (with respect to which obligations the requirements of paragraphs (a), (b), and (c) are met);

and including such additional information as may be necessary to make a reasonable showing that the local educational agency issuing the obligations is financially able to pay them as they become due. The priority under paragraph (d) of a local educational agency in any State shall be determined by the State educational agency in accordance with standards and procedures, established by the State and approved by the Commissioner, which are designed to assure reasonable opportunity for local educational agencies to request purchase of their obligations under this title and which take into account (1) relative financial resources, (2) relative urgency of need for school facilities, determined according to conditions of overcrowding or lack of facilities, or use of unhealthful or hazardous facilities, and (3) relative difficulty in marketing obligations at reasonable rates of interest. In the case of any State in which a State agency has exclusive responsibility for the financing of the construction of school facilities, the provisions of paragraph (d) shall be inapplicable.

"Disposal of payments

"SEC. 204. Payments of principal and interest by local educational agencies on obligations purchased by the Commissioner under this title and the proceeds from the sale or exchange of any such obligations shall be deposited in the Treasury of the United States as miscellaneous receipts.

"Administrative provisions

"SEC. 205. (a) The Commissioner, notwithstanding the provisions of any other law, may—

"(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; and

"(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; 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.

"TITLE III—FEDERAL CREDIT ASSISTANCE TO STATE SCHOOL-FINANCING AGENCIES

"Authorization to enter into agreements

"SEC. 301. The Commissioner is authorized, as provided in this title, to enter into agreements, on behalf of the United States, with State school-financing agencies for making advances to reserve funds established by such agencies to help assure payment of obligations issued to finance the construction of school facilities for use by local educational agencies.

"Basic conditions to entering into agreements

"SEC. 302. The Commissioner shall enter into an agreement with the State school-financing agency of any State only if—

"(a) such agency is empowered to enter into an agreement with the Commissioner under this title and otherwise comply with the provisions of this title; and

"(b) in States where the State school-financing agency is not the State educational agency, the governor of such State certifies to the Commissioner that methods for securing effective coordination between the two agencies have been provided.

"Establishment of reserve funds

"SEC. 303. (a) An agreement pursuant to this title shall provide that the State school-financing agency shall establish and thereafter maintain a basic reserve fund and a supplemental reserve fund with respect to each issue of obligations, which funds, so long as any such obligations remain outstanding, shall be held in trust for and irrevocably pledged to the payment and retirement of such obligations and for payments as provided in section 308.

"(b) Where so provided in the agreement at the request of the State school-financing agency, such basic reserve fund, or such fund and such supplemental reserve fund, may be established with respect to two or more issues of obligations; and in such case such issue shall, to the extent provided in the agreement, be regarded as a single issue of obligations.

"State advances to basic reserve fund

"SEC. 304. Such agreement shall provide for establishment of the basic reserve fund with respect to an issue of obligations on or before the date of delivery of any such obligations to the purchasers thereof, and for deposit by the State therein, upon establishment of such fund, of an amount equal to one-half of the maximum annual debt service on such obligations. The amounts so advanced, plus any amounts subsequently advanced by the State thereto, together with any interest thereon or increments thereof accrued, shall be known as the State account.

"Federal advances to basic reserve fund

"SEC. 305. (a) In the case of any State school-financing agency which has entered into an agreement as provided in this title with respect to an issue of obligations, the Commissioner shall advance to such State school-financing agency for deposit in the basic reserve fund for such issue an amount equal to one-half of the maximum annual debt service on such obligations. Such advance shall be made on or before the date of delivery of any such obligations to the purchasers thereof. The advance so made, plus subsequent advances by the Commissioner, together with interest thereon or increments thereof accrued, shall be known as the Federal account.

"(b) If any funds are withdrawn in any year (other than the year in which occurs the latest maturity date of the obligations) from the Federal account in a basic reserve fund pursuant to an agreement under this title, the Commissioner, subject to the limitations contained in section 312, shall make an additional advance to such account in an amount equal to that withdrawn.

"(c) The faith of the United States is solemnly pledged to the payment of all advances contracted to be made to the Federal account in a basic reserve fund pursuant to this title.

"(d) Advances by the Commissioner to the Federal account in a basic reserve fund, together with any other sums in such account, shall be invested, as provided in the agreement—

"(1) in interest-bearing securities of the United States or securities guaranteed as to both principal and interest by the United States; or

"(2) in bonds or other obligations which are lawful investments for fiduciary, trust, and public funds of the United States.

"Payment to supplemental reserve fund

"SEC. 306. An agreement pursuant to this title shall provide for payment into the supplemental reserve fund established with respect to an issue of obligations of all sums collected for such purpose pursuant to section 309 (d) (2).

"Use of supplemental and basic reserve funds

"SEC. 307. The agreement pursuant to this title shall provide that if, after payment of the other expenses specified in section 309 (d) (3) with respect to any school facilities, the payments for the use of such facilities and other funds available for the purpose for any year are insufficient to meet the annual debt service for such year on any issue of obligations—

"(a) the State school financing agency shall use the sums, if any, in the supplemental reserve fund established for such issue for meeting such debt service;

"(b) if such sums are insufficient for this purpose, such agency shall use the sums available in the basic reserve fund established for such issue;

"(c) withdrawals from the basic reserve fund for this purpose shall be equally divided between the State account and the Federal account in the fund, to the extent the balance in the State account is adequate therefor; and

"(d) if such balance is not adequate, the amount of any remaining deficiency shall be withdrawn from the Federal account to the extent of any balance therein, except that the total of the withdrawals from such account with respect to such debt service may not exceed one-half of such debt service.

"Repayments of advances

"SEC. 308. (a) An agreement under this title with respect to any issue of obligations shall provide that if, at the end of any year, the aggregate of the sums in the basic and supplemental reserve funds, including interest or other increments from the investment thereof, exceeds two times the maximum annual debt service on such issue for any of the ensuing years, the State school-financing agency shall pay to the Commissioner, first (and until all advances made by the Commissioner, subsequent to the original advance made by him, together with interest or other increment received from the investment of such advances, have been repaid), an amount which bears the same ratio to the amount of such excess as the sum of such subsequent advances bears to the sum of such advances plus the sum of any payments made by the State to the State account in the basic reserve fund in addition to the original amount of such State account; and second (and until all advances made by the Commissioner, together with interest or other increment received from the investment of such advances, have been repaid), an amount which bears the same ratio to the amount of such excess as the sum of all advances made by the Commissioner bears to such sum plus the sum of all payments made to the State account.

"(b) Whenever any portion of an excess is repaid to the Commissioner under subsection (a), the remainder, if any, of such excess shall be paid to the State or left in the basic or supplemental reserve, or shall be disposed of in such other manner as may be provided, at the request of the State school-financing agency, by or pursuant to the agreement.

"(c) Amounts paid to the Commissioner under subsection (a) shall be used to redeem any outstanding obligations of the Commissioner issued pursuant to section 312 and any excess shall be deposited in the Treasury of the United States as miscellaneous receipts.

"Additional conditions of agreement

"SEC. 309. In addition to the foregoing provisions and such other provisions as may be necessary to protect the financial interest of the United States, each agreement entered into by the Commissioner with respect to any one or more issues of obligations of a State school-financing agency shall provide—

"(a) that (1) all such obligations in any issue shall mature in not more than 32 years from the earliest date of any of such obligations in such issue and the first payment of principal shall become due not later than the end of the third year following such earliest date, and (2) the proceeds of the sale of such obligations shall be used to finance the cost (including interest prior to, during, and for such period not exceeding 1 year after completion of construction as may be provided in the agreement, and other necessary carrying charges) of construction of school facilities by the State school-financing agency or the local educational agencies, for use by local educational agencies requesting such facilities;

"(b) that such school facilities shall be limited to those certified by the State educational agency to be needed for current or reasonably anticipated enrollments and to be consistent with any applicable State redistricting plans or policies, and that construction thereof will be in accord with applicable State laws and standards;

"(c) that such school facilities, upon completion of construction, shall (1) be available for use by the local educational agency for the school district in which the school facilities are located, (2) if the State so desires, be conveyed to such local educational agency upon the making of adequate provision for repayment of advances made by the Commissioner with respect to the issue of obligations and for retirement of such issue or an agreed upon portion thereof, as provided in the agreement; and

"(d) that the payments for the use of such facilities shall be fixed, charged, and collected in amounts which will in the aggregate, together with other sums available for the purpose, provide sufficient funds to pay, to the extent payment is not otherwise provided for, (1) the annual debt service on the issue of obligations, and (2) in each year until the latest maturity date of such issue of obligations, for deposit in the supplemental reserve fund, an amount equal to one-fourth of 1 percent of the original principal amount of such issue of obligations, and (3) the cost of the maintenance, repair, replacement, and insurance of such facilities, and administrative and other expenses of the State school-financing agency in connection with such facilities or the financing thereof.

"Authorization of appropriations

"SEC. 310. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1957, and the next 2 fiscal years, such sums, not to exceed an aggregate of $150,000,000, as may be necessary to provide the initial Federal advances authorized by this title to be made to basic reserve funds.

"Period during which obligations issued

"SEC. 311. Federal advances may be made pursuant to this title only with respect to obligations issued in the period beginning July 1, 1957, and ending June 30, 1960.

"Obligations issued by Commissioner

"SEC. 312. (a) To obtain funds for additioned advances under section 305 (b), the Commissioner shall issue notes, debentures, or other obligations for purchase by the Secretary of the Treasury. The total amount of such obligations which may be outstanding at any one time shall not exceed $10,000,000; and the total amount of such obligations issued in any year may not exceed the aggregate amount needed for such additional advances for such year.

"(b) Obligations issued by the Commissioner under this section shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Commissioner, with the approval of the Secretary of the Treasury. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury after taking into consideration the current average market yields of outstanding marketable obligations of the United States having comparable maturities. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Commisioner issued under this section and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of the Commissioner's obligations hereunder. There are hereby authorized to be appropriated not to exceed $10,000,000 for payments on the principal amount plus an additional amount to pay such interest as may be due, together with repayments made by State school-financing agencies hereunder, for payments on obligations issued by the Commissioner under this section.

"Administrative provisions

"SEC. 313. (a) The Commissioner, in addition to other powers conferred by this act, shall have power to agree to modification 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.

"(b) 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.

"Suits against the United States

"SEC. 314. Any State school-financing agency with which the Commissioner has made an agreement under this title, or any holder of obligations with respect to which a reserve fund has been established under this title, may bring suit against the United Stats to enforce any duty of the Commissioner under this title or any undertaking of the Commissioner under an agreement under this title. In any action arising under this title to which the United States is a party, the district courts of the United States shall have jurisdiction, without regard to the amounts involved. Such action shall be brought in the district court of the United States for the judicial district in which the plaintiff, or any of the plaintiffs if there are more than one, resides, or has his principal place of business or, if he does not have his principal place of business within any

such judicial district, in the District Court of the United States for the District of Columbia.

"Tax exempt status of obligations

"SEC. 315. Obligations of any State school-financing agency, including interest thereon, with respect to which advances are made pursuant to this title, and income of such agency in connection with the school facilities financed by such obligations, shall be exempt from all taxes (other than estate, inheritance, and gift taxes) now or hereafter imposed by the United States.

"TITLE IV—GENERAL PROVISIONS

"Definitions

"SEC. 401. For purposes of this act—

"(a) The term 'Commissioner' means the (United States) Commissioner of Education.

"(b) The term 'State' means a State, Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands, except that for purposes of title I it also includes the District of Columbia and American Samoa.

"(c) The term 'State educational agency' means the State board of education or otner agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the governor or by State law.

"(d) The term 'State school-financing agency' means the single agency, official, governmental entity, or instrumentality of a State, designated or established by the State for purposes of title III.

"(e) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools. If a separate public authority, other than a State school-financing agency, has responsibility for the provision or maintenance of school facilities for any local educational agency or the financing of the construction thereof, such term includes such other authority.

"(f) The term 'school facilities,' except as otherwise provided in this paragraph, means classrooms and related facilities (including initial equipment, machinery, and utilities necessary or appropriate for school purposes), for education which is provided as elementary or secondary education, in the applicable State, at public expense and under public supervision and direction; and interests in land (including site, grading, and improvement) on which such facilities are constructed. Such term does not include athletic stadia, or other structures or facilities, intended primarily for events, such as athletic exhibitions, contests, or games, for which admission is to be charged to the general public. For purposes of title I, such term does not include interests in land, off-site improvements, or structures or facilities designed to be used exclusively for special activities, such as single-purpose auditoriums and gymnasiums.

"(g) The terms 'constructing' and 'construction' mean the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

"(h) The term 'annual debt service' means the aggregate amount required to pay the interest on and principal of each issue of obligations becoming due in each successive 12-month period designated in accordance with the agreement under title III.

"(i) The term 'school-age population' means that part of the population which is between the ages of 5 and 17, both inclusive, and such school-age population for the several States shall be determined by the Commissioner on the basis of the population between such ages for the most recent year for which satisfactory data are available from the Department of Commerce.

"Utilization of other agencies

"SEC. 402. In administering the provisions of this act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and, without regard to section 3709, as amended, of the Revised Statutes, of any other public or nonprofit agency or institution, in accordance with agreements between the Secretary of Health, Education, and Welfare and the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon by the Secretary and the head of the agency or institution concerned.

"Appropriation for administration

"SEC. 403. There are hereby authorized to be appropriated for each fiscal year to the Department of Health, Education, and Welfare such sums as may be necessary for administration of this act.

"Delegation of functions

"SEC. 404. The Commissioner may delegate to any officer or employee of the Office of Education any of his functions under this act except the making of regulations.

"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."

Mr. MORANO (interrupting the reading of the amendment). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORANO. Does the reading of this amendment affect the time that has been fixed, or do we have to quit debating at 10 minutes to 4?

The CHAIRMAN. It certainly does not, because the time was fixed.

Mr. MORANO. Even though the reading of this amendment might take up to 10 minutes to 4?

The CHAIRMAN. The gentleman is correct. The time was fixed by motion.

Mr. MORANO. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

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

Mr. HOFFMAN. I object, Mr. Chairman.

Mr. Chairman, at the request of the leadership on this side, I ask unanimous consent to withdraw my objection.

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

Mr. HAYS of Ohio. I object, Mr. Chairman.

Mr. RHODES of Arizona (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

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

Mr. HAYS of Ohio. I object, Mr. Chairman.

Mr. AYRES (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. AYRES. Mr. Chairman, what this amendment does is strike out title I and insert the identical bill that the administration proposed, through Congressman McCONNELL, in the last session of Congress. This is the bill that the President was for. This is the bill that he advocated in the last session. This is the bill, in my judgment, after having talked with him at a breakfast at the White House, his heart is really in.

The principles of the bill are first, that Federal funds be distributed according to relative need.

Second, that Federal grants must not reduce incentive for State and community effort, but must stimulate such effort, thereby resulting in additional classroom construction over the 3-year period.

Third, that State governments should participate in financing school construction, thereby demonstrating reasonable State interest in the problem of education.

And fourth, and most important, Mr. Chairman, under my substitute the program would expire during President Eisenhower's term of office. It will take affirmative action by Congress in 1960 to continue the program.

The amount of money available is the same. And in view of the fact that most of the Republicans under the leadership of the gentleman from Pennsylvania [Mr. McCONNELL] supported this provision in the last session of Congress, I feel that it is more closely allied with what President Eisenhower wants.

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

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

Mrs. CHURCH. Does the gentleman's amendment include the Powell amendment which was just passed by the Committee of the Whole?

Mr. AYRES. This does not include the Wainwright amendment. If the gentlemen on the other side are interested in getting a piece of legislation enacted into law, I suggest that they support this amendment because I have been advised that that amendment will not be offered should my amendment be adopted.

Mrs. CHURCH. There will be no way to include the Wainwright amendment or the Powell amendment if the gentleman's amendment is approved?

Mr. AYRES. I am not the Parliamentarian, but it is my belief that that amendment will not be offered to my amendment. Mr. Chairman, I hope the amendment will prevail so that we can get a Federal school-construction bill enacted and the program under way.

The CHAIRMAN. The time of the gentleman from Ohio has expired. The Chair recognizes the gentleman from Illinois [Mr. McVEY].

Mr. McVEY. Mr. Chairman, I have repeatedly said that I am opposed to

H. R. 1 as it is written. My objection to that bill is mainly concerned with title I. I see no reason why the Federal Government should not lend money to the proper agencies for the construction of schools in this country. We lend money for about every other purpose; why should we not lend money for schools?

In connection with title I, I should like to ask some responsible Member on the committee how the $1.5 billion is to be used in the construction of schools? Do you intend to relieve first the shortage of 159,000 classrooms?

Mr. METCALF. Mr. Chairman, I would be glad to answer the gentleman. The money will be distributed by the chief State school officer on the basis of need in that State.

Mr. McVEY. Just a moment, please. The gentleman does not need to explain that. I know how it is to be distributed. Does the gentleman know what it costs to build a classroom?

Mr. METCALF. Our experience has been, under Public Law 815, that it costs about $30,000 for an elementary school classroom and about $35,000 to $37,000 for a high-school classroom.

Mr. McVEY. My experience with school construction has been that it costs far less than that.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, this is adding further to the confusion today. We heard earlier from the gentleman from Indiana [Mr. HALLECK], one of the leaders on the other side, that the President was willing to compromise. The gentleman from Indiana now says that he is willing to support the bill introduced by the gentleman from Pennsylvania [Mr. McCONNELL] last year—the Ayres amendment. We have tried in committee to compromise this matter. The bill that is before the House today contains, as I said before, 85 percent, and I daresay if you compare it line for line and item for item, 90 percent of what the President asks. If, in order to get the bipartisanship we need, we must have precisely the bill the President said he wanted last year, I am willing to go along with the gentleman from Ohio [Mr. AYRES] so that we may have a school bill. I will support the amendment of the gentleman from Ohio as I want a school bill.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. BROWNSON].

Mr. BROWNSON. Mr. Chairman, should the current Federal Assistance for Schol Construction Bill become law, it will be administered by the United States Office of Education.

This office has been charged with the administration of another program in this general field for several years. That program is the Federal program for assistance for school building construction in Federally affected areas.

There are obvious parallels between this program and the legislation under consideration today. Perhaps it would be profitable to look for a few minutes at the record the United States Office of Education has made in the administration of this similar activity. An investigation of this agency's operations in that field was conducted during the period April to September 1955 by the investigating staff of the House Committee on Appropriations and published only in 1956 and then in a form which escaped general public attention in Hearings before the Subcommittee of the Committee on Appropriations, House of Representatives, 84th Congress, 2d Session.

Significant among the functions investigated was the method utilized by the United States Office of Education to determine the amount of funds, called entitlements, available to school districts in the various States. The most shocking discovery made by the Appropriations Committee staff was described on page 4 of the hearings, and I quote:

> Contrary to the law, entitlement rates for the States were not computed on the basis of actual construction cost of school facilities for the preceding year. Rates were established in some instances to appease the States. In particular, the southeastern States were given identical or similar rates to avoid ill feelings. In some instances, States were given a rate which was higher than the rate originally established for the State and accepted by the State. No reason was found for increasing the rates other than to show a closer relationship of rates between bordering States. A more realistic entitlement rate would have required greater local or State contribution. OE (the United States Office of Education) maintained actual cost figures on construction under this program which reflected that the States were constructing facilities at much lower cost per pupil than the entitlement rate. No revision in rates was made by OE to bring the entitlement into relationship with actual costs. However, OE has advised that if future legislation is enacted to continue the school construction program the entitlement for future years will be based on realistic costs.

As the Members are well aware, the program of Federal assistance for school construction in federally affected areas functions under authority of Public Law 815 of the 81st Congress, as amended by Public Law 246, 83rd Congress. Its purpose is to make Federal funds available for school construction to local school districts where Federal installations, such as military installations, have brought about an influx of schoolchildren into the district. Federally connected pupils are of three classes: (1) Those who live on Federal property with a parent employed there; (2) those who either live on Federal property or have a parent employed there; (3) those who are in the area because of some Federal activity.

Under the law, as amended, the amount of Federal funds to which an eligible school district was entitled was dependent upon the number of federally connected schoolchildren in the district, multiplied by specified percentages of the average per pupil costs of constructing minimum school facilities in the State in which the district was located. The specified percentages were 95 percent for children classified above under item "(1)"; 50 percent for children under item "(2)", and 45 percent for children under item "(3)."

Hence, it was the clear stipulation of the Congress that grants should be based upon specified percentages—45, 50, and 95 percent—of actual average construction costs in each State of minimum school facilities, multiplied by the number of federally connected school pupils in each eligible district.

Under the original law, the formula was the same except for a different percentage factor in one instance and except for the fact that the concept of minimum school facilities was based upon a regulation rather than a statutory mandate. I discuss this program today to illustrate the manner in which the United States Office of Education has discharged its responsibilities in the past. Between September 1950, and April 1955, the Congress appropriated $609 million for this program.

During the first 4 years of its existence, $498,593,466 of Federal funds were spent or dedicated for 2,440 construction projects in 47 States and 3 Territories, providing 22,659 classrooms with a combined normal capacity for 648,104 pupils.

The following conclusions, substantiated by facts revealed by the 1955 investigation by a congressional committee staff, may be drawn with respect to the first 4 years of the administration by the United States Office of Education of the Federal school construction aid program for Federally affected areas. I submit that they do have a definite bearing on our consideration of H. R. 1, before us, today.

Federal aid entitlements for most school districts were grossly exaggerated. For example—as shown by data gathered by the Office of Education—entitlements for 1951 exceeded per pupil costs by amounts varying from $49 excess over cost in Ohio to $442 excess over cost in Alabama. I have asked unanimous consent to include a table detailing these excess costs at this point in the RECORD. Practically every criticism that can be made of the program stems from this demonstrated disregard for economy and congressional intent.

State	Actual per pupil cost	Rate allowed	Excess over cost
Alabama	$628	$1,070	$442
Arizona	866	1,140	274
Arkansas	723	1,070	347
California	1,077	1,420	343
Florida	694	940	246
Georgia	827	1,070	243
Illinois	1,250	1,600	350
Indiana	830	1,250	420
Kansas	834	1,200	366
Mississippi	723	1,040	317
Missouri	818	1,080	262
New Mexico	750	950	200
North Carolina	599	1,030	431
Ohio	1,171	1,220	49
Oklahoma	757	1,010	252
South Carolina	694	1,070	376
Texas	667	1,090	423

Most of the States would have been satisfied with less Federal funds. This can be illustrated by citing several pertinent examples from the many available:

Mississippi first showed a per pupil cost of $682, accepted an offer from the Office of Education of $830 but later was given $1,040 per pupil.

Georgia finally managed to show costs of $840 per pupil—by eliminating some

of their least expensive buildings—but was allowed $1,070.

Florida officials, after some negotiaing, asked for $840 per pupil but were given $940.

California's rate was based entirely on the cost of high schools even though it was shown that elementary schools were being constructed for about $568 less per pupil.

Although buildings constructed under this program for school construction in impacted areas frequently were elaborate, complete and expensive, they still were constructed for much less than the rates allowed in 1952 by the Office of Education in granting the Federal assistance.

State	Rate allowed per pupil	Actual cost per pupil
Alabama	$1,120	$630
Arizona	1,140	855
California	1,360	1,108
Colorado	1,230	994
Florida	1,080	715
Georgia	1,120	695
Idaho	1,180	882
Illinois	1,500	1,383
Indiana	1,280	989
Iowa	1,260	840
Maryland	1,320	1,447
Michigan	1,230	1,132
Ohio	1,380	1,438
Oklahoma	1,080	767
South Carolina	1,100	731
Tennessee	1,120	1,151
Texas	1,137	709
Utah	1,150	1,261
Virginia	1,200	1,284
Washington	1,260	1,186

The Office of Education admitted that no uniform method was used to arrive at entitlement rates but attempted to justify its practice by saying that rates were partially assigned to avoid ill-feelings among the States and to avoid political repercussions. By 1953, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina had identical rates per pupil. This is the record of performance of the agency to whom the proponents of this bill would trust its administration, as revealed by House committee hearings.

No serious attempt ever was made by the Office of Education to restrict school districts to the construction of minimum facilities as required by law and Office of Education regulations. An Office of Education field representative in Ohio had the following to say in a letter to his superiors in Washington. "Without going into all details these schools come as near being complete as any I have seen and more complete than any others constructed in the area. This is not unnoticed by other school people nor by the State." Subsequent to the receipt of this letter, the Office of Education approved a building which was to cost $2,870 per pupil.

The cost of school facilities approved by the Office of Education varied considerably, even within States. In one State, Virginia, cost per square foot varied from $9.26 to $19.34; the cost per pupil varied from $527 for an elementary building to $2,778 for a high school building, and the area per pupil from 55 square feet to 149 square feet.

School districts were enabled to stretch Federal entitlements so that the Federal funds not only would pay in full for local school facilities but also would build classrooms with capacities greater than the number of federally connected children involved in the program. For example, Cobb County school district, in Georgia, was entitled to $1,771,566 to meet about 60 percent of the cost of constructing schoolbuildings for 3,022 pupils. The county received slightly less than this amount but actually constructed facilities for 3,240 pupils without cost to the local school district.

Bibb County school district, in Georgia, was allowed approximately $180,000 to construct a 5-stall schoolbus maintenance building, a bus parking shelter for 58 buses and a warehouse.

The Office of Education generally overestimated the cost of school construction, which resulted in school districts being able to construct unauthorized facilities with Federal funds. This occurred in an interesting manner which is best illustrated by detailing one example: The agency would estmate, for example, a 100,000-square-foot facility to cost $15 per square foot, or a total cost of $1,500,000. When the actual cost turned out to be only $1,300,000, the local school district had $200,000 with which to construct a gymnasium or other facility.

The Office of Education attempted to justify its lack of standards for school construction and its lack of knowledge of conditions in the various States by having State educational agencies approve building plans of its school districts. At the same time the Office of Education knew that most of the State agencies considered school construction to be a local problem and did not interfere with a school district that was trying to get the most possible from the Federal Government.

Does not the record of irresponsibility of the United States Office of Education in its administration of this small specialized Federal school construction program indicate the kind of a record that could be expected from the Office of Education in its administration of a broad general program of Federal aid for schools?

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Chairman, I was happy to hear the remarks of the gentleman from Arizona that he in order to get a school bill was willing to compromise further. That is the way I felt last year when I voted for the school construction bill, because it contained many features that I did not like.

I do believe that the amendment offered by the gentleman from Wisconsin probably is the best compromise that can be worked out. I will vote, however, for the Ayres amendment in the hope that that will be adopted. I will then vote for the Tewes amendment. If neither one of those carries, I still will vote for the school construction bill because I believe we have a serious need in our country and there must be some way we have to go about meeting it.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. MAY].

Mr. MAY. Mr. Chairman, when I offered my amendment earlier I was unaware of the possibility of a point of order. That has been corrected. I should like to say to the Chairman that I feel I still have the best compromise to this school construction situation here in the House today. Depending on the results of the votes on these amendments that are pending now, I still intend to offer my solution which I believe sincerely will appeal to all sections of the United States and will help to enact this law.

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

Mr. CHAMBERLAIN. Mr. Chairman, I would like to associate myself with those supporting the Tewes amendment. I am for Federal aid for education to help our school systems where the need is the greatest. I am confident that the amendment offered by the gentleman from Wisconsin [Mr. TEWES] will do just that by relying on the remaining portion of the bill authorizing the purchase by the Federal Government of the obligations of these needy school districts. I am fearful that if we do not accept this amendment we may end up without any acceptable legislation on this important issue.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. METCALF].

Mr. METCALF. Mr. Chairman, like my colleague, the gentleman from Arizona [Mr. UDALL], I feel that we need to get a school bill. I have compromised as much as 75 percent of the way, and I see no reason why I should not compromise the whole 100 percent of the way. I accept the Eisenhower bill in its entirety. I, too, support the Ayres amendment. I would be opposed to the Tewes amendment. It would knock out all the grants which most of us feel is the most important part of the bill, and it would knock out of the bill the provision for the State matching out of State funds, which is the only way to make this an emergency program and to provide that this program will ultimately come to an end and that the States will take over the burden of helping build schools for local communities that do not have the financial resources to build schools themselves. But let us build schools with Federal funds now, and let the State take over full responsibility for assistance later.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, as I understand the parliamentary situation, the Ayres amendment is before the Committee, and it eliminates the revised Powell amendment. If this amendment expresses the views of the President in order to get a school bill, I certainly feel that all the Members of the House who want a school bill now should compromise all the way with the President so that there can no longer be any further excuse, and take this amendment in order that we may accomplish something.

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

Mr. PERKINS. I yield.

Mr. DIXON. Mr. Chairman, I congratulate the gentleman on standing up for our school children first. The gentleman is taking a wonderful position.

Mr. PERKINS. I certainly hope that the gentleman on my left will deliver us some votes and pass this bill. I have always believed in a distribution of funds on the basis of need.

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

Mr. PERKINS. I yield.

Mr. ELLIOTT. Mr. Chairman, I join with my esteemed colleague from Kentucky in the expression which he has just made, and I am happy to state that I will support the Ayres amendment, which he has discussed. The gentleman from Kentucky [Mr. PERKINS] and I have both stood four-square through the years, as we have studied this matter, for a distribution of school construction grants on the basis of need. It is my recollection that he and I have sponsored identical bills doing just what the Ayres amendment seeks to do. I recognize that our Committee on Education and Labor agreed upon title I of the committee's bill. However, that bill has now been doctored up with the Wainwright amendment, and as I have consistently stated on the floor of the House and in the committee, I cannot vote for the passage of any bill that contains the Wainwright amendment. So, I am happy to join the gentleman from Kentucky [Mr. PERKINS], and the others who have signified a like mind in the support of the Ayres amendment, which embodies the need formula which I have supported through the years. This is the formula commonly known as the Hill-Burton formula, a formula which was originally developed, legislatively, by Alabama's great senior Senator [LISTER HILL]. So, I would like to state that the Hill formula for the distribution of the grants, as contained in the Ayres amendment, will be even more helpful to Alabama than would the grants under the commmittee bill. There would be more money. In addition, and this is of the utmost importance so far as I am concerned, we have been assured that the gentleman from New York [Mr. WAINWRIGHT] will not offer his Wainwright or Powell-type amendment to the Ayres amendment.

Mr. PERKINS. I thank the gentleman from Alabama [Mr. ELLIOTT], who has contributed so much in committee to this legislation. He like myself has sponsored school-construction legislation, containing the original Hill formula, providing for the disbursement of funds on the basis of need.

Mr. Chairman, this amendment takes into consideration the per capita income, the number of children, and the effort. All of us agree that the principle of disbursement is good. In fact, I voted with the gentleman from Pennsylvania last year, but in order to try to find out just how we are getting along here, I would like to ask the gentleman from Pennsylvania [Mr. MCCONNELL] is he supporting the amendment?

Mr. MCCONNELL. I would be very pleased to support the amendment. I have favored this type of formula for some time. I certainly appreciate the spirit shown on the other side, that they are willing to go all this way with us.

Mr. PERKINS. I certainly hope we can forget about the so-called Powell amendment or the Wainwright amendment from here on out, and pass this bill.

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

Mr. PERKINS. I yield to the gentleman from California.

Mr. ROOSEVELT. I associate myself with the gentleman's remarks. I think this is the proper way to do it. I think this is the way to get a school bill and I support him fully.

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

Mr. PERKINS. I yield to the gentleman from South Dakota.

Mr. MCGOVERN. I also want to associate myself with the remarks of the gentleman and support him wholeheartedly.

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

Mr. CORBETT. Mr. Chairman, I am very happy that we now find ourselves in this parliamentary situation. If we are in support of the President's program, we can support the Ayres amendment. We are now in a clean-cut parliamentary situation and those who are for school aid and the President's program can support the Ayres amendment. If they feel that bill cannot be passed or they object to it, we can revert to the Tewes amendment and vote for a loan program. It is excellent that we have reached a situation where the chips are down, and I hope that either of these two amendments prevail and become the law that we pass to the other body.

Mr. JUDD. Mr. Chairman, the Ayres substitute amendment to title I provides the real way to meet the problem of those areas in our country that have need for Federal help in constructing school facilities because: First, they have unusually large or rapidly growing school-age populations; second, they are doing the best they can with their own resources; but third, their own resources are not adequate to enable them to meet their needs.

This is the same amendment many of us voted for last year, in the Committee of the Whole and in the motion to recommit. It is the bill that the President has favored from the beginning. But it was rejected last year by those who supported the principle in the Kelley bill of giving the same amount of aid to all—whether they need it or not.

The committee bill this year goes half way—it gives half the grant aid on the equalization principle in the Ayres substitute, and half according to the principle in the Kelley bill.

But why should any Federal aid for school construction be given on the Kelley principle—the same to the richest areas as to the poorest? It is said to be a simple way. Well, it would be simpler for a doctor to give the same prescription to every patient, no matter what his disease. But is that the right way to cure his trouble?

It would be simple to try to meet the need of hungry people by going down the street passing out $20 bills to all persons met, no matter what the state of their finances. But would that solve the problem?

Mr. Chairman, I must oppose title I as it is in the committee bill. The more aid that goes to the districts that do not need it, the less there will be for the children in the districts that do need it. The Ayres amendment is the right way to do the job. If we adopt it now, we will have a sound school construction bill, based on the three essential factors—need, capacity, and effort. And such a bill can become law. I urge the adoption of this amendment—so that, if Federal aid is to be given, it will go to those that need it most, and not to those who need it least or do not need it at all.

Mr. SMITH of Virginia. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. SMITH of Virginia moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. SMITH of Virginia. Mr. Chairman, I make this motion seriously at this time. Frequently such a motion is offered for the purpose of obtaining time for debate. I offer it in the hope that the motion will now be adopted. We have spent a great many hours on this matter. I am quite sure from what I have heard of the debate that the Members are ready to dispose of this matter and be done with it.

I hope that now the Committee will adopt this motion and strike the enacting clause from the bill and let us be through with this rather futile debate.

I hope that the Members will dispose of this matter on this motion. The time is right for it. Let us have a vote.

Mr. UDALL. Mr. Chairman, I rise in opposition to the motion. I do not want to take the full time. The purpose of this maneuver is quite obvious. Finally, after 2 years thrashing around on this thing we have reached an agreement. We on this side have decided to go all the way with the President, cross every "t" and dot every "i" and go down the line with precisely what the President wants. We can join hands with you. We have obviously worked out a working agreement. It is feasible in this body. We can pass a school bill today. Therefore, the purpose of this motion is to derail this new coalition that we have.

I ask that the motion be defeated.

The CHAIRMAN. The question is on the motion offered by the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. SMITH of Virginia and Mr. UDALL as tellers.

The Committee divided, and the tellers reported that there were—ayes 153, noes 126.

So 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 directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out.

Mr. BAILEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 208, nays 203, not voting 21, as follows:

[Roll No. 154]

YEAS—208

Abbitt	Gary	Passman
Abernethy	Gathings	Patman
Adair	Gavin	Pilcher
Alexander	Gregory	Pillion
Alger	Gross	Poage
Allen, Ill.	Gwinn	Poff
Andersen, H. Carl	Haley	Radwan
	Halleck	Ray
Andresen, August H.	Harden	Reed
	Hardy	Rees, Kans.
Arends	Harris	Riley
Ashmore	Harrison, Nebr.	Rivers
Barden	Harrison, Va.	Robeson, Va.
Bass, Tenn.	Hébert	Rogers, Fla.
Bates	Hemphill	Rogers, Tex.
Baumhart	Henderson	Rutherford
Becker	Herlong	Sadlak
Beckworth	Hess	St. George
Belcher	Hiestand	Saylor
Bennett, Fla.	Hoeven	Schenck
Bentley	Hoffman	Scherer
Berry	Holt	Scott, N. C.
Betts	Hosmer	Scrivner
Blitch	Hull	Scudder
Boggs	Hyde	Selden
Bonner	Ikard	Shuford
Bosch	Jackson	Sikes
Bow	James	Simpson, Ill.
Bray	Jenkins	Simpson, Pa.
Brooks, La.	Jennings	Smith, Calif.
Brooks, Tex.	Jensen	Smith, Kans.
Brown, Ga.	Johansen	Smith, Miss.
Brown, Ohio	Jonas	Smith, Va.
Brownson	Keating	Smith, Wis.
Broyhill	Keeney	Spence
Budge	Kilburn	Springer
Burleson	Kilday	Stauffer
Byrne, Ill.	Kilgore	Taber
Cannon	Kitchin	Talle
Cederberg	Krueger	Taylor
Chelf	Landrum	Teague, Calif.
Chiperfield	Lanham	Teague, Tex.
Church	LeCompte	Thomas
Clevenger	Lennon	Thompson, La.
Cole	Lipscomb	Thompson, Tex.
Collier	Long	Thomson, Wyo.
Colmer	Loser	Thornberry
Cooley	McCulloch	Tuck
Cooper	McDonough	Utt
Cramer	McGregor	Van Pelt
Cunningham, Nebr.	McMillan	Vinson
	McVey	Vorys
Dague	Mahon	Vursell
Davis, Ga.	Marshall	Wainwright
Davis, Tenn.	Mason	Walter
Dennison	Matthews	Watts
Derounian	Meader	Weaver
Devereux	Michel	Wharton
Dies	Miller, Md.	Whitener
Dooley	Miller, Nebr.	Whitten
Dorn, S. C.	Miller, N. Y.	Williams, Miss.
Dowdy	Mills	Williams, N. Y.
Durham	Minshall	Willis
Fallon	Morrison	Wilson, Calif.
Fascell	Murray	Wilson, Ind.
Feighan	Neal	Winstead
Fisher	Nicholson	Wright
Flynt	Norrell	Young
Forrester	O'Hara, Minn.	Younger
Fountain	O'Neill	
Frazier	Ostertag	

NAYS—203

Addonizio	Flood	Morano
Albert	Fogarty	Morgan
Allen, Calif.	Forand	Morris
Anderson, Mont.	Ford	Moss
	Frelinghuysen	Moulder
Andrews	Friedel	Multer
Ashley	Fulton	Mumma
Aspinall	Garmatz	Natcher
Auchincloss	Gordon	Nimtz
Ayres	Granahan	Norblad
Bailey	Grant	O'Brien, Ill.
Baker	Gray	O'Brien, N. Y.
Baldwin	Green, Oreg.	O'Hara, Ill.
Baring	Green, Pa.	Osmers
Barrett	Griffin	Patterson
Bass, N. H.	Griffiths	Pelly
Bennett, Mich.	Gubser	Perkins
Blatnik	Hagen	Pfost
Boland	Hale	Philbin
Bolling	Haskell	Polk
Bolton	Hays, Ark.	Porter
Boyle	Hays, Ohio	Price
Breeding	Healey	Prouty
Broomfield	Heselton	Rabaut
Brown, Mo.	Hill	Rains
Burdick	Holifield	Reece, Tenn.
Byrd	Holland	Reuss
Byrne, Pa.	Holmes	Rhodes, Ariz.
Byrnes, Wis.	Horan	Rhodes, Pa.
Canfield	Huddleston	Riehlman
Carnahan	Jarman	Roberts
Carrigg	Johnson	Robsion, Ky
Celler	Jones, Ala.	Rodino
Chamberlain	Jones, Mo.	Rogers, Colo.
Chenoweth	Judd	Rogers, Mass.
Christopher	Karsten	Rooney
Chudoff	Kean	Roosevelt
Clark	Kearns	Santangelo
Coad	Kee	Saund
Coffin	Kelley, Pa.	Schwengel
Corbett	Kelly, N. Y.	Scott, Pa.
Coudert	Keogh	Seely-Brown
Cretella	King	Sheehan
Cunningham, Iowa	Kirwan	Shelley
	Knutson	Sheppard
Curtin	Laird	Sieminski
Curtis, Mass.	Lane	Siler
Curtis, Mo.	Lankford	Sisk
Dawson, Ill.	Latham	Staggers
Dawson, Utah	Lesinski	Steed
Delaney	McCarthy	Sullivan
Dellay	McConnell	Tewes
Dempsey	McCormack	Thompson, N. J.
Denton	McFall	Tollefson
Diggs	McGovern	Trimble
Dingell	McIntosh	Udall
Dixon	Macdonald	Ullman
Dollinger	Machrowicz	Vanik
Donohue	Mack, Ill.	Van Zandt
Dorn, N. Y.	Mack, Wash.	Westland
Doyle	Madden	Wier
Dwyer	Magnuson	Wigglesworth
Eberharter	Martin	Withrow
Edmondson	May	Wolverton
Elliott	Merrow	Yates
Engle	Metcalf	Zablocki
Farbstein	Miller, Calif.	Zelenko
Fenton	Montoya	
Fino	Moore	

NOT VOTING—21

Anfuso	George	McIntire
Avery	Harvey	Mailliard
Beamer	Hillings	O'Konski
Boykin	Holtzman	Powell
Buckley	Kearney	Preston
Bush	Kluczynski	Teller
Evins	Knox	Widnall

So the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Preston for, with Mr. Buckley against.

Mr. Evins for, with Mr. Holtzman against.

Mr. Kearney for, with Mr. Anfuso against.

Mr. Hillings for, with Mr. Widnall against.

Mr. Beamer for, with Mr. Mailliard against.

Mr. McIntire for, with Mr. O'Konski against.

Mr. Harvey for, with Mr. Kluczynski against.

Mr. Avery for, with Mr. Powell against.

Until further notice:

Mr. Boykin with Mr. Knox.

Mr. Teller with Mr. Bush.

Mr. REES of Kansas changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

THREE HUNDRED AND FIFTIETH ANNIVERSARY OF THE FOUNDING OF JAMESTOWN, VA.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 27, 85th Congress, the Chair appoints as Members of the joint committee to represent the Congress at the 350th anniversary of the founding of Jamestown, Va., the following Members on the part of the House: Mr. MILLER of California, Mr. ROBESON of Virginia, Mr. KILGORE, Mr. POFF, and Mr. MOORE.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to secure the program for next week.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. May I say before answering the question directly that we have some time left and there is a bill that will not take long, which will be called up.

Mr. MARTIN. There will be no session tomorrow?

Mr. McCORMACK. No. Next week Monday to Saturday is as follows:

H. R. 3233, to amend section 22 of the Interstate Commerce Act.

H. R. 3753, agriculture, homesteaders and desertland entrymen.

House Resolution 316, investigations, Interstate and Foreign Commerce Committee. That is to give them authorization to go outside of continental United States.

S. 1856, the Airways Modernization Act of 1957.

H. R. 2147, Federal reclamation project, San Angelo, Tex.

H. R. 8643, authorization for improvements of Niagara River project. The gentleman from New York [Mr. BUCKLEY] specifically asked me to program this bill for next week.

H. R. 6763, the Potomac River tunnel bill.

H. R. 8456, agriculture, wheat for on-farm consumption.

H. R. 7244, meat-production program relative to agriculture.

The usual reservations that any further program will be announced later and that conference reports may be called up at any time.

Mr. MARTIN. Is it proposed to call them up in the order in which the gentleman has enumerated them?

Mr. McCORMACK. It is the intention to adhere to that program quite strictly.

Mr. MARTIN. Monday is not suspension day?

Mr. McCORMACK. No. However, Tuesday is Private Calendar day. There was a special order obtained for consideration of the Private Calendar on next Tuesday.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next week be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that the membership may have 5 legislative days in which to revise and extend their remarks on the bill H. R. 1.

The SPEAKER. Is there objection?

There was no objection.

THE WAINWRIGHT AMENDMENT

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, the sudden and abrupt end of further consideration of the school-construction bill, H. R. 1, prevented me from fulfilling my announced purpose of more fully explaining my reasons for opposing the so-called Wainwright amendment. The result of the vote clearly illustrates what I previously felt and what we all now know. The needs of schoolchildren have been trampled upon by inept leadership by the President and outright opposition by a vast majority of the Republicans recorded. The vote on the Democratic side is a striking contrast. Obviously, the strategy of attempting to put a civil-rights issue in this bill was spearheaded by avowed opponents of school aid. Last year the gentleman from New York [Mr. POWELL] was at least in support of the bill. This year no effort was made to even follow his amendment. Last year I had not fully reviewed the alternatives available to Members interested in civil-rights legislation. Certainly I had not fully realized the diabolical manner in which reactionary opponents of liberal measures would use it to defeat such measures. There are these courses open to those of us who believe so strongly in civil rights: First, restrict our efforts to outright civil-rights legislation; second, work for civil-rights legislation directly and indirectly by riders attached to other pertinent legislation such as school bills, housing bills, and so forth; and third, use a combination of the first two courses and apply it only to a selected few of the non-civil-rights bills. Under a normal situation, the last two courses do not appeal to me as being sound legislative practice, for they inevitably must detract from the basic purpose of bills such as housing, school aid, and so forth. It is primarily for this reason and in this spirit that I decided this year to try to test the sincerity of those who give lipservice to civil-rights measures and then use it to completely destroy all progress. At this point I should acknowledge the courage and forthrightness of certain Members who, while they opposed the Wainwright amendment, had the courage to vote for the bill itself by refusing to vote to kill the bill. On the other hand, the Republican leadership and the results of today's vote have given many of us much to think about in the days to come and especially on the problems within our own party. In the immediate future I shall watch the development of certain events in the other body with great interest, for certainly having tried to adopt a middle course in all sincerity and having seen it so utterly ineffective, it may well be time to consider an all-out effort for civil rights by every attainable legislative means.

IMPROVEMENT OF FEED GRAIN PROGRAM

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. McGOVERN. Mr. Speaker, about 10 days ago Agriculture Secretary Benson set forth in a report to the Senate methods that he believed would improve the feed grain program.

Every farmer in America can tell you that the feed grain program needs a great deal of improvement—along with the remainder of the farm programs. But it is obvious from the United Press news story of July 22, which I wish to have reproduced in the RECORD at this point and from the Secretary's recommendations as well, that Mr. Benson's concept of the word "improvement" is somewhat unusual to say the least.

The United Press news story is as follows:

The Eisenhower administration apparently has junked parity as a yardstick for measuring the well-being of farmers.

Administration farm planners believe parity, long used to compare farm income with the earnings of other groups, does not give an accurate picture of the farmer's financial status.

Parity prices are calculated to show how much farmers should be paid for their products to assure them the same income they had during a theoretically normal period in the past.

But Agriculture Secretary Benson indicated in a statement in his grain policy report to the Senate last week that he and his aides put little faith in the parity formula.

The report said incomes of grain growers and livestock feeders should be kept, "if possible," on a par with incomes of others who invest the same amount of capital, labor, and management skill.

But "no single satisfactory statistical measurement of such a level has been developed," the report added.

Instead of setting a formal goal for farm price levels, the report indicates the administration would leave it up to farmers to decide whether their incomes are satisfactory or not—and whether farm income prospects are attractive enough to keep them farming.

"Farmers themselves are in a good position to make this measurement (a comparison with other economic groups) individually, for their own special circumstances, and to make decisions in accordance with their own judgments," the report said.

By his own admission in the report itself, the Secretary said that "with more moderate price supports, prices of feed grain and incomes to some commercial feed grain producers would be some lower" and further that "livestock production would likely be increased in the immediate future, and there would be the possibility that slightly lower livestock prices might result."

One can only conclude that further deterioration of the farm economy and increased hardship among farm families represents improvement to the Agriculture Secretary.

It is impossible to read the news account that I referred to a moment ago, without being sharply reminded of the similarity between Secretary Benson and former President Calvin Coolidge.

It was President Coolidge who first opined that farmers have never made money and that it would be futile to expend Government energies in an effort to bring economic justice to farm families. Coolidge acidly rejected the McNary-Haugen bill and all legislation which would have dealt effectively with that chronic problem of agriculture—low prices. And thereby he contributed greatly to the great depression that culminated a few years after he left office. We have almost a replay of that same tragic situation today.

It has taken the Eisenhower administration less than 5 years to make a 180-degree political switch, that began with the golden promise of full parity to farmers, on that autumn day in Brookings, S. Dak., during the presidential campaign of 1952. Now the chief agricultural spokesman of the man who made that promise, not only proposes to drop the supports which once brought prosperity to American farms, but he seeks to junk the parity formula principle itself, which his party so earnestly embraced on the campaign trails of rural America.

He says parity is obsolete. And what does he offer in return? The simple adage that when you go broke, then you ought to get out of farming. What a sad reminder of the days when farmers enjoyed the friendship and sympathy of an executive branch of government, along with the rest of America.

Mr. Benson's logic would have the carpenter throw away his rule and square and construct his buildings on guesswork. It would have the banker loan his money in the hope that the borrower would pay him some interest along with the principal. The merchant would lay his wares on the counter and thankfully accept any price offered to him by the buyer.

Can anyone conceive of any businessman adopting such a ridiculous practice? Of course not. But this is exactly what Benson is proposing for the farmers of America.

The Secretary alludes, if unconvincingly, to the fact that incomes of grain growers and livestock feeders should be kept, if possible, on a par with others who invest the same amount of capital, labor and management know-how.

I fear however, that the Secretary's measurement of equality is that which is mirrored in the hourly return operators of our commercial family-operated farms received in 1955, as outlined in the most recent bulletin by the Department of Agriculture on this matter, entiled "Farm Cost and Returns, 1955." It is Agricultural Information Bulletin No. 15B, and I wish to insert in the record the table from page 28 of this report.

Mr. Speaker, the farmers of America have been deprived of $4½ billion in net income since 1952. Is it not time we returned prosperity to the farms and Main Street of rural America by establishing a farm program that will give them a fair return for their work and investment?

TABLE 2.—*Net farm income and return per hour to operator and family labor, commercial family-operated farms, by type, 1955 with comparisons*

Type of farm and location	Net farm income						Return per hour to operator and family labor [1]					
	Average		1952	1953	1954	1955 [2]	Average		1952	1953	1954	1955 [2]
	1937–41	1947–49					1937–41	1947–49				
Dairy farms:												
Central Northeast	$960	$3,892	$3,956	$3,493	$3,735	$4,433	$0.13	$0.69	$0.66	$0.54	$0.63	$0.81
Eastern Wisconsin	1,469	4,365	4,585	3,760	3,219	2,839	.18	.68	.68	.50	.38	.30
Western Wisconsin	1,236	3,284	3,825	3,159	2,382	2,404	.18	.56	.66	.53	.33	.35
Corn Belt farms:												
Hog-dairy	1,512	5,639	6,211	6,027	6,379	4,189	.22	1.12	1.11	1.04	1.13	.52
Hog-beef raising	928	3,370	4,457	3,357	2,945	2,986	.15	.74	.84	.49	.40	.37
Hog-beef fattening	2,520	10,665	8,787	7,055	8,833	3,862	.46	2.28	1.56	1.09	1.76	.24
Cash grain	2,627	8,930	9,248	7,471	8,393	6,367	.41	2.08	1.81	1.18	1.56	.74
Tobacco farms:												
Tobacco-livestock (Kentucky)	1,192	3,334	3,976	3,457	3,439	2,850	.25	.86	.93	.79	.78	.60
Tobacco-cotton (North Carolina)	(3)	3,208	3,238	3,240	2,927	3,289	(3)	.75	.65	.68	.58	.73
Tobacco farm (small)	(3)	2,354	2,391	2,611	2,380	2,706	(3)	.58	.52	.62	.54	.65
Tobacco-cotton farms (large)	(3)	3,923	3,968	4,042	3,326	4,037	(3)	.75	.57	.61	.39	.65
Cotton farms:												
Southern Piedmont	495	1,565	2,129	1,918	1,438	2,240	.09	.34	.47	.37	.22	.51
Black Prairie, Tex	1,019	3,090	3,017	3,695	1,894	2,972	.20	.82	.64	.89	.21	.30
High Plains, Tex. (nonirrigated)	1,675	6,411	2,188	−640	4,206	2,714	.47	2.50	−.21	−1.38	1.10	.39
High Plains, Tex. (irrigated)	(3)	10,761	12,583	8,448	13,205	8,592	(3)	3.76	3.71	1.92	3.80	1.77
Delta:												
Small	(3)	1,923	1,963	2,073	1,581	2,070	(3)	.58	.56	.58	.41	.54
Large scale	(3)	20,465	24,948	24,668	16,943	24,353	(4)	(4)	(4)	(4)	(4)	(4)
Spring wheat farms (Northern Plains):												
Wheat small grain livestock	872	6,323	3,702	4,075	2,263	5,800	.13	2.07	.51	.68	.01	1.36
Wheat corn livestock	1,127	5,972	2,782	4,302	3,429	2,318	.18	1.40	.11	.61	.36	.03
Wheat roughage livestock	533	5,370	2,355	4,755	2,894	4,119	.06	1.49	.06	.84	.27	.63
Winter wheat farms:												
Southern Plains	1,174	10,017	14,502	4,961	7,330	5,112	.13	3.20	4.10	.57	1.74	.67
Wheat-pea (Washington and Idaho)	2,764	11,864	14,210	14,705	16,515	10,412	.49	3.44	3.71	3.69	4.27	1.37
Sheep ranches:												
Northern Plains	2,734	6,908	5,890	5,287	4,299	4,186	.34	.79	−.03	.11	−.03	−.06
Southwest	(3)	5,224	1,292	772	955	3,303	(3)	−.31	−3.43	−3.51	−3.09	−2.30
Cattle ranches:												
Northern Plains	980	6,466	5,942	4,216	3,625	2,544	−.04	.96	.35	.02	−.03	−.37
Intermountain region	2,892	8,665	10,984	5,324	4,481	4,518	.29	1.37	1.61	.39	.34	.32
Southwest	(3)	5,698	1,134	−490	323	3,121	(3)	.31	−2.84	−3.43	−2.59	−1.52

[1] Net farm income less a charge for the use of capital, divided by hours of operator and family labor.
[2] Preliminary.
[3] Not available.
[4] Not applicable.

CENSORSHIP BY BROADCASTING COMPANIES

Mr. CHELF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. CHELF. Mr. Speaker, it has just come to my attention that the songs written by that great and outstanding composer, Stephen Collins Foster, most especially Swanee River, My Old Kentucky Home, and Ole Black Joe, three magnificent, beautiful, sweet, and lovely old songs, have been censored, and if not rewritten, they are to be banned from the air by the three big networks: ABC, NBC, and CBS. Mr. Foster L. Barnes, superintendent of Florida's Stephen Foster Memorial, states "We have checked with the network officials and have found that reference to 'darkies,' 'massa,' 'mammy,' 'colored man,' and 'Ole Black Joe' are now taboo."

Mr. Speaker, just 28 miles from my hometown of Lebanon, Ky., there is located on Federal Hill in famous Bardstown, Nelson County, Ky., My Old Kentucky Home. This spacious, beautiful, colorful, impressive building was constructed in 1795 by Judge John Rowen. It was here in the year of 1852 that Stephen Collins Foster, of Pittsburgh, Pa., a relative and a guest of Judge Rowen, while visiting there became so inspired with the folklore, tradition, the customs, the hospitality, gracious living, the loveliness, and beauty of the surrounding country, the native Kentuckians and the happy, friendly, carefree, God-fearing, God-loving, industrious colored folks that he was inspired to pen the immortal lines of My Old Kentucky Home. He was so enthralled and enchanted by this picturesque country that from his point of vantage on this high hill, overlooking the good Lord's own great beauty, he feasted his eyes on the matchless scenic wonder of the gentle rolling hills, the lazy, easy flowing brooks of clear, fresh, sparkling water and the magnificent, colorful meadows lying like gigantic, velvet carpets below in the rich, fertile valleys. His artistic soul saw fields of famous bluegrass and acres of rich silky tobacco, tall green corn, and ripe golden wheat, bounded by old stone fences built by hand labor almost 60 years prior to his visit. The deep brown of the aging stone fence was to his sensitive and delicate soul a proper setting for the fusion of flowers which tenderly hugged it.

Mr. Speaker, I am sure that while Stephen Collins Foster was a guest of Judge Rowen, there in old Bardstown, Ky., that he traveled on over to Hodgenville, the birthplace of Abraham Lincoln and then on down to Fairview, the birthplace of Jefferson Davis. At that particular time, I am certain, that it did not occur to Foster that these two distinguished sons of Kentucky later were to be privileged to serve simultaneously as President of the United States and as President of the Southern Confederacy between the years of 1861 and 1865. And in Foster's quest for more background in order to get the complete local setting for his composition of these now famous folksongs known and loved the world over, I am reasonably sure that he must have ridden a fine Kentucky saddle horse down to Mammoth Cave, the place that Irvin S. Cobb said was "An open mouth to proclaim the glories of Kentucky, and an open door to her hospitality."

Mr. Speaker, I am sure also that while Stephen Collins Foster was on his sojourn in Kentucky, that his mind must have gone back to the days when Daniel Boone and other early scouts and Indian fighters blazed the trail into Kentucky in the year 1775. In his mind's eye he must have envisioned these intrepid pioneers coming through Cumberland Gap armed only with the Virginia statute book, the Holy Bible and a squirrel rifle. I feel sure he saw in his daydreaming the sturdy and stoic pioneer people of Kentucky, such as Jane Todd Crawford, who after having completed a 60-mile horseback ride, arrived in Danville, Ky., and there without anesthetic, which was unknown at the time, subjected herself to a very dangerous operation, which was performed by that famous Kentucky doctor, Ephram McDowell, which absolutely revolutionized the medical profession.

Stephen Collins Foster, the only composer in American history ever to be elected to the Hall of Fame, in an effort to capture, to protect, and to forever preserve for posterity, penned the immortal lines of these beautiful, magnificent, old folksongs. By doing so he contributed greatly to our American heritage. Through this medium he unwittingly became the moving force, not only of Kentuckians everywhere, but all Americans on foreign soil, wherever they may be found. My Old Kentucky Home is their home, no matter where they may reside. It is a symbol of our American way of life.

Mr. Speaker, for over 100 years now people all over the world have loved, respected, and enjoyed Foster's delightful melodies. And at no time has anybody ever dared to say that he intended these songs to be a detriment, a reflection, an affront, a vilification, or an abuse to the colored race or to any other race. Why, he meant to honor our colored folks and he did so sincerely and conscientiously with all of the artistic ability at his command. If we follow the same logic and reasoning of the networks in banning Swanee River and My Old Kentucky Home from the air, then we may have to change the name of The White House because this might conceivably be classified as discrimination.

It would appear that there is more to this ban than meets the eye. Who is behind this decree—this pious decision? Might it not be an insult to our fine American Indians if that old ballad known as Red Wing were sung over the air waves? It makes just about as much sense, banning My Old Kentucky Home and Swanee River as it would be to ban that beautiful old song Mother Machree on the basis that it might be insulting to our fine Irish people. According to the networks philosophy and their line of reasoning, Chinatown, My Chinatown ought to be banned because it might offend the many fine Chinese people residing in the United States. On the same theory Silver Threads Among the Gold ought to go for fear it might be an affront to the elderly people of this great country. Why, Mr. Speaker to say that My Old Kentucky Home and Swanee River either or both of them were written by a prejudiced, narrow mind, calculated to harm, to hurt, or to embarrass any of our people would be like saying that Kentucky had no blue grass or thoroughbreds; that Boston had no Paul Revere or Old North Church; that a ball game had no umpire and no "rhubarb"; that a hot dog had no mustard or a bun; or that the American flag had no stars and stripes, or any red, white, and blue.

Whenever any group of people in this Nation or any other nation for that matter, take it upon themselves to set up rules and regulations by and through which they can arbitrarily control what songs shall or shall not be heard—and get away with it—then they can censor speech, censor religion, censor or even control the press. Hitler got his start doing things this way—now Russia does it via a 1957 version because the Kremlin controls all media of communication.

I simply cannot believe that any organization in America that is basically and fundamentally pro-American or real American would ever have the temerity or the intestinal fortitude to either request or insist that any broadcasting agency refrain from broadcasting songs that are basically and fundamentally a part of America. Those who would seek to destroy America from within would want to prevent the enjoyment of these beautiful, melodious, gentle folksongs by all our people. To tell you the truth, these three networks must scare mighty easily. I will bet that if the truth were known they have on file about as much evidence, with about as much weight to it, as the glue on a fresh licked second-hand postage stamp. For anybody to say that the words of that beautiful old folksong Swanee River, and the gentle, kind, sympathetic, heartwarming, refreshing, dedicated words, penned by Foster, to that melodious tune, known as My Old Kentucky Home—the State song of my beloved Kentucky—are detrimental or harmful to the colored race or to any race, contains about as much fact and truth as the gold fillings that are to be found in the teeth of a dead dickeybird.

Mr. Speaker, I hope that in the final analysis this prohibition against the broadcasting of these two splendid old songs and others, will soon fade like the dye in grandpa's beard—or go out like Lottie on an Easter Sunday strut.

For the past 83 years now, there has been a race of thoroughbreds of this great Nation, held on the first Saturday of each May in Louisville, Ky., at its famous Churchill Downs. This little race is known throughout the world as the Kentucky Derby. While it is true that there are seldom more than 100,000 people present, nevertheless the crowd on this festive and memorable day, comes from the 48 States and many foreign countries. During the past 83 years just prior to the running of the Kentucky Derby the band has always played Kentucky's national anthem, My Old Kentucky Home. It is a magnificent sight, a thrill, an adventure. While laughter and gaiety is the general order of the day, suddenly at 5:15 p. m. a hush comes over the multitude—as they stand with bowed heads amidst the profusion of May roses, there is an exciting expectancy charged like electricity in the atmosphere. The air is filled with the scent of sweet honeysuckle; your spine tingles, your muscles tighten, your throat goes dry, your eyes get misty, your lips taut, and while you desperately try to swallow that red hot lump that seems to be everlastingly bouncing around in your throat—the soft, melodious strains of My Old Kentucky Home float through the air and rise to the wide blue yonder. Can you imagine my colleagues that as we stand there at the derby with heads bowed, awaiting the strains of My Old Kentucky Home to be played by our band—suddenly the network managers call for a revision—a rewrite job, if you please, and instead of My Old Kentucky Home—we hear a hurried substitution of Who Threw the Overalls in Mrs. Murphy's Chowder?

My Old Kentucky Home is more than just a song, a tune; it is a ritual; it is an integral part of America; it is part of her background, her folklore, her culture, her customs, her foundation, her every being, but yet these uninformed New York officials say it has to be rewritten. If we are going to change every song that has something in it that somebody does not like, there are not enough rewrite men in America to even get the project started.

We can worry all we want about destruction from without; but, if we stand by idly and permit any man or set of men to take it upon themselves to actually enact rules and regulations and then to enforce them as the law of the land, I say to you quite frankly that we had better begin to worry about destruction from within. This whole thing smacks of a lot of "foo-foo dust," a lot of nitnally. Boiled down in common parlance of the day, this means a lack of appreciation and an understanding of the finer things in life.

Mr. Speaker, I want to wholeheartedly endorse the resolution introduced by my colleague the gentleman from Kentucky, the Honorable JOHN WATTS, of the Sixth Congressional District, which would request that the present Committee on Interstate and Foreign Commerce investigate those that have set themselves up as a national board of censors to regulate the morals, the thinking, the behavior, and the code of ethics of the great American people. Fact is, I am introducing a similar resolution today.

We Kentuckians deeply resent the fact that our State song and the State song of the great State of Florida have been practically banned from the air. While we are technically and geographically south of the Mason-Dixon line, which is often referred to in a joking manner by Kentuckians, as the Smith & Wesson line, we are basically a border State. Yet, as a border State, Kentucky has the fine qualities of both the North and the South. Actually she has the dignity of the North, the righteousness of the East, the friendliness of the West, and the hospitality of the South. North, east, west, and south—put the first letters of each together and you have "news"; so, no matter in what section of this Nation or in the world for

that matter you may live, Kentucky is always rich in kindness, heritage, tradition, hospitality, history, folklore, gracious living, country ham, beaten biscuits, mint juleps, beautiful women, fast horses—and she is always news. Why should not she be—because in those famous lines of Foster's lyrics, the ones that are now objectionable:

The sun shines bright in the old Kentucky home,
'Tis summer, the darkies are gay,
The corn top's ripe and the meadows in the bloom,
While the birds make music all the day.
The young folks roll on the little cabin floor,
All merry, all happy and bright.
By'n by hard times comes a knocking at the door,
Then my old Kentucky Home, goodnight.
Weep no more, my lady,
O weep no more today,
We will sing one song for the old Kentucky home,
For the old Kentucky home far away.

FEDERAL AID FOR SCHOOL CONSTRUCTION

Mr. MAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. MAY. Mr. Speaker, it is a source of great disappointment to me that my amendment was ruled out of order on a slight technicality in the wording. This amendment took 3 months to prepare, and, according to the legal counsels, was correct when submitted.

I wish to state that, in order to comply with the technicality, the objectionable part has been corrected to provide for the authorization of the funds to be paid with the approval of the Appropriations Committee. I shall resubmit the amendment in the form of a bill.

It is my sincere belief that I have provided the best means of solving the school-construction problem without according the Federal Government control over the local schools, which, I feel, is the real heart of the conflict concerning any Federal aid to school-construction program.

This amendment, from all my conversations on the floor, had considerable support from all sections of the United States. Had it been allowed to be debated, I feel sure that numbers of my colleagues would have risen in its support. It is obvious from their comments to me that this measure provided a solution to the controversy in question.

Therefore, I feel that the principle has been established by my amendment, and substantiating this feeling are the remarks which I made on the floor today, which are presented earlier in the body of the RECORD.

INTERNATIONAL CONTROL OF GUIDED MISSILES

Mr. WILSON of California. 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. WILSON of California. Mr. Speaker, press reports yesterday from the European disarmament conference quote our representative, Harold Stassen, as preparing to submit an American plan for international control of guided missiles.

This report, if true, is of enormous significance in view of the current blackout of information on the comparative strengths of the United States and Russia in the missile race.

This Nation made a tragically slow start in this field, following World War II, but the Eisenhower administration gave missile development and production the highest priority. The billions of dollars being spent for missile development and production today are testimony to the importance this administration places on maintaining missile supremacy.

Yet few people today, outside of the President, and top Defense Department and National Security Council representatives, know our comparative strength in the missile field. No one in authority will tell the public.

We are being confused daily by supposedly accurate statements which, depending on whose crystal ball is being used, rate us from a position a year behind Russia; neck-and-neck with Russia; or years ahead of Russia in the intercontinental ballistic missile field.

For example, in the past few weeks we have seen a reliable columnist in the New York Times report that the Soviet Union is substantially behind the United States in the development of the intercontinental and intermediate-range ballistic missiles. In the New York Herald Tribune a few days later, another well-known columnist said that the best expert opinion is that the Russians are about a year ahead. In the other body on May 27, a distinguished Senator stated that he thought we were neck and neck with the Soviets.

Seeking to clarify this point, which is of major concern to many of us on the Armed Services Committee, I asked the Defense Department to state in writing what our comparative position was. The Defense Department refused on the grounds that it was top secret and that such information would be entirely classified.

I might say in passing, in response to another question on the same subject, the Defense Department declared there were no sharp cutbacks contemplated in procurement or expenditure for missiles. They denied also that an arbitrary percentage ceiling had been set for missile expenditures.

Mr. Speaker, I feel the American people deserve to know our relative position with the Soviet Union in this matter of grave importance to every citizen. We are told how we stand comparatively in numbers of aircraft and submarines; also in fighting forces; atomic warfare; nuclear development; and nearly every other phase of the defense picture. Yet we are kept in the dark as to where we stand with Russia in the missile field.

An enormous share of our military budget goes into missile development and production. We live under the threat of total destruction by the enemies' use of such weapons. I firmly believe that the people of our country should be told, at least in general terms, about our missile strength. The American taxpayers foot the bill for these weapons—they deserve to know whether the expenditures place us in a position of strength or weakness. And even more importantly, the American people deserve to have these facts in hand before our international negotiators start bargaining away the fruits of our years of scientific missile development.

ADDITIONAL FACILITIES FOR ADMINISTRATION AND TRAINING OF UNITS OF THE RESERVE COMPONENTS

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 321 and ask for its immediate consideration.

The Clerk read 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. 7697) to provide additional facilities necessary for the administration and training of units of the Reserve components of the Armed Forces of the United States. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, 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 amendment recommended by the Committee on Armed Services now printed in the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, this resolution makes in order the consideration of the bill (H. R. 7697) which was unanimously reported favorably from the Committee on Armed Services. This bill provides for an authorization of eighty-some-million dollars for the further construction of armories for the use of the Reserve components of the Armed Forces. So far as I know, there is no objection to the bill, and I have no requests for time on the rule.

Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT of Pennsylvania. Mr. Speaker, I know of no opposition to this bill and I have no requests for time.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent to consider the bill (H. R. 7697) in the House as in the Committee of the Whole House on the State of the Union.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2231 (1) of title 10, United States Code, is amended by changing the semicolon at the end thereof to a comma and adding the words "including troop housing and messing facilities."

SEC. 2. Section 3 of the National Defense Facilities Act of 1950, as amended (50 U. S. C. 882), is amended by striking out the words "in an amount not to exceed $500 million over a period of the next 8 fiscal years commencing with fiscal year 1951" and inserting in lieu thereof the words "In an amount not to exceed $650 million over a period of the next 9 fiscal years commencing with fiscal year 1951".

With the following committee amendment: Strike all of section 2 and insert the following:

"SEC. 2. Section 3 of the National Defense Facilities Act of 1955, as amended (50 U. S. C. 882), is amended by striking the figure $500 million and inserting in lieu thereof $580 million.

"SEC. 3. The Secretary of the Navy is authorized to construct the following projects:

"Naval Air Station, Alvin Callender, New Orleans, La., 10 units of family quarters, $145,000.

"Naval Air Station, Dobbins Air Force Base, Atlanta, Ga., 10 units of family quarters, $154,000.

"Funds heretofore appropriated to carry out the purposes of sections 2231 to 2238 of title 10, United States Code shall be available to carry out the purposes of this section."

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

Mr. BROOKS of Louisiana. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I do not know that I will use the full 10 minutes, but I do want the time available in the event there are any questions to be asked about this bill during the course of the handling of it.

Mr. Speaker, this measure marks merely a continuation of a program which has been in operation by the armed services since 1950; a program to provide suitable facilities for the Reserve establishments, the Army, the Navy, the Air Force, Marine, and Coast Guard throughout the United States. In 1950 we realized the extreme importance of having proper reserve facilities for our Reserve components. Up until World II, I do not believe that this country had fully appreciated the value of having well-trained Reserve components of the Military Establishment. We realized then, in 1950, that to have these Reserve components we would have to provide them with the proper facilities for training. In that year we provided the country with a bill which has worked very satisfactorily since the Congress approved it. That bill provided that over a period of 5 years' time, Mr. Speaker, this country could spend a sum not exceeding $250 million for the providing of Reserve armories and Reserve installations and needed Reserve construction throughout the length and breadth of this country.

Under this program, Mr. Speaker, Congress provided this Reserve construction. We found, however, that the authorization was consumed shortly before the end of the 5-year period, and as the result of this, the Military Establishment came back to the Congress and asked us to extend the time for 2 years and to provide an additional $250 million authorization for construction, to be spent during that 2-year period. That time has passed, and now the Military Establishment comes back and they tell us that they have done a good job in reference to this construction. All of the witnesses we heard indicate that a very satisfactory job has been done in reference to construction, but they say they need for the next year the sum total of $150 million additional to carry on this program. With that amount the program will go on for another 12 months.

Your committee went into the matter very carefully. It thinks the time has come in this program, as in all programs, to tighten up with the spending wherever it is possible, and as a result we found that a carryover balance of authorization of some $45 million was now on hand under the program. The sum really needed additionally in authorization was $80 million rather than $150 million, and as a result of it, your committee amended the bill and reported to you a bill carrying with it a new authorization of $80 million rather than the $150 million. That does not mean any diminution of the program. The program will go forward as it has in the past, but we are approaching the time when we think we can see the end of the road, a completion of the program.

Mr. NORBLAD. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from Oregon, a member of the Armed Services Committee.

Mr. NORBLAD. Is it not a fact that this bill was passed unanimously by the subcommittee and the full committee?

Mr. BROOKS of Louisiana. That is right. There was no opposition to the program. It has been a unanimously accepted program. Everybody seems to appreciate the program.

Mr. MILLER of Maryland. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from Maryland.

Mr. MILLER of Maryland. I want to compliment the gentleman and concur entirely in the remarks he has made about this program. Having worked in the Reserve component of the National Guard, I rise to ask this question: As I understand, it does include both the National Guard armories and the Reserve components?

Mr. BROOKS of Louisiana. It is for that construction program. I might tell my distinguished friend that under the National Guard construction program to date the guard has received $119 million and that this has been spent on 2,726 locations throughout the length and breadth of the country. They do have need for a total of 2,800 locations, so they are a few locations short, and this will, I think, largely complete the guard program.

Mr. MILLER of Maryland. It has been indicated in hearings before the Appropriations Subcommittee that in a number of States there are matching funds available and plans ready to go ahead with the National Guard armory construction program which exceeds the amount of present authorization and that some legislation such as this is necessary.

Mr. BROOKS of Louisiana. If we do not have the legislation available, what will happen is this: Those matching funds from the States will escheat back to the States, and they will have to be reappropriated unless we have this authorization.

Mr. MILLER of Maryland. Can the gentleman advise me? Is the present $80 million of increased authorization going to be sufficient to take care of what is foreseen as needed for the immediate future?

Mr. BROOKS of Louisiana. Yes, for the next 12 months it will take care of it. Then we have asked the military to come back and show us what the program is from then on. We feel that we are over the hump and that we are approaching the time when the program will be completed unless the Reserve program is expanded.

Mr. MILLER of Maryland. But this is not necessarily the final figure?

Mr. BROOKS of Louisiana. This is not necessarily the final authorization.

Mr. MILLER of Maryland. One more question, if the gentleman will yield further. Does this include also the so-called nonarmory funds?

Mr. BROOKS of Louisiana. Yes.

Mr. MILLER of Maryland. Those installations where the Federal Government pays the whole bill rather than a portion of the bill.

Mr. BROOKS of Louisiana. For the Reserve program for instance, the gentleman no doubt has in mind the Air Reserve where we provide runways?

Mr. MILLER of Maryland. Where the entire money is put up by the Federal Government rather than on a matching basis.

Mr. BROOKS of Louisiana. That is correct.

Mr. MILLER of Maryland. I thank the gentleman.

Mr. NORBLAD. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to my colleague on the committee.

Mr. NORBLAD. In connection with the questions of the gentleman from Maryland [Mr. MILLER], it is a fact that we have a $47 million authorization at the present time, in addition to this $80 million.

Mr. BROOKS of Louisiana. That is correct. And I thank the gentleman for that pertinent observation. May I

say this in addition, that out of the money that we have thus far appropriated, the Air Force and the Air National Guard have received $178½ million. The Air National Guard has 94 flying and 42 nonflying installations throughout the country.

The Army program thus far consists of $70 million, with 2,047 locations. But the Army has a requirement of 2,570 locations. The Army Reserve now is short just a little more than 500 locations in its program.

The Navy and Marine Corps programs together have consumed $83 million of the money thus far appropriated. That money has been spent in 142 locations throughout the United States.

May I say further with reference to the program, before we took over this program and passed a joint installation bill, as we have now, we found construction was taking place in areas where it was not badly needed. We found in some instances that the armories were not used to capacity. We found that we could have a better and more efficient program. There is now a careful study made before an armory is located in any particular place in the United States. Then there is an arrangement made for joint use. Any of the Reserve components may use it, so that the same armory, if it is possible to do so, may be used by all of the Reserve components in the course of the Reserve training program throughout the country.

I submit that it has been a most successful program. Your committee is very anxious to carry it on toward completion. We do appreciate the confidence which this Congress has imposed in the program.

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

I ask unanimous consent to revise and extend my remarks, to speak out of order, and to have my remarks printed at that point in the RECORD immediately following the vote on this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I rise in opposition to the pro forma amendment.

Mr. Speaker, I am in favor of the bill and I should like to ask a question. I should like to say how much I appreciate the very fine work the committee has done on these armories. These include the National Guard armories and the Reserve armories?

Mr. BROOKS of Louisiana. That is right.

Mrs. ROGERS of Massachusetts. In Lowell, Mass., we have a tremendously fine Navy armory. Our men, Naval Reserves, the Navy men, have been first in Massachusetts a number of times and fourth, I think, all over the country. I should like to ask if there is a possibility of having an armory for the Army Reserve officers in Lowell, Mass. They have none now. I think it is rather disgraceful that they do not have one. They have a very fine Reserve Corps there.

Mr. BROOKS of Louisiana. I will say to the gentlewoman from Massachusetts that we appreciate the fine support she has given to the program in the course of the years. I have nothing as to Lowell, Mass., at this time. I am satisfied if the need there is shown it will be included in this continuing program. Thus far we did have a list of many of the projects. I think all of them have thus far been constructed or planned. Perhaps the gentlewoman has gone through that list.

Mrs. ROGERS of Massachusetts. At Lowell there is a very fine group of Reserve officers under the able leadership of Col. Henry McGowan and they do a very fine work under handicaps. In the heavy snow of winter it is very hard for them to go to an armory away from Lowell and the facilities at Lowell are entirely inadequate.

Mr. BROOKS of Louisiana. The people of Massachusetts are very fine people.

Mrs. ROGERS of Massachusetts. I agree with the gentleman, always a most courteous gentleman, and I know that he is a very fine Member from his great State, and his people are fine.

Mr. GROSS. Mr. Speaker, I move to strike out the last two words and ask unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. GROSS. Mr. Speaker, I take this time to get a few facts. What are you doing here? Is this an $80 million appropriation or a $580 million authorization?

Mr. BROOKS of Louisiana. It is an $80 million authorization.

Mr. GROSS. Then what is contained in lines 15, 16, and 17, regarding funds heretofore appropriated to carry out the purposes of this act? What additional funds are involved there?

Mr. BROOKS of Louisiana. That was explained a while ago. In 1950 we authorized $250 million for this program to be spent over 5 years. In 1955, 5 years later, we authorized $250 million more to be spent over a period of 2 years. The 2-year period is just about up now, and this is to authorize an additional sum to take care of the needs for the next 12 months. We need $80 million more. That is really what this bill is.

Mr. GROSS. Where does the $45 million, about which you were talking a few minutes ago, come into the picture?

Mr. BROOKS of Louisiana. The $45 million is left over from the unconsumed authorization of the past $500 million.

Mr. GROSS. So this is in effect $45 million plus $80 million?

Mr. BROOKS of Louisiana. That is correct.

Mr. GROSS. I was not expecting this bill would be brought up this evening.

Mr. BROOKS of Louisiana. It has been on the calendar all week.

Mr. GROSS. I understand, but I had assumed the school bill would consume the full day.

I can recall a couple of years ago when I asked the gentleman from Louisiana or the gentleman from Georgia, I cannot remember which, when the House was considering the Reserve training bill, whether there were adequate armory facilities and training facilities for the expected increase in the Reserves and got the answer that facilities were probably adequate. My concern then was whether the Reserve training program was going to cost the taxpayers many millions of dollars to build facilities.

Mr. BROOKS of Louisiana. I do not know the answer. It did not come from me that it was adequate, because when we had our initial hearing on these the estimate was it would cost to provide all of the Reserve facilities we needed for the entire Reserve program over a billion dollars. I am pleased to report that I do not believe it will require that amount. We will get through with the Reserve program with a saving of perhaps $300 million or $350 million under the estimate that was made, maybe more; so we are far under the original estimate that was made to the committee.

Mr. GROSS. I will say to the gentleman that if memory serves me correctly, someone on the Committee on Armed Services at that time said it would take no tremendous expenditure of money to provide the necessary training facilities. Now we are confronted with this bill involving more than $120 million.

Mr. BROOKS of Louisiana. This is in line with the original program. We are very pleased because, as I told you, the program is not costing what we thought it was going to cost originally.

Mr. DEVEREUX. Mr. Speaker, will the gentleman yield? I believe I can straighten that question out.

Mr. GROSS. I am glad to yield to the gentleman.

Mr. DEVEREUX. The statement that the gentleman is referring to, I believe if he will go back through the RECORD, he will find had reference to the active-duty training of the reservists when they go to the Army installation or the Air Force or wherever they might go, where they would be going through their 6-month training period. This has no reference to that in any way whatsoever.

Mr. GROSS. No; I will say to the gentleman, I think the question arose during the consideration of some bill pertaining to the 6-month training program.

Mr. DEVEREUX. That is right. That is correct, but this has nothing to do with the 6-month training program.

Mr. GROSS. It has nothing whatever to do with the 6-month training program?

Mr. DEVEREUX. No.

Mr. NORBLAD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. NORBLAD. At the end of the year 1950, at the time this bill originally passed, we had 180,000 reservists and we are now figuring on 300,000 next year.

Mr. MILLER of Maryland. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. MILLER of Maryland. I think the gentleman's concern about the expense of this is unnecessary for the reason it is evident to most of the people familiar with this subject that by making more or less permanent our reserve facilities for the National Guard and the Reserve, it has been possible already to get a greatly reduced size of our standing forces and in the end it will be highly economical.

Mr. GROSS. Perhaps, but that is another subject. Let me say to the gentleman that my concern is that I just do not want to wake up and find I was told one thing 2 years ago and something else has happened and will continue to happen. That is my concern.

Mr. MILLER of Maryland. I think the gentleman can realize that originally the bill was a half-billion-dollar authorization, of which $45 million have been committed. The thing has grown just as have the Reserve and the National Guard forces, but it is in the interest of economy to have these establishments.

Mr. GROSS. But that is another subject entirely. I just do not want to be told—and let me repeat this—I just do not want to be told in 1 year that a vast building program will not be necessary and then be confronted here on the floor of the House with additional millions of dollars of expenditures to provide facilities.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

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

There was no objection.

The SPEAKER. The gentleman from Iowa is recognized.

Mr. BROOKS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BROOKS. I believe I do have some recollection of the gentleman asking about the cost, but was that not the case in reference to the training under the 6 months' plan and not in reference to the Reserves?

Mr. GROSS. No, no.

Mr. BROOKS of Louisiana. The gentleman did not direct the question to me. I do not have any recollection of telling you that. The cost of the program has been the same all the way through. Since 1950 we have known the program was not completed, and there would be an additional cost, and I did not tell the gentleman that there was not going to be some additional cost as a result of this. But I do say that we are over the top on the program; we are on the far side; we are coming toward the end of the program, and the program has been a good program.

Mr. GROSS. Let us be sure that we understand each other. It was not a question of facilities for training the 6-month trainees while they were in the service. It was a question at that time of facilities for training that would flow from their Reserve service. At that time, if memory serves me correctly, I was told that adequate facilities were already available in the National Guard armories and in the various Reserve units; that there would be no need for a big expansion program.

Mr. NORBLAD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. NORBLAD. The figures I gave the gentleman a moment ago had to do with the armed services. In reference to the National Guard, in 1950 they had 350,000 men and today they have 425,000 men, or an increase of 75,000 men.

Mr. GROSS. Mr. Speaker, I am still not convinced that the authorization of this amount of money is necessary, but not knowing that this bill would come up at this late hour and lacking the necessary information to carry on the proper opposition, I yield back the balance of my time.

Mr. NORBLAD. 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 Oregon?

There was no objection.

Mr. NORBLAD. Mr. Speaker, I wish to join with the gentleman from Louisiana in supporting this bill.

In 1950 we enacted the National Defense Facilities Act and began a long-range program for the systematic construction of Reserve facilities.

The mission of the Ready Reserve, including the National Guard—insofar as the Federal Government is concerned—is to furnish, on the day that a national emergency is declared, units of organized, trained, and equipped personnel in time of peace for rapid mobilization, expansion, and deployment. These units should be of the type and number which, together with the regular establishment, will constitute the armed services of the United States.

In 1950 the most serious obstacle to the creation and maintenance of effective units was the nonavailability of armories and other facilities. Without adequate safe storage and necessary training equipment, the training was falling below desired standards. Without attractive facilities and equipment, we found the recruitment of enlisted personnel and the retention of their interests was most difficult. Consequently, the provision of adequate armories for the training of the Active Reserve—including the National Guard—was of prime importance.

In 1950, when the Reserve Construction Act was first enacted, the National Guard had a strength of about 350,000, as compared with the strength of about 425,000 today. The drilling units of the organized Army Reserve totaled approximately 180,000 in 1950. In comparison this House has just appropriated for fiscal year 1958 sufficient funds to maintain a strength in excess of 300,000 for the Army Reserve. Likewise, the Active Reserve units of each of the military services has increased so that there is a corresponding need for an increase in training facilities.

The Congress has appropriated $500 million since 1951 for the construction of Reserve facilities which are located in all parts of the United States. We are well along on our way to providing the necessary facilities for use of our Reserve in their training programs. The bill before us today is by comparison a modest increase in authorization for additional facilities. It will authorize an additional $80 million for all of the Reserve components. While this figure may seem large, keep in mind that it provides funds for construction of facilities for the Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, Army National Guard and Air National Guard. In addition, you must keep in mind that this authorization is not for armories alone. Far from it. These funds will also be used for the construction or rehabilitation of storage facilities, motor vehicle sheds, repair shops and the build-up of existing sites having inadequate facilities to support high performance jet aircraft.

I am proud to say that the efficiency of our Reserve forces is at an all-time high. Today we have more persons volunteering for the Reserves than ever before, the training programs have been improved, the morale is generally high and much of this improvement can be credited to the better facilities we have provided for the Reserve.

The fundamental importance of trained reservists to the Nation's mobilization readiness for the national defense has been well demonstrated and is a matter with which most Members of Congress are well acquainted. The Secretary of Defense and the committee believe that the enactment of the extension of authority to provide additional facilities for the Reserve is clearly essential to a healthy Reserve force posture.

Mr. CRAMER. 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. CRAMER. Mr. Speaker, the bill under consideration, H. R. 7697, providing additional facilities necessary for the administration and training of units of the Reserve components, provides, according to the report on page 6, "$30½ million is planned for expenditure for 15 Reserve flying installations" for the Air Force.

I have been advised that this item includes, in 1 of the 15, the construction of much needed permanent facilities in the amount of $2,657,000 at Pinellas International Airport for a Reserve troop carrier squadron. This squadron was established as a unit in October of 1955 and has exceeded all expectations in its recruitment program and certainly sustains the wisdom of Congress in setting up these Reserve flight training units.

I trust that funds will be made available for commencement of construction as soon as possible, and I believe that this project merits highest priority for the following, as some of the reasons:

First, Pinellas International Airport is undergoing substantial and sweeping improvements on a long-range basis, with actual construction well under way, and long-range planning is under way which necessitates immediate commencement of construction on permanent Reserve facilities in order that present temporary quarters can be made available for other use as soon as possible;

Second, the governing authority of the airport was assured that construction would be underway within a few years after establishment of the unit in October of 1955, the Air Force having been put on notice at the early date of

initial negotiations concerning the location of the unit on the airport, that long-range plans for development were being made and that temporary quarters would be available only for a limited interim period;

Third, the complete acceptance of the unit by trainees establishes beyond a doubt the wisdom of its permanent location at this airport, there being a tremendous population in the area to be served;

Fourth, because the actual architectural design, physical location, size, height of the permanent installations, as examples, as well as the need for facilities utilization must be known as soon as possible by the airport authorities in order for them to complete improvement, expansion, and long-range planning for expanded and coordinated civilian use of the facility.

I call these factors to the attention of Congress and to the Air Force in the hope that this project will be given top priority, which I believe the circumstances merit, in order that construction of the permanent facility can get underway in the near future.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

UNITED STATES SUPREME COURT

Mr. HOFFMAN. Mr. Speaker, that criticism of the Supreme Court is not confined to Members of Congress, or to lawyers, but is entertained by some of our constituents, is evident from this June 22, 1957, editorial from the Sturgis Journal, Sturgis, Mich. It was written by Mark P. Haines, a publisher and editor, and I read:

GOVERNMENT BY USURPATION

Recent decisions of the Supreme Court of the United States make convincing evidence that the lawmaking powers of Congress have been usurped by nine men who hold their positions by appointment and are frozen into their jobs for life. What President Roosevelt was unable to accomplish with his court-packing scheme in the 12 years he was President, President Eisenhower has achieved in less than 5 years. We now have government by philosophy and political opinion instead of law.

The Supreme Court has preempted the legislative functions of Congress and is decreeing—not interpreting—what laws shall govern our people and our economy. The irresponsibility of some of its decisions are incredible.

People of this country now have a better understanding of what President Eisenhower meant when he gave his reason for the appointment of Justice Earl Warren—that the former California Governor had a good middle-of-the-road philosophy. A judge's personal convictions and philosophy should have no bearing on his judgment in matters of law. The Supreme Court's duty as defined by the Constitution is to apply the law to the facts as determined by the lower courts unless there has been a gross abuse of discretion with regard to the latter. Personal views and prejudices should have no part in the Court's reasoning.

Adding to the confusion is the fact that the Supreme Court can't make up its own mind.

On June 11, 1956, the United States Supreme Court by a 5 to 3 vote upheld the right of military courts to try civilian dependents accompanying the United States Armed Forces overseas. Last week, ruling on the same 2 cases, less than 1 year after its first decision the Court reversed itself completely. There are now nearly 400,000 of these overseas dependents, plus 24,000 civilian employees, who have no papa, no mama, no Uncle Sam.

Even more serious in its implications is a recent decision of the Supreme Court practically nullifying the authority of Congress to deal with Communists on the Federal payroll. Reversing its own decision, upholding the Smith Act 6 years ago, the Court has now freed 5 California leaders of the Communist Party from sentences under the Smith Act, and ordered new trials for 9 others. The Court's reasoning is, that in order to convict under the Smith Act, which makes it a crime to conspire to teach and advocate overthrow of the Government by force and violence, it is necessary to prove that action toward violent rebellion is being advocated. A simple showing of advocacy says the Court, is not sufficient for conviction.

This seems to be a distinction without a difference. Does it mean that a man who plants a bomb in an airplane or a theater or a home can't be convicted unless he is caught touching a match to the fuse? The intent of Congress in passing the Smith Act was perfectly obvious. It was designed to enable the law-enforcing agencies to prosecute and convict Communists on the Federal payrolls. Now the Supreme Court is releasing them faster than they can be put behind bars.

No wonder Government lawyers are bewildered. Commented Columnist David Lawrence: "It all adds up to the bewilderment of the public which is being solemnly told that it must always bow to the supreme law of the land—whatever that is today."

Well might the people inquire as did a certain Cassius in another time of threatened tyranny:

"Upon what meat doth this our Caesar feed.
That he is grown so great?"

Unless something can be done to curb the autocratic power of the Supreme Court, Congress might as well pack up and go home. Let the Supreme Court write as well as pass judgment on the Nation's laws.—M. P. H.

Pressure groups, especially those with left-wing views, may mislead Members of Congress, but their views are not accepted generally—at least, not in southwestern Michigan.

BIRTHDAY OF COMMONWEALTH OF PUERTO RICO

Mr. O'HARA of Illinois. 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 Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, the island Commonwealth of Puerto Rico is celebrating its fifth anniversary today. For 5 years now, it has enjoyed the unique and highly successful status of Commonwealth in union with the United States of America. In other words, it has been able on the one hand to maintain complete control of its own internal affairs and, on the other, to enjoy the benefits of United States protection in foreign relations, in defense, and in full American citizenship.

What has this 5-year period meant to the island? What have been the gains and experiences of this newly self-governing Commonwealth? It is immediately apparent, even to the most casual observer, that Puerto Rico has not only made good in its new political responsibilities but has also set a pace that the rest of the world will have trouble keeping up with.

The record is impressive. For a people with no previous experience at all in self-rule until United States troops landed on the island less than 60 years ago, the Puerto Ricans had by the decade of the 1940's come to a sound appreciation of the requirements of a democratic government. Their cooperation with the United States, under the able leadership of the present Resident Commissioner, Dr. ANTONIO FERNÓS-ISERN, in formulating a constitution satisfactory to both the islanders and the mainlanders has been only one of many manifestations of a political wisdom and equilibrium far beyond that of many long-established governments.

Most recently, the Puerto Ricans have demonstrated their capacity for local self-government in the reelection of Gov. Luis Muñoz-Marín, a truly outstanding figure. The Governor deserves the primary credit for Puerto Rico's current political solidarity, for Puerto Rico's almost unanimous support of the new Commonwealth status, and, equally important, for Puerto Rico's miraculous economic and social development.

The Governor, native Puerto Rican who spent some years as a Greenwich Village poet, returned to his native land in 1931. Since that time he has brought the force of his own creative imagination and energy to bear toward an enduring solution of his country's problems. So popular has he been in his personal touch with all classes of the population that he was reelected last year for the second time, receiving almost two-thirds of the total vote cast. That means he has served in his present capacity as chief executive of Puerto Rico longer than any other governor of the island in the 20th century and at the same time longer than any current executive in any of the other Latin-American countries.

In the past 20 years, and particularly in the last 10 years under his leadership, the little island southeast of the tip of Florida has been undergoing fundamental changes. Concomitant with the mighty and long-sought increase in local autonomy, a social and economic revolution has taken place on the once sleepy isle. Operation Bootstrap has indeed lived up to its name, for Puerto Rico has been setting world records in raising itself by its own bootstraps to a new position of stability and prosperity.

With no natural resources besides the skill and intelligence of the people themselves, and originally with no industry other than the industry of the

inhabitants, Puerto Rico has nevertheless raised its per-family income from $660 in 1940 to $2,400 in 1956. Puerto Rico has decreased its illiteracy rate from 32 percent to 18 percent; elementary school enrollment has reached 91 percent. The average life expectancy has risen from 46 years in 1940 to 68 years today. The island has attracted more than 400 new industries to provide employment for willing and able workers.

What lies behind this remarkable success story? As underdeveloped countries all over the world seek a solution to the same problems of overpopulation and an agricultural economy what does the Puerto Rican pattern have to offer as a guide to others? Unquestionably, an indispensable element in the island's meteoric rise has been the close relationship with the United States. Politically, this tie has brought to the Puerto Ricans an experience with democratic methods and especially with local autonomy that has made possible the present Commonwealth status; it has also made possible the gradual growth within Puerto Rico of a truly representative state where governors and governed are in real accord. Economically, the tie with the mainland has brought many concrete advantages. Providing on the one hand an outlet for enterprising individuals who have come to the mainland to seek their fortunes, and on the other a source for industrial development on the island, the United States has indeed played an integral part in the new development of the island.

But to look no farther than the mainland for the real source of Puerto Rico's success is to ignore perhaps the most potent factor of all in the island's metamorphosis: the eagerness and ability of the people themselves to go all out in pursuit of the ideals that they have chosen. The Puerto Ricans themselves have expended blood, sweat, and tears to make their island free and prosperous. They have served in the national Armed Forces in larger percentages than most mainland areas. They have worked hard, both mentally and physically, to make the most of every advantage that came their way. And they have cared, they have really felt deeply the need for themselves and for their children to make their sunny island a successful democracy instead of just another poverty-ridden tropical isle. It is in this concern, democratically applied, that the real secret of Puerto Rican success is to be found. And it is this deep individual conviction which should be an example to other underdeveloped areas struggling to achieve through force the same aims which Puerto Rico has won by cooperation.

It is only fitting, then, that we pause for a moment on this day, the fifth anniversary of Puerto Rico's Commonwealth status, to consider these remarkable achievements of our island neighbors. The old American success story is coming true again on Puerto Rico where the same integrity, intelligence, and hard, hard work that used to bring Horatio Alger heroes to the top is bringing Puerto Rico to the top today. We are all very pleased to have this occasion for congratulating our fellow citizens of Puerto Rico on their past achievements, and for wishing them a long-continued success in the future.

Mr. Speaker, it is the good fortune of Puerto Rico, and of his colleagues in this body that the Resident Commissioner is a statesman of the stature and personal charm of the Honorable ANTONIO FERNÓS-ISERN. On this anniversary of the Commonwealth we again extend to Dr. FERNÓS-ISERN expression of our admiration and affection.

CITIZEN LAW ENFORCEMENT—THE NEW FRONTIER

The SPEAKER. Under previous order of the House the gentleman from Texas [Mr. KILGORE] is recognized for 15 minutes.

Mr. KILGORE. Mr. Speaker, in these days of rising crime, here is an instance of proof that citizens can act to combat lawlessness at its source without the added expenditure of public funds or the enlargement of Government responsibilities and jurisdiction.

Something new has come forth in the field of crime fighting and crime prevention: An organization with a program that encompasses every citizen and group of citizens from the largest corporations in Texas down to the smallest schoolchild. It represents a new frontier in the war on crime.

At the conclusion of this discussion I have appended the names of the board of directors of this organization, comprising many of Texas' most distinguished citizens who are giving of their time and talents in this cause.

Less than 2 years old, the Texas Law Enforcement Foundation already has reached out and affected more than 1 million Texas citizens, has had an impact on the planning of college curricula, has had nationwide publicity, and is getting the interested attention of crime fighters in every State. The work of this organization is of such general interest that I believe it should be called to the attention of the Members of this body.

Every year in our country 40 or 50 peace officers lay down their lives in the line of duty.

Many thousands of others go on about the dangerous and thankless job of guarding our homes, our lives, our property, and our peace of mind. While we play, they work. They patrol the streets while we sleep. Day in and day out they take it upon themselves to deal with the world's anger and viciousness and greed and sorrow. They are daily witnesses to human misery and they are well acquainted with violence and bloodshed.

They work year in and year out for low salaries, without glamour, without fame, and usually without recognition.

They ask no special rewards. They do not ask for praise and they do not ask for sympathy. They ask for only one small thing—the one thing they should not have to ask for: They want understanding and intelligent cooperation from the public they serve—and they are not getting it. Their biggest obstacle as they go about their almost impossible job is the apathy and unconcern of the public.

Because citizens are unconcerned, law-enforcement officers are badly equipped with the tools and facilities of crime fighting. They are hampered by ancient criminal laws that should have been amended and recodified 30 years ago, and they are impeded by financial appropriations that are absurdly inadequate for the task.

There, in a nutshell, you have the reason for the existence of the Texas Law Enforcement Foundation, which is something new in crime fighting. It is a national pioneer in the field. There is no other organization like it in the world.

The primary purpose of TLEF is to make citizens of Texas aware of their part in law enforcement—to help them understand the law.

The purpose and the goals of the TLEF are lofty and vast. They can best be described in a simple story of bravery that happened in Texas last year.

In a little Texas community a fine, respected citizen suddenly went berserk. He had a gun and was threatening to kill the first person who came within range. The sheriff of that Texas county had been seriously wounded the year before by another ordinary citizen whose mind had suddenly snapped, and the man who had held the job of sheriff before him had been blinded by still another deranged person with a gun. Nobody was going to take any chances with this man—they would shoot him if they had to.

A Texas ranger named Lewis Rigler arrived on the scene, and if any man ever had cold courage, Rigler did. He threw away both his guns, began talking to the man, stepped into his line of fire in spite of the man's warning that he was going to shoot, and walked right up to him and talked him into laying his gun down. It is one thing to face an intelligent criminal who is able to reason, and it is another thing to walk unarmed up to an excited maniac who wants to kill. When Lewis Rigler was commended for a job well done, his only reply was that he did exactly what he had been trained to do, nothing more.

The purpose of the Texas Law Enforcement Foundation is to gain public support and cooperation for men like Lewis Rigler—to keep such men in their jobs, give them a living wage, to furnish them the tools of their profession, and to train many law-enforcement officers to do their duty with such courage, such devotion, such personal dedication.

It is not the purpose of the Texas Law Enforcement Foundation to criticize, to supervise or to prod the men who enforce the law. Lewis Rigler did not need a crime committee to look over his shoulder and tell him how to approach a dangerous man, or to goad him into action with the pitchfork of criticism. The purpose of the TLEF is to help, not hinder or harass.

A great deal has been said about purpose—but what about the accomplishments of the TLEF? What, specifically, is it doing that makes it a new frontier, a second front, in the war on crime? Its activities are as vast as its goals, and there is time here to name only a few.

Its most familiar and well-known undertaking is the crimemobile, a crime-detection laboratory on wheels that travels thousands of miles a year and has been visited, since it was launched in 1956, by 1 million Texans. The crimemobile goes anywhere in the State by invitation from schools and civic clubs, to impress young people, particularly, with the fact that crime does not pay and that modern justice is inescapable. More than that, it familiarizes the public with the techniques of crime fighting, and gains support for bigger, better law-enforcement efforts.

No less significant than the crimemobile in its long-range effectiveness is the foundation's work toward establishing 4-year college courses in criminology for those who want to make crime-fighting a life's work. You can go to any good college or university and get a degree in English, drama, physical education, or real estate. Is fighting crime less important than speaking good English, being athletic, or selling houses and lots? Crime costs Americans about $20 billion a year. It costs Texans 1 billion every 12 months—more than is spent in this State for all schools, highways, and public institutions combined—more than for the entire State government. It costs every Texas family about $500 annually. Worse than that, a murder, manslaughter, rape, or assault is committed every 4 minutes, and a major crime every 12 seconds. This is the price we pay for being unconcerned.

The foundation believes in education. It is dedicated to education. Besides working for the inclusion of crime fighting in college curriculums, the TLEF administers the scholarships awarded every year to the children of deceased law-enforcement officers; aids in financing a police training institute conducted by the Southwestern Legal Foundation of Southern Methodist University; cosponsors numerous conferences and training courses for police officers and prosecutors in cooperation with the Texas Department of Public Safety, attorney general's office, State Bar, and Texas University; publishes the TLEF Bulletin, which provides important information on court decisions, new techniques, and late developments in crime fighting to more than 25,000 peace officers, agencies, judges, prosecutors, schools, and interested citizens throughout Texas; provides the Texas Police Association with training films for use by police agencies; publishes the Peace Officer's Handbook which sums up for the law-enforcement officer the legal authority for his actions and points out the limits beyond which he cannot go; is working to establish criminology libraries containing a minimum of $150 worth of books in every county in Texas—this vitally important project is making especially great headway—sponsors Law Enforcement Appreciation Week and makes awards for outstanding service to district and county attorneys, sheriffs, justices of the peace, constables, and others.

But education is only one part, one aspect, of the foundation's work. It also takes a direct part in the actual war on crime. It maintains a $3,000 revolving fund for the use of Texas narcotics agents in the expensive process of buying evidence—that is, narcotics—from the peddlers and pushers who sell drugs illegally. Officers, otherwise, have to bear this expense personally until reimbursed by a tedious process of requisition and redtape.

There are other expenses, too, that peace officers often have to bear out of their own pockets, and the foundation is working to relieve them of that burden. Many Texas counties have radio equipment in the sheriff's office only because the sheriff was willing to pay for it out of his salary. TLEF conducts a continuing survey of sheriffs' communications systems, and since this project started, 30 counties have acquired radio equipment for the first time. There are still many deficiencies to overcome.

Not least among its many activities, the foundation is making detailed studies in vast and neglected fields of law enforcement—the administration of criminal justice, personnel, salaries, equipment, criminology—with the object of getting improvements in the process of justice from the making of a law down to the incarceration and rehabilitation of the lawbreaker. TLEF is working with appropriate agencies to bring about more accurate and more extensive reporting of the number and types of crime in Texas, and intends to enter every field and batter down every barrier in order to see the number of crimes in Texas diminish year by year until Texas is a model State in the efficiency of law enforcement.

Among the foundation's proudest and most pleasant activities is its operation of one of the finest organizations in America—the JETS—made up of thousands of children who have earned their membership on the junior enforcement team by visiting their local law enforcement agencies or courts, by taking part in law enforcement activities at school, by talking with their parents about obeying the law, and by taking a pledge to cooperate with law enforcement officers in every way they can. The value of this kind of citizen recruitment will be measured when a new generation of Texans has grown up with a deeper respect for the law and a better appreciation of law enforcement.

So you see, the foundation's goals and activities are indeed broad. They range from putting dope peddlers in jail to putting orphans through school—from running police training academies to operating a law enforcement team for children. And this is only the beginning. There is no limit to what 9 million Texans can do for better law enforcement if they get behind such an organization.

How did all this get started? Who decided that peace officers should not be forced to fight crime and public indifference too? Who came to the conclusion that the public is responsible for good or bad enforcement, and that only the public can rectify the national disgrace of crime?

The ideas began when John Ben Shepperd, who was then attorney general of Texas, observed that Texas justice had gone about as far as it could go unless Texas citizens were awakened to their personal responsibilities. Officers attending one of the annual attorney general's law enforcement conferences agreed with Shepperd and several Texas businessmen who comprised the attorney general's advisory committee on law enforcement and said:

> The next forward step in law enforcement must come from the people.

Texas businessmen and industrial concerns were quick to recognize the value of the idea. TLEF was chartered in 1955 as an educational, nonprofit organization, and its beginning was financially underwritten by business, industry, and the professions. Ninety-seven prominent businessmen now comprise the board of directors, and Col. Homer Garrison, Jr., director of the Texas Department of Public Safety, heads a 15-member advisory council of professional law enforcement officers who take part in developing all of TLEF's major policies. Erle Stanley Gardner, internationally famous author, attorney and criminologist, has served as special adviser to the TLEF since it was started. In the directorship of the organization peace officers work shoulder to shoulder with doctors, lawyers, bankers, oilmen, ranchers and citizens of all walks of life. Their actions are constructive and positive, their aims are ambitious, and their horizons are unlimited. The foundation's idea is simple but revolutionary, and its potentialities are beyond the imagination.

A remarkable fact about this growing Texas organization is that instead of asking for Government help, its primary purpose is to help Government. This is the way Americans work to meet the needs of modern society without increasing taxation, extending governmental authority over their lives, or expecting agencies and bureaus to accomplish for them what ought to be accomplished with the heads, hearts and hands of the people. There is an example here for the citizens of all America, and a warning for all who live by crime. And in that example and warning, there is also a prayer that the human misery and suffering wrought by crime might be lessened because citizens' hands are stretched out to each other in cooperation for the common good of all.

The members of the Board of Directors of the Texas Law Enforcement Foundation include C. N. "Buck" Avery, Jr., Austin; Hines H. Baker, Houston; Leslie M. Ball, Beaumont; John L. Bates, Corpus Christi; A. L. Becker, San Antonio; Elmer C. Bentsen, Mission; John Biggs, Vernon; A. M. Biedenharn, San Antonio; James H. Blundell, Dallas; D. R. Blackburn, Victoria; Robert Lee Bobbitt, San Antonio; Dolph Briscoe, Jr., Uvalde; Elmer Brotze, San Antonio; Cecil E. Burney, Corpus Christi; Earle Cabell, Dallas; Galloway Calhoun, Tyler; Robert Cargill, Longview; D. C. Chorpening, San Antonio; Edward Clark, Austin; C. H. Coffield, Houston; J. E. Connally, Abilene; Vannie E. Cook, Jr., McAllen; Howard Cox, Austin; Billy Bob Crim, Kilgore.

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MILITARY JUSTICE AND FOREIGN JURISDICTION

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. PHILBIN] is recognized for 25 minutes.

Mr. PHILBIN. Mr. Speaker, the Girard case has aroused the American people because if the legal principles invoked in the case are given effect by this Government, it would nullify the Uniform Code of Military Justice and strip servicemen and women serving in foreign countries of their constitutional rights. It definitely appears that the facts in the case essential for judicial decision on jurisdiction have been established and certified to by the Army, and leave no doubt that when the alleged crime was committed that young Girard was on military duty, hence triable by court-martial. First, I will present some general principles bearing on this question. Then I will deal with legal jurisdiction.

It should be noted that there is no more justification for Congress to intervene in judicial or executive functions than that the judicial or executive should interfere with functions of Congress, except to interpret the law in the case of the judicial and enforce it in the case of the executive. We are all under an obligation to recognize the historic American doctrine of separation of powers which has served us so well throughout the years, and which among other things militates against arbitrary action in our Government by one branch over the other in derogation of the constitutional rights of the individual, so precious to Americans.

Since Congress formulated and passed the Uniform Code of Military Justice which is an effort to establish a fair system of law for the armed services, and since in the line of adjudication by the Supreme Court the constitutional rights of persons in our armed services charged with crime have been asserted and upheld, there appears to be no ground for referring the trial of young Girard to a foreign government unless express authority for such action can be found in existing law or treaty. I do not believe that such authority exists. I do not believe that in such a case it was ever the intention of this Congress that American service personnel abroad should be tried by foreign courts for offenses committed in line of duty. Neither was this the intent or language of the NATO Status of Forces Agreements or the Japanese protocol.

I do not believe that the executive department of this Government has the power to enter into international agreements which deny servicemen and women abroad of their constitutional rights, nor do I believe that the executive department has the power to waive these rights. If it asserts such a power as it did in the Girard case, the Congress must enact a clarifying law.

Much stress has been laid upon the so-called Status of Forces Agreement and, a related so-called protocol understanding with the Government of Japan, which, it is claimed, authorizes turning Girard over to Japan for trial. It must be pointed out in the first instance that this protocol was never ratified by the United States Senate, and that it is, therefore, a bare executive agreement. Moreover, such a protocol could not possibly under our law, impair, or destroy rights accorded to our fighting men and women by the Constitution and other existing laws.

I am conscious of the fact that the matter is now decided by the Supreme Court. However, in my opinion, Members of Congress are under a study to be vigilant whenever the rights of our fighting forces and American citizens in foreign lands or elsewhere are assailed and threatened. In very specific language the Constitution has invoked upon us responsibility for raising and maintaining Armed Forces for the defense of the Nation and protecting the constitutional rights of those who comprise them as well as those of other citizens.

We cannot, I think, remain mute in the presence of plain reversals of past policy and law governing these matters which may be undertaken by the executive department or the courts. In this case, as I pointed out above, we do not have the case of an offense committed while the accused was off duty, or on leave, or which was committed under the jurisdiction of the host nation. This Girard case is a case, I submit, Mr. Speaker, which occurred, as has been certified by the Army, while the accused was on duty and within military jurisdiction. Under all the precedents of law and custom in this case, the accused was definitely subject to military law. I do not wish at this time to make reference to or mention the legal precedents. They are many and they are compelling and, to my mind, decisive on the point.

No amount of legal argumentation can challenge the fact that this young man when the offense was committed, was on duty and acting under military orders. What we have here, my friends, to my mind, is a very unfortunate accident which occurred while a young man, enlisted in the Army and serving in a foreign nation, was acting under military orders. It is, therefore, for an Army court-martial to determine whether there was punishable, culpable negligence, or other military offense in this case.

There is no requirement, in fact there is an injunction, against this Government exercising "powers under international agreements without observing constitutional prohibitions." It seems clear that any other construction would be offensive to the due-process clause of the Constitution, since the prohibitions of the Constitution apply not merely to one but to all branches of the National Government, and cannot be nullified by the executive department or by the courts.

The status of members of our Armed Forces on active duty in foreign lands is definitely fixed by our own laws as well as by international law whether these forces are present in a foreign nation by force majeure or by consent. The foreign sovereign has not been permitted by law to secure jurisdiction over our armed services stationed or physically present in an occupied nation. It would be an absurdity to allow a conquered or occupied nation to secure jurisdiction over American troops or forces in that status, and it would be a preposterous situation, as well as a violation of constitutional rights, to allow a foreign nation to secure jurisdiction over troops or forces on active duty present within its confines in furtherance of the defense and security of the United States.

I do not believe that the executive department can without specific authority from Congress issue orders or make arrangements with other nations which can legally nullify laws which Congress has enacted for the trial of persons in the Armed Forces. The executive department has no authority either to limit or enlarge court-martial jurisdiction over American citizens serving in the Armed Forces.

Article 5 of the Uniform Code of Military Justice states that "the code shall be applicable in all places. Only Congress can grant authority to change this jurisdiction." This principle of law has been recognized by international law and the practices of other nations.

What we have here, in effect, is an effort by the executive department to deliver over a member of the armed services to a foreign nation for trial just as in an extradition proceeding. We may take note of the fact that extradition proceedings are governed by treaty. In the absence of such a treaty, there is no discretionary power in the executive department to surrender an American citizen to a foreign nation for trial abroad. This is even plainer in the case of a member of the Armed Forces covered by the code.

The construction of an extradition treaty is for the courts, and it is my opinion that in exercising this function the courts are not bound by the rulings or action of our executive department, or by the orders of any foreign nation. Our courts act independently in these matters. Any effort by the executive department acting in its political capacity aiming to influence the courts in the deliberation upon or settlement of these questions is entirely gratuitous and unwarranted.

Some discussion has been directed to the political aspects of this case. Some believe and assert that it would be a gracious act upon our part to turn this young man over to the Japanese for trial. Presumably this view is predicated on promoting comity between the nations designed to eliminate adverse public opinion in Japan and the Far East arising out of the Girard incident. To trifle in this way with the sacred rights of Amercan citizens would be shocking and indefensible and the fact that young Girard might receive a fair trial in Japan is not the issue.

He might or might not receive a fair trial. I have no desire to criticize the judicial institutions of Japan. I think it can be stated that they are not like our own judicial institutions. There are many points at variance between our two respective systems. The Japanese have their right to their own system and we have our right to ours. Japan is a great, friendly, democratic nation, and I favor cordial, cooperative relations with her in our fight against tyranny.

In this country under our Constitution and laws the accused possesses definite, constitutional, substantive rights, and also rights that pertain to procedural matters which we cherish very much, and which indeed are vital and essential to every American citizen. For example, we cherish the right of the accused to his own counsel, the right of trial by jury in criminal cases, the right against double jeopardy, the right to confront witnesses against him, the right against self-incrimination, the right to be protected against cruel and unusual punishment, the right of presumption of innocence, the right of the doctrine of reasonable doubt, the right against unreasonable searches and seizures, the right not to be prosecuted under ex post facto laws, and many other substantive and procedural rights. I repeat and emphasize: These rights Americans cherish.

Both the Supreme Court and the Court of Military Appeals have recently recognized and reinforced these rights emphasizing the guaranties of due process to every American and his right to be tried under American principles of law. These are questions which relate to the so-called Status of Forces Agreement, and I think that they all provide food for thought to the Members of this body on that subject. It should be made clear, however, that the Status of Forces Agreement as such recognizes our jurisdiction in such a case. We are definitely faced with serious problems arising from surrender of basic American rights under international agreements and Congress acting under its constitutional mandate surely must, in time, settle these burning issues which may affect the liberty of many Americans fighting for our country in foreign lands. Our executive department should never waive these rights as it did in the Girard case.

The very able, distinguished Chief Justice Quinn of the Court of Military Appeals summarized this issue in a recent case before that tribunal. He said:

> I have absolutely no doubt in my mind that accused persons in the military service of the Nation are entitled to the rights and privileges secured to all under the Constitution of the United States unless excluded directly or by necessary implications, by the provisions of the Constitution itself. Consequently, in my opinion, there is no merit to the argument that the Constitution has no application outside the continental limits of the United States. * * * Our Armed Forces are now stationed in 63 foreign countries, as part of our program of national defense and our effort to preserve the peace of the world. They are not thereby deprived of their constitutional rights and privileges. On the contrary, those constitutional rights and privileges are a fundamental part of the military law. And the military law governs our Armed Forces whether they are within or without the continental limits of the United States.

It seems to me Judge Quinn's words represent the established law of this Nation as to the view that our military personnel may not be deprived of their constitutional rights. The Supreme Court has so held in several decisions.

It will be for Congress to determine whether we are to continue to be a government of laws under a written Constitution, guaranteeing life, liberty and opportunity to our citizens insured by due process and equal protection of the law, or whether we shall allow our basic rights to be disregarded and changed by the bare action of the Executive and the courts without sanction of the Congress.

If we are to allow foreign treaties and executive agreements to supersede the legal rights of members of the Armed Forces and to nullify the effective laws and procedures we have established to enforce these rights, it is as certain to follow as the day the night that the constitutional foundations and economic interests of this Nation will be gravely imperiled.

I would now like to discuss the jurisdictional aspects of this matter.

The question of criminal jurisdiction over American forces abroad is a difficult one since it embraces, not only our own domestic laws, but treaties and private and public international law as well. It also touches upon our international relations, as has been so well evidenced by the recent Girard case and several other cases that have developed in foreign nations.

It should be noted that conflict usually arises because foreign nations seek to take jurisdiction over our servicemen who commit crimes within their boundaries, and we have our own laws retaining jurisdiction over our own forces.

This controversial question has been the subject of status of forces agreements, so-called, with something like 49 nations and there are separate agreements covering Germany and Japan. All the NATO countries are covered by such agreements.

In general, these agreements provide for concurrent criminal jurisdiction and a system of waivers granted upon request by the state considered to have primary jurisdiction.

Current statistics show that in a majority of cases so far the foreign states concerned have granted American requests for waiver. There is some evidence to the effect that sentences imposed by foreign courts upon American armed services personnel tried and convicted of crimes abroad are generally less severe than those imposed by courts-martial for similar offenses. The agreements are applicable to NATO forces in the United States, as well as to American forces abroad, but there is apparently no case up to this time of a foreign government requesting a waiver of jurisdiction from the United States in respect to their military personnel in this country.

Various very strong, persuasive arguments have been made against the surrender by this country of jurisdiction over our servicemen to foreign nations. I, for one, do not believe that the Congress can afford to take these arguments lightly, because they reflect a point of view that is shared by a large number of the American people. These arguments have been urged by some very able, patriotic Members of this body. They are sincere, forceful, and entitled to our careful analysis and consideration.

First, we must have in mind that none of our military boys are legally present in foreign countries voluntarily. Some of them have been drafted; others enlisted. But they have been assigned by the military on other than a voluntary basis, in most instances without their consent or approval, to foreign posts. To submit them, therefore, to the jurisdiction of foreign courts for trial in criminal cases affecting their liberty or perchance their lives, is a profoundly serious legal and personal result, and this is especially true in the light of the fact that many foreign courts do not follow the rule of law, or the rule of due process, or apply the principles or the safeguards of the Bill of Rights enforcible in the American courts to which they are entitled as American citizens.

Secondly, it is an anachronism and a paradox, to say the least, for this Nation, which originally sent its Armed Forces into these foreign nations in the first

place as occupying units following a brutal war and decisive military victory for our side, and which has these units in these countries presently on a friendly basis, or upon the request of the foreign governments concerned, to permit foreign governments to lay down terms to us which subject or expose American military personnel to harsh, arbitrary treatment, procedure, and punishment in foreign courts. This should never be tolerated.

These are questions I submit, Mr. Speaker, which must have our most earnest, immediate attention so that we may reinforce, where necessary, the legal rules which protect the constitutional rights and all the other rights of our Armed Forces abroad. If the Congress does not take this action, it may leave the door open to possible injustice and denial of justice that will serve to outrage American public opinion, diminish our prestige in foreign nations, and cause an unfortunate, dangerous deterioration of our international relations.

As we approach the solution of this question, we must first keep in mind that, in the absence of special agreements, international law is confused and conflicting though it generally recognizes that nations may exercise criminal jurisdiction over persons within their territories.

If such members of military forces are to be immune from foreign jurisdiction this immunity must flow, therefore, either from special agreements or special laws adopted by the Congress, which shall be recognized by other nations and their courts. Some courts have made exceptions for military personnel; others have not, and hold that in the absence of waiver, expressed or implied, a state retains jurisdiction to punish all criminal offenses within its territory even if committed by a member of a visiting armed force. International agreements seem to give further weight to this view, but we have had fairly satisfactory experience with most of our allies in agreeing upon jurisdictional questions arising principally from wartime necessity. The treaties were proposed ostensibly to avoid treating each case as a separate negotiation. The problem now—and it is a very serious one—relates to our forces serving overseas for security purposes as occupying police or defense forces.

As I have pointed out, foreign courts do not generally provide for criminal trials conducted under our constitutional guaranty. The Uniform Code of Military Justice now needs amendment and clarification in the light of the Girard case. The decisions of the Supreme Court are neither sacrosanct nor absolute. While they are generally to be respected by our people until they are changed, it is, not only the right, but the duty of Congress to change them by statute law where it is deemed that they are inconsistent with the Constitution and violative of Congressional intent.

A most controversial issue arises from the determination of what constitutes an on-duty or off-duty offense and the procedure for determining the fact. The NATO treaty provides no standard for this determination. The French viewpoint would deprive the United States of primary jurisdiction over all crimes which involves specific intent. The United States contends that the treaty provision includes any act incidental to a duty assignment, but the Girard case apparently abandons that view.

A Turkish statute adopts the American position that a certificate of the American military authorities, as in the Girard case, stating that the accused was in the performance of official duties when the offense was committed, should be a conclusive bar to the exercise of foreign jurisdiction. This would preclude foreign courts from making their own jurisdictional determination. But Turkey is apparently the only foreign country that takes this view.

The United Kingdom makes it a rebuttable presumption that the accused was in the performance of official duties, but leaves final determination of this question to the British courts. The establishment of formal procedures for making line of duty determination would certainly help to eliminate this conflict. This is most essential.

It would also seem that double jeopardy of our servicemen is possible under the treaty since our Court of Military Appeals has held that a serviceman may be tried by courts-martial for the same act for which he has been held in contempt of a foreign court on the ground that the Status of Forces Agreement does not preclude the court martial because, under American law, contempt proceedings are not a trial. There is, for example, an instance of an American serviceman, who was tried by three NATO countries for separate offenses arising from the same set of events and thus multiple trials for different offenses have taken place under the treaty.

In one case, American military courts have upheld the use by courts-martial of evidence obtained by foreign investigators during a search and seizure illegal by American standards. In another case, evidence obtained by American investigators in violation of the Uniform Code of Military Justice has been turned over to Italian authorities for use in prosecution of member of American forces.

In several foreign countries American forces have been tried in absentia, and in some cases the accused was not informed by military authorities that he was being tried, nor was he furnished with counsel for his defense.

Although the Senate in consenting to the Status of Forces Agreement appended a statement to the text of the treaty directing requests for waivers to insure constitutional safeguards, for notification of the Armed Services Committees of Congress in cases where diplomatic negotiations are necessary, for the presence of American representatives at all foreign trials to insure compliance with certain rights guaranteed to an accused by the treaty, it would appear that lack of adequately trained personnel has hampered the Department of Defense in complying with the requirement that trial observers be present at all trials by foreign courts of members of the American forces. It is evident, therefore, that our own Government is not adequately carrying out some of the provisions attached to the treaty by our own Senate.

The Girard decision is a rather astonishing legal document, which seems to be more closely adapted to current political and diplomatic policy than it is reflective of the legal principles of international, municipal and constitutional law applicable to the rights of an American serviceman accused of certain criminal offenses at a time when he was certified as duly on duty with the Army.

It should be noted that our Government in this instance notified Japan that Girard would be delivered to the Japanese for trial and that the so-called protocol agreement with Japan, under which this action was taken, was entered into without the subsequent consent of the Senate.

If this Government under a treaty or by any other presumed authority can deliver up American servicemen to foreign nations for criminal trial of line-of-duty offenses, we will be faced, not only with possible violations of the basic constitutional rights of these men, but will soon be confronted with distinct and extreme deterrents to enlistment in our Armed Forces of American boys. If prospective members of the armed services all over the Nation are to believe that they may be subjected by our Government to possible criminal trials in foreign courts where American principles of jurisprudence do not prevail, where a fair trial as we conceive it cannot be secured, and where unjust procedures, harsh, oppressive punishments and double jeopardy may obtain, it would seem very likely—and I hope this will not occur—that the reenlistment and enlistment rates of our armed services may be grievously affected.

The case cited by the Supreme Court in support of its decision on the question of jurisdiction was that of *Schooner Exchange* v. *McFadden* (7 Cranch 116), in which Chief Justice Marshall took the position that troops passing through a foreign country were subject only to their own military jurisdiction. This position was later elaborated in dicta to include troops stationed in a foreign country. Frankly, I am unable to follow the reasoning or the result of the Girard opinion, and I think it requires, as is proposed by the able gentleman from Texas [Mr. KILDAY] that Congress move at once to clarify the status and the rights of American servicemen serving in line of duty in foreign nations. Since this decision permits the executive department to waive primary jurisdiction accorded by international agreements to this nation over American forces in foreign nations, Congress must act to protect our servicemen abroad.

The State Department decision just announced refusing waiver of claimed jurisdiction over American servicemen in the Philippines charged with traffic violations, has but added to the confusion and uncertainty that surrounds the general question of foreign jurisdiction.

It would seem to indicate that the State Department has no consistent, clear-cut opinion or procedure resting on international law or national policy

on jurisdiction over our military in foreign nations. While I do not have all the facts, the case would seem, as reported by the press, to be in direct variance with the Girard case. If the Department had waived jurisdiction in this case, and I am not suggesting this course, and refused to waive jurisdiction in the Girard case, its position would be more consistent and in keeping with American law, and the Japanese agreement and applicable principles of international law and municipal law in foreign states.

If treaties and agreements with foreign nations are to be declared by the Supreme Court to take precedence over the Uniform Code of Military Justice, the Bill of Rights, and all the safeguards of the Constitution to the extent that American servicemen serving on duty in our Nation's Armed Forces overseas can be turned over by this Government to foreign courts for criminal trial, it is incumbent upon this Congress to clarify the law. I hope we will do so at a very early date, because this decision holds very grave implications for our servicemen. It holds other implications for our economic and industrial interests, regarding which I propose to address the House on another occasion.

FIFTEENTH ANNIVERSARY OF WAVES

The SPEAKER. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 3 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I know the House will join me in sending congratulations to Captain Wilde and to the approximately 725 officers and 5,000 enlisted women under her command—for their outstanding, patriotic service as a vital part of our national defense.

I know the Members are grateful for their unselfish and often terribly trying duty. We honor them, just as I do.

On Friday and Saturday of this week, the WAVES will hold their annual WAVES convention. It really will be a celebration of their 15th birthday. On July 30, 1957, the women of the Navy, generally known as WAVES, will celebrate their 15th anniversary. First organized in World War II as the Women's Reserve, United States Naval Reserve, they have now become, since the passage of the Women's Armed Services Integration Act of 1948, an integral part of the United States Navy. The current active duty strength of the WAVES is approximately 725 officers, and 5,000 enlisted women, and they are serving in regular military jobs throughout the United States and at selected overseas bases.

The present director of the WAVES, whose official title is Assistant Chief of Naval Personnel for Women, is Capt. Louise K. Wilde, United States Navy. Captain Wilde will complete her 4-year tour in August and will be succeeded by Capt. Winifred R. Quick, United States Navy, who becomes the fifth director since the WAVES were first organized in 1942. The sentiments of Vice Admiral Holloway are expressed in many different ways about Captain Wilde.

Vice Adm. J. L. Holloway, Jr., Chief of Naval Personnel, had this to say about Captain Wilde in a recent letter to the present director:

DEAR CAPTAIN WILDE: Your detachment signalizes a milestone in the history of the WAVES. For the first time, the loss of an Assistant Chief for Women does not result in the loss to the naval service of an outstanding American woman. We regard your detachment with a keen sense of loss.

Your professional and personal contributions to your present assignment have been of the first order, and have at all times served the advancement of our Navy's interest and prestige.

Your inspiring leadership is reflected in the high standards of integrity, loyalty, and efficiency of women throughout the naval service.

Our continued best wishes go with you in your new assignment and for all your naval career.

With high esteem, and warm regards, I am,
Sincerely,

J. L. HOLLOWAY, Jr.,
Vice Admiral, United States Navy,
Chief of Naval Personnel.

Captain Wilde has been assigned to duty as Special Assistant to the Superintendent, Naval Postgraduate School, Monterey, Calif. Prior to reporting to Washington for duty in 1953, Captain Wilde had served on the staff of commander, Western Sea Frontier, in San Francisco, Calif.

Massachusetts is very proud of Captain Wilde. We claim her in my home city of Lowell, Mass., because her mother, the former Jane Louise O'Donoghue, is a Lowell girl.

Born in Concord, N. H., on July 18, 1910, Captain Wilde attended the public schools in that city and received her bachelor of arts degree from Mount Holyoke College in 1931. In 1941 she received her master of arts degree from Columbia University. She worked for several years as a newspaperwoman and was director of publicity at Mount Holyoke College at the time of the college's 100th anniversary in 1937. Prior to entering the Navy, Captain Wilde served for 2 years as assistant to the president and also as freshman dean at Rockford College in Illinois.

Captain Wilde presently lives in Washington, D. C. She is a member of the American Association of University Women and the Mount Holyoke Club of Washington, D. C. Her mother, Mrs. Jane L. Wilde, is the former Jane Louise O'Donoghue of Lowell, Mass.

In October 1952, Captain Wilde was cited by Mount Holyoke College as one of its most outstanding alumnae who had distinguished herself in the field of human relations. She was elected an alumna trustee of Mount Holyoke College and received the honorary degree of doctor of humane letters from Rockford College, Rockford, Ill., in June 1954.

Sworn into the Naval Reserve in August 1942, with the rang of lieutenant, junior grade, Captain Wilde was public relations officer at the United States Naval Reserve Midshipmen's School (W) in Northampton, Mass., until January 1943. She then became assistant to the director of the Women's Reserve and served in the Washington office of the wartime director, Captain Horton, as coordinator of public relations for the Women's Reserve, during the period when the WAVE strength was built to a total of approximately 86,000.

In August 1945 Captain Wilde was transferred to Hawaii as district director for the 4,000 WAVES on duty in the 14th Naval District. In December of 1945 she received a spot promotion to commander and continued on duty at Pearl Harbor during the demobilization period following World War II. In June 1946 she was ordered to Washington to serve as assistant to Captain Palmer, second WAVE director.

Captain Wilde assumed the duties of Assistant Director for Plans, Women's Division, when Captain Hancock succeeded Captain Palmer and subsequently worked both on the legislation authorizing WAVES in the Regular Navy and Naval Reserve on a permanent basis and on all the plans for the implementation of these programs. Following the passage of this legislation Captain Hancock became an Assistant Chief of Naval Personnel and Captain Wilde continued until 1952 as Deputy Director of the WAVES.

In November 1948 Captain Wilde transferred to the Regular Navy and continued to hold the temporary rank of commander until she was selected for the permanent rank of commander on January 1, 1950.

Captain Wilde has been awarded the Bronze Star Medal for her work in Pearl Harbor and the Secretary of the Navy's Commendation Ribbon for her wartime work with the WAVES' first director. In addition she has the American Area Service Medal, the Asiatic-Pacific Service Medal, the World War II Victory Medal, and the National Defense Medal.

Also commissioned in the first group of women officers to enter the Women's Reserve, the United States Naval Reserve, Captain Quick was one of the first WAVE officers to transfer to the Regular Navy in October 1948.

Captain Quick was graduated with the first officer indoctrination class at Smith College in August 1942, Northampton, Mass., and appointed to the WAVE Midshipman School where, in charge of personnel and classification of officer candidates, she was responsible for the interviewing and classification of approximately 500 women officers each month. With her promotion to lieutenant, junior grade, in August 1943, she was ordered to the Navy Department, Washington, D. C., as special assistant on WAVE officer personnel, and as a job analyst worked with the Navy Management Engineers on manpower utilization.

She was one of the first two women officers sent overseas late in 1944 to make plans for the assignment of WAVE officers and enlisted women to the Territory of Hawaii. As Assistant to the Director of Personnel in the 14th Naval District, she was responsible for the assignment of more than 4,000 WAVES ordered to Hawaii during World War II to replace Navy men needed in the Pacific Fleet. During this period she was promoted to lieutenant commander, and in 1946 assumed the additional responsibilities of District Director of the Women's Reserve, 14th Naval District. She remained at Pearl Harbor during

the demobilization period following the Japanese surrender.

She was awarded the Bronze Star Medal "for exceptionally meritorious service as District Personnel Officer for the Women's Reserve in the 14th Naval District from October 30, 1944 to April 11, 1946."

Returning to Washington, Captain Quick served from September 1946 until April 1947 as Director of the Women's Reserve in the Potomac River Naval Command, then had a tour of duty in the Bureau of Naval Personnel, Navy Department, as Special Assistant to the Director of Officer Personnel and WAVE Detail Officer. In that capacity she assisted in the formulation and implementation of plans and policies concerning women officers in the Regular Navy. From August 1950 until May 1951 she was assigned to the Office of the Secretary of Defense, as Military Personnel Consultant.

She was among 15 Navy and Marine officers selected for a year's graduate work at Stanford University and, after receiving her master's degree in personnel administration and training in June 1952, remained in California until February 1956 as Assistant Director, later Director of Naval Personnel for the 12th Naval District. She was the first woman officer to hold this position. During that period she was promoted to the rank of commander, to date from July 1, 1953.

Reporting in February 1956 to the Commander in Chief Naval Forces, Eastern Atlantic and Mediterranean, London, England, she was assigned as Senior Assistant to the Chief of Staff—Administration. She returned to the Navy Department in July 1957, and on August 9, will assume the duties of Assistant Chief of Naval Personnel for Women and Director of the WAVES.

In addition to the Bronze Star Medal, Captain Quick was awarded the American Campaign Medal, the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, and the National Defense Service Medal.

Born in Great Falls, Mont., on November 26, 1911, she was graduated from the University of Southern California with the degree of bachelor of science in business administration in 1935, and, after 2 years as director of personnel for Brunswig Drug Co., wholesale and pharmaceutical manufacturers in Los Angeles, attended the first graduate course in management training at Radcliffe College, Cambridge, Mass., in 1937–38. Prior to entering the naval service, she was personnel coordinator for Pasadena Junior College and the United States Employment Service at Pasadena, Calif. Her home town address is San Francisco, Calif.; her current residence is 2500 Q Street NW., Washington, D. C.

Women served with the Navy for the first time during World War I when they were enlisted in the Naval Reserve as yeoman (F). These enlisted women were known as yeomanettes and their duties were principally stenographic.

Again in World War II the need for women in the service to supplement the country's manpower was recognized and on July 30, 1942, the President signed legislation authorizing the enlistment and commissioning of women in the United States Naval Reserve. These Women Accepted for Voluntary Emergency Service—WAVES—were permitted to serve in shore billets within the continental limits of the United States only. However, legislation was passed 2 years later to permit WAVES to serve overseas in Hawaii and Alaska.

The original numerical strength of the women in the Navy was set at 10,000 enlisted and 1,000 officers. This was greatly increased as the war progressed and the WAVES proved that they could take over many more jobs than at first was believed possible. The WAVES reached their numerical peak in July 1945 when there were approximately 86,000 officers and enlisted women on active duty. These women were serving at 900 naval activities in the United States and Hawaii, performing nearly every type of duty ashore. Among the enlisted women there were gunnery instructors, ballistics experts, celestial navigation instructors, and many other skilled technical workers as well as yeomen, storekeepers, hospital corpsmen, and others. In the women officers' ranks there were included lawyers, civil engineers, doctors, linguists, and educators.

The record established by the WAVES in World War II paved the way for the passage in June 1948 of legislation making women a permanent part of the Regular Navy and the Naval Reserve. Now women can make the Navy their career, and the limitations on foreign duty have been removed.

ANALYSIS OF VOTE ON H. R. 1

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, the school-construction bill has been killed. The breakdown of the rollcall of both parties on this bill is very interesting, and should be interesting to the people of the country.

The breakdown of the rollcall shows that 97 Democrats voted to strike out the enacting clause and 126 Democrats voted against it; 111 Republicans voted to strike out the enacting clause and 77 Republicans voted against it.

In other words, 57 percent of the Democrats voted to keep the bill alive and to proceed with further consideration of the bill.

Fifty-nine percent of the Republicans voted to kill the bill and 41 percent of the Republicans voted to keep the bill alive. Forty-three percent of the Democrats voted to strike out the enacting clause.

In this morning's Washington Post there was a very interesting cartoon of the President going in all directions at the same time. I think this vote clearly justifies the cartoon, as well as the editorial which the Washington Post carried this morning.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BUSH (at the request of Mr. FENTON) from July 19, 1957, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BENTLEY, to transfer his special order for 15 minutes on Monday next to Tuesday next.

Mr. KILGORE for 15 minutes today, and to revise and extend his remarks.

Mr. PHILBIN for 25 minutes today.

Mrs. ROGERS of Massachusetts for 3 minutes today.

Mr. KEARNS for 25 minutes on Monday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. REUSS and to include extraneous matter.

Mr. MULTER in two instances and include extraneous matter.

Mr. McMILLAN.

Mr. HALEY.

Mr. SANTANGELO and include extraneous matter.

Mr. RODINO (at the request of Mr. SANTANGELO).

Mr. MACDONALD.

Mrs. GRANAHAN.

Mr. MINSHALL in two separate instances, in each to include extraneous matter.

Mr. MILLER of Maryland.

Mr. BOLAND.

Mr. ABBITT.

Mr. CRAMER and to include extraneous matter.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.), under its previous order, the House adjourned until Monday, July 29, 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:

1062. A letter from the Deputy Administrator, Veterans' Administration, transmitting a report of tort claims paid by the Veterans' Administration during the fiscal year ending June 30, 1957, pursuant to Public Law 601, 79th Congress; to the Committee on the Judiciary.

1063. A letter from the Director, Central Intelligence Agency, transmitting a report of tort claims paid by the Central Intelligence Agency for the fiscal year 1957, pursuant to Public Law 601, 79th Congress; to the Committee on the Judiciary.

1064. A communication from the President of the United States transmitting proposed supplemental appropriations and a proposed provision for the fiscal year 1958 for the legislative branch and for various departments

and agencies of the executive branch totaling $6,762,967 and for the District of Columbia in the amount of $2,950,717 payable from District of Columbia funds. (H. Doc. No. 213); to the Committee on Appropriations and ordered to be printed.

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:

Mrs. GRANAHAN: Committee on Post Office and Civil Service. H. R. 6371. A bill to increase the equipment maintenance allowance for rural carriers, and for other purposes; with amendment (Rept. No. 876). Referred to the Committee of the Whole House on the State of the Union.

Mr. VINSON: Committee on Armed Services. H. R. 8850. A bill to amend the Universal Military Training and Service Act to authorize additional deferments in certain cases; with amendment (Rept. No. 879). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. S. 1492. An act increasing penalties for violation of certain safety and other statutes administered by the Interstate Commerce Commission; without amendment (Rept. No. 877). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H. R. 5384. A bill to amend the Interstate Commerce act to provide for the preservation of competitive through routes for rail carriers; with amendment (Rept. No. 878). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. S. 1383. An act amending section 410 of the Interstate Commerce Act, to change the requirements for obtaining a freight forwarder permit; without amendment (Rept. No. 880). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H. R. 8897. A bill relating to foreign personal holding companies; to the Committee on Ways and Means.

By Mr. BROYHILL:

H. R. 8898. A bill to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia; to the Committee on the District of Columbia.

H. R. 8899. A bill to increase annuities payable to certain annuitants from the District of Columbia teachers retirement and annuity fund, and for other purposes; to the Committee on the District of Columbia.

By Mr. BURNS of Hawaii:

H. R. 8900. A bill to authorize land exchanges at Honolulu, Oahu, T. H., for the development of the Honolulu airport complex, consisting of the Honolulu International Airport, Hickam Air Force Base, and Keehi Lagoon, an outlying facility of the naval air station at Barbers Point, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DAWSON of Illinois (by request):

H. R. 8901. A bill to provide for the relocation of the National Training School for Boys, and for other purposes; to the Committee on Government Operations.

By Mr. HOLT:

H. R. 8902. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain amounts paid by a teacher for his further education; to the Committee on Ways and Means.

By Mr. PHILBIN:

H. R. 8903. A bill to amend the Armed Services Procurement Act of 1947; to the Committee on Armed Services.

By Mr. DEMPSEY:

H. R. 8904. A bill to amend the Atomic Energy Community Act of 1955, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. CARNAHAN:

H. Res. 367. Resolution recommending the creation of a permanent United Nations emergency force; to the Committee on Foreign Affairs.

By Mr. HALE:

H. Res. 368. Resolution recommending the creation of a permanent United Nations emergency force; to the Committee on Foreign Affairs.

By Mrs. KELLY of New York:

H. Res. 369. Resolution recommending the creation of a United Nations emergency force; to the Committee on Foreign Affairs.

By Mr. MERROW:

H. Res. 370. Resolution recommending the creation of a permanent United Nations emergency force; to the Committee on Foreign Affairs.

By Mr. REUSS:

H. Res. 371. Resolution recommending the creation of a permanent United Nations emergency force; to the Committee on Foreign Affairs.

By Mr. WAINWRIGHT:

H. Res. 372. Resolution recommending the creation of a permanent United Nations emergency force; to the Committee on Foreign Affairs.

By Mr. BROYHILL:

H. Res. 373. Resolution for the consideration of H. R. 2462, a bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. CHELF:

H. Res. 374. Resolution to authorize a study and investigation of certain censorship practices of the radio and television networks; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT:

H. R. 8905. A bill for the relief of Hubert D. Thatcher, Robert R. Redston, Andrew E. Johnson, William L. Barber, Alex Kamkoff, and William S. Denisewich; to the Committee on the Judiciary.

By Mr. BOYLE:

H. R. 8906. A bill for the relief of Mrs. Mary Mares; to the Committee on the Judiciary.

By Mr. BURNS of Hawaii:

H. R. 8907. A bill for the relief of Umezo Muramoto and his wife, Tsuna Goto Muramoto; to the Committee on the Judiciary.

By Mr. CELLER:

H. R. 8908. A bill for the relief of Teresa Camejo Arguelles; to the Committee on the Judiciary.

H. R. 8909. A bill for the relief of Marcie Ellen Schlossman; to the Committee on the Judiciary.

By Mr. AVERY:

H. R. 8910. A bill for the relief of Michael James Cowan and Linda Dorothy Cowan; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H. R. 8911. A bill for the relief of Anna Bodnar Nicholas; to the Committee on the Judiciary.

By Mr. FALLON:

H. R. 8912. A bill for the relief of Mrs. Josefine Zapletal Grim; to the Committee on the Judiciary.

By Mr. FULTON:

H. R. 8913. A bill for the relief of Margaret Weydmann, and her minor child, Billi Weydmann; to the Committee on the Judiciary.

By Mr. HEALEY:

H. R. 8914. A bill for the relief of Solomon Herzfeld; to the Committee on the Judiciary.

By Mr. HOLT (by request):

H. R. 8915. A bill for the relief of James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos; to the Committee on the Judiciary.

By Mr. NORBLAD:

H. R. 8916. A bill for the relief of Casabianca Ambra Paola and Stefani Daniela Paola; to the Committee on the Judiciary.

By Mr. OSMERS:

H. R. 8917. A bill for the relief of Lancome Sales, Inc.; 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:

313. By the SPEAKER: Petition of the executive vice president, Texas Manufacturers Association, Houston, Tex. Petitioning consideration of their resolution with reference to endorsing the purposes as expressed in Senate bill 5 and respectfully recommending their enactment; to the Committee on the Judiciary.

COMMITTEE EMPLOYEES

COMMITTEE ON AGRICULTURE

JULY 13, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
John J. Heimburger	Counsel	$7,412.14
Mabel C. Downey	Clerk	7,412.14
Francis M. LeMay	Staff consultant	6,808.86
George L. Reid, Jr.	Assistant clerk	1,233.33
Lydia Vacin	Staff assistant	3,843.54
Pauline E. Graves	do	3,689.42
Betty M. Prezioso	do	3,381.12
Gladys N. Ondarcho	do	3,124.26
Alicia F. Shoemaker	do	1,017.14

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	------
Amount expended from Jan. 1, to June 30, 1957	4,402.15
Balance unexpended as of June 30, 1957	45,597.85

HAROLD D. COOLEY,
Chairman.

COMMITTEE ON APPROPRIATIONS

JULY 15, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profes-

sion, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Corhal D. Orescan	Clerk and staff director.	$7,436.46
Kenneth Sprankle	do	7,436.46
Paul M. Wilson	do	7,436.46
Jay B. Howe	Staff assistant	6,808.86
Ross P. Pope	do	6,808.86
Robert M. Moyer	do	6,808.86
Carson W. Culp	do	6,808.86
Samuel W. Crosby	do	6,808.86
Harris H. Huston	Staff assistant	6,808.86
Frank Sanders	do	6,288.66
Eugene B. Wilhelm	do	6,288.66
George S. Green	Clerk to minority	6,418.70
E. L. Eckloff	Clerk to majority	6,325.80
Robert P. Williams	Editor	5,917.14
Robert L. Michaels	Staff assistant	5,322.60
G. Homer Skarin	do	4,727.94
Earl C. Silsby	do	4,564.44
Lawrence C. Miller	Assistant editor	3,723.66
FrancisG. Merrill	Staff assistant	3,552.42
SamuelR. Preston	Junior staff assistant.	3,124.26
DonaldR. Bridges	Clerical assistant	2,610.42
DonaldF. Berens	do	2,524.80
RandolphThomas	Janitor-messenger	1,678.02
John C. Pugh	Consultant	1,461.00
Julia M. Elliott	Clerk-stenographer	2,610.42
Mary A. Vaughn	do	2,610.42
Betty G. Coil	do	2,581.41
Phyllis N. Troy	do	2,610.42
William J. Neary	do	2,610.42
Shirley Rae Cooley	do	2,610.42
Catherine D. Norrell	do	2,610.42
Annette Lee	do	2,175.35
Donald L. Bernard	do	2,610.42
Edward Ricci	do	2,175.35
Edwin A. Sheehan	do	1,740.28
Molly O. Day Saguto.	do	2,610.42
Rose Marie Kline	do	2,610.42
Margaret B. Linton	do	2,581.41
Silas Taber	do	2,175.35
L. Margaret Murray	do	2,610.42
Margie H. Trew	do	2,610.42
James W. Dudley	do	2,610.42
John C. Clevenger	do	2,610.42
Gladys Kofmehl	do	2,610.42
Frank B. Melchoir	do	2,507.64
Frank Mentillo	do	2,353.50
Lenore Cummings	do	2,353.50
Robert V. V. Rice, Jr.	do	2,010.96
Roma E. Jaques	do	15.52
Evelyn Page	do	1,305.21
Ruth M. Young	do	435.07
Agnes Norton	do	435.07
Monica Smith	do	435.07
Lucille K. Brand	do	613.24
Robert Cope, Jr.	do	366.56

Funds authorized or appropriated for committee expenditures	$435,000.00
Amount of expenditures previously reported	196,918.14
Amount expended from Jan. 1 to June 30, 1957	190,497.43
Total amount expended from July 1, 1956, to June 30, 1957	387,415.57
Balance unexpended as of June 30, 1957	47,584.43

CLARENCE CANNON,
Chairman.

COMMITTEE ON APPROPRIATIONS

JULY 15, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Richard F. McIlwain	Director, surveys and investigations staff.	$6,023.62
Robert E. Rightmyer	Assistant director, surveys and investigations staff.	2,065.26
M. Alice Ruml	Stenographer	2,272.32
Lillian M. Mackie	Stenographer	1,346.56
Charles G. Haynes	Director, surveys and investigations staff.	3,994.28
Ralph W. Horton	Investigator	967.61
Ethel P. Powers	Stenographer	1,893.60
John J. Bachmann	Consultant	1,680.00
John J. Donnelly	do	9,000.00
Engelhardt, Engelhardt, Leggett and Cornell.	do	4,000.00
Marion N. Hardesty	do	3,450.00
George Y. Harvey	do	3,000.00
John B. St. John	do	550.00
Daniel D. Whitcraft, Jr.	do	800.00

REIMBURSEMENTS TO GOVERNMENT AGENCIES

Agriculture, Department of:		
William J. Gross	Investigator	$1,296.94
John I. Sherman	do	398.77
Air Force, Department of: John Ewan.	do	2,435.69
Atomic Energy Commission:		
James I. Bolson	do	1,272.51
Martin Hayes	Editorial assistant	379.24
Albert P. Pollman.	Investigator	1,964.76
Bureau of the Budget:		
John B. Holden	do	2,143.28
Richard Newman.	do	1,418.16
Federal Bureau of Investigation:		
Carl L. Bennett	do	5,185.29
Harold H. Hair	do	5,398.65
Thomas J. Jenkins.	do	5,301.06
Hugh B. McGahey.	do	2,436.24
Richard A. Miller.	do	5,185.29
Robert M. Murphy.	do	5,177.84
James E. Nugent	do	6,296.10
Robert E. Rightmyer.	do	3,754.50
John A. Ruhl	do	5,185.29
Andrew J. Shannon.	do	5,078.61
Glenn A. Trofast	do	2,401.51
Samuel E. Virden II.	do	5,194.38
General Services Administration:		
Howard K. Chapman, Jr.	do	2,530.38
John H. Holmead	do	580.68
Robert J. Rickey	do	1,596.24
Joseph E. Vaughan.	do	1,570.13
Health, Education, and Welfare, Department of:		
Marjorie C. Hymans.	Stenographer	221.04
Glenn G. Lamson, Jr.	Investigator	2,766.16
James N. McGuire.	do	934.47
Ruth G. Stout	Stenographer	543.59
Interior, Department of:		
Percy L. Edwards.	Investigator	846.20
Fred Gilbert	do	967.80
Edmund E. Lacasse.	do	1,049.39
Donald H. Miller	do	2,365.00
Robert S. O'Neil	do	683.80
International Cooperation Administration: Lillian M. Mackie.	Stenographer	396.22
Interstate Commerce Commission: John I. Pitman.	Investigator	345.77
National Advisory Committee for Aeronautics: Ralph E. Cushman.	do	1,788.00
Post Office Department: Robert W. Morris.	Editorial assistant	1,995.29
Department of State: Charles W. Minor.	Investigator	1,076.92
Veterans' Administration: William F. Jones.	do	1,525.69

REIMBURSEMENTS TO GOVERNMENT AGENCIES—continued

Name of employee	Profession	Total gross salary during 6-month period
Veterans Canteen Service Field Office: Harry Osolin.	Investigator	$597.22
Travel and miscellaneous expense.		25,448.07

Funds authorized or appropriated for committee expenditures	$500,000.00
Amount of expenditures previously reported	137,930.35
Amount expended from Jan. 1, to June 30, 1957	158,775.42
Total amount expended from July 1, 1957 to June 30, 1957	296,705.77
Balance unexpended as of June 30, 1957	203,294.23

CLARENCE CANNON,
Chairman.

COMMITTEE ON ARMED SERVICES

JULY 1, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Robert W. Smart	Chief counsel	$7,400.00
John R. Blandford	Counsel	7,366.00
Charles F. Ducander	do	7,366.00
Philip W. Kelleher	do	7,366.00
Janice G. Angell	Committee secretary.	3,509.59
Berniece Kalinowski	Secretary	3,509.59
Oneta L. Stockstill	do	3,209.87
L. Louise Ellis	do	3,209.87
Marie M. Abbott	do	2,811.66
James A. Deakins	Bill clerk	2,811.66

OFFICE OF SPECIAL COUNSEL OPERATING PURSUANT TO H. RES. 67 AND 68, 85TH CONG.

John J. Courtney	Special counsel	$7,304.13
Edward T. Fogo	Staff assistant	5,087.75
Lloyd R. Kuhn	do	3,947.92
Raymond Wilcove	do	4,675.48
Robert N. Tyler	do	2,676.56
Dorothy Britton	Secretary	2,735.39
Jane Wheelahan	do	870.14
Ethel L. Mott	Clerk	2,566.91
Adeline Tolerton	do	2,566.91
Katherine Staggs	Secretary	1,696.77

Funds authorized or appropriated for committee expenditures	$150,000.00
Amount of expenditures previously reported	------
Amount expended from Jan. 3 to June 30, 1957	37,434.18
Total amount expended from Jan. 3 to June 30, 1957	37,434.18
Balance unexpended as of July 1, 1957	112,565.82

CARL VINSON,
Chairman.

COMMITTEE ON BANKING AND CURRENCY

JULY 1, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of

the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to July 1, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Robert L. Cardon	Clerk and counsel	$7,412.14
Orman S. Fink	Professional staff	7,412.14
John E. Barriere	do	7,412.14
John M. Devlin	Editor (Apr. 1, 1957)	2,475.54
Helen E. Long	Deputy clerk	3,980.58
Mary W. Layton	Assistant clerk	3,980.58
EMPLOYEES PURSUANT TO H. RES. 86, SUBCOMMITTEE ON HOUSING		
Eleanor Hamilton	Research assistant (from Feb. 1, 1957).	$2,500.05
Alberta Masumian	Secretary	2,971.12
John J. McEwan, Jr.	Housing economist	6,786.71
Grady Perry, Jr.	Clerk (from Feb. 1, 1957).	2,960.35
Robert R. Poston	Chief counsel	7,288.81
Betty B. Ridgell	Secretary	3,274.26
Annie Louise Odum	Research assistant (from June 15, 1957).	213.77

Funds authorized or appropriated for committee expenditures $100,000.00

Amount of expenditures previously reported .....
Amount expended from Jan. 4 to June 30 ..... 27,346.56

Total amount expended from Jan. 4 to June 30 ..... 27,346.56
Balance unexpended as of June 30, 1957 ..... 72,653.44

BRENT SPENCE,
Chairman.

COMMITTEE ON BANKING AND CURRENCY

JULY 1, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

EMPLOYEES PURSUANT TO H. RES. 203, 84TH CONG.—SALARIES JAN. 1-3, 1957, INCLUSIVE

Name of employee	Profession	Total gross salary during 6-month period
Eleanor Hamilton	Research assistant	$56.75
Alberta Masumian	Secretary	36.53
John J. McEwan, Jr.	Housing economist	88.08
Robert R. Poston [1]	Chief counsel	92.30
Betty Ridgell	Clerk	41.31

[1] Paid in addition to above amount, $24.32 representing retroactive pay July 1956 to February 1957, inclusive.

Funds authorized or appropriated for committee expenditures $150,000.00

Amount of expenditures previously reported (July 1, 1955, to Dec. 31, 1956) $94,576.95
Amount expended from Jan. 1 to June 30 ..... 11,610.42

Total amount expended from July 1, 1955, to June 30, 1957 ..... 106,187.37

Balance unexpended as of June 30, 1957 ..... 43,812.63

BRENT SPENCE,
Chairman.

COMMITTEE ON DISTRICT OF COLUMBIA

JULY 5, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to July 1, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
William N. McLeod, Jr.	Clerk	$7,406.70
Wendell E. Cable	Minority clerk	6,625.56
Ruth Butterworth	Assistant clerk	4,009.54
Dixon Davis	do	2,246.12
George McGown	Research analyist	2,938.68
Margaret S. Rogers	Assistant clerk	2,576.20

Funds authorized or appropriated for committee expenditures $7,000.00

Amount of expenditures previously reported .....
Amount expended from Feb. 7 to June 30, 1957 ..... 543.75

Total amount expended from Feb. 7 to June 30, 1957 ..... 543.75

Balance unexpended as of June 30, 1957 ..... 6,456.25

JOHN L. MCMILLAN,
Chairman.

COMMITTEE ON EDUCATION AND LABOR

JULY 11, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Fred G. Hussey	Chief clerk	$7,412.14
Russell C. Derrickson	Chief investigator	7,412.14
James M. Brewbaker	General counsel	3,703.03
Kennedy W. Ward	Assistant general counsel.	7,412.14
John O. Graham	Minority clerk	7,412.14
Kathryn Kivett	Assistant clerk	3,226.98
Jeanne Thomson	Assistant clerk—minority.	3,226.98
Gloria Ann Baysden	Assistant clerk	3,226.98
Elizabeth Myers	do	2,689.15
Marian Riddiford	do	1,075.66
Michael Taylor	Staff assistant	335.16
Beatrice Sheppard	Assistant clerk	1,024.28

Funds authorized or appropriated for committee expenditures $125,000.00

Amount of expenditures previously reported .....
Amount expended from Jan. 1 to June 30, 1957 ..... 14,034.43

Balance unexpended as of June 30, 1957 ..... 110,965.57

GRAHAM A. BARDEN,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS

JULY 2, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Boyd Crawford	Staff administrator	$7,436.46
Roy J. Bullock	Staff consultant	7,332.15
Albert C. F. Westphal.	do	7,332.15
Dumond Peck Hill	do	6,774.80
Sheldon Z. Kaplan	do [1]	7,307.35
Franklin J. Schupp	do [2]	466.85
June Nigh	Staff assistant	3,723.66
Winifred G. Osborne	do	3,638.04
Helen M. Mattas	do	3,638.04
Myrtle M. Melvin	do	3,638.04
Helen L. Hashagen	do	3,638.04
Mary Louise O'Brien	do	3,549.56
Robert J. Bowen	Clerical assistant	2,747.45

[1] Resigned June 30, 1957.
[2] For period June 15-30, 1957.

Funds authorized or appropriated for committee expenditures $75,000.00

Amount of expenditures previously reported .....
Amount expended from Jan. 1 to June 30, 1957 ..... 4,036.93

Total amount expended from Jan. 1 to June 30, 1957 ..... 4,036.93

Balance unexpended as of June 30, 1957 ..... 70,963.07

THOMAS S. GORDON,
Chairman.

COMMITTEE ON GOVERNMENT OPERATIONS

To the CLERK OF THE HOUSE:

JULY 15, 1957.

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 4, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Expenses, Jan. 4, 1957, to June 30, 1957:	
Full committee	$2,218.69
Executive and Legislative Reorganization Subcommittee	39,715.43
Military Operations Subcommittee	33,046.41
Intergovernmental Relations Subcommittee	16,833.21
Public Works and Resources Subcommittee	26,732.43
International Operations Subcommittee	20,433.05
Legal and Monetary Affairs Subcommittee	42,625.21
General Government Activities Subcommittee	22,388.58
Special Subcommittee on Donable Property	13,272.96
Special Subcommittee on Government Information	24,842.01
Special Subcommittee on Water Resources and Power	4,855.82
Funds authorized or appropriated for committee expenditures	575,000.00
Amount of expenditures previously reported	.....
Amount expended from Jan. 4 to June 30, 1957	246,963.80
Balance unexpended as of June 30, 1957	328,036.20
Salaries, full committee (Jan. 1-June 30, 1957):	
Orville S. Poland, general counsel	6,866.14
James A. Lanigan, associate general counsel (Apr. 1-June 30, 1957)	3,655.23
Christine Ray Davis, staff director	7,412.14
William Pincus, associate general counsel (Jan. 1-Mar. 31, 1957)	4,266.43
Martha C. Roland, staff member	5,951.18
Dolores Fel'Dotto, staff member	3,987.75
Mona Keating Henderson, staff member	3,170.65

Salaries—Continued	
Ann E. McLachlan, staff member (Feb. 1-June 3, 1957)	$2,824.75
Earle J. Wade, staff member (Jan. 1-31, 1957)	582.79
John Philip Carlson, minority staff member	5,951.18
Helen M. Boyer, minority professional staff member	6,808.86
Expenses, Jan. 4 to June 30, 1957: Full committee	2,218.69
Executive and Legislative Reorganization Subcommittee, Hon. William L. Dawson, chairman:	
Elmer W. Henderson, counsel	5,964.66
Orville J. Montgomery, associate counsel (Feb. 1-June 30, 1957)	5,002.15
William A. Young, professional staff member	5,599.28
Victor G. Rosenblum, consultant (Feb. 26-June 30, 1957)	4,275.00
David Glick, legal analyst	4,432.14
Earle J. Wade, clerical staff (Feb. 1-June 30, 1957)	3,138.75
Lawrence P. Redmond, clerical staff (Feb. 12-June 30, 1957)	2,734.58
Clara K. Armstrong, minority, clerical	3,000.56
Morton C. Pollack, legal analyst (Apr. 9-June 30, 1957)	1,834.07
Edith T. Carper, research analyst (Apr. 8-June 30, 1957)	1,393.24
James J. Mahoney, staff member (Feb. 1-Mar. 31, 1957)	1,675,12
Ann E. McLachlan, staff member (Jan. 4-31, 1957)	508.45
Expenses	157.43
Total	39,715.43
Military Operations Subcommittee, Hon. Chet Holifield, chairman:	
Herbert Roback, staff director	7,276.65
John Paul Ridgely, investigator (May 1-June 30, 1957)	1,505.14
Earl J. Morgan, investigator	4,941.60
Carey Brewer, professional staff member (Feb. 1-June 30, 1957)	4,187.80
Robert J. McElroy, investigator	3,745.85
Mollie Jo Hughes, clerk-stenographer	3,324.77
Catherine L. Koeberlein, clerk-stenographer (Feb. 16-June 30, 1957)	2,278.94
James F. Eckhart, assistant counsel (Jan. 4-Apr. 17, 1957)	2,903.54
Sylvia L. Swartzel, clerk-stenographer (Jan. 4-Feb. 28, 1957	1,023.24
Expenses	1,858.88
Total	33,046.41
Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, chairman:	
James R. Naughton, counsel	5,416.61
Delphis C. Goldberg, professional staff member	5,380.03
Eileen M. Anderson, clerk-stenographer	2,987.94
Nancee W. Black, clerk-stenographer (May 15-June 30, 1957)	623.35
Francis X. McLaughlin, investigator (Jan. 4-Apr. 30, 1957)	2,364.73
Expenses	60.55
Total	16,833.21
Public Works and Resources Subcommittee, Hon. Earl Chudoff, chairman:	
Arthur Perlman, staff director	7,188.62
James A. Lanigan, counsel (Jan. 4-Mar. 31, 1957)	3,389.72
Phineas Indritz, counsel (Apr. 1-June 30, 1957)	3,001.29
Miles Q. Romney, professional staff member	4,941.60
Irene Manning, clerk-stenographer	3,030.06
Joan D. Heinly, clerk-stenographer	2,385.84
Margaret H. McMahon, clerk-stenographer (Feb. 25-Apr. 5, 1957)	570.23
Expenses	2,225.07
Total	26,732.43
International Operations Subcommittee, Hon. Porter Hardy, Jr., chairman:	
Walton Woods, investigator	$5,346.60
Richard P. Bray, Jr., counsel (Feb. 25-June 30, 1957)	4,089.96
Maurice J. Mountain, consultant (Mar. 1-May 30, 1957)	992.81
John T. M. Reddan, chief counsel (Mar. 1-June 30, 1957)	4,500.00
Phyllis Seymour, clerk	3,302.29
Angela C. Hall, clerk-stenographer (Mar. 1-June 30, 1957)	1,683.20
Expenses	518.19
Total	20,433.05
Legal and Monetary Affairs Subcommittee, Hon. John A. Blatnik, chairman:	
Curtis E. Johnson, professional staff member	6,447.68
Jerome S. Plapinger, counsel	6,695.38
Baron I. Shacklette, chief investigator (Feb. 10-June 30, 1957)	5,100.77
Stanley T. Fisher, accountant-investigator	5,014.70
Legal and Monetary Affairs—Continued	
Hal Christensen, associate counsel	$4,568.78
Jerome N. Sonosky, associate counsel (Feb. 1-June 30, 1957)	3,103.05
John L. Anderson, investigator	4,415.08
Elizabeth Heater, clerk-stenographer	3,261.83
Ann Dominek, clerk-stenographer (Apr. 1-June 30, 1957)	1,480.77
A. Carl Carey, Jr., assistant counsel (Jan. 4-Feb. 28, 1957)	1,429.88
Expenses	1,107.29
Total	42,625.21
General Government Activities Subcommittee, Hon. Jack Brooks, chairman:	
Edward C. Brooks, staff director (June 1-30, 1957)	1,035.73
Vernon McDaniel, associate counsel	6,216.87
William E. Townsley, counsel	5,533.64
John E. Moore, investigator	4,166.87
Irma Reel, clerk	2,765.31
William D. Huskey, investigator (Jan. 4-Feb. 28, 1957)	1,341.87
Expenses	1,328.29
Total	22,388.58
Special Subcommittee on Donable Property, Hon. John W. McCormack, chairman:	
Ray Ward, staff director	6,695.38
John W. McGarry, associate counsel (Feb. 1-June 30, 1957)	3,338.55
Margaret B. O'Connor, clerk-stenographer	2,898.47
Barbara McLaughlin, typist (June 15-30, 1957)	125.50
Expenses	215.06
Total	13,272.96
Special Subcommittee on Government Information, Hon. John E. Moss, chairman:	
Samuel J. Archibald, staff director	6,695.38
John J. Mitchell, chief counsel	6,585.76
Paul Southwick, professional staff member (Jan. 25-June 30, 1957)	4,392.42
Helen Beasley, stenographer	2,912.18
Catherine Hartke, stenographer	2,912.18
Margaret H. McMahon, stenographer (May 10-31, 1957)	292.06
Jacob Scher, consultant (Apr. 1-30, 1957)	550.00
Expenses	502.03
Total	24,842.01
Special Subcommittee on Water Resources and Power, Hon. Robert E. Jones, chairman:	
William C. Wise, staff director (Jan. 4-Mar. 31, 1957)	3,290.95
Ann Dominek, clerk-stenographer (Jan. 4-Mar. 31, 1957)	1,431.41
Roy F. Bessey, consultant (Mar. 29, 1957)	100.00
Expenses	33.46
Total	4,855.82

WILLIAM L. DAWSON,
Chairman.

HOUSE ADMINISTRATION COMMITTEE

JUNE 30, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Julian P. Langston	Chief clerk	$7,418.22
Marjorie Savage	Assistant clerk	6,437.28
Jack W. Watson	do	5,322.60
Lura Cannon	do	4,564.44

Funds authorized or appropriated for committee expenditures	$5,000.00
Amount of expenditures previously reported	------
Amount expended from Feb. 7 to June 30, 1957	1,159.83
Total amount expended from Feb. 7 to June 30, 1957	1,159.83
Balance unexpended as of June 30, 1957	3,840.17

OMAR BURLESON,
Chairman.

COMMITTEE ON HOUSE ADMINISTRATION, SUBCOMMITTEE TO STUDY FEDERAL PRINTING AND PAPERWORK

JULY 8, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 4, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
John F. Haley	Staff director	$6,065.76
Philip B. Billings	Legal counsel	5,694.18
Julian H. McWhorter	Technical adviser	5,694.18
Asselia S. Poore	Research analyst	3,295.50
Rose M. Slusarz (Feb. 15 to June 30).	Stenographer	942.71
Ann Tibbitts (June 10 to 30).	Clerk typist	284.57

Funds authorized or appropriated for committee expenditures	$75,000.00
Amount of expenditures previously reported	------
Amount expended from Jan. 4 to June 30, 1957	22,076.72
Total amount expended from Jan. 4 to June 30, 1957	22,076.72
Balance unexpended as of June 30, 1957	52,923.28

OMAR BURLESON,
Chairman.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

JULY 11, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Professional staff:		
George W. Abbott	Counsel	$6,808.86
Sidney L. McFarland.	Engineering consultant.	6,262.68
John L. Taylor	Territories consultant.	6,262.68
George H. Soule, Jr.	Minerals and lands consultant.	6,262.68
Clerical staff:		
Nancy J. Arnold	Chief clerk	5,545.56
Nelda Boding	Clerk	3,552.42
Gertrude Harris	do	3,552.42
Laura Moran	do	3,495.33
Eve Twomey	do	3,209.88
Barbara A. Peters	Clerk (employed Feb. 1, 1957).	2,104.00

Funds authorized or appropriated for committee expenditures	$57,500.00
Amount of expenditures previously reported	------
Amount expended from Feb. 6 to June 30, 1957	7,503.30
Total amount expended from Feb. 6 to June 30, 1957	7,503.30
Balance unexpended as of June 30, 1957	49,996.70

CLAIR ENGLE,
Chairman.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

JULY 2, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
Elton J. Layton	Clerk	$7,400.00
Kenneth J. Painter	1st assistant clerk	5,396.94
Herman C. Beasley	Assistant clerk	4,597.15
Georgia G. Glasmann.	Assistant clerk-stenographer.	3,295.50
Helen A. Grickis	Assistant clerk-stenographer (resigned Jan. 31, 1957).	549.25
Mildred H. Lang	Clerical assistant (from Feb. 4, 1957).	2,516.49
Roy P. Wilkinson	Assistant clerk	2,781.70
Professional staff:		
Andrew Stevenson	Expert	7,400.00
Kurt Borchardt	Legal counsel	7,400.00
Sam G. Spal	Research specialist	7,400.00
Martin W. Cunningham.	Aviation consultant	7,400.00

ADDITIONAL TEMPORARY EMPLOYEES (H. RES. 99, H. RES. 152, H. RES. 191)

Barbara Dearing	Clerical assistant (from Jan. 8, 1957).	$2,508.90
Marcella M. Fencl	Clerical assistant (from Jan. 26, 1957).	2,653.45
Mary Ryan	Clerical assistant	748.95

SPECIAL SUBCOMMITTEE ON TRAFFIC SAFETY

Name of employee	Profession	Total gross salary during 6-month period
Henry A. Barnes	Consultant (from May 16, 1957) reimbursement for actual expenses.	
Nancy M. Henderson	Research analyst (from Apr. 1, 1957).	$2,512.68

SPECIAL SUBCOMMITTEE ON LEGISLATIVE OVERSIGHT

Dr. Walter M. W. Splawn.	Consultant (from May 24, 1957) reimbursement for actual expenses.	
Helen Holmes Kayser	Clerical assistant (from May 15, 1957).	$765.59
Glenn L. Johnson	Printing editor (from June 15, 1957) (H. Res. 239).	401.37

Funds authorized or appropriated for committee expenditures	$350,000.00
Amount of expenditures previously reported	
Amount expended from Jan 3 to June 30, 1957	11,840.60
Total amount expended from Jan. 3 to June 30, 1957	11,840.60
Balance unexpended as of June 30, 1957, (approximate)	338,159.40

OREN HARRIS,
Chairman.

COMMITTEE ON THE JUDICIARY

JULY 15, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bess E. Dick	Staff director	$7,412.14
William R. Foley	General counsel	7,412.14
Walter M. Besterman	Legislative assistant	7,412.14
Murray Drabkin	Counsel (from Feb. 18 to June 30).	3,372.61
Walter R. Lee	Legislative assistant	7,412.14
E. Willoughby Middleton, Jr.	Associate counsel (from Mar. 1 to June 30).	4,539.24
Violet Benn	Clerical staff	4,237.50
Anne J. Berger	do	4,509.95
Lola Bikul	do	4,080.51
Frances Christy	do	4,151.88
Helen Goldsmith	do	3,980.58
Velma Smedley	do	4,564.44
Mary D. Weil	do	3,295.50
Thomas F. Broden	Counsel (Jan. 1 to Jan. 31).	1,010.96
Bessie M. Orcutt	Administrative assistant (Jan. 1 to Feb. 28).	2,269.62

Funds for preparation of United States Code, District of Columbia Code, and revision of the laws:

A. Preparation of new edition of United States Code (no year):	
Unexpended balance Jan. 1, 1957	$58,836.76
Expended, Jan. 1, 1957-June 30, 1957	27,317.60
Balance, June 30, 1957	31,519.16
B. Revision of the laws:	
Unexpended balance Jan. 1, 1957	9,085.02
Expended, Jan. 1, 1957-June 30, 1957	8,936.46
Balance, June 30, 1957 (to be returned to Treasury)	148.56
C. Preparation of new edition of District of Columbia Code (no year):	
Unexpended balance, Jan. 1, 1957	2,764.01
Expended	
Balance, June 30, 1957	2,764.01

Salaries paid Jan. 1 through June 30, 1957, pursuant to House Resolution 107 and House Resolution 125, 85th Cong.

Employee	Position	Salary
Leonard Appel	Assistant counsel, Antitrust Subcommittee.	$5,599.28
Robert E. Bauman	Messenger	1,726.58
Lucille E. Brooks	Clerk-stenographer	3,317.15
Gertrude C. Burak	do	3,174.45
Pauline Chaternuck	do	556.35
Garner J. Cline	Assistant counsel	1,861.83
Laurie L. Coleman	Clerk-stenographer	1,831.91
Roberta Eisenberg	do	3,156.38
Christine E. Elder	do	605.33
Herbert Fuchs	Assistant counsel, Antitrust Subcommittee.	5,380.03
Kenneth R. Harkins	Counsel, Antitrust Subcommittee.	7,133.81
Michael Kelemoniek	Clerk-stenographer	2,819.55
Herbert N. Maletz	Counsel, Antitrust Subcommittee.	7,133.81
Elizabeth G. Meekins	Clerk-stenographer	3,073.59
Samuel R. Pierce, Jr.	Associate counsel, Antitrust Subcommittee.	6,695.38
Julian H. Singman	Assistant counsel, Antitrust Subcommittee.	5,380.03

Funds authorized or appropriated for committee expenditures	$190,000.00
Amount of expenditures for period Jan. 1 to June 30, 1957	63,303.16
Balance unexpended as of June 30, 1957	126,696.84
H. Res. 125 adopted February 7, 1957	190,000.00

EMANUEL CELLER,
Chairman.

MERCHANT MARINE AND FISHERIES COMMITTEE

JULY 10, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to July 1, 1957, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Drewry	Chief counsel	$7,400.00
Bernard J. Zincke	Counsel	6,932.71
Charles F. Warren	Assistant counsel	4,948.54
Frances Still	Assistant clerk	4,456.72
Shirley Schwartz	Minority clerk	4,066.20
William B. Winfield	Clerk	4,440.55
Edith Gordon	Secretary	3,355.43
Ruth Brookshire	Assistant clerk	3,355.43
Vera Barker	Secretary	3,355.43
Total		42,311.01

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 4 to July 1	988.85
Balance unexpended as of July 1, 1957	49,011.15

HERBERT C. BONNER,
Chairman.

POST OFFICE AND CIVIL SERVICE COMMITTEE

JULY 15, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Frederick C. Belen	Chief counsel	$7,412.14
George M. Moore	Counsel (May 1, to June 30, 1957.)	2,434.34
Charles E. Johnson	Counsel	7,143.24
Henry C. Cassell	Clerk	6,691.20
Weldon T. Ellis, Jr	Professional staff member.	6,691.20
John B. Price	Assistant clerk	3,809.34
Lillian Hopkins	do	3,723.66
Lucy K. Daley	do	3,552.42
Elsie Thornton	Stenographer	2,824.50
Blanche Simons	do	2,824.50

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 1 to June 30, 1957	6,736.22
Total amount expended from Jan. 1 to June 30, 1957	6,736.22
Balance unexpended as of July 1, 1957	43,263.78

TOM MURRAY,
Chairman.

COMMITTEE ON PUBLIC WORKS

JULY 17, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of

the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Margaret R. Beiter	Chief clerk	$6,561.15
Charles G. Tierney	Chief counsel (Jan. 1 to Feb. 13, 1957).	1,767.77
Richard J. Sullivan	Chief counsel	4,539.24
Robert F. McConnell.	Counsel	7,399.98
Joseph R. Brennan	Engineer-consultant.	5,144.47
Joseph H. McGann, Sr.	Consultant (Jan. 1 to 31, 1957).	1,134.81
S. Philip Cohen	Staff assistant	3,809.34
Helen M. Dooley	do	5,196.24
Helen A. Thompson	do	3,766.50
Louise B. Cullen	do	3,766.50
Anna McHale	do	1,505.94
Ester M. Saunders	Clerk-messenger	2,011.00

Funds authorized or appropriated for committee expenditures	$125,000.00
Amount of expenditures previously reported	----------
Total amount expended from Jan. 1 to June 30	12,842.26
Balance unexpended as of June 30, 1957	112,157.74

CHARLES A. BUCKLEY,
Chairman.

COMMITTEE ON RULES

JULY 2, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Thomas M. Carruthers.	Clerk, standing committee.	$5,694.18
Barbara M. Thornton	Assistant clerk	3,723.66
Jane W. Snader	Minority clerk	4,151.88

HOWARD W. SMITH,
Chairman.

COMMITTEE ON UN-AMERICAN ACTIVITIES

JULY 8, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Donald T. Appell	Investigator (transferred from investigating staff Apr. 1, 1957).	$3,070.01
Richard Arens	Director	7,399.98
Juliette P. Joray	Clerk	4,802.44
Isabel B. Nagel	Clerk-stenographer	3,295.50
Courtney E. Owens	Investigator (resigned Mar. 31, 1957).	2,847.09
Rosella Purdy	Secretary to counsel	3,963.45
Carolyn Roberts	Assistant chief of reference section (resigned May 31, 1957).	3,103.05
Thelma I. Searce	Secretary to investigators.	3,963.45
Frank S. Tavenner, Jr.	Counsel	7,399.98
Anne D. Turner	Chief of reference section.	4,727.94
Lorraine N. Veley	Clerk-stenographer (transferred from investigating staff June 1, 1957).	468.84
William A. Wheeler	Investigator	5,991.42
Investigating committee:		
Alice W. Anderson	Information analyst	3,124.26
Donald T. Appell	Investigator (transferred to standing committee Mar. 31, 1957).	3,070.01
Margaret B. Attinello.	Information specialist.	3,115.70
Karl Baarslag	Special consultant	6,140.03
Beatrice P. Baldwin	Clerk-typist (appointed Jan. 4, 1957).	2,230.08
Kay Baird	Clerk-stenographer	2,995.80
Frank J. Bonora	Investigator	4,066.23
Jeanne M. Cassebaum	Clerk-typist	1,814.04
Raymond T. Collins	Investigator	3,723.66
Patricia R. Crovato	Clerk-typist	1,908.24
Anniel Cunningham	Information analyst	3,038.58
Barbara H. Edelschein	Editor	2,696.04
Elizabeth L. Edinger	do	3,124.26
Helen M. Gittings	Research analyst	3,723.66
W. F. Heimlich	Special consultant (appointed May 1, 1957).	2,021.92
Lillian E. Howard	Research analyst	3,552.42
W. Jackson Jones	Investigator	4,951.08
Olive M. King	Editor	3,620.94
Stephen V. Kopunek	Clerk-typist	2,096.64
Regina McCall	do	1,839.72
Mary B. McManus	Special consultant (appointed Feb. 21, 1957).	2,349.19
Jeanni M. O'Neil	Assistant chief of reference section (appointed Apr. 1, 1957).	1,305.21
Joseph P. Orsulak	Clerk-typist	1,678.02
Alma T. Pfaff	Clerk-typist (appointed Feb. 1, 1957).	1,747.20
Katharine Phillips	Switchboard operator.	2,053.80
Maureen Roselle	Clerk-stenographer	2,439.18
Louis J. Russell	Investigator (appointed Jan. 23, 1957).	4,345.95
Dolores F. Scotti	Investigator	3,723.66
Josephine E. Sheetz	Clerk-typist	2,439.18
Lela M. Stiles	do	2,439.18
Cele F. Sweeney	do	2,353.53
Max Truitt	do	206.10
Lorraine N. Veley	Clerk-stenographer (transferred to standing committee, June 1, 1957).	2,603.55
Vera L. Watts	Clerk-stenographer	2,901.60
Richard S. Weil	Research analyst	3,980.58
Billie Wheeler	Clerk-stenographer (appointed Feb. 1, 1957).	1,398.35
George C. Williams	Investigator	4,951.08

Funds authorized or appropriated for committee expenditures	$305,000.00
Amount of expenditures previously reported	----------
Amount expended from Jan. 4 to June 30, 1957	145,258.98
Balance unexpended as of	159,741.02

FRANCIS E. WALTER,
Chairman.

COMMITTEE ON VETERANS' AFFAIRS

JULY 10, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Oliver E. Meadows	Staff director	$7,436.46
Edwin B. Patterson	Counsel	7,436.46
George W. Fisher	Clerk	7,316.66
J. Bufford Jenkins	Professional aid	6,511.62
Paul K. Jones	Assistant clerk	5,322.60
Helen A. Biondi	do	4,151.88
Alice V. Matthews	Clerk-stenographer	3,638.04
George Turner	Assistant clerk	3,509.58
Harold A. L. Lawrence.	Professional aid (minority).	7,316.66
Ida Rowan	Clerk (minority)	6,808.86
Investigating staff:		
Adin M. Downer	Staff member	4,659.24
Joanne Doyle	Clerk-stenographer	1,881.34
Jean Johnson	do	1,768.20
Ernest Davis	Investigator	1,988.22
Paul H. Smiley	do	1,325.12
Davis Grant	do	1,200.45
Frank Ikard, Jr	Supply clerk	109.29

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	----------
Amount expended from Jan. 1 to June 30, 1957	17,524.88
Total amount expended from Jan. 1 to June 30, 1957	17,524.88
Balance unexpended as of June 30, 1957	32,475.12

OLIN E. TEAGUE,
Chairman.

COMMITTEE ON WAYS AND MEANS

JULY 1, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

	Total gross salary during 6-month period
Full committee:	
Leo H. Irwin, clerk (C)	$7,399.98
Thomas A. Martin, minority adviser (P)	7,399.98
John M. Martin, Jr., assistant clerk (P)	6,626.79
James W. Riddell, professional assistant (P)	6,626.79
Frances C. Russell, staff assistant (C)	4,594.20
Susan Alice Taylor, staff assistant (C)	4,274.46
Virginia M. Butler, staff assistant (C)	3,522.45
Grace G. Kagan, staff assistant (C)	3,522.45
Irene Wade, staff assistant (C)	3,522.45
Virginia Brannock, staff assistant (C)	3,319.05
Frances E. Donovan, staff assistant (C)	3,319.05
Harriet I. Lane, staff assistant (C) (from Apr. 1, 1957)	1,647.75
Margaretta G. Pestell, staff assistant (C) (from May 27, 1957)	467.62
Sybil D. Burd, staff assistant (C) (from June 1, 1957)	602.77

Full committee—Continued	
Hughlon Greene, messenger (to Mar. 31, 1957)	$1,074.00
Walter Little, messenger (to Mar. 31, 1957)	1,074.00
Expenses, full committee	143.75
Excise Taxes Subcommittee, Hon. AIME J. FORAND, chairman:	
Jack Poe, consultant	7,399.98
Hughlon Greene, messenger (from Apr. 1, 1957)	1,223.85
Walter Little, messenger (from Apr. 1, 1957)	1,223.85
Fannie Sue VanEs, staff assistant (C) (to June 9, 1957)	1,661.85
Eleanor Apichell, staff assistant (C) (May 20, 1957 to June 9, 1957)	232.98
Martha L. Lockwood, staff assistant (C) (to Jan. 20, 1957)	207.21
Milton J. Kolb, consultant (to Jan. 31, 1957)	1,475.00
Charles W. Hester, consultant (to Jan. 31, 1957)	1,233.33
Expenses	51.35
Total	14,769.40
Foreign Trade Policy Subcommittee, Hon. HALE BOGGS, chairman:	
Loyle A. Morrison, staff director	7,399.98
Myer Rashish, economist	6,808.86
Mary C. Idle, staff assistant (C)	3,021.48
Elma Udall, staff assistant (C) (from May 21, 1957)	557.25
Gizella Huber, research economist (to Feb. 28, 1957)	1,338.28
Harriet I. Lane, staff assistant (C) (to Mar. 31, 1957)	1,647.75
Robert L. Treanor, research economist (to Feb. 28, 1957)	1,675.12
Fannie Sue VanEs, staff assistant (C) (to Feb. 28, 1957)	1,007.16
Edwin G. Martin, counsel (to Jan. 3, 1957)	123.33
Expenses	21.30
Total	23,600.51
Internal Revenue Taxation Subcommittee, Hon. WILBUR D. MILLS, chairman: Expenses	16,642.26

Funds authorized or appropriated for committee expenditures	$250,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 1 to June 30, 1957	55,155.92
Balance unexpended as of June 30, 1957	194,844.08

JERE COOPER,
Chairman.

SELECT COMMITTEE ON SMALL BUSINESS

JULY 15, 1957.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1957, to June 30, 1957, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Everette MacIntyre	Staff director and general counsel.	$7,399.98
Wm. Summers Johnson.	Chief economist	6,808.86
Marie M. Stewart	Clerk	3,552.42
Jane M. Deem	Administrative assistant-clerk.	3,552.42
Irving Maness	Assistant counsel-investigator.	6,543.94
Joe Marshall	Research analyst	$3,176.88
Drexel A. Sprecher	Assistant counsel-investigator.	4,813.00
Justinus Gould	do	5,320.12
John J. Carson	Special assistant to the chairman.	1,513.30
Clarence D. Everett	Investigator	3,552.42
Lois E. Allison	Economist	3,789.26
Frances K. Topping	do	2,498.12
Margaret Fallon Palmer.	Research analyst	3,295.50
Katherine C. Blackburn.	do	3,423.96
Judith Reinitz	Research and public relations.	1,348.02
Milton S. Fairfax	Secretary	3,720.81
Dorothy F. Councill	Stenographer-secretary.	2,920.62
Mary Vance Wilson	Stenographer-secretary.	1,683.07
Ila D. Coe	do	2,741.72
Clara G. Romero	do	2,741.72
Maria Josephy	Stenographer	1,647.58
Victor P. Dalmas	Adviser to minority members.	6,785.45
Mildred C. Darrow	Secretary to minority.	2,951.53

Funds authorized or appropriated for committee expenditures	$225,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 4 to June 30, 1957	100,757.07
Balance unexpended as of June 30, 1957	124,242.93

WRIGHT PATMAN,
Chairman.

EXTENSIONS OF REMARKS

Shaker Heights Sun-Press Nation's Top Suburban Weekly

EXTENSION OF REMARKS

OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. MINSHALL. Mr. Speaker, it gives me great pleasure to call to the attention of my colleagues the recent journalistic honors awarded to the Shaker Heights Sun-Press. This outstanding publication under the editorship of my good friend, Harry Volk, assisted by his most accomplished and efficient staff won top honors in a national contest for urban and suburban weeklies conducted annually by the Accredited Home Newspapers of America.

The Sun-Press took 5 first-place citations in the category of weeklies with from 41,000 to 50,000 circulation. It was awarded first place for: First, General excellence; second, Community service; third, editorial and news content; fourth, best use of illustrative material; and, fifth, color printing.

I am particularly proud to bring this to your attention, for not only does the Sun-Press serve nearly one-half of my Congressional District, but I know at first hand what a wonderful job Harry Volk has done in building this newspaper over the past few years from a little throw-away to a newspaper of general circulation, and it is an accomplishment of which Harry Volk can well be proud.

This is not the first time that the Sun-Press has merited national recognition, for only a short time ago, Time magazine mentioned it in a most favorable manner citing the outstanding coverage this newspaper has.

My sincerest congratulations to Harry Volk and the members of his Sun-Press staff.

Fifth Anniversary of the Commonwealth of Puerto Rico

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. REUSS. Mr. Speaker, July 25, 1957, marks the fifth anniversary of the Commonwealth of Puerto Rico. It is a day of great significance because it marks a milestone in the development of a free people. The political and economic growth of Puerto Rico has been, and still is being, closely watched by the leaders of underprivileged peoples in the less-developed lands of Asia and Africa. They are learning that economic progress and political freedom are inseparable and that each stimulates and supports the other.

Puerto Rico has been associated with the United States ever since the landing of American troops on the island on this same date—July 25—in 1898. Economic development has gone forward steadily since then but it is only in the last 10 years, with the inauguration of Operation Bootstrap, that the island has made its spectacular progress. It is not coincidental, I believe, that it was also 10 years ago that Congress granted the people of Puerto Rico the right to elect their own governor. The man who was elected, Luis Muñoz-Marín, one of the outstanding statesmen of the 20th century, has continued to serve as chief executive since the Commonwealth was created in 1952.

Puerto Rico has benefited from its close relationship to the United States but the United States has also benefited from its association with Puerto Rico. Puerto Ricans have served with distinction in uniform in both war and peace. Many have now come to live in the United States, including some, I am glad to say, in my own city of Milwaukee. Like many newcomers to our shores, they have often found it difficult at first to share in the advantages of our fast-moving civilization, but they are determined to achieve all that is rightfully theirs as good citizens.

To all Puerto Ricans, wherever they may live, I offer my congratulations on this happy anniversary.

Puerto Rico: Democracy At Work

EXTENSION OF REMARKS
OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. MULTER. Mr. Speaker, the 25th of July represents a dual anniversary for our island neighbors, the Puerto Ricans: It marks, first, the date that American troops landed on the island in 1898; and it marks, second, the date that the Commonwealth Constitution was adopted in 1952. It has thus been officially established as Constitution Day, to commemorate the two most significant steps that have brought the island to its current position as a locally self-governing Commonwealth joined in integral association with the United States.

From the years of American control, the island received its first training in political responsibility. The first elected House of Delegates was guaranteed by an act of Congress in 1900, only 2 years after the island was freed from Spanish hegemony. In 1917 another important step toward self-government was made when the Puerto Ricans were empowered to elect both houses of their legislature. More important, most Puerto Ricans became at that time American citizens. No longer stepchildren of the American system, they have from that time forth increasingly shared in all the privileges as well as the duties of United States citizenship. The next step came with the appointment by President Truman of Jesus Pinero, a native Puerto Rican, as Governor, in 1946. The following year this position was made elective, and in 1949 the present executive, Luis Muñoz-Marín, was elected Governor. In 1952 the Constitution of the Commonwealth was drawn up by the Puerto Ricans themselves, in accordance with the compact passed by Congress in 1950. Joyfully accepted by the Puerto Rican people, this constitution has been the basis of the present Commonwealth government. And Governor Muñoz-Marín has continued to hold the confidence and full support of his people, as recent elections have amply demonstrated.

These last 5 years, representing indeed the culmination of Puerto Rican hopes for several decades, have shown most dramatically that democracy and progress are not just words or remote ideals to the Puerto Ricans. Political responsibility has a very real meaning to all of the Puerto Rican people, from the Governor himself, once a poet in our own Greenwich Village, down to the struggling farm laborer; democracy means not only government of the people, not only government by the people, but also government for the people. Commonwealth status has given to the Puerto Ricans an added impetus to develop their island's resources and to enhance their social aspirations.

The results, as is well known, are quite phenomenal. The gains of the forties are being surpassed by leaps and bounds. Per capita income is doubling every decade. Life expectancy has almost doubled since the thirties. Illiteracy rates are almost half of what they were before World War II. The university and vocational school are constantly adding new courses and expanding facilities. Government housing projects have vastly reduced the slum areas on the island. New industries are moving onto the island every day. Efforts to encourage the tourist trade to the island have not been overlooked.

All over the island, the far-sighted planning and initiative of the government and the eager cooperation of the Puerto Ricans themselves have made the island literally a workshop of democracy. The strength and importance of the tie with the mainland on the one hand and the vigorous political activities on the island itself have given dramatic impetus to the natural Puerto Rican desire and ability for local self-rule.

The conclusion to be drawn from a study of Puerto Rico's achievements is that an area determined to win its way to political responsibility and economic stability should look first and foremost to the resources at hand—to the intelligence, the ingenuity, and the industry of its own people. To sacrifice these precious assets to a system of force and violence, as has been done in Communist lands, is in effect to chop off the roots of progress while watering the branches. Puerto Rico has shown that the democratic process is no hindrance to economic progress—quite the opposite, in fact.

Let us congratulate the Puerto Ricans, then, on this the fifth anniversary of their position as Commonwealth citizens. They have justified the highest hopes of their friends and I am sure they will continue to do so in the years to come. For the spirit of democratic action, once kindled, is not easily killed. The Puerto Rican people, our fellow citizens, have kindled a bright beacon of hope and of achievement for enterprising peoples the world over.

Puerto Rican Constitution Day

EXTENSION OF REMARKS
OF

HON. ALFRED E. SANTANGELO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. SANTANGELO. Mr. Speaker, 5 years ago this day, Puerto Rico became a Commonwealth and adopted her Constitution under which its people live. For many years now, the Puerto Rican people, despite lack of opportunities and low wages, have struggled to raise their standard of living and to improve their economy. The great public housing projects and industrial buildings manifest the material developments of the Island of Puerto Rico. The religious fervor of the Puerto Ricans is a great bulwark against the forces of communism.

I have forwarded this day the following telegram to Hon. Luis Muñoz-Marín, the Governor of Puerto Rico, congratulating the Puerto Rican people upon the fifth anniversary of the adoption of their constitution:

Hon. LUIS MUÑOZ-MARÍN,
Office of the Governor,
Commonwealth of Puerto Rico,
La Fortaleza, San Juan.

DEAR GOVERNOR: Let me congratulate you and the people of Puerto Rico on the fifth anniversary of the adoption of your constitution. We, on the mainland, recognize the contribution by the Puerto Ricans to our way of life and we look forward to greater progress in your economic development and a high standard of living. Kindly express to your people my congratulations in their possessing a liberal, religious, and dedicated Governor. Sincerely yours,

ALFRED E. SANTANGELO,
Member of Congress.

House Joint Resolution 127

EXTENSION OF REMARKS
OF

HON. EDWARD T. MILLER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. MILLER of Maryland. Mr. Speaker, a few days ago, our colleague, the brilliant gentlewoman from New York [Mrs. ST. GEORGE], spoke of the long-pending equal-rights amendment and the campaign initiated at Seneca Falls, N. Y., by Susan B. Anthony, 109 years ago this month.

Mrs. ST. GEORGE listed in the CONGRESSIONAL RECORD the names of 239 of us who are cosponsors of House Joint Resolution 127.

With such a weight of sponsorship it seems, indeed, strange that this resolution remains dormant in the hands of the committee, as it has in so many previous sessions. Why, Mr. Speaker, when so much time is devoted to debating other phases of civil rights in this and the other body cannot this resolution come to the floor for consideration? Certainly it has been under discussion for well over a century.

I am pleased to note that the 239 sponsors include all seven Representatives from the Free State of Maryland.

In that connection permit me to quote from the writing of Susan B. Anthony—The History of Woman Suffrage, volume IV, published in 1902.

Of the State of Maryland she wrote—page 695:

> If but one State in the Union allowed woman to represent herself it should be Maryland, which was named for a woman, whose capital was named for a woman, and where in 1647 Mistress Margaret Brent, the first woman suffragist in America, demanded "place and voyce" in the Assembly as the executor and representative of her kinsman, Lord Baltimore. Her petition was denied but she must have had some gallant supporters, as the archives record that the question of her admission was hotly debated for hours.

And if I may be pardoned a personal reference in the same chapter—page 697—Miss Anthony commenting on my grandparents, whose enthusiasm for

equal rights for women I am proud to have inherited, said:

One of the first and most efficient of the workers (in Maryland) is Mrs. Caroline Hallowell Miller, who has represented her State for many years at the national conventions and pleased the audiences with her humorous but strong addresses. Her husband, Francis Miller, a prominent lawyer, was one of the very few men in the State who advocated suffrage for women as early as 1874, when he made an appeal for the enfranchisement of the women of the District of Columbia before the House Judiciary Committee.

It appears from the above quotation that in 1874 the great Judiciary Committee of the House held hearings on this subject. Now, 83 years later, it should not be so difficult as it seems to have the committee hold hearings on House Joint Resolution 127.

Fifth Anniversary of Puerto Rican Commonwealth Day, July 25, 1952

EXTENSION OF REMARKS

OF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. RODINO. Mr. Speaker, this year has been a period of great political strains, of small but brutal skirmishes in many parts of the world, and even in the area of the American hemisphere, relatively peaceful in comparison to the rest of the world, bitter animosities and bloody internal strife.

For these reasons, it is with even greater pride than ever before that today I speak of the fifth anniversary of Commonwealth Day in Puerto Rico.

Five years ago today, the Constitution of Puerto Rico was officially launched as the supreme law of the land, giving Puerto Ricans complete autonomy in running their own affairs. Many of us are guilty of being too busy to know the background of the sunny islands that are part of the United States may not even be aware that the Puerto Rican Constitution, written and ratified in a democratic process similar to the inception of our own, embodies the best liberal thought of our time. Its "bill of rights" assures every Puerto Rican of the same civil rights that we hold precious. Its governmental structure makes impossible the kind of cancerous growth of dictatorship which the 20th century has made too familiar on both sides of both oceans. It judicial system guarantees the men and women of Puerto Rico equal justice before the law.

We congratulate the people of Puerto Rico for their many fine achievements since the first Commonwealth Day, and especially do we praise them for the greatest feat of all—their having proved themselves completely able to govern themselves in a manner that is an example to all democracies; the voting privilege is universally prized and used; the government administration is efficient, enlightened, and honest; the efforts made to raise the standard of living have been successfully directed to improving the condition of the entire population.

These things are most important, from the long-range point of view, than other achievements which appear much more prominent to many observers—that is, the amazing improvement in health and education, the swift industrialization and urbanization of the islands, the fantastic momentum in creative and cultural affairs. The important point is that the Commonwealth of Puerto Rico has advanced most remarkably under the impetus of good government and has so become a model and an example for others.

The present generation of Puerto Rico and the generations to come, looking back upon the history of these past 5 years since the Constitution and the Commonwealth of Puerto Rico were established, will find that, beyond the great economic and political benefits which were initiated at that time, there was another and greater concept which was given beautiful expression—the integration into harmonious pattern of two cultures in the Western Hemisphere, a blending of the best of both of them into an inspiring, dynamic relationship.

We agree entirely with the great Governor of the Commonwealth of Puerto Rico, who said last March—

The bonds of common citizenship which unite Puerto Rico and the United States are juridical bonds which have our unswerving loyalty. But they are more than that, they are bonds of affection, of deep understanding—bonds of freedom, of friendship.

Registration Now Put at 25 Percent—New Stimulus Expected in South to Lowering Vote Bars to Negro

EXTENSION OF REMARKS

OF

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. McMILLAN. Mr. Speaker, I am very much interested in an article which appeared in this morning's Washington Post written by Robert C. Jensen, a staff reporter. The Washington Post headlines this item by stating, "New Stimulus Expected in South to Lowering Vote Bars to Negro." This article mentions 11 of the Southern States and I would like to correct this statement as it refers to South Carolina.

Mr. Jensen states, and I quote:

Despite the obstacles placed in the Negro's way, "there is evidence that he is on the move politically. This can be attributed to the new kind of leadership found among Negroes today."

I would like very much for the author of this article to give me some information as to the obstacles placed in either the white or colored people's path to prevent them from voting or offering for a political office.

I have been in politics for a long time in South Carolina and I have never heard of any obstacles being placed in the way of any person who desired to vote or run for political office. This is the type of propaganda that we people in the South are continually having to fight.

Civil Aeronautics Board Praised for Their Resistance to Increase in Airline Passenger Fare Demands

EXTENSION OF REMARKS

OF

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. MACDONALD. Mr. Speaker, it has come to my attention that a great deal of pressure has been brought to bear on our Government, and especially on the Civil Aeronautics Board, to give the airlines an increase of 5 percent in passenger fares on tickets for transportation between the United States and Europe.

We all realize that there has been a tremendous increase in American passenger travel to Europe in recent years. I think we all agree that this travel is a mark of real progress in our relations with our European allies. This is tremendously important in my opinion for two reasons. First, American travelers to Europe get to see firsthand and to understand the problems of European countries; second, and even more important, they spend dollars in Europe that are vitally needed by every foreign country and thus aid the economy of those foreign countries. This of course is a relief to the nontraveling American taxpayer, for it reduces the amount needed by the economy of these friendly nations, which in many respects is supported by our mutual aid program.

Fares to Europe are already far higher than comparable fares within the continental limits of this country, which in fact means that every American tourist going to Europe is presently paying a premium on their European vacation. Raising the fares 5 percent would make it that much more difficult for Americans to travel abroad.

Now I am sure that the operating costs to the airlines have gone up in the past year or so, particularly since the Suez crisis, which is the reason advanced for a fare increase. But I am equally confident that their earnings must have gone up at least equally in view of the tremendous number of passengers the airlines are carrying in overseas transportation.

If a need for fare increases is shown to our Government agencies, despite the outlined increase in passengers and revenues, I am sure that our Government will not stand in the way of these increases. Nevertheless, I do not think that the American people should be subjected to higher fares unless the higher fares are probably needed by the intercontinental airlines.

I am told that the reason our Civil Aeronautics Board would not approve the requests for higher fares is that the airlines did not show that an increase was needed. Under the circumstances, we should not only approve what the CAB has done, but insist that it not allow the foreign governments to push through a fare increase that will hit every American traveler to Europe, the tourist, the businessman, and the Government employees.

It is a pleasure to praise one of our administration agencies, for recently we have seen others who have not put the public interest first. I commend the CAB for their diligence in this matter.

Boys' Nation Holds 12th Annual Meeting

EXTENSION OF REMARKS

OF

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. BOLAND. Mr. Speaker, the American Legion's 12th annual Boys' Nation week-long program concludes on the nearby campus of the University of Maryland. During the time they have spent here, these young high-school students have not only observed the proceedings in this House and in the Senate, but they have conducted sessions of their own Boys' Nation Congress.

I am particularly proud of the two delegates from Massachusetts to Boys' Nation because they come from two communities in my own Congressional district. They are Chester J. Baj, Jr., of 142 Russell Street, Hadley, Mass., and David J. Korkosz, of 27 White Street, Chicopee, Mass. I think it is a tribute to them, their respective parents, and American Legion Post, No. 271, in Hadley, and Post No. 452, in Chicopee, that they were selected by the Massachusetts Boys' State, sponsored by the Massachusetts Department of the American Legion, to attend this Boys' Nation program. These boys were recommended for Boys' State because of their leadership, character, scholarship, and service in high school. The program of Boys' State is highly specialized and competitive, and only youths with outstanding qualities are capable of participating in the intensive citizenship course of instruction. It was a pleasure to have these two boys from my district here with me in Washington and to visit the Capitol with me as their guide.

Mr. Speaker, I want to congratulate the National American Legion for conducting Boys' Nation, and the respective State departments of the American Legion for sponsoring Boys' State. These programs certainly do fulfill the objectives of the American Legion to provide a laboratory for a functional study of citizenship and to arouse in young citizens a desire to maintain our form of Government.

Minshall Will Again Bring Traveling Office to District

EXTENSION OF REMARKS

OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. MINSHALL. Mr. Speaker, it is my privilege and honor to represent the people of the 23d Congressional District of Ohio in the Congress of the United States. As the Representative of this outstanding district, I have at all times considered it my duty to render the best possible service.

In addition to my Washington office, I maintain on a year-round basis a Congressional office at room 525 of the Federal Building in downtown Cleveland where I can meet with people personally at any time during trips back to the district when my official duties permit. During the time I am in Washington attending to legislative and official duties, a competent staff is in charge of the Cleveland office.

In 1955, I initiated the idea of bringing a traveling office to the various suburban communities in the 23d District. Similar meetings were held the following year. They have been tremendously popular, and it gives me a wonderful opportunity to learn at first hand the opinions and individual needs of the people.

With the understanding that Congress will not be in session during the early part of December, I will again this year from December 2 through December 13 follow the same procedure and have a series of conference meetings so that every resident of this suburban district can conveniently meet with me. These are not group meetings but office conferences for the individual. No appointments are necessary, and I urge individuals to meet with me on the date and at the place that is most convenient. Every resident of the 23d District is cordially invited to talk over problems of national concern, to discuss personal problems they might have with the Federal Government, or to just chat and get better acquainted. The knowledge thus obtained, will better enable me to represent the residents of the 23d District in the Congress of the United States.

This is the schedule, time 6:30 to 9:30 p. m.:

December 2, 1957: Bedford, Bedford Police Station, 683 Broadway.

December 3, 1957: Brecksville, Brecksville Town Hall, 49 Public Square.

December 4, 1957: Bay Village, Bay Village Town Hall, 350 Dover Center Road.

December 5, 1957: Warrensville Heights, Warrensville Heights Village Hall, mayor's office, 4770 Warrensville Center Road.

December 6, 1957: North Olmsted, North Olmsted City Hall, mayor's office, Dover Center Road.

December 9, 1957: Lakewood, Lakewood City Hall, mayor's office, 14532 Lake Avenue.

December 10, 1957: Rocky River: Rocky River City Hall, 21012 Hilliard Road.

December 11, 1957: Solon: Solon Village Hall, Council Chambers, 6315 S. O. M. Center Road.

December 12, 1957: Berea: Berea City Hall, mayor's office, 47 East Bridge Street.

December 13, 1957: Shaker Heights, Shaker Heights City Hall, mayor's office, 3400 Lee Road.

I am most appreciative of the fine cooperation of the many officials who have made these meeting places available as an aid in rendering this public service.

Equal Pay for Equal Work

EXTENSION OF REMARKS

OF

HON. KATHRYN E. GRANAHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mrs. GRANAHAN. Mr. Speaker, I was much interested in the ceremonies here in the House last week in commemoration of the meeting 109 years ago at Seneca Falls, N. Y., which launched the movement which resulted in the 19th amendment to the Constitution and the opportunity for women to exercise the full rights of citizenship, including the precious right to vote.

Women now constitute the majority of the voters in the United States. As a rule, women are very jealous of the privilege and cast their votes in most cases after only the most serious consideration of the issues and of the candidates.

In my still relatively short career in politics as a local leader in the Democratic Party and as a candidate for office, I have been deeply impressed by the serious manner in which women's groups demand to know the full facts on political issues. It is always a challenge to speak to a group of women in a political campaign because they are always insistent on knowing what a candidate intends to do about the issues which affect the families and the average individual.

I was pleased to note in connection with the activities commemorating the Seneca Falls meeting of 1848 that one of our great Pennsylvanian Democratic women, our national committeewoman, Mrs. Emma Guffey Miller, was paid deservedly high tribute for her efforts over the years in spotlighting the role of women in politics and in national life. She has been an inspiration to every Democratic woman in Pennsylvania active in politics, and I salute her for her energy and her skill in furthering those causes in which she is vitally interested.

One of my major projects as a Member of Congress is the enactment of legislation of which I am a sponsor to establish by law the principle of equal pay for women in performing work similar to that performed by men.

My bill, H. R. 8274, which I introduced on June 20 finds, as a matter of Congressional determination, that the existence in industry of wage discriminations against women constitutes an unfair wage problem, thus leads to labor disputes, depresses wages and living standards of both men and women workers, interferes with and prevents the maintenance of adequate living standards for many families, including particularly families of deceased or disabled veterans, wastes our productive strength and thus endangers the national security and the general welfare.

When two workers, side by side, performing the same sort of work are doing it equally well, there is no justification under law or moral justice that they should not be accorded an equal opportunity for equal pay.

I believe that so strongly that I am indeed proud to be a sponsor of equal-pay legislation.

My own State of Pennsylvania has been in the forefront of efforts to assure equal pay for women and is one of 11 States which have adopted legislation to achieve this result. Gov. George M. Leader has described this legislation as a demonstration of our confidence and belief in the equal competence of women. It would be unfair to our industries in Pennsylvania not to do everything possible to protect them from the unfair competition which arises from payment in some States of substandard wages, including unjust wage discrimination against women workers.

I welcome the support of many of the organizations, such as the National Federation of Business and Professional Women's Clubs, and many other groups, which have been working so hard for equal-pay legislation.

Progress of the Federal Highway Program

EXTENSION OF REMARKS

OF

HON. WILLIAM C. CRAMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. CRAMER. Mr. Speaker, recently it was my privilege to address the national convention of the National Association of County Officials in Atlanta, Ga. At that time I prepared for these officials, as part of my address, a summation and up-to-date report on the progress of the national highway program throughout the United States and after the first year of operation. As a member of the Public Works Committee of the House I was very pleased with the rapid execution of the program. The convention received the information well and were very interested in the facts and figures provided. For the information of the other Members of the House I would like to include that portion of my remarks and point out the exceptional progress of what, I believe, is one of the more important pieces of legislation enacted by Congress in recent years.

The largest public-works project in the entire history of the world was approved by Congress and signed by the President of the United States on July 29, 1956. Since that time, the impact of the program on the folks at home and in every community across the Nation has been felt. Thirteen years from now we will realize the full benefits of this program but, at the outset, let me point out that this program is one in which local control is intended, under the act, to be paramount. The States make the surveys, prepare the plans and specifications, acquire the rights-of-way, award the contracts, approve the construction, and maintain the highways when built. The Federal Government does not dictate to any State actual location of a highway between previously determined and agreed interstate intermediate points. No other plan of Federal participation has exhibited such an awareness by statute and practice of the rights of the communities and the States.

I would like to point out the prompt action taken by the administration to get this highway program underway. Only 13 days after passage of the bill standards for improvements of the Interstate System were adopted by the highway departments of the States. Authorizations totaling $3.7 billion have been apportioned to the States. As required by the act, $1.125 billion for the fiscal year 1957 were apportioned immediately upon approval of the act. Authorization of $2.550 billion for the fiscal year 1958 was apportioned to the States on August 1. These apportionments include a total of $2.7 billion for the Interstate System.

* * * * *

The first contract for construction on the Interstate System using funds authorized by the 1956 act was awarded by the Missouri State Highway Department on August 2, only slightly more than 1 month after enactment of the legislation. The project provided for 2.6 miles of divided highway on U. S. 66 between Lebanon and Hazelgreen, Mo. This shows the expedition with which this program got underway.

In the 11 months through June of 1957 * * * a total of some $3,352,192,860 of contracts have been completed in construction or modernization of interstate, primary, secondary and other assistance projects. The Federal Government participation in this total amount is $2,209,949,317.

The interstate portion of this work includes obligation of funds in the amount of $1,729,670,946 in 689 separate projects. The final interstate program is one in which 90 percent of all cities over 50,000 population in this country will be directly connected. It is interesting to note, however, that Secretary Weeks pointed out in recent hearings that this program is not a stagnant one—it is today alive and expanding into the future. He testified before a Congressional committee that some 12,500 additional miles of construction in addition to the 41,000 miles of interstate highways were requested to be added in expansion of this program and the Senate Public Works Committee has reported a bill adding 7,000 miles and 5 years of financing to the system.

Before going further into development of the program, we might glance at some of the problems of the impact of this program presented—at least these are the answers based on experience to questions we all had concerning the program at its outset, as presented to the Senate committee.

It now appears that shortages of materials will pose little problem; the capacity of the contractors of this country is fully adequate; existing highway construction ability can be expanded within 5 years to carry out 4 times the construction capacity of today; the availability of material and equipment has improved; cost of materials and equipment show a slight increase but this is largely offset by efficient operation.

This record is encouraging and forebodes no holdup in the authorized program of construction and completion in 13 years.

I personally wish to comment upon the study relating to the maximum desirable dimensions and weights for vehicles operated on the Federal-aid systems. The Bureau of Public Roads is cooperating with the American Association of State Highway Officials, the Department of Defense, the Highway Research Board of the National Academy of Sciences and industry in the construction and operation of a test road in Illinois. The surfacing will be placed, instrumentation installed, and test traffic started this year.

It is expected that this test road will provide a wealth of data from which sound recommendations can be made to Congress.

A parallel factor of the safety program concerns the marking of the interstate highways. Associations which established and administer the United States numbered system, recognize the need for establishing a convenient and satisfactory method of route marking of the interstate system for the convenience of the traveling public. Since all of these highways will be State highways and operated by the departments, the route numbering committee is presently engaged in working out a method of route number assignment for the entire network of interstate highways. It has been demonstrated that high speed, high density expressways require exceptional and special signing in order properly to direct and inform the traveling public.

I cannot stress too strongly at this point the absolute necessity today of close and continued cooperation between the planning units of city, county, State, and Federal government. This is essential for the orderly development, not only of the highways themselves, but adjacent areas and facilities that fully come within your domain. You must make your zoning and future development plans available to highway officials. An obvious example of such need would be one where you have planned future industrial area in your county and have zoned for that purpose. To provide access ways to such an area the State must know of your plans. Otherwise costly and inconvenient revision of plans or actual reconstruction would be demanded.

You must at all times, because of your close liaison with the people and knowledge of the future of your community, keep State and Federal agencies advised of the interests and needs of the local areas you represent. This will become even more important as future primary and secondary roads are planned to feed in and out of the interstate systems. I am sure that you will find an interested and willing consultant both in your State departments and in the Bureau of Public Roads of the Federal Government. Close cooperation means good planning, and good planning means a healthy, economy-minded community.

One of the early problems in building any road is the acquisition of rights-of-way. I think it was my experience in county government and the State legislature that brought that vital phase of development to my mind and prompted me to introduce a bill in the House that became section 110 of the National Highway Act. My bill provided for the first time, advance purchase of rights-of-way, using Federal funds on a matching basis. Through application of this feature of the bill the States and the counties can purchase property, ahead of urban and suburban development and before land prices increase between the planning stage and time for actual construction. In my home State of Florida the savings by this feature alone it is estimated to about $40 million.

I urge full implementation of this advance purchase feature of the bill on each county commissioner here today. Many

States are using much of their money for this purpose while "tooling up" for the program.

There is still another new feature of right-of-way acquisition provided in section 110 that authorizes Federal condemnation when requested by the State. Requests by the States to the Secretary of Commerce to acquire right-of-way on the Interstate System, to a large extent, will be determined by inadequacy of State laws. Progress is being made, however, in remedial legislation being introduced at State levels. The Bureau of Public Roads has made surveys of the right-of-way organizations, policies, procedures, and laws of the various State highway departments which indicate that all but 13 States can acquire right-of-way without delay. To date, only one request has been received for Federal acquisition of right-of-way on the Interstate System.

* * * * *

I know you are concerned with labor cost in your immediate area resulting from inclusion of the Davis-Bacon prevailing-rate-of-wage provision in the 1956 act. Latest studies show the State highway departments developed wage rates within their specific classifications in their respective States. All but a very few have seen fit to do that job. As a result of the work which they have done in their respective States the Labor Department has been helped immeasurably in developing these predetermined wages. I would say that in probably 90 percent or 96 percent of the cases that the wage rates predetermined by the Department of Labor had been almost the exact figures which were developed by the State highway departments. The State submits the wage determination to the Department of Labor and little difficulty has developed.

One of the great problems facing States and countries today is the lack of engineers for the planning design and supervision of the new projects. This fact is brought home to me because the need is reported greatest in Florida, my home, and in Texas and Mississippi. In 1956 only 4,220 civil engineers were graduated—it is estimated that this year's class will include 5,300. The need is for 10,000 to 12,000 today. The reason for this lack is obviously because young graduates do not seek the lower wage levels of public service. * * *

Some States have begun programs of training mathematically capable high-school students to do the figuring and work on the drawing boards and thus to release engineers for critical work. But the primary method of relief has been the adoption of modern miracles that, based on a study by the Bureau of Public Roads, permit more engineering per engineer.

Use of the modern electric computer has been called by Bertram D. Tallemy, Director of the Bureau of Public Roads, as important as the Air Force break of the sound barrier. Thousands, yes millions of hours have been saved. Millions of dollars in direct and indirect savings will accrue from its use. Today's engineer can compute earth removal figures for 100 miles of roadway in 1 week with use of the computer that would have taken 30 weeks by older methods—1 engineer used to take 5 to 8 hours to come to conclusions from 1 hour of traffic studies. Today, using the computer, his decision is made in 40 seconds. A firm that took 3 to 5 weeks working out stress problems on bridges now gets an answer in 1 hour.

There are many amazing instances of savings told about the electronic wizards. Once a machine stopped and reported a problem was impossible. The amazed engineers working on the Milwaukee Stadium Exchange rechecked their figures on a planned cloverleaf. Just a few missed decimal points were found but the machine was right, and while saving thousands of dollars, the machine also had pointed out that if the first figures had been used the driver instead of coming off the so-called cloverleaf would have been circling and circling without end.

On another occasion when data was put into the computor the doggone genius came up with the question, "Where is 128 feet of that road?" Mouth agape officials naturally started to look. It all turned out that a surveying crew had stopped for lunch leaving one man in the truck with the instruments. Since the other fellows wound up the lunch hour pitching horseshoes he moved the truck under a shady tree. The crew returned and continued the survey, but from the new location, just 128 feet from where they had stopped. Needless to say there were red faces but more important, again, thousands of dollars and time had been saved.

I have discussed the use of the computor to indicate that ways and means are being found to solve the problems of this tremendous multi-billion-dollar project. In similar ways we will solve the community problems that face us in the growth of the highways of our country.

Briefly, what is the progress being made on some of the other new provisions of the 1956 act? As to toll facilities many miles have become a part of the system upon request of the Toll Road Authority and the integration of many more miles is under consideration. Some problems concerning Federal participation in approaches to toll facilities have arisen and are being met by providing alternate nontoll approaches, used for these needed ingress and egress roads. A thorough study as to the extent, if any, of reimbursement for toll facilities or portions is underway pursuant to section 114 and a report is due January 1958. Safety studies are well underway, as stated before, and reports to Congress are due March 1, 1959. These are a few examples of the new provisions.

The only imminent legislation this session, in addition to increasing mileage, which in the Senate approved bill would amount to 7,000 miles, is for the regulation of billboards along the interstate system. A bill has been reported out by the Senate committee which gives States that adopt reasonable regulations through legislation of the use of billboards that accomplishes the purpose of safety and beauty to the satisfaction of the Bureau of Public Roads a bonus of one-quarter of 1 percent. Additional Federal funds provided would amount to an approximate total of $62.5 million. Although this legislation has been reported by the Senate, no hearings have been held on the House side and it is obvious that further consideration is merited.

One of the most beneficial effects of the 1956 act is that it provides a basis upon which local and State governments can make long range plans, knowing with relative certainty that Congress is going to go through with the program. This is particularly true when Congress went so far as to provide for a continuing authorization and appropriation, not requiring annual approval as do most other public-works programs. In effect, Congress earmarked the revenue from road users for the road program—and for 14 years. I cannot foresee any Congress repudiating this long range implied agreement.

Let me repeat myself for the benefit of emphasis. We have set forth—and properly so—on the greatest program of cooperative, and I emphasize cooperative, public-works effort ever known. It will require the greatest engineering, planning, financing, and cooperation between county, State, and the Federal Government ever contemplated. It is our job to meet this challenge for the sake of national defense, the growth of our communities, the welfare of our children and the lives of some 4,000 people that will be saved through better highways. I know we can meet that challenge.

The Middle East

EXTENSION OF REMARKS

OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. MULTER. Mr. Speaker, in the light of recent occurrences in Syria, it is important to reread the remarks of our distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK], of November 29, 1956, as follows:

For the past year and a half, the administration has been living in a dream world—a world of hope—in foreign affairs.

The realities of current world history and events are now catching up with the administration and our people are having a rude awakening.

We have seen the myth of peaceful coexistence exposed by the ruthless actions of the Soviet Union in Hungary.

We have seen the actual threat of another world war by the actions of the Kremlin. And in our own country we see leadership that, with firmness, could have averted these conditions, just the same as Chamberlain could have averted World War II if he had followed the policy of firmness. Chamberlain showed that the policy of appeasement—or peace at any price—is the road to war.

We see our leadership, in desperation, acting with a lack of policy and in a confused state of mind which may contribute to greater danger.

In Hungary, we have witnessed Communist Russia sending in its forces of killers to suppress the fight for liberty. The reason they moved into Hungary is because the uprising was a fight against any or all forms of communistic government. We have witnessed the Soviet Union establishing the Kadar regime, which is not a legitimate government.

We have heard the pleas of fighting and dying Hungarians falling on ears of inaction. Action that the United States and United Nations could have taken and failed to take has played into the Kremlin's hands in Hungary and elsewhere.

What can the United States do?

In addition to sending of medicine and foods, which has been done to some extent, the United States could announce its refusal to recognize the Soviet puppet Government of Hungary until all Soviet troops are withdrawn and those Hungarians forcibly deported to Siberia returned to their homes.

As I suggested to one of the highest officials of the State Department 2 weeks ago, the United States Government could urge and support a United Nations announcement that United Nations observers were going into Hungary forthwith. The United Nations observers could fly to the Budapest Airport in a United Nations plane clearly marked as such. This could be done under the resolution already approved by the United Nations General Assembly providing for U. N. observers to be sent to Hungary.

The Soviet Union and the Soviet puppet Government of Hungary could only do one of two things—admit the U. N. observers or arrest and expel them. The burden then would be upon the Soviet Union and the present illegitimate Hungarian Government.

Sending U. N. observers would convey a message of real hope to the patriots in Hungary. It would be a stimulating action to millions of others behind the Iron Curtain who are longing for freedom from any kind of Communist domination.

It should be remembered that, not so long ago, the Communists had to bend to world

public opinion when Red Cross trucks with food and medicine were denied admission. As a result of that, world public opinion was aroused—and within 24 hours they permitted them to enter Hungary to bring relief to the suffering people.

It is the inactivity of the United States leadership—its attitude of an aggrieved but thoroughly passive spectator—which creates doubts in the minds of other free nations, and which gives the Kremlin and men like Kadar courage to proceed further.

It is now essential that we immediately get back to sound thinking, to firmness and consistency in our foreign policy, and regain the confidence of our friends throughout the world. This is a matter of paramount importance to all of us.

Now, read the following article that appeared in the U. S. News & World Report of December 7, 1956:

A NEW WAR BUILDS UP IN MID-EAST—SYRIA, ARMED AND RUN BY REDS, STIRRING TROUBLE

BEIRUT.—War—not just another little war, but a whole powder train of little wars which could touch off a world war—is in the air here in Beirut.

Within a few hours' drive over the mountains from this city, capital of Lebanon, is Damascus, the capital of Syria. And Syria has become virtually a Soviet satellite in the heart of the explosive Middle East.

In the half dozen countries of this part of the world, troops are on the move or are digging in, fearing attack. At the core of this military activity is Syria, armed by Soviet Russia, playing Russia's dangerous game in the area. And the Soviet Foreign Minister, in effect, has warned the West against an attack on Syria. Here is the picture:

Syria and Lebanon are at guns' point. Syrian troops are massed on the frontier of this little country, seeking to force it into the pro-Soviet alliance of Syria, Egypt, and Jordan.

Syria and Turkey are at odds, too. Turkey, armed and aided by the United States, has denounced Syria for its threats against Lebanon. The Turks, guarding their northern frontier against Russia, do not want to be outflanked by the Russians through Syria.

Syria and Iraq have been on the threshold of war for weeks. Syria has dynamited the pipelines carrying Iraq's oil overland to the Mediterranean. Iraq's Government, anti-Communist, fears the rise of Soviet influence in Syria.

Syria and Jordan are teetering between alliance and war. One faction in Jordan wants a deal with pro-Western Iraq. Another faction wants a deal with pro-Soviet Syria. It's nip and tuck. The country itself may be divided between Israel and its Arab neighbors.

Syria and Israel are enemies. Israel's armed forces could enter Damascus in a matter of hours. But Israel, fearing that such an attack would unite Arab rivals against her, is waiting, watching.

RUSSIAN STRATEGY

At the bottom of all these wars in the making over Syria is the Soviet Union. Russian plans to operate in the Middle East through Egypt were upset when Britain, France, and Israel attacked Egypt. Now, Western experts say, Russia is working through Syria, turning that country into its major base in this war-ready part of the world.

In Damascus, the United States Ambassador warned Syria about United States concern over the Soviet arms shipments. In Washington, the State Department announced that the United States would view with the utmost gravity any threat to the territory or independence of Baghdad Pact members—Turkey, Iraq, Iran, Pakistan, and Britain.

Soviet penetration into Syria is real, thorough, deep.

Syria's Army of from 40,000 to 60,000 men already has more Soviet equipment than it knows how to use. Total value of Soviet tanks, self-propelled guns and other weapons now in the country is estimated by the British at $60 million. Other reports place the figure at $100 million.

Soviet missions have made Syria their headquarters for the whole Middle East. Hundreds of Soviet experts, advisers, and technicians—perhaps even the crews for tanks and planes which Syrians cannot handle—are in the country.

Air bases in Syria have been equipped to handle Soviet jet fighters and bombers. Six MIG-17 fighters, manned by Soviet crews, escorted the Syrian President back to Damascus from a visit to Moscow—and remained in Damascus.

Communists, once underground, now operate openly throughout Syria. They publish four daily newspapers in Damascus. Their leader directs Communist activities in the Middle East from the Syrian Parliament, of which he is a member.

Press and radio throughout the country are under military censorship. The only foreign news printed is that distributed by the Soviet Embassy.

In addition to all this, Syria's pro-Soviet Army struck directly at Britain and France—and Iraq, too—in the midst of the war in Egypt.

ARMY AND OIL

Syria, up to now, has developed no oilfields of its own. But, in Syria, as in Egypt, Soviet agents found an easy means of cutting the flow of Middle East oil to Europe.

In Egypt, the Suez Canal normally carries 1.2 million barrels of Middle East oil a day, bound for Europe by tanker. Now the canal is blocked by ships sunk by Egyptians in the midst of the short war.

In Syria, 1 set of pipelines normally carries 550,000 barrels of oil a day, from Iraq to Mediterranean ports. When war began in Egypt, the civilian government in Damascus ordered Syria's Army to guard the pumping stations on these pipelines inside Syria. Instead, officers of Syria's Army dynamited the pumping stations, halting the flow of Iraqi oil westward.

The only Middle Eastern oil now reaching Western Europe through the normal routes is some 300,000 barrels a day flowing through a single pipeline from Saudi Arabia. This line, also passing through Syria, was left intact—in part because pro-Soviet leaders in Syria are still trying to get Saudi Arabia into their deal with Russia.

SMALL AND UNDERDEVELOPED

The Syrian base for Soviet operations in the Middle East is a semiarid, sparsely populated expanse of desert and mountains about the size of Oklahoma.

Most of Syria's 3.7 million people are poor farmers and desert tribesmen. Wealthy Syrians, living in the cities, own most of the farmland.

In Damascus, in a dozen smaller cities, groups of army officers, lawyers, schoolteachers, minority leaders, and professional politicians have kept the country's Government swamped in a mass of intrigue.

Within barely 10 years of independence, Syria has had five military coups—some bloody, some bloodless. There have been 20 cabinets and 4 different constitutions. Western experts on Syria have described its politics as a basket of eels. Now, if Soviet agents have their way, all this is coming to an end.

POWER BEHIND SCENES

Real boss of Syria today is neither the President nor the Premier nor even the commander of the army, but a man just promoted to the rank of lieutenant colonel, Abdul Hamid Sarraj. He is a man little known outside Syria, a handsome bachelor of 32. He is chief of the army's intelligence corps and the head of a group of officers who run the army and, through the army, run Syria.

Most of Syria's professional officers still smart under the defeat of the Arab countries, including Syria and Egypt, by Israel in 1948. They admire Egypt's soldier-dictator, Gamal Abdel Nasser. Sarraj, particularly, was impressed by Nasser's ability to get arms from Soviet Russia.

Sarraj worked closely with Soviet agents, military and political, sent to Syria in the past year. Sarraj's own agents in the Syrian Army found evidence to dismiss or demote all pro-Western officers, to promote and encourage all pro-Soviet officers who took Sarraj's orders.

Western intelligence reports say that it was Sarraj who pushed Syria's Government into a formal alliance with Egypt more than a year ago. It was Sarraj, too, these reports indicate, who negotiated the arms deal with Soviet Russia at a cost of turning Syria into the main Soviet base in the Arab world.

Under cover of the worldwide excitement over the brief war in Egypt, Sarraj tightened his grip on Syria. He persuaded the Government to declare martial law. Then the army created a war atmosphere and took over the country.

Every night, in Damascus, the air-raid sirens wailed, though there was no sign of planes in the sky. Buildings were blacked out. Streets were sandbagged. The army, directed by Sarraj, set up military censorship of the press and the radio. Pro-Western Syrian leaders were jailed, charged with conspiring with the British, the Iraqis, the Israelis.

Shipments of Soviet arms to Syria are being stepped up. They arrive on Soviet freighters, direct from Soviet Black Sea ports, at the Syrian port of Latakia, where the docks are under military guard. With the arms shipments come Soviet technicians, advisers, and experts.

BREAKING TIES

Most of the countries in this part of the world are new, only a few years out of colonial status under British and French management. Some, until recently, looked to the West European powers not only for markets for their oil, but for military protection. Now, since Britain and France joined Israel in the attack on Moslem Egypt, the old alliances are crumbling fast.

Jordan, for example, has announced the end of its alliance with Britain and its determination to order units of the British Royal Air Force, now based in the country, to get out.

Turkey, Iraq, Iran, and Pakistan, all allied with Britain in the Baghdad Pact, now meet without British representatives present. All are urging the United States to join the pact, already supported by United States arms and cash.

War, as it looks now, could flare up in this area at any time. And the charge by the Soviet Foreign Minister of a Western plot to attack Syria indicates that Russia does not intend to give up its position in that country without a fight.

Soviet Russia, out to win control of the Middle East through Syria, is dragging the whole area closer to a chain reaction of little wars which could involve the European powers and United States, too, in a world war.

Mr. Speaker, having in mind what has happened in the Middle East, we should ask ourselves how much more bungling by our State Department can we withstand.

Song Censorship by Radio and Television Networks

EXTENSION OF REMARKS

OF

HON. JAMES A. HALEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. HALEY. Mr. Speaker, attention has been called by many interested parties and the press to the recent action of the major radio and television networks in prohibiting the playing of any songs which make references to darkies, massa, mammy, colored man, and old black Joe. The censorship that has been imposed on songs containing such references prohibits the playing of these songs unless they are edited or revised and such expressions are deleted. It means that the songs of the beloved Stephen Foster, the only composer in the history of our Nation to be elected to the Hall of Fame, cannot be played unless his lyrics are edited. The same is true of the songs of other composers. It means that the official State song of Florida, Foster's Way Down Upon the Swanee River, cannot be presented over radio or television unless such phrases as "that's where this ole darky's heart am long to go" are deleted. It means that the official State song of Kentucky, My Old Kentucky Home, can no longer be sung unless substitutions are made for the words, "Oh, darkies how my heart grows weary far from the old folks at home."

This action by the major networks can only be recognized as an arbitrary censorship of American folk music. Under this ruling, folk music which for generations has preserved for posterity the love and affection that one race felt for another race during a particular time in our history will lose its meaning. Its value as folklore will be destroyed because the lyrics will no longer be authentic. It seems ridiculous to me for any group to try to erase from American folklore the genuine spirit of feeling that prevailed at any time in our history. It is ridiculous to refuse to recognize that this music is great music because of the truth embodied in its lyrics—lyrics which were not offensive when they were written—lyrics which have been sung by many generations of Americans and have a warm place in the memories of many Americans. This effort to force the revision of folk music which is a part of the very heart of Americana is to my thinking the most absurd situation that has developed in the history of our country. I thoroughly agree with one constituent who, in writing me, referred to this edict as "the height of asininity."

We spoke loud and long about freedom of speech and constantly have been alert to prevent any abridgment of this right. Now, we are faced with the abridgment of another form of the freedom of expression—namely, the American folk song. If this suppression of folk music is allowed to continue who knows how far or to what more ridiculous extremes it will be carried. There could never be another Al Jolson—what would he sing? There would never be another minstrel show, regardless of the fact that this too is an American tradition. What will happen to other folk music? Will they next edit western songs because of references to the American Indian? What about the "Great White Father" of the American Indian?

If this asinine censorship continues and references to color, creed, race, and nationality are forbidden, perhaps someone will even consider it necessary to change the name of the White House as that too may become offensive.

We have been quick to condemn Russia and other nations when they have altered their histories to reflect political thinking of current times—when they sought to rewrite world history by laying claim to inventions and deeds which were not theirs—when they allegedly reported incorrect texts of our own history.

And yet, in our own country, two of our most important mediums of public opinion are permitted to arbitrarily censor the American folksong. They have insisted on editing and revising musical verse to meet the wishes of a few. I cannot consider this in any light other than an abridgment of free expression and the destruction of famous American works.

I urge each of my colleagues to give careful thought to the seriousness of this situation and to the possibility of future infringements on individual rights which may develop from this censorship. I hope that each Member of the House of Representatives will exert every possible effort to see that this ridiculous censorship on the part of the networks is rescinded immediately.

A Few Reserves in the War

EXTENSION OF REMARKS

OF

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1957

Mr. ABBITT. Mr. Speaker, much has been taking place in Washington, and in the South generally, in the past few days regarding the fight that so many of us are making to preserve a constitutional form of government in America. At times it seems as if the odds the people of the South are now facing are almost insurmountable. However, when we look back over the obstacles and problems overcome by our forefathers we realize that our cause is not hopeless. We must know that if we have the courage, the determination and the willingness to sacrifice, we can yet save our way of life and preserve constitutional government in America.

I realize that there are some leaders and politicians in Virginia who are willing to surrender without making an all-out effort to overcome our problems. Many of them have openly advocated the so-called North Carolina assignment plan and attempted to hoodwink the people of Virginia into believing that the North Carolina assignment plan not only would preserve segregation in our schools but had been approved by the courts. The truth of the matter is the courts have not approved the North Carolina plan and now it has been clearly demonstrated that the assignment plan not only recognizes the validity of the Supreme Court decision outlawing segregation but permits and expedites the integration of the races in the public schools.

It is saddening indeed to see our sister State, North Carolina, succumb to political pressure and through its assignment plan integrate its schools. I trust that the Virginia advocates of the assignment plan will no longer contend that it is the best way to preserve the schools of Virginia. I hope they will be honest enough to admit that the adoption of the assignment plan means the integration of the races and submission to the unlawful and horrible decision of May 17, 1954, of the Supreme Court of the United States of America.

Mr. Speaker, there appeared in the Richmond News Leader of Wednesday, July 24, 1957, an editorial entitled "A Few Reverses in the War." This editorial points out the problems we are facing; the reverses we have suffered; and the determination, which I am convinced the vast majority of our people have, to see this thing through to the bitter end convinced of the righteousness of our cause and believing that once the American people realize the problem, they may yet redeem constitutional government in America.

Mr. Kilpatrick has written an outstanding editorial on a matter close to his heart and I desire to publicly commend him for the great service he is rendering not only to the people of the Commonwealth of Virginia and the South but all the people of America.

The editorial is as follows:

A FEW REVERSES IN THE WAR

The day's news, let us face it squarely, is almost unbelievedly bad for those persons interested in the survival of the South and the preservation of the Constitution.

In Clinton, Tenn., a jury convicted seven defendants of conspiring to act in contempt of a Federal injunction.

In Texas, an appellate Federal court overruled Judge Hawley's decision in an integration case, and ordered Negro plaintiffs admitted to a Dallas school.

In Florida, another appellate Federal court reversed a district court and ordered race-mixing in Miami schools.

And in Charlotte, Greensboro, and Winston-Salem, N. C., pupil assignment boards directed the admission of 12 Negro pupils to previously all-white schools.

Each of these events is a blow, and each for a different reason.

The issue in Clinton far transcended the prosecution of individual named defendants. What was involved here was an injunction by a Federal judge, addressed to the entire countryside, fobidding "interference by word or deed" with his order directing integration of the Clinton High School. The

defendants were not parties to the original integration proceeding; their acts of alleged contempt were not committed in the courtroom, but in places remote from the courtroom.

Had the defendants been acquitted, the power of Federal judges to proceed in this fashion in the field of race relations would have remained at least an open question; in a sense, such a verdict at Clinton would have been a rebuke to Federal courts. But with the conviction of seven defendants, the jury set in motion judicial machinery by which Judge Taylor's injunction may win higher court approval. And, who would be so foolish as to imagine that Earl Warren's Court would ever reverse the convictions?

Thus a precedent takes shape that will plague the South—and not only the South. Liberals who are well pleased by the Clinton verdict should contemplate parallel situations not nearly so much to their liking. Once the power of a Federal judge is upheld in the Clinton case, what will restrain judges from enjoining public interference "by word or deed" with any other decree—in strikes, for example, or in other controversies that provoke strong local feeling?

The Clinton trial ranks among the great trials of this century not for the petty punishments that may be meted out to seven obscure defendants, but for the sweeping aggrandizement of Federal judicial powers here upheld.

The appellate divisions in Texas and Florida are a part of the same pattern. In the former case, a district judge of rare independence of spirit has held, provisionally, that white citizens have rights no less than Negro citizens have rights; and weighing the right of white children to a tranquil educational experience against the right of Negro plaintiffs to be admitted where they were certain to be a source of friction, Judge Hawley refused to order integration. Because sociology has replaced law in this area of human relations, it was to be expected that Judge Hawley would be reversed, and he was. In the Florida case, a district judge who had not been completely brainwashed sought a reconsideration of the whole line of judicial opinion since May 17, 1954; he ruled that Negro plaintiffs, as a group, had no cause of action. The appellate court abruptly struck him down.

Distressing as these decisions may be, the news from North Carolina is in some ways a deeper blow. Until today it had been possible to say that eight Southern States had held the line absolutely. Now there are seven. With North Carolina's surrender to the Supreme Court's illegal act, only Virginia, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana remain in the fight.

Our friends to the south were motivated, they said defensively, by "a sincere desire to preserve the public schools of Charlotte and North Carolina." Let us credit them with this sincerity. They would preserve their schools and lose their society; they would not risk the closing of even 1 classroom, the temporary deprival of even 1 child's education, as a sacrifice toward maintaining State sovereignty. North Carolina has cracked; and, of course, there will be no stopping with the admission of 12 Negro pupils there; they are the vanguard of thousands whose petitions—now that the principle of race mixing has been accepted—North Carolina cannot deny.

Should Virginia despair? Should we quit, too?

By the eternal, No. In the end we may be defeated, but let us go down fighting, not apologizing. Let us marshal every political and legal weapon left in the arsenal; let us invoke the untouched powers of our State judges; let us keep hammering away at northern sympathies which may yet be attracted in the South's behalf. North Carolina is gone. Let us weep for North Carolina and fill the breach. The war is not yet lost.