other international unions are cooperating with the committee and have manifested a desire and purpose to help eradicate from unionism those undesirable elements and forces that the committee has been exposing and will continue to expose.

By its working cooperatively with the committee, we can aid the AFL–CIO in the implementation and making effective the excellent code of ethics it has adopted with the purpose of preventing improper practices and improving the standard of unionism.

I think most of you know that I have had a little previous experience in conducting investigations. This one, however, is the most difficult of any that I have heretofore experienced. We have found that we cannot get much cooperation from those who have misappropriated union funds and engaged in other improper practices. In fact, we encounter considerable obstruction and finally, in many instances, we are confronted with the fifth amendment device that is becoming so prevalent today among people who engage in wrongdoing or who use that as a pretext to keep from telling what they know on others.

Then, too, in exposing the racketeers, extortionists, and those who are preying on the innocent and hard-working, honest labor union members, those who are misappropriating union funds for their private gain, we are dealing with, in some instances, goon squad characters, hoodlums, and gangsters. They will do anything that they think they can get by with to obstruct or wreck the committee's efforts.

I knew this was a tough assignment when I took it. I knew the individual members of the committee would be sniped at, and possibly smeared, and that there would be those who would attempt to sow seeds of discord among us and stir up strife between us in the hope that they could disrupt the committee and impair its usefulness and the thoroughness of its work. I have seen some evidence of sniping at the committee from some minor segments of the press. I am happy to say, however, that both the press and the public generally have given us enthusiastic support and cooperation in this job that must be done.

I am also glad to report to you tonight that the committee is working harmoniously and that up to now we have been able to keep it truly bipartisan. There is no place in this job for partisan politics.

Those forces and elements of evil that are now operating in the labor-management field must be checked, and adequate and effective laws must be enacted to deal with them. We cannot be indifferent or complacent and do nothing and permit these forces to gain their objectives of a gangsterism economy in America. The committee will do its best and, with the overwhelming support and approval of all decent people in both management and unions, we will make America a better place in which to live.

SENATE

Friday, August 2, 1957

Legislative day of Monday, July 8, 1957)

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

Rev. Mark H. Richards, D. D., pastor, Alamo Heights Baptist Church, San Antonio, Tex., offered the following prayer:

Eternal spirit, high above us yet deep within us all, we come to this assemblage dedicated to liberty and justice for all, with a sense of commission. In a real sense we know that we are not our own. We are sent, and a great trust has been placed in us. Give, therefore, we pray, to these makers of law, great consciousness of Thy presence and guidance as they seek to make the laws of our land the true expression of Thy divine law of justice and freedom and brotherhood.

How we need depth and height and length and breadth in our lives. Give depth to our lives that we may have strong rootage and deep foundations. Grant height to our lives, we pray, for we need to see above the confusion that baffles us. Give us length of outlook and of vision beyond the immediacies of these present days. We pray for breadth in our lives; let us not be shut in by vindictiveness and irritations, but rather grant a penetrating eye for the rights and wrongs of today and a quick human sympathy that puts the brotherhood of men above selfish interests. So may these, our brothers, become the wise interpreters of Thine eternal law and brave spokesmen of Thy will. In the name of Him who said, "If ye abide in Me, ye shall know the truth; and the truth shall make you free." Amen.

THE JOURNAL

On request of Mr. Johnson of Texas, and by unanimous consent, the Journal of the proceedings of Thursday, August 1, 1957, was approved, and its reading was dispensed with.

LEAVE OF ABSENCE

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Missouri [Mr. Hennings] be given further leave of absence because of illness.

The PRESIDENT pro tempore. Without objection, it is so ordered.

On his own request, and by unanimous consent, Mr. Capehart was excused from attendance on the sessions of the Senate until Tuesday next.

CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, last night the Senate took an important step which will strengthen the right to vote provisions of the pending bill.

Reasonable men worked long and hard to produce a jury-trial amendment that is adequate. Their labors bore fruit in the form of a bipartisan vote of approval.

The Washington Post this morning places the situation in its true perspective. It says that the Senate action last night will prove to be a "boon" if it is "accepted in the proper spirit."

We have strengthened the bill and we have strengthened the confidence of the American people in its provisions. That alone would justify the action we took.

I think we should be able to dispose of the remaining sections of the bill within a reasonable time. There are still issues to be considered and to be debated. But I do not believe the discussion will take any considerable amount of time.

We should be able to continue the debate as reasonable men seeking to shape an effective and meaningful bill. And it will be an important step forward in protecting basic American liberties.

Mr. President, I ask unanimous consent that the editorial from the Washington Post be printed in the Record at this point as a part of my remarks.

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

[From the Washington Post of August 2, 1957]

THE STAKE IN CIVIL RIGHTS

Senate approval of the jury-trial amendment can prove a boon rather than a barrier to the protection of voting rights if it is accepted in the proper spirit. The amendment agreed to last night amounts to a very substantial concession to the sensibilities of the South. There is no excuse now for any further delaying tactics in final adoption of the civil-rights bill. At the same time, the bill as amended can materially advance the primary purpose of safeguarding the voting rights of all citizens in Federal elections.

Obviously the bill as it now stands is not all that many civil-rights champions wanted, and it is a good bit more than some southerners wanted. It has been divested of section III, which dealt with rights other than the right to vote, and it has been softened by the jury-trial amendment. Yet it still contains provisions for the creation of a Civil Rights Commission with subpena powers and for the appointment of an Assistant Attorney General for civil rights. The significance of these two provisions is not inconsiderable; and although most southern Senators, for political reasons, cannot afford to welcome them publicly, there are indications that the provisions will be tacitly accepted.

The adoption of the O'Mahoney-Kefauver-Church amendment providing for jury trials in cases of criminal contempt came about because honest men were sorely troubled. This newspaper groped along with Members of the Senate in the sheer complexity of the problem and the wish to find a reasonable accommodation. Unquestionably the issue of jury trials was used by opponents of the civil-rights bill in the beginning as a diversionary smokescreen. In the course of the debate, however, more persons began to have doubts. Was it desirable, they asked, to jeopardize one set of real or implied rights in order to secure others?

The whole reason for civil-rights legislation, of course, lies in the fact that the Constitution of the United States has not been fully accepted in parts of the South. The 14th and 15th amendments undertake to guarantee voting rights, and they are amplified by more specific laws forbidding interference or intimidation. These provisions have become dead letters in some areas because of the inability to persuade white juries to convict white defendants. But the problem was, and is, to bring about more general respect for voting rights without the sort of pyrrhic victory that would encourage political bitterness and divisions and stimulate a search for new evasions.

There is no such thing as a constitutional right of jury trial. Some 37 different statutes permit governmental agencies to enforce the law through equity proceedings rather than criminal trials. At the same time, a little-known provision of the Clayton Act of 1914 requires jury trials for criminal contempt if the contempt is a crime under other Federal or State laws, and unless the United States is a party to the suit.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The essential objective of the amended bill before the Senate is to make the United States automatically a party to suits—that is, to permit the Attorney General to sue on behalf of an individual who might be intimidated or financially unable to institute proceedings to protect his voting rights. The dilemma arose from the need, on the one hand, to insure to the courts the powers necessary to compel respect for and compliance with their orders; and the reluctance, on the other hand, to use the contempt power to punish a man summarily for actions which under laws already on the books were crimes in which defendants were entitled to jury trials.

This issue has been resolved by the amendment providing jury trials in all cases of criminal contempt, but leaving to judges summary powers to cope with civil contempt (including the power to imprison a defendant until he complies with a court order). The amendment was notably improved by a new section proposed by Senator CHURCH eliminating the provision now in Federal law that persons serving on Federal juries must satisfy requirements for State juries.

Actually this is a modification of the earlier effort by Senator NEUBERGER to deny application of the jury trial amendment to areas where Federal juries are drawn from voting lists rather than from the general population. If the amendment as approved carries out its intent, it will remove the totally unwarranted veto some States exercise against service of Negroes on Federal juries. Alert Federal judges should be able to see to it that the selection of jury panels is fair. Negroes serving on juries in contempt trials will by no means guarantee convictions even when convictions are warranted; but the breaking of this artificial restraint will enhance confidence in the jury trial amendment.

This newspaper is still troubled by the general application of the O'Mahoney-Kefauver-Church amendment as adopted. It will limit the powers of judges, not merely in voting cases, but in the entire range of Federal proceedings. This may seriously interfere with antitrust suits and similar litigation. Congress will want to appraise the results closely with a view toward narrowing the scope of the new provision if necessary.

One other question is whether the amendment, by providing a jury trial for criminal contempt, may encourage large instead of small contempt. A defendant might hope that if he defied a court order long enough and vigorously enough he would escape punishment via a jury trial. This is admittedly a danger, but we think it has been magnified. In all but a very few States voting registration is permanent. A recalcitrant registrar could be kept in jail indefinitely until he complied with a court order; and although this would not assure the voting rights of an individual in a particular election, it would most certainly be a consideration in the actions of the registrar. Moreover, under the revised method of selecting juries, a defendant could not count for sure on a sympathetic or all-white jury.

It also is important to recognize that criminal contempt is a sort of last-ditch proceeding. Means of dealing with it are necessary to give the bill teeth. But the real significance of the bill is in the equity route it provides. A person who deprived another of voting rights would be confronted with the authority and majesty of the United States. No one would relish the thought of fighting the United States; and there would in all likelihood be considerable pressure for compliance from law-abiding citizens in the community, whatever their views. It is a disservice to the South to think that there automatically would be disrespect for the courts and defiance of the law.

What has emerged is a compromise in the best tradition of dignified Senate deliberation. A filibuster has been avoided, in the initial instance, at least, by acceptance of a reasonable but less stringent measure which all but the most die-hard southern Senators should feel a moral obligation to uphold in practice. The need now is to keep the remaining debate in the same good temper and above considerations of mere partisan advantage. No attempt to guarantee civil rights against very possible abuse can succeed. But it is a plausible theory that respect for other rights stems from exercise of the ballot, and the Senate last night paved the way for new protection of the basic right to vote that should be far from meaningless.

Mr. JOHNSON of Texas. Mr. President, during the course of the debate there was some reference to the extent to which members of minority groups serve on juries. In my opinion, our action last night went a long way to eliminate any question. But I have queried two eminent judges of my State—Allen B. Haney, of Houston, and Ben C. Connally, also of Houston. I ask unanimous consent that their replies be printed in the RECORD as part of my remarks.

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

HOUSTON, TEX., *August 1, 1957.*

Senator LYNDON B. JOHNSON,
Senate Building, Washington, D. C.:

Negroes serve on juries throughout the southern district of Texas and in my opinion in larger numbers than their percentage of population. They are in nowise discriminated against in the Federal courts of Texas so far as I am able to judge from sitting not only in this district but also in the eastern and western districts.

ALLEN B. HANNEY,
Chief Judge, District Court.

HOUSTON, TEX., *August 1, 1957.*

Senator LYNDON JOHNSON,
Senate Office Building,
Washington, D. C.:

In reply to your inquiry as to the extent to which Negroes serve on petit and grand juries in this district please be advised that since my appointment in 1949 and I am confident prior to that date no distinction has been made in the selection of grand and petit jurors on the basis of race. Our jury lists do not distinguish between white and colored jurors and I cannot give you exact figures for comparsion but on the average approximately 25 percent of our jurors are colored. It is the rarest thing that a jury is impaneled which does not contain a few members of that race. The same is true percentagewise as to other minority groups.

BEN C. CONNALLY,
United States District Judge.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the RECORD two telegrams I have received with regard to Negroes serving on juries in district courts in Texas. The first is from Judge Joe W. Sheehy, chief judge of the eastern district of Texas, and the second from Judge Joe Ingraham, United States district judge for the southern district of Texas.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The telegrams are as follows:

HOUSTON, TEX.

Hon. LYNDON JOHNSON,
United States Senate,
Washington, D. C.:

This is to advise that Negroes serve as grand and petit jurors in this district without discrimination and have so served to my knowledge for a good many years. In a protracted trial which I finished recently, out of a total of 16, 12 jurors and 4 alternates, 5 were Negroes.

JOE INGRAHAM,
United States District Judge, Southern District of Texas.

TYLER, TEX., *August 1, 1957.*

Hon. LYNDON B. JOHNSON,
Majority Leader, United States Senate,
Washington D. C.:

During 6 years I have been on bench Negroes have been on most, if not all, jury panels in eastern district of Texas. There is no discrimination on account of race or color in selecting jury panels.

JOE W. SHEEHY,
Chief Judge, Eastern District of Texas.

LEGISLATIVE PROGRAM—ORDER FOR RECESS TO MONDAY

Mr. JOHNSON of Texas. Mr. President I announce that following the morning hour, pursuant to an order entered yesterday, the Senate will proceed to the consideration of the bill for the extension of the Small Business Administration with 1 hour of debate, 30 minutes to a side. Then the Senate will resume discussion of the civil-rights bill.

I realize that Senators have had a long and hard week. Yesterday the Senate was in session from 10:30 in the morning until after midnight. The day before the Senate was in session from 10:30 in the morning until after 10:30 in the evening.

We have made a great deal of progress. We reached an agreement yesterday which we did not think we could reach when we started yesterday morning. We have passed the necessary appropriation bills. We think it will be possible to pass the Small Business Administration extension bill today.

Therefore I announce to the Senate that, as a result of the diligence and willingness of Senators to cooperate, it will not be necessary for the Senate to be in session on Saturday. We shall have a little reward for the achievements of yesterday.

I express appreciation to Senators on both sides of the aisle for the manner in which they conducted themselves all week, particularly for the manner in which they stood the strain of late hours last evening.

I express my personal gratitude to the staff of the Senate, including the official reporters of debates, the Parliamentarian, and the other members of the staff at the desk. I think we should have a day off.

If I may have the attention of the minority leader—because I do not wish to make a move without his knowledge and consent—I ask unanimous consent that when the Senate concludes its business today it stand in recess until noon on Monday next.

The PRESIDENT pro tempore. Is there objection?

Mr. KNOWLAND. Mr. President, the majority leader discussed this subject with me briefly yesterday. I told him that under the circumstances, and particularly if we could obtain an agreement with respect to the Small Business

Administration bill, I would have no objection to the Senate taking a recess from today until Monday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I do not know how late we will sit this evening. We will stay in session as late as Senators are available to address themselves to the pending subject. The Senate has made some very important decisions. I am very proud of the conclusions that have been reached. We still have some important decisions to make. However, I express the hope that perhaps by Tuesday or Wednesday we may complete action on the so-called civil-rights bill and send it to the House. I appeal to all Senators who have speeches to make on the subject, to prepare themselves. I do not believe that we are likely to have any votes early on Monday, although Senators should be on notice that there is always the possibility of a vote later in the day. I express the hope that perhaps we may be able to complete action on the bill on Tuesday or Wednesday. I appeal to all Senators, for their cooperation. I do not have any desire to put anyone off or to place anyone in a straitjacket.

The other body will have to give consideration to the bill, and we may have to consider it further before it is sent to the White House. Therefore, I think it is very important that we act as speedily as possible. I express the hope that we may be able to conclude action on the bill in the Senate by Tuesday or Wednesday.

I also express the hope that we may be able to take up the executive calendar, if it is agreeable with the minority leader. Perhaps we may be able to do that now.

Mr. KNOWLAND. Yes.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that after the Senate convenes on Monday next at 12 o'clock there be the usual morning hour for the transaction of routine business only, with a limitation on statements of 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL PLACED ON CALENDAR

The bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes, was read twice by its title and placed on the calendar.

TRIBUTE TO SENATOR HENNINGS AND SENATOR PAYNE

Mr. NEUBERGER. Mr. President, I should like to pay a very brief tribute to the unselfish devotion which brought to the Senate floor last night the senior Senator from Missouri [Mr. HENNINGS] and the junior Senator from Maine [Mr. PAYNE].

The Senator from Maine came all the way from his home, some many hundreds of miles distant, where he has been convalescing from an illness which he has told some of us is going to require his retirement from the United States Senate next year.

The senior Senator from Missouri, who has been a leader in the cause of civil rights for many years, came to the Senate floor against the counsel and advice of his physician. We all know that the Senator from Missouri has been recovering from gall-bladder surgery.

I believe both of these Senators deserve commendation and the admiration of all Senators, regardless of which side we were on in the discussion of the jury-trial amendment. Political courage, after all, is relatively small indeed compared with the valor which will induce a person to risk his health and physical welfare for a cause to which he is dedicated.

I should like to have the record show that at least one Member of the Senate feels some tribute should be paid to the Senator from Maine [Mr. PAYNE] and the Senator from Missouri [Mr. HENNINGS] for coming here last night to the detriment or risk of their health, so that they could stand on the Senate floor to uphold a cause to which they are personally so devoted and so faithful. They deserve salute.

Mr. JAVITS. Mr. President, I desire to join with the Senator from Oregon in the expression of the sentiments he has just voiced. I feel it is not only two Senators who share that conviction, but I deeply feel every Senator here felt the same way.

Mr. NEUBERGER. I am certain the Senator from New York is correct in making the expression of admiration inclusive of all Senators.

TRANSACTION OF ROUTINE BUSINESS

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

EXECUTIVE COMMUNICATIONS, ETC.

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

TRAINING OF CERTAIN EMPLOYEES AT PUBLIC OR PRIVATE FACILITIES

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the training of employees of the United States Department of the Interior at public or private facilities (with an accompanying paper); to the Committee on Interior and Insular Affairs.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Acting Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

The petition of Robert D. Allred, of Raleigh, N. C., relating to the establishment of an air youth program; to the Committee on Armed Services.

A resolution adopted by the commissioners of Washington County, Pa., relating to the construction of flood-control works on Chartiers Creek, Pa.; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H. R. 7910. An act to revise the laws relating to the handling of short paid and undeliverable mail, and for other purposes (Rept. No. 789).

By Mr. ANDERSON, from the Joint Committee on Atomic Energy, without amendment:

S. 2672. A bill to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes (Rept. No. 790); and

S. 2674. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 791).

FEDERAL EMPLOYMENT AND PAY—ADDITIONAL REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

Mr. BYRD. Mr. President as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit an additional report on Federal employment and pay for the month of June 1957, in accordance with the practice of several years standing. I ask unanimous consent to have the report printed in the RECORD, together with a statement by me which includes a summary of Federal employment during fiscal year 1956.

There being no objection, the report and statement were ordered to be printed in the RECORD.

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, JUNE 1957 AND MAY 1957, AND PAY, MAY 1957 AND APRIL 1957

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for June 1957 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In June, numbered—	In May numbered—	Increase (+) or decrease (−)	In May was—	In April was—	Increase (+) or decrease (−)
Total [1]	2,401,292	2,393,292	+8,000	$963,787	$903,746	+$60,041
Agencies exclusive of Department of Defense	1,240,288	1,232,753	+7,535	487,256	445,799	+41,457
Department of Defense	1,161,004	1,160,539	+465	476,531	457,947	+18,584
Inside continental United States	2,196,503	2,187,795	+8,708			
Outside continental United States	204,789	205,497	−708			
Industrial employment	653,824	653,536	+288			
Foreign nationals	267,823	269,666	−1,843	29,260	30,139	−879

[1] Exclusive of foreign nationals shown in the last line of this summary.

Table I, below, breaks down the above figures on employment and pay by agencies.

Table II, page 5, breaks down the above employment figures to show the number inside continental United States by agencies.

Table III, page 7, breaks down the above employment figures to show the number outside continental United States by agencies.

Table IV, page 8, breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V, page 9, shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside continental United States employed by the executive agencies during June 1957, and comparison with May 1957, and pay for May 1957, and comparison with April 1957*

Department or agency	Personnel				Pay (in thousands)			
	June	May	Increase	Decrease	May	April	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	96,019	87,147	8,872		$32,430	$29,669	$2,761	
Commerce [1]	52,290	49,965	2,325		23,918	21,616	2,302	
Health, Education, and Welfare	52,592	51,735	857		22,736	22,462	274	
Interior	56,051	52,409	3,642		22,686	20,992	1,694	
Justice	30,613	30,231	382		15,813	15,156	657	
Labor	5,937	5,974		37	2,882	2,777	105	
Post Office	521,198	524,807		3,609	194,341	168,366	25,975	
State [2]	33,965	33,642	323		13,159	12,615	544	
Treasury	78,376	82,529		4,153	37,597	35,487	2,110	
Executive Office of the President:								
White House Office	389	386	3		244	232	12	
Bureau of the Budget	442	447		5	314	301	13	
Council of Economic Advisers	31	30	1		23	22	1	
Executive Mansion and Grounds	72	70	2		30	21	9	
National Security Council [3]	26	27		1	19	19		
Office of Defense Mobilization	273	260	13		165	160	5	
President's Advisory Committee on Government Organization	6	6			3	3		
Independent agencies:								
Advisory Committee on Weather Control	9	9			4	6		$2
Alexander Hamilton Bicentennial Commission	9	9			6	7		1
American Battle Monuments Commission	606	637		31	101	95	6	
Atomic Energy Commission	6,910	6,724	186		3,793	3,583	210	
Board of Governors of the Federal Reserve System	589	583	6		320	310	10	
Boston National Historic Sites Commission	4	5		1	1	1		
Civil Aeronautics Board	602	594	8		356	346	10	
Civil Service Commission	4,475	4,420	55		2,181	2,020	161	
Commission of Fine Arts	4	4			2	2		
Corregidor Bataan Memorial Commission	1	1			3	2	1	
District of Columbia Auditorium Commission	18	18			1	1		
Export-Import Bank of Washington	185	187		2	121	118	3	
Farm Credit Administration	950	944	6		530	500	30	
Federal Civil Defense Administration	1,272	1,193	79		696	659	37	
Federal Coal Mine Safety Board of Review	7	7			3	3		
Federal Communications Commission	1,197	1,180	17		654	620	34	
Federal Deposit Insurance Corporation	1,148	1,135	13		610	576	34	
Federal Home Loan Bank Board	750	729	21		374	356	18	
Federal Mediation and Conciliation Service	332	334		2	249	238	11	
Federal Power Commission	758	713	45		410	396	14	
Federal Trade Commission	744	747		3	443	427	16	
Foreign Claims Settlement Commission	114	116		2	66	59	7	
General Accounting Office	5,515	5,344	171		2,634	2,553	81	
General Services Administration	27,412	27,401	11		10,414	10,103	311	
Government Contract Committee	21	18	3		11	12		1
Government Printing Office	6,460	6,449	11		3,183	3,010	173	
Housing and Home Finance Agency	9,893	9,998		105	5,140	4,928	212	
Indian Claims Commission	14	14			11	11		
Interstate Commerce Commission	2,188	2,170	18		1,174	1,099	75	
Jamestown-Williamsburg-Yorktown Celebration Commission	5	5			3	3		
National Advisory Committee for Aeronautics	7,992	7,722	270		4,126	3,941	185	
National Capital Housing Authority	254	252	2		111	97	14	
National Capital Planning Commission	36	33	3		20	20		
National Gallery of Art	333	328	5		116	109	7	

[1] June figure includes 813 seamen on the rolls of the Maritime Administration and their pay.

[2] June figure includes 11,427 employees of the International Cooperation Administration as compared with 11,275 in May and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 2,780 of these trust fund employees and the May figure includes 2,736.

[3] Exclusive of personnel and pay of the Central Intelligence Agency.

TABLE I.—*Consolidated table of Federal personnel inside and outside continental United States employed by the executive agencies during June 1957, and comparison with May 1957, and pay for May 1957, and comparison with April 1957*—Continued

Department or agency	Personnel				Pay (in thousands)			
	June	May	Increase	Decrease	May	April	Increase	Decrease
Independent agencies—Continued								
National Labor Relations Board	1,151	1,125	26		$679	$650	$29	
National Mediation Board	109	110		1	83	90		$7
National Science Foundation	323	300	23		152	153		1
National Security Training Commission	6	5	1		2	2		
Panama Canal	14,168	14,141	27		3,669	3,589	80	
Railroad Retirement Board	2,431	2,361	70		1,025	964	61	
Renegotiation Board	359	383		24	275	271	4	
St. Lawrence Seaway Development Corporation	38	37	1		27	24	3	
Securities and Exchange Commission	785	782	3		456	441	15	
Selective Service System	6,856	6,963		107	1,879	1,788	91	
Small Business Administration	1,161	1,111	50		618	587	31	
Smithsonian Institution	878	784	94		316	298	18	
Soldiers' Home	1,032	1,025	7		260	245	15	
Subversive Activities Control Board	37	36	1		26	26		
Tariff Commission	217	213	4		131	126	5	
Tax Court of the United States	145	143	2		93	90	3	
Tennessee Valley Authority	15,651	15,423	228		7,455	7,208	247	
Theodore Roosevelt Centennial Commission	8	8			4	3	1	
United States Information Agency	11,820	11,916		96	3,555	3,382	173	
Veterans' Administration	174,022	176,195		2,173	62,320	59,751	2,569	
Woodrow Wilson Centennial Celebration Commission	4	4			4	2	2	
Total, excluding Department of Defense	1,240,288	1,232,753	17,887	10,352	487,256	445,799	41,469	12
Net increase, excluding Department of Defense			7,535				41,457	
Department of Defense:								
Office of the Secretary of Defense	1,694	1,690	4		1,094	1,054	40	
Department of the Army	429,236	428,310	926		170,538	164,283	6,255	
Department of the Navy	389,725	389,022	703		168,491	162,528	5,963	
Department of the Air Force	340,349	341,517		1,168	136,408	130,082	6,326	
Total, Department of Defense	1,161,004	1,160,539	1,633	1,168	476,531	457,947	18,584	
Net increase, Department of Defense			465				18,584	
Grand total, including Department of Defense	2,401,292	2,393,292	19,520	11,520	963,787	903,746	60,053	12
Net increase, including Department of Defense			8,000				60,041	

TABLE II.—*Federal personnel inside continental United States employed by the executive agencies during June 1957, and comparison with May 1957*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	94,665	85,762	8,903	
Commerce [1]	47,976	45,886	2,090	
Health, Education, and Welfare	50,740	49,919	821	
Interior	51,514	48,191	3,323	
Justice	30,069	29,690	379	
Labor	5,824	5,838		14
Post Office	518,719	522,340		3,621
State [2]	8,592	8,499	93	
Treasury	77,366	81,514		4,148
Executive Office of the President:				
White House Office	389	386	3	
Bureau of the Budget	442	447		5
Council of Economic Advisors	31	30	1	
Executive Mansion and Grounds	72	70	2	
National Security Council [3]	26	27		1
Office of Defense Mobilization	273	260	13	
President's Advisory Committee on Government Organization	6	6		
Independent agencies:				
Advisory Committee on Weather Control	9	9		
Alexander Hamilton Bicentennial Commission	9	9		
American Battle Monuments Commission	20	19	1	
Atomic Energy Commission	6,891	6,704	187	
Board of Governors of the Federal Reserve System	589	583	6	
Boston National Historic Sites Commission	4	5		1
Civil Aeronautics Board	598	590	8	
Civil Service Commission	4,459	4,405	54	
Commission of Fine Arts	4	4		
Corregidor-Bataan Memorial Commission	1	1		
District of Columbia Auditorium Commission	18	18		
Export-Import Bank of Washington	185	187		2
Farm Credit Administration	940	934	6	
Federal Civil Defense Administration	1,272	1,193	79	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,172	1,154	18	
Federal Deposit Insurance Corporation	1,146	1,133	13	
Federal Home Loan Bank Board	750	729	21	
Federal Mediation and Conciliation Service	332	334		2
Federal Power Commission	758	713	45	
Federal Trade Commission	744	747		3
Foreign Claims Settlement Commission	114	116		2
General Accounting Office	5,441	5,269	172	
General Services Administration	27,313	27,301	12	
Government Contract Committee	21	18	3	
Government Printing Office	6,460	6,449	11	
Housing and Home Finance Agency	9,725	9,832		107
Independent agencies—Continued				
Indian Claims Commission	14	14		
Interstate Commerce Commission	2,188	2,170	18	
Jamestown-Williamsburg-Yorktown Celebration Commission	[illegible]	5		
National Advisory Committee for Aeronautics	7,992	7,722	270	
National Capital Housing Authority	254	252	2	
National Capital Planning Commission	36	33	3	
National Gallery of Art	333	328	5	
National Labor Relations Board	1,132	1,107	25	
National Mediation Board	109	110		1
National Science Foundation	323	300	23	
National Security Training Commission	6	5	1	
Panama Canal	404	406		2
Railroad Retirement Board	2,431	2,361	70	
Renegotiation Board	359	383		24
St. Lawrence Seaway Development Corporation	38	37	1	
Securities and Exchange Commission	785	782	3	
Selective Service System	6,662	6,770		108
Small Business Administration	1,149	1,101	48	
Smithsonian Institution	877	782	95	
Soldiers' Home	1,032	1,025	7	
Subversive Activities Control Board	37	36	1	
Tariff Commission	217	213	4	
Tax Court of the United States	145	143	2	
Tennessee Valley Authority	15,651	15,423	228	
Theodore Roosevelt Centennial Commission	8	8		
United States Information Agency	2,776	2,774	2	
Veterans' Administration	172,780	174,957		2,177
Woodrow Wilson Centennial Celebration Commission	4	4		
Total, excluding Department of Defense	1,173,433	1,166,579	17,072	10,218
Net increase, excluding Department of Defense			6,854	
Department of Defense:				
Office of the Secretary of Defense	1,650	1,645	5	
Department of the Army	366,731	365,197	1,534	
Department of the Navy	357,099	355,880	1,219	
Department of the Air Force	297,590	298,494		904
Total, Department of Defense	1,023,070	1,021,216	2,758	904
Net increase, Department of Defense			1,854	
Grand total, including Department of Defense	2,196,503	2,187,795	19,830	11,122
Net increase, including Department of Defense			8,708	

[1] June figure includes 813 seamen on the rolls of the Maritime Administration.
[2] June figure includes 1,733 employees of the International Cooperation Administration as compared with 1,731 in May.
[3] Exclusive of personnel of the Central Intelligence Agency.

TABLE III.—*Federal personnel outside continental United States employed by the executive agencies during June 1957, and comparison with May 1957*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,354	1,385		31
Commerce	4,314	4,079	235	
Health, Education, and Welfare	1,852	1,816	36	
Interior	4,537	4,218	319	
Justice	544	541	3	
Labor	113	136		23
Post Office	2,479	2,467	12	
State [1]	25,373	25,143	230	
Treasury	1,010	1,015		5
Independent agencies:				
American Battle Monuments Commission	586	618		32
Atomic Energy Commission	19	20		1
Civil Aeronautics Board	4	4		
Civil Service Commission	16	15	1	
Farm Credit Administration	10	10		
Federal Communications Commission	25	26		1
Federal Deposit Insurance Corporation	2	2		
General Accounting Office	74	75		1
General Services Administration	99	100		1
Housing and Home Finance Agency	168	166	2	
National Labor Relations Board	19	18	1	
Panama Canal	13,764	13,735	29	
Independent agencies—Continued				
Selective Service System	194	193	1	
Small Business Administration	12	10	2	
Smithsonian Institution	1	2		1
United States Information Agency	9,044	9,142		98
Veterans' Administration	1,242	1,238	4	
Total, excluding Department of Defense	66,855	66,174	875	194
Net increase, excluding Department of Defense			681	
Department of Defense:				
Office of the Secretary of Defense	44	45		1
Department of the Army	62,505	63,113		608
Department of the Navy	32,626	33,142		516
Department of the Air Force	42,759	43,023		264
Total, Department of Defense	137,934	139,323		1,389
Net decrease, Department of Defense			1,389	
Grand total, including Department of Defense	204,789	205,497	875	1,583
Net decrease, including Department of Defense			708	

[1] June figure includes 9,694 employees of the International Cooperation Administration as compared with 9,544 in May. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 2,780 of these trust fund employees and the May figure includes 2,736.

TABLE IV.—*Industrial employees of the Federal Government inside and outside continental United States employed by the executive agencies during June 1957, and comparison with May 1957*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,125	3,220		95
Commerce	2,448	2,729		281
Interior	7,998	7,876	122	
Treasury	5,589	5,583	6	
Independent agencies:				
Atomic Energy Commission	166	145	21	
Federal Communications Commission	14	14		
General Services Administration	1,122	1,095	27	
Government Printing Office	6,460	6,449	11	
National Advisory Committee for Aeronautics	7,992	7,722	270	
Panama Canal	7,152	7,278		126
Tennessee Valley Authority	12,805	12,589	216	
Total, excluding Department of Defense	54,871	54,700	673	502
Net increase, excluding Department of Defense			171	
Department of Defense:				
Department of the Army:				
Inside continental United States	[1] 178,800	[2] 179,549		749
Outside continental United States	[1] 23,150	[2] 23,593		443
Department of the Navy:				
Inside continental United States	219,447	218,759	688	
Outside continental United States	5,680	5,886		206
Department of the Air Force:				
Inside continental United States	165,288	164,437	851	
Outside continental United States	6,588	6,612		24
Total, Department of Defense	598,953	598,836	1,539	1,422
Net increase, Department of Defense			117	
Grand total, including Department of Defense	653,824	653,536	2,212	1,924
Net increase, including Department of Defense			288	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under United States agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of June 1957 and comparison with May 1957*

Country	Total		Army		Navy		Air Force	
	June	May	June	May	June	May	June	May
Belgium	6	6					6	6
Denmark	1	1					1	1
England	6,676	7,149			37	37	6,639	7,112
France	25,047	25,163	17,785	17,678			7,262	7,485
French Morocco	5,788	5,705	160	156	966	957	4,662	4,592
Germany	98,214	98,307	82,140	82,321	[1] 421	421	15,653	15,565
Japan	126,487	127,725	65,349	[2] 66,522	[1] 19,165	19,172	41,973	42,031
Korea	4,888	4,881	4,888	4,881				
Malta	118	116			118	116		
Netherlands	41	41					41	41
Norway	22	23					22	23
Trinidad	535	549			535	[2] 549		
Total	267,823	269,666	170,322	171,558	21,242	21,252	76,259	76,856

[1] Subject to revision.

[2] Revised on the basis of later information.

NOTE.—The Germans are paid from funds provided by German Government. The French and English reported by the Army and Air Force are paid from funds appropriated for personal services. All other are paid from funds appropriated for other contractual services.

STATEMENT BY SENATOR BYRD

THE MONTH OF JUNE 1957

Civilian employees

Executive agencies of the Federal Government reported regular civilian employment in the month of June totaling 2,401,292. This was a net increase of 8,000 as compared with employment reported in the preceding month of May.

Civilian employment reported by the executive agencies of the Federal Government by months in fiscal year 1957, which began July 1, 1956, follows:

Month	Employment	Increase	Decrease
1956—July	2,398,673	14,250	
August	2,400,493	1,820	
September	2,388,854		11,639
October	2,396,163	7,309	
November	2,394,324		1,839
December	2,389,788		4,536
1957—January	2,387,015		2,773
February	2,390,517	3,502	
March	2,392,987	2,470	
April	2,395,764	2,777	
May	2,393,292		2,472
June	2,401,292	8,000	

Total civilian employment in civilian agencies during the month of June was 1,240,288, an increase of 7,535 over the May total of 1,232,753. Total civilian employment in the military agencies in June was 1,161,004, an increase of 465 as compared with 1,160,539 in May.

Civilian agencies reporting the larger increeases were Department of Agriculture, up 8,872; Department of the Interior, up 3,642; Deparmtent of Commerce, up 2,325; and Department of Health, Education, and Welfare, up 857. Reductions were reported by Treasury Department with a decrease of 4,153;

Post Office Department with a decrease of 3,609; and Veterans' Administration with a decrease of 2,173.

In the Department of Defense increases in civilian employment were reported by the Department of the Army, up 926, and the Department of the Navy, up 703. The Department of the Air Force reported a decrease of 1,168 in civilian employment.

Inside continental United States civilian employment increased 8,708 and outside continental United States civilian employment decreased 708. Industrial employment by Federal agencies in June totaled 653,824, an increase of 288.

These figures are from reports certified by the agencies, as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

Foreign nationals

The total of 2,401,292 civilian employees certified to the Committee by the Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in United States Government activities abroad, but in addition to these there were 267,823 foreign nationals working for United States military agencies during June who were not counted in the usual personnel reports. The number in May was 269,666. A breakdown of this employment for June follows:

Country	Total	Army	Navy	Air Force
Belgium	6			6
Denmark	1			1
England	6,676		37	6,639
France	25,047	17,785		7,262
French Morocco	5,788	160	966	4,662
Germany	98,214	82,140	421	15,653
Japan	126,487	65,349	19,165	41,973
Korea	4,888	4,888		
Malta	118		118	
Netherlands	41			41
Norway	22			22
Trinidad	535		535	
Total	267,823	170,322	21,242	76,259

The regular monthly Federal civilian payroll in May totaled $963,787,000. United States pay for foreign nationals working under Federal agencies abroad totaled $19,366,000. Total May payroll for agencies of the executive branch of the Federal Government was $983,153,000.

These figures for the month were certified by executive agencies to the Joint Committee on Reduction of Nonessential Federal Expenditures. Payroll figures are on an actual basis and necessarily lag 1 month behind the personnel count.

Payroll for the first 11 months of fiscal year 1957, including United States funds for foreign nationals not on regular rolls, totaled $10.3 billion. This was a monthly average of $938 million, since fiscal year 1957 started July 1, 1956. These payroll figures by months follow:

[In millions]

Month	Regular payrolls	Foreign nationals not on regular rolls (United States funds)	Total
1956—July	$907	$17	$923
August	950	17	967
September	846	17	863
October	947	17	964
November	931	17	948
December	933	18	951
1957—January	990	17	1,006
February	848	16	864
March	900	19	919
April	904	21	924
May	964	19	983
Total, 11 months	10,119	195	10,313

FISCAL YEAR 1957 SUMMARY (JULY 1, 1956—JUNE 30, 1957)

There was a net increase of 16,869 in civilian employment by executive branch agencies of the Federal Government during fiscal year 1957, which ended June 30, 1957. The total at the end of the year was 2,401,292 as compared with 2,384,423 in June 1956.

Civilian and military agencies

There was an increase during the year of 35,795 in employment by the civilian agencies of the Government and a decrease of 18,926 in civilian employment by military agencies. Employment by the civilian agencies at the year end totaled 1,240,288, as compared with 1,204,493 a year ago. Civilian employment by military agencies totaled 1,161,004 as compared with 1,179,930 in June of 1956.

Inside and outside continental United States

There was an increase of 17,565 in employment within the United States by the Federal executive agencies and a decrease of 696 in employment outside continental United States. Employment inside United States as of June 30, 1957, totaled 2,196,503 as compared with 2,178,938 a year ago. Employment outside the United States as of June 30, 1957, totaled 204,789 as compared with 205,485 a year ago.

APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION—AUTHORIZATION FOR JOINT COMMITTEE ON ATOMIC ENERGY TO SUBMIT REPORT

Mr. ANDERSON. Mr. President, I ask unanimous consent that the Joint Committee on Atomic Energy may have until midnight tonight to submit a report, together with minority views, on the bill (S. 2674) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

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

BILLS INTRODUCED

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

By Mr. POTTER:

S. 2680. A bill for the relief of Suzann Kay Summitt; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 2681. A bill for the relief of James Richard Scarlett; to the Committee on the Judiciary.

By Mr. BUTLER:

S. 2682. A bill for the relief of T. R. Mackie; to the Committee on the Judiciary.

By Mr. IVES:

S. 2683. A bill for the relief of Elias Michael Kaimakliotis; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 2684. A bill to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment, and for other purposes; to the Committee on the Judiciary.

S. 2685. A bill to provide for the procurement by the municipal government of the District of Columbia of insurance against risk to its employees of liability for personal injury or death, or for property damage, arising from the operation of motor vehicles in the performance of their official duties, and for other purposes; to the Committee on the District of Columbia.

(See the remarks of Mr. JOHNSTON of South Carolina when he introduced the above bills, which appear under a separate heading.)

By Mr. JACKSON:

S. 2686. A bill for the relief of Antonietta Ranildi Jacchea; to the Committee on the Judiciary.

PROCUREMENT OF LIKENESSES OF SENATORS FOR PLACEMENT IN SENATE RECEPTION ROOM

Mr. KENNEDY. Mr. President, Senate Resolution 145, 84th Congress, as amended by Senate Resolution 297, 84th Congress, provided for the establishment of a special committee on the Senate reception room, consisting of five Members of the Senate, appointed by the President of the Senate, and provided for the selection by this special committee of five outstanding Senators of the past whose likenesses are to be placed in the five unfilled spaces in the Senate reception room, designed to contain medallion likenesses of outstanding Americans.

The special committee, of which I had the honor to be chairman, selected and recommended the following as the five outstanding Senators whose likenesses are to be placed in the Senate reception room:

Senator Henry Clay, of Kentucky.

Senator Daniel Webster, of Massachusetts.

Senator John C. Calhoun, of South Carolina.

Senator Robert M. La Follette, Sr., of Wisconsin.

Senator Robert A. Taft, of Ohio.

The findings of the special committee and the basis for such findings are set forth in Senate Report No. 279, 85th Congress, dated May 1, 1957, and are amplified in my remarks on the Senate floor May 1, 1957.

Since Senate Resolution 145, as amended, made no provision for the acquisition of portraits or other likenesses of these five Senators, by purchasing or otherwise, I am submitting at this time a resolution, establishing a Commission consisting of the Architect of the Capitol, the Director of the National Gallery of Art, and the Chairman of the Commission on Fine Arts, who shall, subject to the advice and approval of the Senate Committee on Rules and Administration, procure appropriate likenesses of the five outstanding Senators selected and have such likenesses placed in the Senate reception room. The resolution also provides that expenses of carrying out the provisions of the resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Architect of the Capitol and approved by the chairman of the Senate Committee on Rules and Administration.

With respect to the membership of the Commission, the Architect of the Capitol is proposed as a member because he is the officer who customarily represents the Congress in such matters; and the Director of the National Gallery of Art and the Chairman of the Commission on Fine Arts are proposed due to their expert knowledge in the field of art.

Hon. J. George Stewart is the Architect of the Capitol, Hon. John Walker is the

Director of the National Gallery of Art, and Hon. David E. Finley is the Chairman of the Commission on Fine Arts.

Mr. President, I ask that the resolution be referred to the appropriate committee.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 174) was referred to the Committee on Rules and Administration, as follows:

Resolved, That a commission to consist of the Architect of the Capitol, the Director of the National Gallery of Art, and the Chairman of the Commission of Fine Arts shall, subject to the advice and approval of the Senate Committee on Rules and Administration, procure appropriate likenesses of the five outstanding Senators who were selected pursuant to Senate Resolution 145, 84th Congress, as amended (S. Rept. No. 279, 85th Cong.), to have their likenesses placed in the reception room in the Capitol outside the Senate Chamber. Such likenesses may be procured either through the purchase, or acceptance as a gift or loan, of appropriate existing likenesses or through the execution of appropriate likenesses by a qualified artist or artists to be selected and employed for such purpose by the Commission.

SEC. 2. The expenses of carrying out the provisions of the first section of this resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Architect of the Capitol and approved by the chairman of the Senate Committee on Rules and Administration.

OPERATION AND PRESERVATION OF FAMILY-SIZE FARMS

Mr. MONRONEY submitted the following resolution (S. Res. 175), which was referred to the Committee on Agriculture and Forestry:

Whereas the family-size farm provides a home and a livelihood for a substantial part of our population;

Whereas the operation of family-size farms has been the basis for the development, and is essential to the preservation, of our agricultural economy;

Whereas the maintenance of a sound agricultural economy is essential to the health, prosperity, and security of all of our people;

Whereas there are indications of trends in various parts of the country toward the establishment of large-scale corporate agricultural enterprises;

Whereas the establishment and operation of these large-scale corporate agricultural enterprises not only is inconsistent with and threatens the existence of the family-size farm system, but also introduces many new social problems such as large-scale part-time migratory farm labor, which uproots children from homes of their own and condemns them to a nomadic life spent without proper housing, schooling, or recreational benefits: Therefore be it

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation with a view to ascertaining (1) the extent to which trends are developing toward larger firms, particularly those owned and operated by corporations, (2) the effects of such trends upon our agricultural economy and upon the economy of the Nation as a whole, (3) the special effects of displacement of farm families by the encroachment of corporate farming and of large farm units on urban areas, with attention to the dangers of unemployment in such centers, and (4) what steps should be taken to protect and preserve the family-size farm type of farming operation. The committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem desirable.

PERSONAL LIABILITY IN SUITS FOR DAMAGES FOR CERTAIN FEDERAL AND DISTRICT EMPLOYEES

Mr. JOHNSTON of South Carolina. Mr. President, on January 9 of this year I introduced a bill (S. 384) designed to solve the problem of personal liability in suits for damages to which employees of the Government are subject as a result of their operation of motor vehicles in the performance of official duties.

Public hearings on the bill were held on May 29. The objective of the bill was fully endorsed by spokesmen representing the administration and various agencies. Necessity for action was voiced by representatives of employee groups. However, there was general agreement that the desired objective might best be obtained in a manner other than that proposed by the bill.

The approach which seemed most logical would require an amendment to the Federal Tort Claim Act in the case of Federal employees generally and separate legislation somewhat similar to S. 384 in the case of employees of the District of Columbia. Accordingly, I am sending to the desk for appropriate reference two bills designed to accomplish the objective desired. The first would amend the Federal Tort Claim Act. I think this proposed legislation should be referred to the Committee on the Judiciary.

The second bill, in my opinion, should be referred to the committee on the District of Columbia.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. JOHNSTON of South Carolina, were received, read twice by their titles, and referred, as indicated:

To the Committee on the Judiciary:

S. 2684. A bill to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment, and for other purposes.

To the Committee on the District of Columbia:

S. 2685. A bill to provide for the procurement by the municipal government of the District of Columbia of insurance against risk to its employees of liability for personal injury or death, or for property damage, arising from the operation of motor vehicles in the performance of their official duties, and for other purposes.

CIVIL RIGHTS—AMENDMENTS

Mr. ERVIN. Mr. President, on behalf of the distinguished senior Senator from South Carolina [Mr. JOHNSTON] and myself, I submit three amendments, intended to be proposed by us, to the pending civil-rights bill.

The first amendment provides that the Attorney General shall not institute any actions under the bill without the consent of the persons in whose behalf the actions are instituted.

The second amendment provides that there shall be no power to nullify State administrative remedies under the original provisions of part IV.

The third amendment provides that in cases where the defendant is financially unable to employ counsel, the Government will pay reasonable counsel fees in his behalf.

I ask unanimous consent that the amendments be printed and lie on the table.

The PRESIDENT pro tempore. The amendments will be received, printed, and will lie on the table.

AMENDMENT OF TARIFF ACT OF 1930, RELATING TO UNMANUFACTURED MICA AND MICA FILMS AND SPLITTINGS—AMENDMENTS

Mr. KUCHEL submitted amendments, intended to be proposed by him to the bill (H. R. 6894) to amend the Tariff Act of 1930 as it relates to unmanufactured mica and mica films and splittings, which were referred to the Committee on Finance, and ordered to be printed.

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

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

By Mr. SPARKMAN:

Letter dated August 1, 1957, addressed to the President, by himself and other Senators, relating to lower downpayment provisions of new housing law.

By Mr. KEFAUVER:

Memorandum, invitation, and editorial concerning competition between Colorado mountain-trout and Tennessee catfish luncheons.

PROPOSED RENAMING OF CLEARWATER NATIONAL FOREST AS THE BERNARD DE VOTO NATIONAL FOREST

Mr. DWORSHAK. Mr. President, my attention has been called to the remarks of the junior Senator from Oregon, who from the floor of the Senate on Monday once again voiced determination to impose his will upon the people of my State. I quote from his remarks:

I believe it would be singularly appropriate and fitting to rename the Clearwater National Forest in memory of Mr. De Voto as the Bernard De Voto National Forest.

Mr. President, last year the junior Senator from Oregon introduced a bill, S. 3210, making such a proposal. At this point in my remarks, I wish to read a few excerpts from the many letters and telegrams which I received in opposition to that unrealistic measure.

From the chamber of commerce, Orofino, Idaho, in the heart of the Clearwater National Forest area, we ask that "you do all you can to oppose the passage of this bill."

From the Priest River Chamber of Commerce: "Resolution has been passed

by the Priest River Chamber of Commerce opposing Senate bill 3210, the bill to change the name of the Clearwater National Forest to Bernard De Voto National Forest."

A copy of a letter to the junior Senator from Oregon from Watermaster Lynn Crandall, Idaho Falls:

Mr. De Voto achieved some reputation among the literary intelligentsia, but as far as any of my contacts indicate, he had no particular standing among the general run of Idaho citizens * * * from numerous editorials and private conversations with individuals I have found only opposition to the proposal to change the name of the forest to the Bernard De Voto Forest.

From Lewiston, Idaho:

I presume that I am not very well read as it was necessary to do a little research on Bernard De Voto to determine the part he played in this area. My own vote is that it is not sufficiently important to change the name for the purpose of honoring him.

From a housewife in Moscow, Idaho:

No matter how much we appreciate the work and personality of Mr. De Voto, his name is neither attractive nor appropriate for the Clearwater National Forest.

From the operator of a small business in Orofino, Idaho:

I see no reason for changing the name.

From Pocatello, Idaho, a copy of a letter addressed to the junior Senator from Oregon:

I suggest that you submit a resolution to rename one of your Oregon forests and let the proud name of Clearwater be.

From a citizen in Clearwater County:

Of course we here in Clearwater County resent the attempted change, and more especially when it is advocated by representatives of the sister State which has national forests of its own if they care to work at renaming.

Mr. President, I submit that the overwhelming consensus of opinion among my constituents clearly indicates they would prefer that the junior Senator from Oregon concentrate his efforts at renaming national forests within the State of Oregon, thus leaving Idahoans free to enjoy the colorful names of Idaho areas that are often closely linked with historical events. The Clearwater is such a name.

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

Mr. DWORSHAK. I yield.

Mr. NEUBERGER. The Senator from Idaho made the point in his remarks that the junior Senator from Oregon should have suggested that a national forest in the State of Oregon, rather than in the State of Idaho, be named in memory of Mr. Bernard De Voto. I wonder whether the Senator from Idaho is aware of the fact that, in accordance with the last request of Mr. De Voto, his ashes were recently scattered over the Lolo Trail in the Clearwater National Forest of Idaho. He made that request because the area lies along the Lolo Trail of Lewis and Clark, where Mr. De Voto did so much research on the book he wrote about that great expedition, and for which he won the Pulitzer prize.

I wish to say to the Senator from Idaho, and for the record, that had the ashes of Mr. De Voto been scattered in a national forest in my State, in a realm where Mr. De Voto had achieved such literary fame, I would have been very proud indeed to introduce a bill that a national forest in the State of Oregon be renamed in memory of Mr. De Voto.

Mr. DWORSHAK. The Senator from Idaho is fully aware of what the Senator from Oregon has mentioned. I should like to point out, however, that if an Idaho citizen requested that his ashes be placed in an appropriate receptacle in Portland, it would not necessarily follow that the name of Portland should be changed to that of the person whose ashes were buried there.

Mr. NEUBERGER. Mr. President——

Mr. WILEY. Mr. President——

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The time of the Senator from Idaho has expired. The Chair recognizes the Senator from Wisconsin.

Mr. NEUBERGER. Am I not to be permitted to reply to the statement of the Senator from Idaho?

The PRESIDING OFFICER. The Chair is merely trying to do what the Senator from Oregon has been suggesting with reference to statements by Senators being limited to 3 minutes. Of course, the Senator from Oregon may request an extension of the time.

Mr. NEUBERGER. I shall not do so at this point.

Mr. NEUBERGER subsequently said: Mr. President, the Senator from Idaho [Mr. DWORSHAK], in his criticism of my proposal that the Clearwater National Forest be renamed in memory of the late Bernard De Voto, asked me if I would be willing to have a place in Oregon renamed for a citizen of Idaho, merely because a citizen of Idaho made a request that his ashes be scattered in Oregon.

My reply—and I regret that the Senator from Idaho has now left the floor—is that if a resident of Idaho had achieved throughout the world great fame in literature, and had won many major literary prizes, especially one concerning some facet of Oregon's picturesque history, I would be proud to suggest that a particular place in Oregon be named in tribute to that person.

I regretted that the Senator from Idaho, in his remarks, made light of the fact that Mr. De Voto was a literary figure. Mr. De Voto exhibited gifted prowess in the field of literature, and his writing was a mark of distinction.

Thomas Jefferson, who wrote our Declaration of Independence, and who perhaps more than anyone else symbolized the real embodiment and creation of the American spirit, had great pride in his attainments in the field of literature.

In our own times, perhaps one of the greatest statesmen of our era is Sir Winston Churchill, who has achieved renown in the field of literature, and who likewise takes great pride in that fact.

THE CIVIL-RIGHTS BILL—TRIBUTE TO SENATOR NEUBERGER

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a copy of a letter which the Senator from Illinois [Mr. DOUGLAS] has sent to a considerable number of citizens of Oregon, commending the record of my junior colleague in the field of civil rights.

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

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
July 16, 1957.

I know you are one who has been long and deeply interested in the question of civil rights, and I am taking the liberty of writing to you about three things.

First, a meeting is going to be held in Portland on Sunday, July 21, to develop interest for the civil-rights bill which is now pending before the Senate. I know you are very much interested in this, but I hope you will forgive me if I take the liberty of urging you to do everything possible to make this meeting a success. We are having a series of meetings all over the country and hope to develop public opinion behind the movement.

Second, I think one of the best ways of carrying the issues to the people is through letters to the local newspapers which can be brief and to the point. We will try to develop such a campaign all over the country, and I hope that this will be done in Oregon. You can be of great assistance in this respect.

Finally, I want to tell you what a tower of strength Senator NEUBERGER has been throughout this whole battle. He has been one of the men we could depend upon in every emergency. He has been resolute in his courage, and diplomatic in his language, and highly honorable in every relationship on and off the floor. We are very proud to have him as a colleague.

Let us push on together in this great struggle to realize more fully the basic features of the American faith.

Faithfully yours,

PAUL H. DOUGLAS,
United States Senator.

CIVIL RIGHTS

Mr. BYRD. Mr. President, in the past few days a great deal has been said on the floor of the Senate with regard to preventing Negroes from voting. I invite the attention of Senators to an article published in the Richmond (Va.) News Leader of August 1, 1957, containing a statement by W. Lester Banks, secretary of the State Conference of Branches of the National Association for the Advancement of Colored People. He makes the statement that in Virginia there has been no interference whatever with respect to the right of Negroes to vote. He states that there have been no complaints of intimidation or acts of violence to prevent voting.

He said:

We haven't had to do anything about irregularities except to call them to the attention of Mr. Davis.

Mr. Davis is the head of the State Board of Elections.

Usually things are straightened out pretty quickly.

I ask unanimous consent to have the article from the Richmond (Va.) News Leader of August 1, 1957, printed in the RECORD at this point as a part of my remarks.

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

NAACP SAYS VIRGINIA VOTE ISN'T DENIED—PROTESTS CLEARED PROMPTLY

(By William B. Foster, Jr.)

No serious or effective efforts are made in Virginia to prevent Negroes from registering or voting, according to W. Lester Banks, secretary of the State conference of branches of the National Association for the Advancement of Colored People.

Banks was asked for comment today in light of charges and countercharges being aired in the Senate in debate over the pending civil-rights bill.

"Since 1951 and 1952," he said, "most complaints we have heard have been minor in nature." He added that all such complaints had been cleared up promptly by telephone calls either to individual registrars or to Levin Nock Davis, secretary of the State board of elections.

Banks cited as examples two complaints his organization had received in which disputes arose over the payment of poll taxes by Negroes applying for registration for the first time. In each case, he said, the applicant complained that a registrar was misinterpreting the law that permits registration without paying the tax in the case of a person becoming 21 years of age between January 1 and the November general election date.

LEGAL EXEMPTION

Banks said that Davis' office instructed the registrars as to the legal exemption and registration was effected. Banks said these cases may well have reflected a lack of knowledge of the law, rather than racial discrimination on the part of the registrars.

Banks said his organization hasn't had any complaints of intimidation or acts of violence to prevent Negroes from voting, but said there had been a few instances called to his attention in which election officials apparently tried to make it a little more difficult for Negroes than for whites.

These cases, he said, involved demands for production of poll-tax receipts by Negroes who had been regular voters for years. Banks acknowledged, however, that similar demands also are made of white persons and said he did not regard such challenges as serious efforts to interfere with voting rights of Negroes.

HELD RELUCTANT

Banks said he believed that the NAACP probably would be the agency to which most Negroes would turn for help if they felt that discriminatory practices were being attempted.

The NAACP secretary said some instances had been called to his attention in which Negroes in rural communities are reluctant to go alone to the residence of a white woman registrar to qualify themselves to vote.

"This isn't a discriminatory act on anybody's part," he said, "but it's a kind of psychological reluctance on the part of some Negroes to go to a big imposing house where a white woman is the registrar unless somebody else goes along with them."

Banks said this situation is being eliminated as more and more counties turn to centralized registration, where books are kept at a registrar's office, open for business at specified times, and operating under a uniform system of procedure.

IRREGULAR HOURS

In counties where this is not done, Banks said, some Negroes have complained about irregular hours for receiving registrants and some varieties in procedure from one registrar to another.

In such circumstances, Banks said, he is unwilling to say whether registration difficulties stem from racial discrimination, lack of knowledge of the law by the registrar, uncertainty on the part of prospective voters, or general laxness of the system.

Regardless of causes, he said: "We haven't had to do anything about irregularities except to call them to the attention of Mr. Davis. Usually, things are straightened out pretty quickly."

JURY TRIALS AND THE CIVIL RIGHTS BILL

Mr. WILEY. Mr. President, as one who has been in the Senate for almost 19 years, I have always sought to understand the issues which were being debated. During the past 3 weeks of the civil rights debate I have sat on the sidelines and listened to the debate. I thought I knew what the issues were before the debate began. Having practiced law for about 30 years, I thought I knew what the issues were during the debate.

However, as I walked out of the Senate Chamber last night, a distinguished citizen said to me, "Well, I am grateful that we didn't repeal the right of trial by jury."

I said, "Where did you get that idea?"

He said, "Why, the majority leader, in his final statement, stated that if the Senate adopted this amendment we would not repeal the right of trial by jury."

Of course, all the amendment did was extend the right of trial by jury for criminal contempt. This man's statement showed the misunderstanding that is involved in connection with the amendment.

Even now, after 3 weeks, there is great misunderstanding as to what is involved in the amendment. What the amendment did was to give jurors everywhere the responsibility of trying the issues involved in criminal contempt. I explained this to him, and called his attention to an editorial published in the Milwaukee Journal, which, Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILEY. This man then said to me, "You mean that it took away from the court the right to decide?"

I said, "Yes. It will now be up to the juries to prove by their verdict that this extension of the right of trial by jury—the same as was done in the Clayton Act—will be a sacred trust, not an opportunity to set at naught law and justice."

Then this individual said, "But why did they take it away from the judges? Didn't they trust the judges?"

I said, "I can't possibly judge my associates. Fifty-one of them, for reasons satisfactory to themselves, felt that the trial of criminal contempt should be by juries who, of course, would have to find the defendant guilty beyond a reasonable doubt under the instructions of the court."

"Well, Senator," this man said, "that, I think, clarifies something for me. I thought it was a fight over depriving or taking away the right of trial by jury that existed." Then he said, "Well, where do we go from here?"

I said, "If this should become law, it will be another one of those great experiments where the citizen becomes the judge of his fellow man in a court. The real issue will then be, will he measure up to his responsibility? Will he let the facts and the law govern him?"

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The time of the Senator from Wisconsin has expired.

Mr. WILEY. May I have 2 more minutes?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Wisconsin is recognized for 2 additional minutes.

Mr. WILEY. When I left, the individual said, "I do not know why the judges should not have retained their responsibilities."

The majority leader placed in the RECORD this morning an editorial entitled "The Stake in Civil Rights," published in the Washington Post and Times Herald of this morning, so I myself shall not offer it for the RECORD. But last night I discussed with some of my associates, after the vote had been taken, what the Washington Post says in one of its paragraphs. I read:

> This newspaper is still troubled by the general application of the O'Mahoney-Kefauver-Church amendment as adopted. It will limit the powers of judges, not merely in voting cases, but in the entire range of Federal proceedings. This may seriously interfere with antitrust suits and similar litigation. Congress will want to appraise the results closely with a view toward narrowing the scope of the new provision if necessary.

I had not seen this editorial at that time, but the thought expressed in it was uppermost in my mind. I discussed that point with several distinguished Senators on the floor.

I said at the beginning of my remarks that I had not engaged in this controversy. I only hope that the action the Senate has taken is not the beginning of an attack which will dissipate the Anglo-Saxon concept of the power of our courts. We are a nation of divided powers, operating under checks and balances. Through the years, this system has made ours really the oldest republican form of government on earth.

I trust that the suggestion which is contained in the editorial, which has been placed in the RECORD, will receive the earnest consideration of the Senate. Being one of the gray-haired Senators, I shall make no emotional appeal. I am interested in the maintenance of law, order, and justice.

Does the original bill change what has been established as a rule of law in contempt cases?

No. It would leave the law as it is.

Would the O'Mahoney-Kefauver-Church amendment change the rule of law and procedure that has been in vogue in this country, and previously thereto in Britain, in relation to contempt cases?

Yes.

Does the original bill interfere with the constitutional right of trial by jury?

No.

What does the amendment do?

It would take from the court the power in criminal contempt cases it has possessed throughout all the years. It would extend the rule of the Clayton Act to all criminal contempt cases, namely, right of jury trial in contempt cases.

Is there any basic reason for taking jurisdiction away from the courts and placing it in the hands of the jury in criminal contempt cases?

I cannot understand why our southern friends would suspect their own judges. It would seem that they would want their own kinfolks who are lawyers and learned in the law to decide the issues. Instead, they want a jury trial by citizens who do not comprehend the law or the issues.

Would the amendment interfere with the inherent power of the court to punish for contempt? Would the amendment do that?

I believe it would raise a very serious question in that respect, unless it can be said the extension is limited strictly to criminal contempt.

EXHIBIT 1

[From the Milwaukee Journal of July 26, 1957]

WHY SOUTH WANTS JURIES: SIMPLE WAY TO DEFY LAW

Opponents of the shrinking civil-rights bill are slamming away at section IV on the grounds that a jury trial is the right of every accused American.

In essence, section IV provides, among other things, that violators of a court injunction guaranteeing a man's right to vote can be tried and convicted by a judge without a jury trial.

Southern Senators profess to find this shocking. They ignore the fact that what is involved here is not a criminal case but a case of contempt of court. In 28 laws now on the Federal books, judges can try persons for contempt of their orders. The logic behind the laws is that a judge should be able to act when his legal orders are disregarded, and act in a way to insure obedience.

Here is the way the civil-rights procedure would work.

Assume a southern Negro was denied the right to register and vote by a registration official. The Attorney General could seek a court injunction to force registration. If the injunction were granted—which it would not be if it could be shown that the Negro in the case did not meet proper voting requirements—the registrar would be required to grant the Negro the right to vote. To refuse would be to stand in contempt of court. The defendant could be the judge of whether he went to jail or not, for he could purge himself of contempt by carrying out the court order.

To hold a jury trial in much of the South on a matter of fact already proved would be to invite not justice but findings based on prejudice.

As an example, take a column written 2 years ago in the Birmingham (Ala.) Post-Herald by John Temple Graves, as introduced in the CONGRESSIONAL RECORD by Senator DOUGLAS, Democrat of Illinois. Graves, DOUGLAS points out, is "regarded as the voice of the Deep South." Speaking of school integration, Graves said that the answer of the South to Federal law, as outlined by a prominent attorney, was a jury trial, and consistent jury findings of not guilty. He outlined what he called the plot in this way:

1. A Federal district judge would order a school board or principal to integrate a school.
2. The board or principal would refuse.
3. The court would cite for contempt.
4. A jury trial would be demanded.
5. The jury would hand down a not guilty verdict.
6. No recourse short of an act of Congress would suffice.
7. No act could be passed.

In other words, a general southern strike against convictions could negate Federal law, could withhold civil rights from Negroes and others forever. And there's little doubt that this lies behind the fervent pleas of some southerners for the sanctity of the jury trial, even in the type of contempt cases in which judges traditionally act without juries.

ADMINISTRATION OPPOSITION TO PENSION INCREASES FOR WAR WIDOWS

Mr. NEUBERGER. Mr. President, the present administration has consistently maintained a double standard which denies benefits to ordinary people that are given in abundance to big business, bankers, stockholders and the like. Nowhere is this more evident than the example I now cite.

"Not in accord with the program of the President," is the way the report ends by Robert E. Merriam, Assistant Director of the Bureau of the Budget, who recommends against an increase in the widow's pension for the 5 remaining widows of Mexican War veterans and some 4,400 widows of Civil War veterans.

The Veterans' Administration estimates that it would cost the Federal Government $1,350 a year to increase the pension for Mexican War widows from $52.50 to $75 a month. The average age of the five remaining Mexican War widows is 87 years, and yet this proposed legislation is "not in accord with the program of the President."

The Mexican War kept the State of Texas in the Union, and Texas was the home State of our President. Texas is ably represented in the Senate of the United States by two distinguished Senators, the majority leader Mr. LYNDON B. JOHNSON, and Mr. RALPH YARBOROUGH. Yet a simple proposal to increase the pension for widows of Mexican War veterans from $52.50 to $75, which would cost only $1,350 for the first year, is "not in accord with the program of the President."

Under Secretary of the Treasury Randolph Burgess also made news recently when he testified on Monday before the Senate Finance Committee. It was indicated at the hearing that a refinancing of the national debt at the administration's high interest rate of 4 percent would increase the cost of debt service from $7 billion to $11 billion—an increase of $4 billion.

The Under Secretary of the Treasury called this situation "nature's way of correcting overuse of money," according to an article by Richard L. Strout which appeared in the Christian Science Monitor on July 30.

Thus, we have a program which costs all the taxpayers $4 billion and which means profits to bankers, stockholders, and others who collect interest on their money.

Yet, Mr. President, a program which costs $1,350 to increase the pensions for the 5 remaining Mexican War widows is opposed, in a report to the chairman of the Senate Finance Committee dated July 18, by the Assistant Director of the Bureau because it is "not in accord with the program of the President."

Mr. President, perhaps there is some consistency here, for the Administration may well feel that the additional cost of $1,350 a year would hurt nature's way of correcting overuse of money.

THE CIVIL RIGHTS BILL

Mr. ERVIN. Mr. President, on behalf of the distinguished senior Senator from Louisiana [Mr. ELLENDER], I ask unanimous consent to have printed at this point in the RECORD telegrams which he has received from Federal Judges Ben C. Dawkins, Jr., J. Skelly Wright, and Edwin F. Hunter, Jr., of Louisiana. The judges state that there is no discrimination between the races in respect to grand and petit jurors in their respective districts.

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

SHREVEPORT, LA., *August 1, 1957.*

Hon. ALLEN J. ELLENDER,
United States Senator,
Senate Office Building,
Washington, D. C.:

In reply to your telegram there is absolutely no discrimination in this court because of race or color in connection with jurors for either petit or grand juries. A fair proportion of the names in the grand petit jury boxes are those of Negroes, and practically every grand and petit jury venire since I have been judge has included Negro citizens. Our clerk and jury commissioners make every possible effort to insure that the Negro race has proportional representation on jury lists. If further information is desired please let me know.

BEN C. DAWKINS, Jr.,
United States District Judge.

NEW ORLEANS, LA., *August 1, 1957.*

The Honorable ALLEN ELLENDER,
United States Senate,
Washington, D. C.:

Retel. I know of no discrimination because of race or color in connection with selection of jurors for both petit and grand juries for this court.

J. SKELLY WRIGHT,
United States District Judge, Eastern District of Louisiana.

LAKE CHARLES, LA., *August 1, 1957.*

Senator ALLEN ELLENDER,
Senate Office Building,
Washington, D. C.:

To best of my knowledge there is absolutely no discrimination because of race or color in connection jurors for petit or grand juries of Federal courts in western district of Louisiana. Petit jury in most recent civil suit was composed of 9 members of white race and 3 members of colored race.

Respects,

EDWIN F. HUNTER, Jr.,
United States District Judge.

Mr. JAVITS. Mr. President, there is no question about the fact that the pending and properly called historic effort has suffered its second serious defeat. The so-called jury trial amendment will materially frustrate and weaken the intercession of the equity powers of the Federal courts invoked by the Attorney General to secure the equal protection of the laws on voting rights in many

States. Nor is there any question now about the formidable proof that these rights for Negro citizens by the millions have been denied for years, largely under color of law, but by the abuse of law—and with a range of subterfuge, evasion, and contrivance hardly conceivably for those who have not endured it or studied its evidences.

The two defeats notwithstanding, I have come to the conclusion that this historic hour is not lost, that it does give the opportunity to do something after 87 years during which the Congress has not acted, and that it is our duty to our people and our time to continue to fight for some meaningful civil rights bill to be passed by this body.

I feel I can still vote for the bill; but the danger even to what is left of the bill is by no means past, and those who are for a bill need now more than ever to be sustained by reflection on the vote of 45 to 39 which brought the bill before the Senate, and the vote of 71 to 18 which made it the pending business, for the strategy of its deeply dug-in opponents is clear, and I believe that is borne out by the amendments we have just heard submitted.

The battle is by no means over, and the bill will not now pass just automatically. The strategy of the opponents is to encompass a creeping defeat of the whole bill by capturing position after position of strength in the bill itself, as it came from the other body, through shifting coalitions in the Senate. Many taking part in these coalitions have expressed themselves as being for a meaningful right-to-vote bill. The responsibility resting upon them and upon their leaders is now very great, indeed.

The efforts of the opponents have thus far been crowned with two major successes, after having suffered two major defeats. But the successes are the most recent, and the tide could still roll on. The bill could be bled to death by amendments; it could be talked to death by extended debate or could be filibustered; or, finally, the bill could be negotiated to death in conference.

Senators who favor some meaningful civil-rights bill, as I do, have their work cut out for them. Although this is "the morning after," we must work and fight harder than ever to keep the bill in such shape that, in the end, we can vote for it.

Mr. JOHNSON of Texas. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. Of course I am glad to yield. However, my time, under the 3-minute limitation, will be used by what I wish to say, because I desire to speak briefly about the Niagara bill.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New York may yield to me, and that I may use up to 3 minutes of the time available to me in the morning hour.

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

Mr. JOHNSON of Texas. Mr. President, I wish to say to the Senator from New York what I have said to other Members of the Senate a little earlier: I am hopeful that the Senate can pass a meaningful civil-rights bill, and I do not believe the bill has been weakened. On the contrary, I think the bill has been strengthened. I do not believe that the Senate must accept the bill as it comes before it, and must pass it without dotting an "i" or crossing a "t." I believe we may be able to improve the bill, and I think that is what the Senate is for. If it were not possible for the Senate to adopt amendments, I believe there would be no need for the Senate. In that event, the Attorney General could write a bill and could put it into effect, without any action on the part of Congress.

I believe the Senate is composed of intelligent, reasonable Members.

The Senator from New York spoke of coalitions. I shall not go into that matter. No doubt the Senator is familiar with them.

But I desire to assure my friend, the Senator from New York, that so far as the Senator from Texas is concerned, he intends to apply himself to the business at hand, to the end that the United States Senate will pass a meaningful civil-rights bill.

I believe the Senate should spend more time talking about the positive in the bill, rather than spend so much time talking about how the bill has been diluted, because I cannot agree that it has been diluted. When the Senate finally acts upon the bill, I believe that our friends in the other body will be able to give consideration to the amendments the Senate has adopted; and I hope it will be possible for the Congress to send to the President a measure which will represent a great advance in this field.

I remind the Senator from New York what the great newspaper, the New York Times, published in his own State, has had to say: "This is a year of progress for America."

Mr. JAVITS. Mr. President, in reply to the majority leader—and I welcome very much his reassuring words—I would say that he is a welcome addition of very great strength to the coalition which has been fighting for a civil-rights bill, and I hope this marks his adherence to that other coalition.

Second, Mr. President, let me say that it seems to me to have been implied in the arguments which were made in favor of the so-called jury-trial amendment that that amendment, if adopted by the Senate, would enable the Senate to pass a civil-rights bill, but that if the jury-trial amendment were not adopted, the Senate would be unable to pass a civil-rights bill. So I think this will be the payoff time in which to make good on that at least implied assurance.

Mr. President, I should like to add, at this point, a tribute to the indefatigable, courageous, and magnificent leadership given to those of us who are for the bill, by the senior Senator from California [Mr. KNOWLAND], the minority leader.

Mr. President, I turn now to another matter.

The PRESIDING OFFICER. The Senator from New York has the floor.

NIAGARA POWER BILL

Mr. JAVITS. Mr. President, the other body has passed by an overwhelming vote the bill which was developed and fought through the Senate committee by our distinguished colleague, the Senator from Oklahoma [Mr. KERR]. My colleague from New York [Mr. IVES] and I are cosponsors of the bill.

This morning, the New York Times, in an editorial, emphasizes a point which I should like to emphasize to the Senate, as follows:

> So it would be greatly appreciated by New York State if the Senate could, in an interruption of the debate on civil rights, put this bill on the White House desk.

Mr. President, I believe I can say for my senior colleague from New York [Mr. IVES] and myself that New York will consider it a great assist from the Senate of the United States if that can be done.

I ask unanimous consent that the editorial to which I have referred be printed at this point in the body of the RECORD.

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

NIAGARA POWER, 313 TO 75

The House rollcall vote yesterday of 313 to 75 to permit New York State to develop electric power from the United States share of Niagara River waters was decisively overwhelming. It seems to foreshadow sure success in the Senate, which last spring passed a Lehman bill for public development of the power by 48 to 39. In the summer of 1953 the House had voted by 262 to 120 to allow private-company development of power from the falls, of which yesterday's vote is a beneficial reversal.

So, with President Eisenhower already having expressed a desire that a Niagara bill be put before him, the prospect for a satisfactory conclusion of this long-debated issue is greatly brightened. A recent Federal court of appeals decision holding, in effect, that the Federal Power Commission had the authority to issue a license for State development may have had an accelerating effect on Congress. For, while the Senate by reservation in a 1950 treaty with Canada had excepted Niagara waters from normal initiative by the FPC, it was evident that in time the New York Power Authority would probably get a license even if Congress did not act. The appeals court majority found the reservation dealt with a matter of purely domestic concern in an international compact and hence was not binding.

New York State has waited for 7 years to begin work at Niagara. The need to generate power, accentuated in June 1956 by a series of rockslides that irreparably damaged the Niagara Mohawk Co. plant at the falls, is more urgent now than at any previous time. So it would be greatly appreciated by New York State if the Senate could, in an interruption of debate on civil rights, put this bill on the White House desk.

RECEIPT OF GIFTS BY PUBLIC OFFICIALS

Mr. MORSE. Mr. President, I wish to ask unanimous consent to have printed in the body of the RECORD several recent news articles which were published in the Washington Post and the Evening Star. One of the articles relates to the President's latest press conference in which he is reported to have commented about the receipt of gifts and

pointed out that, being an elected official, he is not bound by any conflict-of-interest statute.

Another article shows that a proposal has been made to the President to accept his offer which he made at the press conference to sell his assets for $1 million.

Mr. President, it was not so long ago, during the Truman administration, that a great deal of furor was stirred up across the country about gifts of deepfreezes and hams. We remember there was some discussion to the effect that perhaps, as a matter of policy, gifts of hams should be limited to hams not in excess of 6 pounds.

No doubt my colleagues will remember that.

For a long time I have said that the Eisenhower administration would commit its acts of political immorality within the letter of the law. I think the statement made by the President at his press conference the other day to the effect that he is not bound by the conflict-of-interest law is further evidence that he and others in his administration look to the letter of the law, and think that if they stay within the letter of the law, then they are politically clean.

Mr. President, I happen to be one who believes that the acceptance of a $4,000 tractor with a cigarette lighter attached; the acceptance of a $1,000 bull, or one of even greater value; the acceptance of a large part of the rest of the livestock and the machinery for a farm; along with thousands of dollars' worth of other gifts for his farm cannot be regarded by the President as falling within the spirit and the intent of the conflict-of-interest policy, which the American people have a right to expect all Government officials to respect. It is my view that the acceptance of such gifts by the President, or any other Government official, is politically immoral. I believe the President of the United States sets a very bad example in regard to this matter. So far as I am concerned, the President is not going to acquit himself by saying he is within the letter of the law. If President Truman had been guilty of such a flagrant disregard of the proprieties in this matter the charge of political corruption would have been shouted from the Republican housetops. I do not say President Eisenhower is guilty of political corruption in accepting such gifts, but I do say he shows a lack of good judgment.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. MORSE. I am glad to yield.

Mr. SPARKMAN. I wonder whether the Senator from Oregon recalls that a young man who was an employee of the RFC, and happened to be from Alabama, accepted a ham which weighed 12 pounds, and was discharged from his job because of it. Does the Senator remember that incident? The newspapers made much to do over it at the time.

Mr. MORSE. Yes; I remember it. But of course he was not the President. Apparently President Eisenhower would have the American people kowtow to the false premise "The king can do no wrong."

Mr. SPARKMAN. No; he was a humble employee from the State of Alabama who accepted a 12-pound ham, and was dismissed.

Mr. MORSE. Mr. President, let me say that the code of political immorality that is followed by the Eisenhower administration is a very shocking one.

I ask unanimous consent to have the articles to which I have referred printed in the RECORD.

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

IKE SEES QUICK SALE IF OFFERED $1 MILLION

President Eisenhower said yesterday that anyone who offered him a million dollars for his personal holdings would "make a sale in hurry."

The question of how much Mr. Eisenhower is worth came up at his news conference. A reporter noted a recent series of articles (by Fletcher Knebel of the Cowles publications) putting the President's worth at about $1 million.

"If that man who knows so much about my business will offer me a million dollars to sell out, he is going to make a sale in a hurry," Mr. Eisenhower shot back.

After the hilarity evoked by the President's statement had died down, he noted that "I am an elected official and therefore the conflict-of-interest law does not apply to me."

EISENHOWER AND HIS MONEY—MANY EXTRA BENEFITS AVAILABLE TO PRESIDENT

(By Fletcher Knebel)

The fringe benefits of the President of the United States, as those of other workingmen, have grown enormously in recent years.

President Eisenhower enjoys more than Harry Truman did. Mr. Truman had more than Franklin D. Roosevelt and Mr. Roosevelt had more than Herbert Hoover.

Mr. Eisenhower has at his command a panoply of convenience that only the Texas oil multimillionaires could afford under America's present tax structure.

Even among the monarchs, only a select few, such as King Saud of Saudi Arabia or Queen Elizabeth of Great Britain, can boast the range of consumer hardware at the disposal of the American President.

President Eisenhower has an entire presidential air fleet, a huge motor pool from air-conditioned limousines on down, a Navy cabin cruiser, a private railroad car, a 13-acre estate in downtown Washington, an historic mansion modernized at $5 million and a mountain lodge hideaway.

All these, of course, are merely loaned to the President for his use during his term of office, but they represent a capital investment of tens of millions of dollars and require a young industry with hundreds of employees to maintain.

The biggest expansion of these fringe benefits under the Eisenhower administration has been the presidential air fleet. It now includes five airplanes under the command of an Air Force colonel, Howard Kreidler.

The first new arrival was the super-Constellation, *Columbine III*, a plush 4-engine transport which became the chief Presidential plane in the fall of 1954.

It cost approximately $2 million, and many thousands more for the special appointments inside.

SIX SLEEPING BERTHS

The plane has 3 bathrooms, 2 telephones, 6 sleeping berths, 6 compartments, 2 easy chairs, 2 couches, a table, a galley with an electric stove and refrigerator, and a Presidential cabin painted in pale green and trimmed with blond woodwork.

Another, somewhat smaller and less plush Constellation stands by for Presidential use when the *Columbine III* is grounded.

In 1955 came the 2-engine, blue-and-white Aero Commander, a 4-seater, executive-type plane retailing for $70,000.

The President uses this primarily to commute between Washington and his farm at Gettysburg, Pa. As the *Columbine*, it is the property of the Government.

This year the White House air fleet expanded with the addition of 2 Bell H-47 helicopters at a cost of $201,000.

The President has made one flight from the White House lawn—in a recent civil defense operation. He plans to use the whirlybirds to fly to National Airport, saving about 15 minutes and the nerves of motorists caught in presidential traffic jams.

All this costs a large but indeterminate sum of money—indeterminate because it is entwined in the Air Force budget.

FLEET PERSONNEL

In addition to Colonel Kreidler and Col. William G. Draper, the President's chief pilot and Air Force aide, the fleet includes copilots, standby pilots, and now a special helicopter pilot, Maj. Joseph E. Barrett. Other personnel, such as maintenance crews and clerical help, run up the tab.

As a sample of the expense, it costs $2.75 a mile to charter a super-Constellation similar to the *Columbine*, or about $1,500 to fly to Augusta, Ga., the President's favorite wintering spot.

Two clerical people at the White House and two at the Military Air Transport Service terminal at National Airport are needed for the air fleet's paperwork, travel arrangements, et cetera.

It requires 23 men to nurture and fly the *Columbine*. The flight crew numbers 7, including 2 pilots and 2 stewards. The ground maintenance crew, so specialized that 1 man supervises each engine, numbers 8 men.

The security guard includes 8 enlisted men, 4 of whom fly with the plane and mount a guard over the craft at airports away from Washington.

Personnel costs alone for the *Columbine* run more than $100,000 a year.

FORTY CARS AND TRUCKS

The White House motor fleet has more than 40 autos and trucks, including 34 cars of the Ford Motor Co., 8 General Motors products, and 4 Chrysler Corp. vehicles.

Most of these are not used by the President personally. The fleet includes trucks and Mercury sedans for transport of White House staff officers.

Three cars are used customarily by the President himself, a "bubbletop" Lincoln, a Cadillac limousine, and a Chrysler Imperial with a sliding roof.

Mrs. Eisenhower prefers a second 1953 Chrysler Imperial for her use and when Mr. Eisenhower rides with her, they go in the 1953 model. Mrs. John S. Doud, Mamie's mother, uses a third four-door Imperial sedan.

When the President moves about the country by plane, one or more of these cars is apt to follow him.

Last year the Lincoln "bubbletop" was driven across the country by Secret Service men and was waiting at the San Francisco Airport when Mr. Eisenhower landed for the Republican Convention.

Last fall the slide-roof Imperial turned up in Philadelphia. It also had been driven to Thomasville, Ga., where the President vacationed at Treasury Secretary George H. Humphrey's quail estate.

YACHT WAS BEACHED

Mr. Eisenhower cut back Presidential travel accessories somewhat by beaching the yacht *Williamsburg*, which Harry Truman enjoyed.

However, to replace it, the Navy outfitted a de luxe cabin cruiser for President Eisenhower and named her the *Barbara Anne*, after his 8-year-old granddaughter. It is

docked at the Naval Gun Factory here. The President has used it but once.

He also has the private railroad car, the *Magellan*, but has hardly used it since taking office. He prefers the air.

Although the President has a travel and entertainment allowance of $40,000 a year, the flight bill for the planes and the gas, oil, and upkeep of the cars does not come out of the travel allowance. This is used to pay his hotel bills, meals, and other incidentals.

(Mr. Eisenhower also receives $50,000 for personal expenses, in addition to his $100,000-a-year salary.)

Since a President hasn't much occasion to spend money while traveling, Mr. Eisenhower actually never uses much for travel and other White House employees' travel is charged against the Presidential account.

ENTERTAINMENT COSTS

He does, however, do about $18,000 worth of official entertaining a year, the White House says. This comes out of the $40,000 expense fund.

The President makes the decision as to what is official and what is not. For instance, he paid for the recent five breakfasts for Republican Congressmen out of his own pocket.

Campaign items and political rallies are also different. When the President uses the *Columbine* for such a trip as that to the Republican Convention, the Republican National Committee pays the Treasury the normal charter fare for the aircraft.

Total cost of the White House establishment itself is about $2 million a year, of which about $400,000 is used for staffing the mansion and upkeep of the grounds. Exclusive of the administrative White House officers and clerks, the mansion staff numbers 72 persons.

The domestic staff includes a maitre d'hôtel, housekeeper, assistant housekeeper, 4 butlers, a chef, 5 cooks, a valet, 5 doormen, 5 housemen, a head laundress, a pantry woman and 8 maids. Average salary is $3,290.

The maintenance staff includes a chief operating engineer and 7 assistants, a carpentry foreman, 5 carpenters, a painter, an electrician foreman and 3 electricians, a plumber foreman and 2 plumbers, a gardener, 2 storekeepers and a clerk. Average salary is $4,244.

In addition to the 13-acre White House estate, the President has Camp David, a mountain retreat about 70 miles from Washington in Maryland.

He inherited this from Harry Truman, who didn't like it. Mr. Truman inherited it from Frankin Roosevelt, who did like it. Mr. Roosevelt had it built as a World War II hideaway and named it Shangri-La. Mr. Eisenhower renamed it after his grandson.

Camp David, hidden in Maryland's Catoctin Mountains 5 miles above the town of Thurmont, has rustic lodges, a swimming pool and good trout streams.

Manned as a military installation by Marines and many personnel, it is surrounded by a high barbed-wire fence, with overhanging wires.

The Navy refuses to say how many officers and enlisted men are on the post, because it is classed as a security post.

EISENHOWER AND HIS MONEY—GIFTS FOR THE PRESIDENT FLOW IN CONTINUOUSLY

(By Fletcher Knebel)

Tens of thousands of dollars' worth of tax-free gifts have been showered on President and Mrs. Eisenhower since they entered the White House.

On the Gettysburg farm alone, the value of the gifts was estimated 18 months ago at $40,000 and the cascade of flora, fauna, and furniture has continued since at only slightly diminished volume.

Some of the shower consists of gadgets the Eisenhowers would just as soon do without, but others are items of value.

They range from a $2,300 Grandma Moses painting, given to the President by his Cabinet, to a recently bestowed Holstein calf, donated by the Minnesota Dairy Industries Committee.

Mr. Eisenhower's blooded cattle herd at Gettysburg came almost entirely through gift. Of about 25 cattle given him, some were valued as high as $1,500.

A GROWING HERD

The Brandywine Aberdeen Angus Breeders Association gave him a 1,300-pound Black Angus cow and a 150-pound calf.

The Montgomery County Fair Association of Maryland gave him a 13-month-old heifer. He got a year-old Aberdeen Angus, Fort Rock Mignonne, from New Hampshire citizens, who threw in a crate of chickens as a bonus.

At Rutland, Vt., in 1955, he got a Brown Swiss heifer, Mansninalass, together with $300 worth of fishing gear, including a split bamboo pole.

The Glenwood All Breed Swine Association, of Glenwood, Minn., gave him a Berkshire hog. The Women's National Press Club gave him Blue Bonnet, a black Angus calf.

A $4,000 tractor, equipped with radio and cigarette lighter (Mr. Eisenhower doesn't smoke), was given to him by farm State co-ops of Indiana, Ohio, and Pennsylvania.

The Professional Golf Association bestowed a $3,000 putting green on the President, installing it at the Gettysburg farm.

J. R. Lackey, of Asheville, N. C., gave him a 5-year-old pony for the grandchildren.

Dan Gainey, of Owatonna, Minn., a Republican noted for his largess, gave the President a black Arabian filly.

FLOWER GARDEN

Along the line, Mr. Eisenhower got a pig named Pansy, a 15-foot plywood skiff, 2 pearl-handled, police double-action .38-caliber revolvers, and a sorrel mare, the last given by the American Quarter Horse Association.

A group of Washington florists gave the farm a 60-foot wall and 2,000 flower bulbs, transporting the layout to Gettysburg from a display at a Washington flower show.

About 100 trees on the farm, including 48 tall Norway spruces, are gifts. Likewise given to the Eisenhowers was a greenhouse.

A three-wheel electric golf cart was donated by R. H. Amon, president of Cushman Motors, Lincoln, Nebr.

A sprinkling of antiques in the house came to Mamie via the gift route.

The American Legion Boys Nation gave the President a 2½-horsepower cultivator.

SOME CRITICISM

The White House staff gave the Eisenhowers a historic fireplace, used in the White House in the Chester Arthur administration and later taken out and sold at auction.

Some of the gifts have raised some eyebrows.

A farm co-op official denounced the tractor gift, implying Mr. Eisenhower had been no friend of the farmer.

A Detroit department store advertised an Italian provincial wing chair, as presented to President Eisenhower for his Gettysburg farm.

Some of the donors obviously have squeezed publicity out of the gifts, but aside from a few Democratic wisecracks, the river of gifts flowing over the Eisenhowers has not become a political issue.

In fact, each mention of the Black Angus gift herd at Gettysburg appears to provoke more offers of the same.

Nevertheless, in computing Mr. Eisenhower's financial status, the value of the gifts must be taken into account.

If the Gettysburg farm is ever sold, the price would be run up considerably by the presents.

Friends point out, however, that such a sale is highly unlikely. More probable is that the Eisenhowers would will the farm to a historical society.

USE HOUSE AT AUGUSTA

In addition to these outright gifts, the Eisenhowers have been given lifetime use of a 2-story, 6-room house built especially for them on the Augusta National Golf Club, Augusta, Ga.

The home, known as Mamie's cabin, was completed in the fall of 1953 as part of a series of club improvements financed by a reported $200,000 raised from members of the club.

The improvements included a new golf pro shack, stocked fish pond for the President's benefit, some minor construction work and a security fence around the property requested by the Secret Service.

"Since we let the contract on the whole kit and kaboodle, we don't honestly know how much the Eisenhower cabin cost," said Clifford Roberts, a founder of Augusta National and a close friend of President Eisenhower.

The white brick and clapboard home, complete with 2 living rooms and 4 bedrooms, was decorated by an Atlanta firm at club expense. The layout was built under a contract by which the builder was to forfeit $1,000 a day for tardiness; but he finished on time.

Other members of the club use the home when the Eisenhowers are not in residence, since the President stipulated that the residence not be reserved for his exclusive use.

The home stands on club property and is itself club property.

PRESIDENT'S PAYCHECK INVOLVES MANY DETAILS

(By Fletcher Knebel)

At 9 a. m. on the last working day of each month, Lloyd J. Luehrs, 36, a thin, blond, bespectacled Treasury employee, telephones the White House.

He asks for Col. Robert L. Schulz, 49-year-old military aide to President Eisenhower. Colonel Schulz has been Mr. Eisenhower's aide and money man since 1947, when Mr. Eisenhower was Army Chief of Staff.

"The President's checks are ready," says Mr. Luehrs. "I'm on my way over."

Mr. Luehrs, Chief of the Treasury's Periodic Payments Branch, Division of Disbursement, walks to the fourth-floor office of Michael D. Fischette, regional disbursing officer. The building is the Treasury Annex on Pennsylvania Avenue, catercorner from the White House.

Mrs. Beth Debalski, secretary to Mr. Fischette, opens a gray, 2-by-4 safe, marked "D-8," and takes out a brown ledger book with a brown manila envelope tucked between the pages.

Inside the envelope are 2 checks—totaling $10,270—made out by typewriter to "Dwight D. Eisenhower, White House, Washington, D. C."

One is for $6,853.33, representing one-twelfth of the President's annual $100,000 salary minus withholding tax.

The other is for $3,416.67, representing one-twelfth of the President's $50,000 annual personal expense account, minus the withholding tax. The expense account is taxable but nonaccountable.

In effect, since the expenses do not have to be accounted for, the President receives $150,000-a-year compensation, all taxable.

THE WALK TO THE WHITE HOUSE

Mr. Luehrs takes the ledger holding the manila envelope and walks across Pennsylvania Avenue to the wing of the White House facing the main Treasury Department.

It is a walk of about 150 yards, through the traffic lights at Pennsylvania and Executive Avenues. Unless it is raining, Mr. Luehrs carries the book openly and does not pocket the checks.

"It would be pretty hard for anybody to cash a Presidential check," he says, "even if I should lose it."

Two minutes later, in the office of Colonel Schulz, Mr. Luehrs usually has a quip ready.

"We've decided to pay him one more time," or "same pay—no raise this month."

The colonel responds in kind, then signs the ledger, receipting for the checks. Sometimes his assistant Capt. Dale J. Crittenberger, signs in his stead.

RECORD CHECK NUMBERS

The first entry in this little book is May 31, 1951, for Treasury check No. 12515072, made out to Harry S. Truman, and signed for by William D. Simmons, veteran receptionist in the White House executive lobby.

Mr. Eisenhower's first check, signed for by Colonel Schulz on January 30, 1953, 10 days after the first inauguration, was numbered 18940195.

Mr. Luehrs walks back to the Treasury Annex, hands the ledger to Mrs. Debalski. She locks it in the safe for another month. Mr. Luehrs varies this procedure only once a year.

In January, he also carries a W-2 form, showing the amount paid the President in the preceding year and the amount withheld in taxes.

DETAILS BEHIND CHECKS

Behind this little scene, "the President's payday," lies a complicated but swiftly unrolling routine in preparing the President's checks for delivery.

About 5 days before the end of each month, Lionel R. Boucher, an employee of the General Accounting Office since 1931, makes out a "certificate of settlement" with Dwight Eisenhower for his month's pay.

This reads:

"Dwight D. Eisenhower, White House, Washington, D. C. This certifies there is due from the United States to the above-named claimant, payable from the appropriation indicated the sum of $12,500 on account of compensation as President of the United States, from May 1 to May 31, 1957."

This is sent by messenger to the desk of Mrs. Donna Pollack, chief of the administration accounts section of the Treasury. She makes out a voucher signed with the signature of Roger E. Smith, the budget officer.

"Pursuant to the authority vested in me, I certify that the items listed herein are correct and proper for payment from the appropriation designated."

RECORD FOR TAX SERVICE

Mrs. Pollack also records the payment and the tax withheld ($2,330) on a sheet for return annually to the Internal Revenue Service.

The voucher and schedule of payment is sent to the Treasury Annex, where a "progress sheet" with the symbol "9000" is pared. Mr. Eisenhower's checks then become two of the 1.5 million checks a month flowing through the Washington disbursing office.

The progress sheet is sent by pneumatic tube to the fourth floor. There index numbers are punched on two checks by an IBM machine. The checks go next to an "interpreter" machine, which translates the punch holes into amounts typed out on the checks.

THE CHECKS ARE TYPED

The President's checks then go to the desk of Mrs. Lutie R. Ford, a gray-haired, West Virginia-born lady of 68 years, 35 of them as a Government employee. She types carefully "Dwight D. Eisenhower, White House, Washington, D. C." on them.

Next they go to Miss Emma Sharpe, a verification clerk. By eye, she verifies name and amounts against the schedule of payment prepared earlier.

Next they go to Robert L. Winfield, operator of an IBM machine that tabulates daily check totals from the punchholes in thousands of checks.

Then the checks are balanced against the progress sheet as another safeguard. Next they go to the check-signing machine, operating at 250 checks a minute. This imprints the facsimile signature of Julian F. Cannon, chief disbursing officer.

Near the end of the day, Mr. Eisenhower's checks go to the microfilming machine, where, at 280 checks a minute, the checks are recorded for the Treasury archives.

Finally the checks are carried to the office of Michael Fischette, where Mrs. Debalski signs a register for them, places them in the "D-8" and waits for Mr. Luehrs to pick them up on the last working day of the month.

WALTER JOHNSON

Mr. CARLSON. Mr. President, in the Washington Post this morning Shirley Povich, in his column entitled "This Morning," reminds us that 50 years ago today the Washington Post announced the "Idaho Phenom Will Pitch Today."

It was 50 years ago today that the Washington baseball fans were given an opportunity to take a first look at the 19-year-old Kansan, Walter Johnson, in his major debut.

Walter Johnson, who reached the Hall of Fame in baseball, is universally regarded as having been the greatest pitcher in the American League. He toiled many years for the Washington Senators without ever achieving the distinction of a no-hit game, despite the fact that he won many honors in the league. In fact, he had about all the pitching honors that can come to a baseball pitcher except a "no hitter." Finally, he made the no-hit game on July 1, 1920, while pitching at Boston Fenway Park.

Walter Johnson was born on a farm in Humboldt, Kans., on November 6, 1887. At the age of 14 the family, together with Walter, moved to California, where he became interested in baseball, a sport he had little chance to follow at his farm home in Kansas. During his early boyhood and youth he played with various kid teams. At the age of 16 he had a tryout with Tacoma, a team in the Northwestern League, but they decided he was too green—he was too young.

Truly, his real problem was to find a catcher that could hold him, because of the terrific speed of the ball he threw.

It was at Weiser, Idaho, where he obtained a job at $75 a month, that he was first discovered as a great baseball pitcher. According to information that has been pieced together at Weiser, Idaho, he is reported to have pitched 75 innings without allowing a run and he fanned 66 in 11 games. No doubt this might well have been so, because only a short time later Walter Johnson was pitching that kind of ball in the American League.

Among the virtues of Walter Johnson were his modesty and his decency. He never smoked or drank. He never beefed at an umpire or argued with a teammate. He did not swear, and he never had the faintest semblance of a swelled head.

For many years he was the hero of the youth of this Nation. His modesty, his decency, his ideals set an example at that time that can well be emulated today. He is truly one of Kansas' greats.

Mr. President, I ask unanimous consent that the article by Shirley Povich, published in this morning's Washington Post, be printed in the RECORD at this point as a part of my remarks.

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

THIS MORNING

(By Shirley Povich)

On this date 50 years ago a small headline in the Washington Post said "Idaho Phenom Will Pitch Today." Washington baseball fans and the Detroit Tigers finally were going to get a look at 19-year-old Walter Johnson in his major-league debut.

Young Johnson wasn't coming into the major leagues unheralded exactly. For a month Washington fans had been alerted to the tall boy Scout Cliff Blankenship had signed for the Senators on June 29, 1907, on a trip to Weiser, Idaho, where tales of Johnson's strikeouts in a semipro league were current.

In announcing the signing of Johnson, there was unqualified endorsement by the Washington club: "Manager Joe Cantillon has added a great young phenom to his pitching staff * * * the young man's name is Walter Johnson. Cantillon received word today from Blankenship telling of his capture. Johnson pitched 75 innings in the Idaho State League without allowing a run and had a strikeout record of 15 per game."

The Washington team was not in possession of all the details on young Johnson, however. The announcement added: "Scout Blankenship is very enthusiastic but fails to state whether the great phenom is left-handed or righthanded."

The Washington club was patient with Johnson despite its own position in eighth place. Not until a month after he reported did Cantillon let the rookie pitch in a game. Baseball writers, however, went far out on limbs to predict that the Senators had, as the baseball language of the day put it, "a phenom and a real find."

On the morning it was announced Johnson would be unveiled in the first game of a doubleheader with league-leading Detroit, the Post reported that Johnson the day before had pitched batting practice for both teams, as was the custom of that day. "Walter Johnson pitched from the rubber before the game yesterday," wrote Sports Editor Ed Grillo, "but he afforded little batting practice for the players of both teams, as his fast ball seemed unhittable."

There were 5,000 fans in the stands when Johnson took the mound, and their first sight of him was accompanied by gasps. This couldn't be the fastballer they'd heard about. He was pitching sidearm, almost underhand, with a long sweeping delivery and no great snap of the wrist. That's not what fastballers were made of. The Tigers soon could dispute them.

The Tigers learned that Johnson's smooth delivery was a disarming thing. The big country boy who didn't look as if he were throwing a fast ball was actually unleashing a pitch that hissed with danger. They didn't take their regular cuts, except for Sam Crawford. Ty Cobb found it expedient twice to lay down bunts.

They beat Johnson, 3 to 2. He left at the end of 8 innings, with the score 2 to 1 against him. For the first 6 innings Johnson allowed only 3 hits, and 2 of them were bunts in succession by Cobb and Rossman. Cobb streaked from first to third on Rossman's bunt. Johnson was green at fielding bunts. He lost, but the high promise he showed was not lost on the critics.

"His work proves beyond doubt he is the pitching find of the season," the Post reported. "His wonderful speed, perfect con-

trol and deceptive curve was nothing short of astonishing. He has more natural ability than any pitcher seen in these parts in many a moon, and it really seems Cantillon has picked up a real live phenom."

Johnson a curveballer? Seems that he was and, more than that, he threw a spitball, too. That last is the testimony of Wild Bill Donovan, the Detroit pitcher who told Cantillon, "If I were you, Joe, I'd tell that big kid of yours to quit fooling around with that spitter. He doesn't need it. He only needs that speed he's got. All spitballers except Ed Walsh are in-and-outers."

Not his strikeouts, of which were only six in Johnson's debut, but his control was the item that drew the most praise from Manager Cantillon. "His absolute control was the best part of his work," Cantillon said. "He has a great shoot to his fast ball, and, to tell the truth, he's the best raw pitcher I've ever seen. If nothing happens, that fellow will be a greater pitcher in 2 years than Mathewson ever dared to be."

Five days later Johnson ended his 1-game losing streak. In his second start he yielded 2 hits to Cleveland in the first inning and no others until they got 2 in the ninth.

He beat them 7-2, and, in its report of the game, the Post said: "His speed was so terrific that several Cleveland players acted as if they did not take particular delight in being at the plate. Once or twice Johnson shot fast balls close to the batter's head, and they usually swung at anything after that."

Mr. CASE of South Dakota. Mr. President, I wish to commend the distinguished Senator from Kansas [Mr. CARLSON] for having called attention to the fact that 50 years ago today Walter Johnson pitched his first game for the Washington Baseball Club.

It was my privilege to meet Walter Johnson shortly after I came to Washington. In fact, I had the fun and privilege of batting in a soft ball game in which Walter Johnson was the pitcher, at a Republican picnic in the State of Maryland. I do not know how many other Senators ever had the privilege of batting against Walter Johnson's pitching, but I assure Senators that it gave me a thrill.

Through the years Walter Johnson has symbolized a great ambition for many American boys. I think it is highly fitting that on the 50th anniversary of his joining the Washington Senators the Senator from Kansas should have called attention to that fact.

Mr. DOUGLAS. Mr. President, I never had the privilege of batting against Walter Johnson's pitching at a Republican picnic, but I did have the pleasure, as a small boy, of seeing Walter Johnson pitch in his first season with the Washington Baseball Club, in 1907.

He was an amazing man. He had tremendous speed. Also he was a man of the most gentlemanly behavior on the diamond in the history of American sports. He was a great inspiration to the youth of America.

The only flaw in his character that I know of was that he was a Republican; but in due course of time that fault will be forgiven at the throne of heavenly grace.

Mr. CASE of South Dakota. He was a great American. I may say that Walter Johnson did not use his maximum speed when he pitched to me.

Mr. BIBLE. Mr. President, I have listened with a great deal of interest to the wonderful things that have been said about Walter Johnson. He was one of the greatest pitchers of all time. I think that his most brilliant achievement was taking unto himself a bride from Reno, Nev. [Laughter.]

HOW IMPORTANT IS THE UNITED NATIONS IN AMERICAN FOREIGN POLICY?—ADDRESS BY JAMES W. BARCO

Mr. SMITH of New Jersey. Mr. President, on July 1, Mr. James W. Barco, deputy United States representative on the United Nations Security Council, delivered an outstanding address at Ohio University, Athens, Ohio. He discussed the importance of the United Nations in the formulation and carrying out of American foreign policy. His analysis appears to be sound and penetrating. I recommend his address to the attention of all my colleagues.

Mr. President, I aks unanimous consent that the speech by Mr. Barco be printed in the body of the RECORD.

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

HOW IMPORTANT IS THE UNITED NATIONS IN AMERICAN FOREIGN POLICY?

(Text of a convocation address by the Honorable James W. Barco, deputy United States representative on the United Nations Security Council, at Ohio University, Athens, Ohio, July 1, 1957)

It is not my intention to discuss the United Nations with you today from a legalistic or theoretical standpoint. It seems to me a mistake to examine living, growing organizations which deal with the real, immediate, and crucial political and economic problems of today's world in any abstract or—if you will excuse the word—academic fashion. The United Nations is a vital, going concern which must be taken account of as a reflection of the needs and problems, the hopes and aspirations of the world's and, indeed, our own, people. In looking at this organization from that standpoint, I must also of necessity focus particularly on how the United Nations—as a political organization—looks from the United States point of view—which is my point of view, officially as well as personally. In doing so, I hope that I shall be able to answer the question which I pose now: "How important is the United Nations in American foreign policy?"

The United Nations is now almost 12 years old and there is still much mystery about it in the public mind and, it might be fair to say, even some confusion in the minds of those who participate in its work. Much of this mystery comes from an understandable mood of utopianism generated by the tragic cost of victory in World War II and the determination—the same as we had after World War I—never to have another such blood bath. This gave rise to pictures in the minds of many people of a parliament of man which would bring about fundamental changes in the nature of things and result in peace for all time. What this boiled down to was a determination somehow or other to change human nature.

In that atmosphere of hope, and even of belief in the dawn of a new day, the United Nations was born. However, even though they may have sympathized with these boundless hopes, the men who actually wrote the charter were experienced diplomatists and statesmen who knew human nature very well. The charter they wrote was, in its main provisions, not a blueprint for heaven, but a clear-sighted plan for cooperation among the very durable human institutions called sovereign nations which these men represented. It was, in the main, a realistic document.

It was particularly realistic in giving a special position to the five great powers. Unless this had been done, the United Nations could not have come into existence and, unless this position is maintained, it is doubtful if it could endure. It was realistic also in that it did not give the United Nations any powers of government on its own; it did not attempt to create a world government or a superstate.

I say "in the main" it was realistic. There were exceptions. There were some powers of decision which the charter theoretically conferred on the United Nations but which, in the bright light of day, could not be exercised. Chief among these was the plan, requiring unanimous agreement of the great powers, to put at the disposition of the Security Council land, sea and air forces contributed by member states. Through that provision public opinion was permitted to hope that the United Nations would soon have its own armed forces and be able, if need be, to make war in its own right against any aggressor nation. But none of that ever came to pass, and it is 10 years since any serious attention was given to it. That is the path toward a world government, and the United Nations has taken an entirely different turning.

But before we forget about that untraveled path of world government, let's try to see clearly why it could not be traveled in our time. Leaving out all the innumerable practical obstacles, it could not be done even theoretically for this simple reason: World government, like any other government, is nothing but tyranny unless, in Jefferson's words, it "derives its just powers from the consent of the governed." There are in today's world several widely different and even profoundly conflicting ways of life. No single government could possibly fit them all.

The United Nations, as it functions today, recognizes these facts. It proclaims the profound truth that humanity is one, and yet it accepts as a fact that humanity is divided politically into a motley assortment of sovereignties and is likely to remain so for a long time to come. What it strives to do above all else is to prevent disputes among these sovereignties from erupting into war, and to prove in practice that nations can cooperate for the benefit of all concerned—rather than having to seek to gain always at one another's expense. The United Nations, then, strives not toward world government, but toward an ideal which surely is no less lofty—a peaceful community of sovereign nations.

Now, that United Nations ideal happens also to be the ideal of the United States of America—because it is precisely in a peaceful community of sovereign nations that the American values of life can best flourish, endure and spread.

It is no coincidence that the basic goals of the United Nations are also goals of the United States. American leaders of both major political parties were in at the birth of the United Nations; much of the language of the charter was written by those American leaders; the United Nations would probably never have been founded without us. We are the strongest free Nation and the wealthiest. We have as big a stake as any people in the world in preserving and developing that world community of sovereign nations in which we as a people have had so much success. Therefore, the success of the United Nations is bound to help the United States, as well as others.

Now I would like to say something about the place which the United Nations holds in the entire picture of international relations today.

First, obviously some international relations are carried on at the United Nations buildings in New York and others are not.

Outside the United Nations there is much traffic directly between the capitals of nations. There are also regional meetings, military alliances, economic groupings, and so forth, which form very important parts of the machinery of the community of nations and are likewise outside the United Nations. In terms of sheer volume, the amount of international work done in the United Nations must be only a fraction of the total—but in terms of importance that fraction ranks at the top, because it includes nearly every one of the leading international issues.

My second point is that there is no moral difference whatever between actions taken through the United Nations machinery and those taken outside it. The acts of nations are good or bad because of their intrinsic nature, not because of where they are taken. Often, when some problem is handled outside the United Nations, you read, in newspapers, charges that the United States or some other country has bypassed the United Nations—as if we had some moral obligation to do all our international business in those buildings in New York. Then at other times, when we do take an issue to the United Nations, you may read criticisms that we have passed the buck to the United Nations; whereas the truth is that when we bring an issue to the United Nations our United States task of leadership is just beginning.

Confusion on this score can be avoided if we remember that the United Nations is two things: first, a charter or code of conduct, and, second, a practical machine for helping sovereign nations to put that code into effect. Now, the heart of the charter is a set of moral principles; among them, that states will settle their disputes by peaceful means, in ways which do not endanger international peace or justice. A country which belongs to the United Nations and has ratified the charter is pledged to settle its disputes peacefully both within and outside the United Nations machinery. In fact, article 33 of the charter pledges nations in disputes with each other to use first of all the techniques of negotiation, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choosing. That is another way of saying, "Don't burden the United Nations with your disputes until you have tried every possible means of settling them outside the United Nations, without success."

And even when an issue is under debate in the United Nations, more often than not we are working also through regular diplomacy in various countries to help the United Nations achieve a solution.

What I am trying to make clear is that the United Nations as an institution—the headquarters buildings on the East River, the General Assembly, the councils and commissions, the Secretary General, and so on—all exist in the same world, with the same old-time relations and machinery between nations. When an issue is brought to the United Nations it is not thereby magically translated into some fourth dimension where the ordinary laws of international politics and national power and human nature cease to operate. The proceedings of the Security Council or the General Assembly, dealing with political issues such as Algeria, or disarmament, or Palestine, go on concurrently with very active contacts on the same subject between the governments most concerned. The United Nations debates themselves contain the same mixtures of statesmanship and demagoguery which you will find wherever human beings engage in political life. Such solutions as the United Nations achieves do not emerge from some magical cauldron but are put together with infinite care and much soul-searching, in innumerable public debates and private diplomatic meetings, by the very human and hard-working representatives of sovereign nations.

At this point you may ask—"Well, if that is all the United Nations is, what's the use of it? What does it add that we didn't have before?"

It adds at least four essential things.

First, it adds a charter, which contains the only agreed code of behavior which all nations—or almost all—have agreed to observe. The charter is not always lived up to by those who agreed to it, but it has incalculable value as a standard by which nations are morally obliged to shape their actions even when they are under great temptation to do otherwise. They know that any nation pays a high price in terms of its international standing and influence if it cannot justify its actions in the light of the charter's provisions. The Soviet Union is indeed paying such a price right now for its utter disregard of principle and morality in Hungary, and the Soviet Union is painfully aware of this.

The second new thing which the United Nations adds is a world meeting place, or, in the charter's phrase, a center for harmonizing the actions of nations. It is a neutral ground where representatives of nations in conflict can sometimes meet quietly to take important steps toward settling dangerous disputes. It is a year-round community of representatives of 81 countries who get to know each other's points of view and who report constantly to their governments. Their reports of how their countries' policies look in the eyes of the other members, can and often do, raise the standards of national conduct considerably, because the atmosphere of this harmonizing center is set to a large extent by the moral precepts of the charter. Thus at the United Nations, concrete and definite cooperative ventures can be worked out to prevent wars. The most striking such venture in recent years is the United Nations emergency force in the Near East which is making an indispensable contribution to peace in the Near East and which could never have been created except in the United Nations.

Third, the United Nations furnishes a uniquely valuable servant of international peace in the person of the Secretary General. Mr. Hammarskjold has earned great prestige for himself and for the office he occupies. He has performed services for the community of nations which would have been impossible for any representative of a single nation.

Fourth and finally, the United Nations makes a uniquely valuable contribution in the realm of public debate and public opinion. It has an enormous potential for mobilizing world opinion and bringing it to bear on a given issue. By doing this it can influence powerfully the actions of sovereign nations. This influence can do things which nothing else except war could do. For instance, it has saved India and Pakistan from a disastrous renewal of the war over Kashmir. It brought the United States and the Republic of Korea considerable military help and enormous moral backing in the war against Communist aggression in Korea. It successfully pressured Red China to release 15 American airmen who were being held back illegally after the Korean war. It virtually forced a reversal of Soviet opposition to President Eisenhower's proposal for a world atoms-for-peace agency. And, in the Near East last fall and winter, it brought about a cease-fire and a definite turn away from war at a moment of great peril to the entire world. It is no exaggeration to say that this could not have been done without the United Nations.

Those achievements all arose from the pressure of world public opinion, when that opinion had been brought to a focus by action in the United Nations.

Even with all these resources, of course, and with the loyal backing of many members, the United Nations is not all-powerful. The Soviet slaughter in Hungary, in complete defiance of the United Nations, was agonizing proof of how little the United Nations—or the free nations themselves, for that matter—can do peacefully to restrain a country which has very great power and no morals. But our efforts were not useless even so. The world-wide condemnation which the United Nations General Assembly voted against Moscow gave assurance that the Budapest freedom fighters did not die in vain. The fire of indignation which they lit was spread by the United Nations all over the world, and the Soviet Union will not be able to extinguish it for many years to come.

One cannot foresee fully the consequences for eastern Europe of the exposure by the United Nations of the true nature of the Soviet aggression in Hungary, but I predict that what the United Nations has done and will yet do in the case of Hungary will be regarded in the future as a turning point in Soviet world influence. This, in my opinion, may well be the beginning of the end as far as communism's appeal to the minds of man is concerned. If this proves to be true, the United Nations' contribution in the case of Hungary will have been very great, despite the obvious limits on the direct action it could take.

The United Nations record for the past year can perhaps be summed up in this way. There were two great crises in world politics, occurring at the same time, both threatening war. The United Nations dealt with both crises, up to the limits of peaceful action, and the United States was in the lead at the United Nations in shaping the General Assembly's action. One of the two crises, that in Hungary, ended without immediate, tangible success, but with perhaps more important, long-range consequences. In the other, in Egypt, disaster was forestalled and a new chance for peace was created. Without the United Nations it seems probable that none of this would have happened and that, from one of these situations or the other, war would have come to us all.

I would like to point out three conclusions about the handling in the General Assembly of the Near East crisis and its aftermath.

First, just as Hungary illustrates clearly and tragically what the United Nations cannot do tangibly, so the Near East illustrates what the United Nations can do tangibly. The General Assembly by its resolutions stopped massive military attacks on Egypt by three nations and brought about a cease-fire—all within a few days after the first shot was fired. The United Nations then created an emergency police force of troops from small nations, thereby enabling the attackers to withdraw and peaceful conditions to be restored. That is something the United States could not have done with its own troops without grave danger that Soviet forces would also step in, which was one of the chief things we were working to prevent.

Second, in achieving these results the United Nations made the fullest use of all four of its unique assets jointly and severally—the charter, the world meeting place, the Secretary General, and the capacity for mobilizing world opinion. What was done could not have been done by the United States acting alone.

Third and last: the stand which the United States took in the Near East crisis is a historic landmark in the growth of our country's foreign policy. It was a painful experience for us to find ourselves in opposition to three very close and influential friends. But that opposition has largely passed into history, whereas the positive results of the stand we took will be with us for a long time to come.

What are those positive results?

One is, as I said before, that the menace of war has receded and there is reason to hope that a new chance has been created to

try again for real and lasting peace in the Near East.

A second result is that the standing of the United States in Africa, the Middle East and Asia has increased. Even though we did not approve many of Egypt's actions and even though the attackers were our close friends and allies, we insisted that Egypt had as much right to the protection of the Charter as any other nation.

A third result, flowing from the second, is that countries in the Near and Middle East are more awake than ever before to the fact that Soviet colonial ambitions endanger their existence; and, as in Jordan, they are more than ever inclined to seek United States help to combat Communist penetration.

A fourth result is that Great Britain, France, and Israel, by heeding the call of world opinion expressed in the General Assembly, did themselves credit as civilized nations possessing a high degree of moral courage and self-discipline. Meanwhile the Soviet Union proved in Hungary that it was just the opposite.

The fifth result—and perhaps the most important in the long run—is that the United Nations is stronger and more influential than ever.

Let me explain why in my opinion this growth of United Nations influence is so important.

You will remember I said that the United States is dedicated to a goal which is basic to our American interest: the creation of a peaceful world community of sovereign nations. I will go even further. The United States can best fulfill its duty as the leader of the free world in the United Nations.

This duty of leadership is one which we did not seek. History thrust it upon us. Thus in one sense the United States takes its place in a long line of nations each of which, for a time, made the chief decisions which resulted in war or peace, justice or injustice for many other states. Virtually all of them, in the past, established their leadership by conquest and maintained it, at least in part, in the form of empire, holding weaker peoples in political subjection, and yet achieving many splendid things in the spread of law, education and the arts.

We Americans will never have an empire: economically we do not need one, temperamentally we do not want one, and historically we would be madmen, in this date and age, to try to get one. But we do have the power to lead—and, for our own security we must lead. The next question is: Since we are destined never to have an empire, what form and character should our leadership take?

That is where the United Nations comes in. The United Nations is many things, some of which I have mentioned; but no study of it is complete unless it is seen also as the place in which the United States of America carries out its responsibilities of world leadership.

At this point a sober question may be in order: Just how influential is the United States in the United Nations? I can give you a few rough indications. We are influential enough so that, in the 11 years since the United Nations began to operate, we have not been on the losing side of the vote in the General Assembly on a single question of really first-rate importance to us. We are influential enough so that a very large part of the initiative in the General Assembly on key political questions comes from us. Let me illustrate this.

Last fall and winter, in the General Assembly proceedings on the uprising in Hungary, 11 resolutions were adopted. Of these, 7 were introduced by the United States, either alone or with cosponsors. Many of these resolutions had as many as 24 countries as cosponsors, and they were written and rewritten in meetings of representatives of the sponsors. The chairman of all these meetings was the United States representative. In other words, on this question of Hungary, a European country, the main initiative lay not with any of Hungary's European neighbors, but with the United States as the acknowledged leader of the Free World.

Another illustration: The handling of the Middle East crisis in the General Assembly. Of the 16 resolutions which the General Assembly adopted on this crisis, 7 were introduced by the United States, and it was the United States delegation that was looked to by the vast majority for leadership at every stage of the debate. Other countries such as Canada, India, and Norway, made notable contributions for which we were very grateful, but the daily burden of shaping the strategy of the General Assembly fell mainly on the shoulders of the United States delegation.

It is important not to exaggerate this. Although we are the most influential single member, we do not by any means get everything our own way. We would not wish to do so. Yet it is quite wrong to say, as some people have said recently, that the leadership and power in the United Nations in the past 2 years have fallen into the hands of the countries from Asia and Africa, or, as they are often called, the Afro-Asian bloc. The Afro-Asian countries have never voted as a solid bloc, and they are less and less likely to do so as time goes by because of their great diversity.

Of course the Afro-Asian delegations do wield more influence than they once did, especially since the admission of 13 countries from that vast region of the world in the past 2 years. But there is nothing in that situation to frighten us, however much we may deplore the hypernationalism of one or another country from that area. Such differences as we have with them are manageable, just as our differences with countries in Europe and Latin America are manageable. The basic fact about that area is that over 600 million people of the Free World have emerged since World War II into independent nationhood and have taken a stake in the community of sovereign nations. They have eagerly joined the United Nations and have taken great pride in their contributions to its work. They are beginning to enjoy their political inheritance as free peoples. Most of them have yet to come into their economic inheritance, and often they want to develop their countries faster than sound practice would dictate; but that is a sign of vigor and health, not of dissatisfaction.

Of one thing we can be sure: Every one of the score of new nations belonging to the United Nations would pay a great price, if need be, to preserve its independence against any imperial threat, including that of world communism. Their spokesmen have made it clear repeatedly that their independence is the most precious thing they have.

The United States finds itself, in the United Nations, in a position familiar to leaders—in the middle. The job of reconciling opposing interests and cooling animosities often falls to us. The list of countries with which we consult on a regular basis grows continually longer—which simply reflects the fact that we try to lead in the United Nations and elsewhere by persuasion, not by coercion or dictation.

If we are to lead by persuasion, and not by dictation, we must be careful to understand and take account of the interests and sensibilities of others. This means that United States policy decisions are always much more difficult to reach, and usually more complicated when they are reached, than the decision of a country which has only itself to speak for. It means that we may also be targets of envy by peoples whose material standard of life is less than ours, and that this difference sets up from time to time a psychological barrier between us and such peoples.

Yet most representatives of free countries at the United Nations realize very clearly that the entire community of nations which today safeguards human freedom, however imperfectly, would be swept away if the power and resolution of the United States were taken out of the balance. Most of them know—often more clearly than their home opinion permits them to say in public—how profoundly the Soviet Union and its Chinese Communist ally are committed to the overthrow of that community of nations. There are some, of course, who still must learn those bitter truths, but the learning process is going on all the time.

But it would be quite wrong to say that the newly independent countries are the only learners at the United Nations, or that they are the pupils and we the teacher. Far from it. We are all learners at the United Nations, and we particularly must learn from others if we are to lead.

We must know how to reconcile the equal sovereign rights of all nations with the huge inequalities of national power.

We must know how to cope with the lingering distrust, which runs very deep in newly independent countries, against all Western Powers often incurring ourselves—an emotion which dies very slowly.

We must know how to respond to the new nations' tremendous urge for economic growth and yet not yield to ambitious economic schemes which we know will not work, and which might well kill the fabled goose without having received a single golden egg.

We must know how to live up to our liberating anticolonial principles without self-righteousness, and without slighting the vast achievements and vast practical problems of such a power as Great Britain, whose former dominions and colonies today make up about a seventh of the membership of the United Nations.

We must know how to deal in the United Nations with a Soviet Communist power which proclaims the end of our way of life as an article of faith and whose daily conduct, in the United Nations and out of it, is in violent, fundamental conflict with the charter—and yet, which by our efforts, in many years' trial of faith and endurance, may yet be brought into the fold of law-abiding sovereign States.

And finally, where problems cannot quickly be overcome, we must learn to be patient without being any less determined.

The epic struggle of our century, whose outline appears almost daily at the United Nations, is the struggle of a community of nations to come fully to life. With a very few exceptions the free nations which possess colonies seem determined that all subject peoples under their dominion shall before very long govern themselves, whether within the mother country or as independent nations. The subject peoples themselves, far from being at war with the community of free nations, are seeking with all their might to take up what they regard as their rightful places in that community. In that enormous transition there are tragic and bloody passages which we deplore—but the transition itself is one of the great human facts of the age.

Yet there is a third of mankind which is ruled by Soviet communism—a fundamentally different system which debases the individual and exalts the state, which with inexpressible gall claims an infallible scientific key to all human problems, and which still claims the whole world as its inheritance. The propagandists in Moscow often speak of a struggle between two systems—communism on one side and, in their picture, capitalism on the other. Well, half of that picture is mythology, because fortunately the Free World hasn't got and never

will have any system that is comparable to communism. The minute we adopted a world system we would cease to be free either politically or intellectually, and the nations among us would cease to be sovereign—just as they have under communism.

The real situation is that a community of sovereign nations—not a system but a community, striving all over the world to create ordered freedom and justice for the vast variety of human nature and human circumstance—is under attack by a political system which manacles freedom.

Fortunately there is a good deal of evidence that communism is losing its dynamic appeal in the world. These developments should strengthen our faith in the future. Meanwhile, with unceasing intellectual inquiry, our own Free-World horizons can continue to expand.

Given enough stamina and imagination and dedication in this and other free countries, we have reason to foresee a time when the peoples of Eastern Europe, of the Soviet Union and the mainland of China, will be welcomed as free peoples into a worldwide community of sovereign nations. That was, I believe, the vision which the fathers of the United Nations had in their minds. It is a noble enough vision to deserve the best efforts we, in this country, can muster.

NECESSITY FOR CHANGE OF RULE XXII

The PRESIDING OFFICER. Is there further morning business?

Mr. DOUGLAS. Mr. President, in discussing the vote yesterday, I found that a number of Senators whom we had expected to be with us against the jury-trial amendment stated that while they would have liked to vote against it, they were nevertheless afraid that if the jury-trial amendment were defeated the southerners would then filibuster the bill and prevent any bill from being passed. I tried to disabuse my friends of this feeling, and said to them that the issue was sufficiently important to justify a long struggle, and that those of us who believe in civil rights should be as determined in our advocacy as were those who are opposed to civil rights. Nevertheless, this feeling was very powerful, and it contributed, I am sure, to the inclusion of the jury-trial amendment.

There is a moral to be drawn from that fact. There was no filibuster exercised in discussing the amendments, but the threat of a filibuster was always present, and it operated very powerfully to weaken and cripple the bill. The inevitable conclusion is that the case for modifying rule XXII to curb filibusters is greatly strengthened.

I said last January, when we were striving to modify rule XXII, that we would probably not be able to adopt a meaningful civil-rights bill unless rule XXII were changed. We were assured that this was not necessary. It has now turned out to be a fact. The vital features of the civil-rights bill have now been extracted by a coalition and by the threat of a filibuster. In my judgment, we must now move on as soon as possible to change rule XXII and to make it more possible for the will of a majority of the Senate to express itself and so that it will no longer be possible for a small but powerfully entrenched minority to dominate the Senate, and hence to flout the will of the people of the United States.

EXTENSION OF SMALL BUSINESS ADMINISTRATION

The PRESIDING OFFICER. Is there further morning business in the morning hour? If not, the morning hour is completed, and the Chair lays before the Senate the pending business, which will be stated by title.

The CHIEF CLERK. A bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

The Senate proceeded to consider the bill.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that, without the time being charged to either side under the unanimous consent agreement, there may be a quorum call, for the notification of all Senators.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

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

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

Mr. MANSFIELD. I announce that the Senator from Arkansas [Mr. FULBRIGHT] is absent because of illness.

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] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The PRESIDING OFFICER. A quorum is present.

Mr. KEFAUVER. Mr. President——

The PRESIDING OFFICER. Under the unanimous-consent order the time is controlled by the majority leader and the minority leader.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Does the Senator from Tennessee wish to speak with respect to the pending bill, or on some other subject?

Mr. KEFAUVER. I merely wish to make some insertions in the RECORD.

Mr. CLARK. Perhaps I should state that, on behalf of the Banking and Currency Committee, I expect to argue in support of the bill. If the Senator from Tennessee wishes to speak, I have not the slightest objection, but I do not want the time charged against the time allotted to the proponents of the bill.

The PRESIDING OFFICER. Who is representing the majority leader in control of the time.

Mr. CLARK. I am.

I yield myself 10 minutes.

Mr. President, Senate bill 2504 would extend the Small Business Administration for 1 year, and would increase the authorization for business loans by $75 million. This bill is in the nature of an emergency action by the Committee on Banking and Currency, and is so considered, because of the termination of the agency on July 31, 1957, day before yesterday. The committee held extensive hearings on many bills concerned with the extension and modification of the Small Business Act, and on several other proposals aimed at meeting the credit needs of small business.

One of the comprehensive bills considered by the committee was House bill 7963, which passed the House of Representatives on June 25, 1957. The committee had before it a great many bills in addition to the House bill, and there were numerous controversial questions with respect to which members of the committee were not entirely in accord.

Because of the pendency of the civil rights bill, and the inability of the committee to take the time to reach an agreement with respect to a number of relatively controversial matters which were before it, it was concluded that the subcommittee would make no definitive report to the full committee, but that we would try to find the least common denominator among all the members of the committee, and report a bill which could be quickly passed before the Small Business Administration expired pursuant to the terms of the act, day before yesterday.

The committee bill does two things. It extends the life of the Small Business Administration for 1 year. It provides an additional authorization of $75 million for business loans, which was felt by the committee and by the administration itself to be adequate for the next 12 months.

It is the hope of the committee to continue hearings, and to reach an agreement in committee on a much more comprehensive Small Business Administration bill. Speaking personally, as chairman of the subcommittee—and I know my views are shared by a number of my colleagues on this side of the aisle—we hope the Small Business Administration can be made permanent, under a charter which would give it a greater ability to perform its functions than it now has.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr CLARK. I am operating under a limitation of time, but I yield briefly for a question.

Mr. SALTONSTALL. The Senator has just said, speaking as a representative of the Committee on Banking and Cur-

rency, that the committee is in favor of the extension of the Small Business Administration, but because of the number of bills before the committee, and the number of proposals involved, and in view of the limited time remaining at this session, the committee is recommending an extension for 1 year, with the idea that in the next session of Congress plans can be made to make it permanent, and to carry out the various suggestions which have been made. Is that correct?

Mr. CLARK. I hope a majority of the Banking and Currency Committee will be in favor of making the agency permanent. That certainly is my view. I can give the Senator no assurance that a majority of the committee will so agree, although I hope it will, and in my judgment it will.

Mr. SALTONSTALL. Does the Senator believe that the Small Business Administration, under Mr. Barnes, is doing an excellent job to help small business throughout the country?

Mr. CLARK. It is certainly doing a good enough job to warrant its continuance for 1 year.

Mr. SALTONSTALL. As I understand, the Senator is not prejudiced against continuing it beyond that time. All he wants is time to study the problem next year.

Mr. CLARK. Personally I favor a longer continuation. I think the Small Business Administration should be made a permanent agency, but I cannot speak for the committee in that regard.

Mr. SALTONSTALL. I hope the Senator will continue to be optimistic, with a view to perfecting plans for a more permanent organization.

Mr. CLARK. I thank the Senator.

To recapitulate, the purpose of the bill is to do two things——

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

Mr. CLARK. I yield briefly for a question.

Mr. MORSE. The Senator controls the time, does he not, on his side?

Mr. CLARK. Yes; but several other Senators have asked me to yield time to them.

Mr. MORSE. I shall make my comments in my own time.

Mr. CLARK. The bill would accomplish two things. First, it would extend the life of the Administration for 1 year, from July 31; and second, it would provide an additional business loan authorization of $75 million to keep it going during that period.

Of course we were disappointed that we could not pass the bill in the Senate and send it to the House for prompt action, so that it might receive the President's signature before the agency expired on the 31st of July. That was a great disappointment, but I should like to point out that under existing law the President has authority to continue the Administration for 6 months after its terminal date. So that no one will have to go without being paid. The agency will not go out of existence because it has not been extended by Congress, in view of the 6 months provision, and certainly no chaos will exist in the Small Business Administration. It is unfortunate that for 48 hours or perhaps even for 72 hours the agency will have been unable to make any business loans. However, if we can get the bill through the Senate promptly and send it to the House, I am sure the situation will be remedied.

The Senator from Minnesota [Mr. THYE] has sent to the desk an amendment which would add section 3 to the bill, to alleviate a situation caused by our inability to pass the bill before July 31. The amendment would merely make the action which I hope we will take retroactive to July 31. The amendment is identical in wording with a committee amendment which has been approved by the committee and which I had intended to offer. Inasmuch as the amendment of the Senator from Minnesota is already available to us, I should like to call it up now, if it is agreeable to the Senator from Minnesota.

Mr. THYE. I certainly agree, because the mere fact that the expiration date of the act has passed should not have any effect on the situation of the Small Business Administration. The agency actually came to an end at midnight, July 31, and all loans made since then and which are in existence are unauthorized during the period of the time the agency's authority has lapsed.

I discussed the matter with the Parliamentarian, and I felt that the only course for us to follow was to submit an amendment to make our action retroactive to July 31, and in that way reestablish the life of the agency.

Mr. CLARK. I thank the Senator from Minnesota. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Senator from Pennsylvania has used 7 minutes. He has 3 minutes remaining.

Mr. CLARK. I yield back to myself the remaining time I have not used, and I yield 5 minutes to the junior Senator from Florida.

Mr. SMATHERS. Mr. President, I wish to associate myself with the remarks of the able Senator from Pennsylvania and the other Senators who have expressed their interest in the pending bill. All of us must recognize that, while the Small Business Administration may not have done everything we would like to have it do, nevertheless it has done a good job. Since 1953, when the agency was first brought into existence, it has made more than 7,000 loans, totaling approximately $350 million.

Not only has the agency made loans to small businesses, and supplied technical and managerial advice to small businesses throughout the country, but, most important of all, it has filled a need in many disaster areas. Many of us forget that fact. The other day the Senator from Louisiana spoke of the great importance of that program of the agency to his State during the recent hurricane there, which caused so much suffering, left so many people dead, and caused many millions of dollars worth of damage.

Mr. President, it is vitally important that we pass the bill and that we keep the agency in being, particularly when we consider the fact that small business today probably is suffering more than it has ever suffered in the entire history of our country. The brankruptcy rate is higher than it has ever been in our history, and mergers and consolidations are continuing to gobble up small-business firms at a faster rate than ever before. Statistics which have been prepared by the Federal Trade Commission show the number of corporate mergers which have taken place in the last few years. The total has risen from 617 in 1934 to a high of 905 in 1956—a 46.6-percent increase. The record also shows that there were 411 corporate mergers in the first 5 months of 1957, as compared with 406 for the same period last year. Because of these mergers, the high interest rate, and the present tight-money policy of this administration, it is very difficult for small business to stay alive.

The Small Business Administration stresses cooperation with our banking facilities in making loans to small businesses and in that way does help to keep down the interest rate. This agency is doing a great service in keeping small business alive.

Mr. President, the bill should be passed by an overwhelming vote. I yield back the time remaining to me.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be stated for the information of the Senate.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add a new section:

SEC. 3. This act shall take effect as of the close of July 31, 1957.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Oregon.

Mr. MORSE. As a member of the Select Committee on Small Business, I do not share the view of the Senator from Pennsylvania, to the degree that he seems to express it, in approval of the work Mr. Barnes is doing as the head of the Small Business Administration. I think Mr. Barnes is not doing an outstanding job. However, I believe it is important to keep the Small Business Administration in operation, even though I share the doubts about the work of this agency that were expressed by the Senator from Georgia [Mr. RUSSELL] on the floor of the Senate the other day.

I have had too many unfortunate experiences with the Small Business Administration to stand on the floor of the Senate and give it a bunch of roses, except with the buds clipped off the bouquet. I think its record has been a thorny one. In my judgment the loans made by the Small Business Administration are too much controlled by the bankers of the various communities of this country.

However, the purpose of the Small Business Administration is sound. I wish to keep the Small Business Administration in existence, in the hope that in 1958 and 1960 there will be a mandate from the people which may result in our being able to have a more effective Small Business Administration in the Government.

My chief criticism of it is that Mr. Barnes and his associates in too many

cases do not recognize that what we desire to have the Small Business Administration do is to give aid and economic help to businesses which could survive with a little assistance, but on which bankers frown, because they do not believe them to be particularly good business risks.

There is a great job to be done for small business. There is a great job to be done in encouraging small-business men under the authority of the loaning policies of the Small Business Administration.

I join this morning in voting to extend the life of the Small Business Administration, but I hope—and I invite the attention of the Senator from Pennsylvania to what I now say—that I can get some support for legislation, now in the process of being drafted, which will revise the setup of the Small Business Administration and will seek to make it a permanent organization of effective service to the small-business men of America.

When I was a member of the Banking and Currency Committee, I was chairman of the Subcommittee on Small Business. On the basis of that experience I am convinced that a permanent Small Business Administration should be established.

Mr. President, one of the major difficulties of the Small Business Administration has been the temporary nature of its existence. For it to be a reliable aid to the small businesses of Oregon and the rest of the country, the SBA should be established permanently, through legislation that will also correct the deficiencies of the present law.

The House of Representatives has passed an excellent bill for this purpose, H. R. 7963. Its major provisions are to make the Small Business Administration a permanent agency; to increase the loan authorization of SBA; to fix the interest rate for SBA loans at 5 percent; to provide a more equitable share of Government procurement for small business by requiring use of a new definition of small business for procurement purposes; and to abolish the Loan Policy Board which has stymied effective help to small business and replace it with an advisory board more genuinely representative of small business.

It is my understanding that the pending bill, S. 2504, is intended by the Senate Banking and Currency Committee to be a stopgap measure to tide over the Small Business Administration until it can hold hearings on H. R. 7963 and give it the consideration and attention it deserves. I want to serve notice that I favor S. 2504 only as a stopgap measure. The SBA should be established permanently, and but for some of the undesirable features of the Small Business Act which should be changed, I would propose making the law permanent right now. But I am taking it for granted that the Senate Banking and Currency Committee intends to act expeditiously on H. R. 7963; the bill was referred to it from the House of Representatives only on June 26. I have no intention of bypassing this committee, and its many experts on business and financial affairs; but I do want its members to know that I am anxiously watching the progress of this House measure.

Senators will recall that I have been chairman of the Small Business Subcommittee of the Senate Banking and Currency Committee in previous years when the Small Business Act has been extended. On those occasions, I have tried to incorporate some of the changes in the Small Business Act contained in H. R. 7963, including permanent authorization. It was by my efforts that the Portland branch of the SBA was granted additional lending authority, and a contract procurement office set up there. So I have close personal experience with the operation of the law, the needs of small business, and the revisions needed for an effective program for small business and disaster loans.

The House bill is one I welcome enthusiastically; it was adopted there by a vote of 392 to 2. I hope that this is the last time the Senate will be called upon to pass a temporary extension bill, and that early next year we will have the opportunity to act upon H. R. 7963.

In closing, Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a telegram addressed to me by Mr. George J. Burger, vice president of the National Federation of Independent Business.

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

WASHINGTON, D. C., *August 2, 1957.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

Refer to extension of Small Business Administration: Hearings before subcommittee, Committee on Banking and Currency, 84th Congress, 1st session, May 5–9, 11, 1955; pages 36 to 48 inclusive. Refer to colloquy of yourself, Senator Payne, and George J. Burger, starting pages 41 to 48.

Our position then, on direct vote of our members, was same position we took in behalf of small business before current hearings of subcommittee, House Small Business Committee, House Banking Committee, Senate Small Business Committee and subcommittee of Senate Banking Committee.

In other words, the House, by practically unanimous action, adopted a bill, in part similar to these recommendations, which we believe will serve the best interests of independent business of this Nation.

I feel certain that you will, without a ques- of doubt, support the House action, and I repeat—it will serve the best interests of Nation's independent business and our sustaining membership in the State of Oregon. A precedent was set by the Senate itself when they bypassed your resolution on civil rights so in view of this, let the Senate set another precedent and vote the House bill, H. R. 7963, or at least make the Small Business Administration a permanent agency so that small business will know there can be no repetition of the situation such as has taken place in the Senate at this time. It's about time that small business of this Nation got a real break through permanent recognition to their problems.

Will you be kind enough to read this message on the floor of the Senate? I know it will be welcome news to our people, independent business in the State of Oregon.

GEORGE J. BURGER,
Vice President, National Federation of Independent Business.

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point a statement prepared by the Senator from Maine [Mr. PAYNE] on S. 2504, the Small Business Administration Extension Act.

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

STATEMENT BY SENATOR PAYNE

The bill (S. 2504) presently under consideration by the Senate authorizes the Small Business Administration to continue in existence until July 31, 1958.

The value of the Small Business Administration is seldom questioned; it has proven its worth over the past 4 years. It has, during that period, developed strong bipartisan support as a result of its effective work in behalf of the millions of small-business concerns throughout the Nation. This agency has shown continuous improvement in its various programs for loans, procurement assistance, and technical assistance.

No one would argue the fact today that small business constitutes a vital part of our competitive economy. The future success of our free enterprise system depends upon the existence of a vigorous small business community. With the increasing pressures on business, a definite need exists for an agency to devote all of its efforts toward helping small business firms. The Small Business Administration has proven itself capable of meeting this challenge.

My colleagues and I on the Banking and Currency Committee's Small Business Subcommittee, under the chairmanship of the Senator from Pennsylvania [Mr. CLARK], held lengthy hearings on the several small business bills referred to the subcommittee. Among these were three omnibus bills establishing the Small Business Administration as a permanent agency of the Federal Government. Although each of these bills contained a few unique and perhaps questionable provisions, the subcommittee was in agreement on the desirability of reporting to the Senate an omnibus bill of some sort.

Time, however, ran out—the civil-rights debate commenced, and at this juncture the committee, in deference to the parliamentary situation in the Senate, felt that a 1-year extension of the agency would have the best chance of prompt passage. Thus, the bill before the Senate today is offered more as an expedient rather than as a complete piece of legislation. Realizing the problems facing the Senate, the Chairman of the House Banking and Currency Committee has indicated that he would support this bill when it reaches the House of Representatives. Obviously this solution is not completely satisfactory to any of the parties concerned; but it does offer a means of continuing the Small Business Administration and its very effective programs for the assistance of smaller business concerns.

Also included in this bill is an authorization for an additional $75 million in loan funds to be made available to the agency during the next year. This figure is based on estimates made by the Small Business Administration as to their needs during the current fiscal year.

All other small business bills considered by the Committee this year along with the testimony received on them will be reviewed early next year with the intention of reporting an omnibus bill to the Senate for consideration at the earliest possible date in the 2d session. The House of Representatives has already acted on legislation of this nature, and their bill will undoubtedly provide an outline for the deliberations of the Committee when it resumes consideration of small-business legislation next January. At that time I shall make every effort to have included in that omnibus bill the provisions of the two small-business bills, S. 244 and S. 246, which I introduced early this year. S. 246 would make SBA a permanent agency

while S. 244 proposes a new category of 3 percent loans to be made by SBA to small businesses in economically depressed areas. Inclusion of both provisions will substantially strengthen our small-business laws.

It is, indeed, unfortunate that circumstances prohibited the passage of a major small-business bill during this session and this fact is, of course, very disappointing to those of us who feel the need for more positive legislation in behalf of small business at this time.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the Senator from Minnesota.

Mr. THYE. Mr. President, the distinguished Senator from Pennsylvania has referred to the amendment I offered which is now the pending question before the Senate. The amendment would extend the life of the agency retroactively to the expiration date.

As the author of the Small Business Act of 1953, I have followed the work of the agency very closely. At the time I introduced the original bill, I stated that, under the Farmers' Home Administration it was possible to aid young people who desired to go into the business of farming but who did not have the financial means or credit to obtain loans necessary to undertake farm operations. The Farmers' Home Administration loans would oftentimes start a young farmer in business. The administration had a splendid record in helping young people to become farm operators and homeowners and substantial citizens in the various communities of our Nation.

I had something like that in mind in connection with the Small Business Act. I had in mind aiding those who needed financial assistance but who were unable to obtain such assistance, particularly young businessmen who had proved their ability by working in grocery stores or filling stations or some other establishment on the Main Streets of America. If such a man had proved his ability and was reliable and hard working, and perhaps a family man, then it might be advisable, since local banks were not permitted under the banking laws of the State or the Federal Government to make such loans, to help him get a loan through the cooperation of the Small Business Administration. In that way a young businessman could establish himself and operate in his own right.

That was the vision I had when I first introduced the bill. It is a vision I still have. Mr. President, you and I want to help young couples who are endeavoring to go into business, so as to make certain that they have a reasonable opportunity. Unless we do that, we will not have prosperous individual business operators on the main streets of the towns and cities throughout our land.

It is for that reason that I have been so close to the Small Business Administration. It is one reason, also, why I express disappointment that the bill provides for an extension of only 1 year. The bill I first introduced provided permanent status for the Small Business Administration.

Mr. President, I have prepared a statement concerning my views about the Small Business Administration. I shall not take the time of the Senate to read it, but because it refers to the number of loans and the amount of money outstanding, I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

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

STATEMENT BY SENATOR THYE

I will support the recommendation to extend the life of the Small Business Administration for 1 year. However, I want the RECORD to clearly show that I am keenly disappointed in the action taken by the Senate Banking and Currency Committee in recommending a 1-year extension.

This action by the Senate will not enhance the position and prestige of this important Government agency designed to assist the small business firms of the Nation.

As the author of the original Small Business Act of 1953, I have followed the activities of this agency very closely. The agency has been effective in carrying out the responsibility placed upon it by Congress in 1953.

The Small Business Administration serves small businesses in three general categories. The agency through its financial assistance program has allowed many deserving small firms to remain in operation and to expand. During fiscal 1957, 3,536 loans were approved to small firms. The total dollar volume of these loans amounted to $159,095,000. The total number of loan applications increased during the past fiscal year by 68 percent. This demonstrates that small firms throughout the Nation have come to have confidence in the agency and that the agency is fulfilling a real need to small business concerns who need money and cannot find it in commercial channels.

Another area in which the agency has been effective is in the field of procurement assistance. The set-aside program, the various agreements which the agency has worked out with other agencies of Government, and the hard work on the part of the personnel has helped to carry out the intent of Congress that small business shall receive a fair share of Government procurement.

Another vital need which this agency meets is that of disaster assistance. During the recent floods in Minnesota the Small Business Administration moved into the stricken area of Marshall within hours of the first flood reports and is proceeding to process disaster loans to business firms and homeowners within the community.

During fiscal 1957 the agency approved 1,597 disaster loans for a total of $12,992,000.

I maintain that this constructive record in behalf of a major segment of our economy deserves more than Senate action which would extend its life for 1 year.

In January of this year I introduced a bill which called for the permanent extension of this agency. Approximately 30 Senators joined in cosponsoring this bill. Other members from both sides of the aisle introduced bills which called for the permanent extension of the Small Business Administration.

The House of Representatives has already passed a bill to make the agency permanent. The action which is proposed here today supports my arguments in behalf of a permanent agency.

Twice in the past 3 years the Senate has taken temporary action to extend the life of the Small Business Administration. This does not encourage banks to participate in a vast lending program. The local banks in every community throughout the Nation cannot be expected to participate in making loans with an agency whose existence is constantly in doubt. The agency cannot be expected to enlist and hold efficient personnel if employees do not know from 1 year to the next if the agency will remain in existence.

The Small Busness Administration cannot be expected to carry out effective programs of procurement assistance with other Government agencies when those agencies are not dealing with a permanent agency of Government.

I shall vote for the current resolution with the hope that in the next session of the Congress the Banking and Currency Committee will take immediate action to recommend the type of legislation which the small-business men throughout the Nation and the Small Business Administration deserve.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the distinguished senior Senator from North Dakota.

Mr. LANGER. Mr. President, a short time ago Fargo, N. Dak., suffered one of the worst tornadoes ever to have been experienced in the history of our State. Several hundred houses were completely destroyed, and much damage was done to a great many others. The work of the Red Cross has been good.

The city of Fargo has, I believe, one of the outstanding mayors in the entire United States, namely Herschel Lashkowitz. Because of his great courage and devotion to duty, much rehabilitation has been done in that area.

Unfortunately, one of the greatest handicaps has been the inability of the Small Business Administration to assist in establishing new homes.

I ask unanimous consent to have printed at this point in my remarks a letter that the distinguished mayor of Fargo, Herschel Lashkowitz, wrote to me in connection with the matter; and following the letter, I ask unanimous consent to have printed a statement he prepared for the Fargo Forum, and which was published in full.

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

CITY OF FARGO, N. DAK.,
July 23, 1957.

Hon. WILLIAM LANGER,
United States Senator,
Senate Office Building,
Washington, D. C.

DEAR SENATOR LANGER: I hope that this letter finds you in better health than ever and that you are taking good care of yourself during the hot, humid Washington summer.

I hesitate to write you because I have been mindful of your many responsibilities and problems. However, I deem it imperative that you be fully apprised of the tornado disaster rehabilitation work being undertaken here in Fargo.

Several weeks ago I had the opportunity of taking two of your colleagues on a tour of the devastated area during a brief stopover here in Fargo. I have reference to Senator HENRY JACKSON and Representative MAGNUSON, of the State of Washington. I have asked them to carry the picture of the devastation to their colleagues in the Congress for two reasons: (1) The present laws are plainly inadequate to bring the measure of desired assistance to disaster victims; and (2) it is too slow and, in the meantime, many disaster victims are obliged to avail themselves of desperation measures and are subject to exploitation. Therefore, it is the considered judgment of many that the Federal disaster-relief program needs a complete reexamination as to its adequacy to meet the increasing volume of disaster work.

I am enclosing herein a copy of a statement published in the Sunday Fargo Forum on July 21, 1957, which summarizes the prevailing situation here in Fargo. I sincerely

hope that this letter together with the enclosure, can be read on the floor of the United States Senate and incorporated in the body of the CONGRESSIONAL RECORD for all of your colleagues to consider.

It occurs to me that the Congressional delegation of the State of Louisiana might well wish to join in the reexamination of the adequacy of the disaster-relief program. The personnel in charge of the administration of the Federal program are sincere and sympathetic people. However, the program is cumbersome, slow, and inadequate. I sincerely believe that the current session of Congress should review this program in its entirety before it adjourns because another section of the country might well benefit from such review.

Thanking you for your many past courtesies and hoping that this letter finds you enjoying the very best of health and with kindest personal regards, I remain

Respectfully yours,

HERSCHEL LASHKOWITZ,
Mayor.

[From the Fargo (N. Dak.) Forum of July 21, 1957]

THE MAYOR'S STATEMENT ON DISASTER FUND

(Here is a statement from Fargo Mayor Herschel Lashkowitz on the purposes of the Fargo disaster contingency fund. This statement is made in reply to a request from the Fargo Forum and is not a voluntary statement.)

"The Fargo disaster contingency fund was formally established June 23, 1957, in order to accommodate the many people and organizations that expressed a desire to contribute directly to the city of Fargo, some of whom had already made contributions.

The moneys that have been pledged or received were placed in this special earmarked fund rather than placed in the general fund.

The city of Fargo had three choices facing it on June 23: One, to place money and pledges in the general fund of the city of Fargo (which meant using them for general city purposes); two, turning these funds over to other governmental or private agencies; or, three, to establish a special earmarked fund, the proceeds of which were to be used for tornado disaster relief.

Upon my recommendation, the city commission, adopted the third choice and has persisted in holding this position.

It has been stated repeatedly that the fund will be used for tornado disaster relief work and expenses incurred in meeting the needs of the disaster which had not been previously budgeted and could not have been anticipated.

On June 23 it was difficult, if not impossible, to anticipate how extensive the needs would be arising from the disaster and what precise role the city might play in the reconstruction program. The precise roles of the Federal and State governments had not been defined at that time and no formula had been developed as to the precise roles of the various private relief organizations. It was our considered belief that the city of Fargo had a continuing responsibility which exists 365 days of the year during normal times and during times of stress and that whatever role the other governments might play or whatever position taken by the private relief or charitable organizations, the city of Fargo would still have its obligations and responsibilities to the people and would endeavor to supplement these other efforts.

Since June 23 the following facts have been established: To date there has not been one cent of either Federal or State money spent in the city of Fargo for direct assistance to the city of Fargo or its inhabitants. It is still not clear as to how much, if any, Federal or State money might be forthcoming in the future. Insofar as the role of a certain highly publicized national organization is concerned, it has been stated by their representatives that they will endeavor to restore tornado disaster victims to a predisaster status. When these representatives have been questioned as to whether or not the predisaster condition is inadequate or insufficient housing, they have answered, and correctly, that that is a community problem. Therefore, many of us have felt that some of our efforts were geared to meet this community problem of inadequate housing. Of course, some of the relief work of this national organization will inevitably improve somewhat the condition of some of these people afflicted. However, there is still a vast community problem as it relates to Golden Ridge and College 2d additions to the city of Fargo. It is the thinking of many Fargoans that we have a community responsibility in the west end of our city to see to it that safe and adequate housing be constructed, that the tornado disaster victims be not further penalized by having to live in substandard dwellings today or 2 years hence.

No one has denied to date that during the tornado disaster and the period following that the city government has had primary responsibility for the maintenance of order, safety, health, and general welfare of the community. Accordingly, the city of Fargo has been faced in the past month with the huge task of clearing the streets and public thoroughfares so that police, fire ambulance and emergency vehicles could operate and normal traffic be restored as quickly as possible. The second huge task of the city of Fargo has been to take swift emergency measures, even to the extent of going on private property, to protect the community against contamination and disease which could well have followed during the hot and humid days after the tornado as the soggy debris rotted under the hot summer sun.

As the city of Fargo met these first two challenges largely without serious criticism, many of us in the city government felt that we could be entrusted with the third responsibility of participating actively in the rebuilding of Fargo. After all, we reason that if we could act swiftly and effectively during the period of potential panic and quickly restore order, should we not undertake the grave responsibility of helping to rebuild Fargo? Or, on the other hand, should we abdicate our public responsibility and sit back and relax? Some of us felt that we must continue to exert our energies in helping in the reconstruction program.

The city of Fargo disaster contingency fund may perhaps be called upon to defray some expenses incurred to date. That remains to be seen, and such decision will be made at meetings of the Fargo city commission in full public view. However, some of us feel, myself included, that this Fargo disaster contingency fund might well be used to supplement such assistance as has been rendered to the tornado disaster victims by the governmenal or private relief organizations in the field to enable these victims to build homes consistent with human needs.

In view of the fact that a tight money condition prevails and that it is difficult, if not impossible, for many of the impoverished tornado disaster victims to borrow money at local lending institutions, it has been the thinking of some of us in the city government that the city of Fargo itself might place such credit at the disposal of these people at cost and without profit to the city. The reasoning behind this is that those who have contributed to this fund had primarily in mind the impoverished tornado disaster victims and, secondly, it is the position of some of us in the city government that we have a moral responsibility to the entire city of Fargo, which includes the Golden Ridge and College 2d additions to the city of Fargo, to help reestablish any inhabitant who has suffered by virtue of the tornado.

We have waited for 30 days for Federal and State government and the local lending institutions to make this credit available. The builders, craftsmen, and tornado victims have been as patient as possible. It is not likely that as generous credit as we had hoped for might be available, so we have a continuing community responsibility which increases daily as public apathy and indifference to the plight of these people increase. Now, of course, there will be those who might challenge our position. However, the broad emergency police powers vested in the Government to protect its inhabitants justify our actions legally.

As stated right along, we welcome any and all agencies who wish to help and we have done our best to cooperate. At no time have we ever publicly criticized any other agency or individual, no matter how harsh and sometimes unjust their criticisms have been of us. We shall adhere to this policy of doing what we think is right.

In summary, the city's responsibilities have been to maintain and restore order, to protect private property, to prevent disease and contamination, and to assist wherever possible in making credit available on the most generous terms so that private reconstruction work might be undertaken, which includes the building of homes. In regard to the building of homes, we have tried to exert every moral persuasion upon private lending institutions and Government to make this credit available. If we do not succeed in this endeavor, then there is still the continuing responsibility as far as the city is concerned in assisting in making this credit available.

Lastly, there is the responsibility of the city to develop a utilities program for the devastated area, which includes hard-surfaced streets, sidewalks, curb, and gutter, and other sanitary facilities on as equitable and fair a basis as possible. This is a continuing obligation of the city to its inhabitants and in view of the fact that the city of Fargo, as a matter of policy, had begun to plan for an urban renewal program in the devasted area prior to the tornado, there is an even greater moral responsibility on the part of the city of Fargo to carry to a successful conclusion these plans.

Mr. LANGER. Mr. President, I agree with what Mayor Lashkowitz said about neither Federal or State agencies have made any loans. I have contacted the representatives of the Small Business Administration, asking for an explanation of the situation. There may be something wrong with the law. I am making an investigation, and I am sure I will have cooperation.

I wanted the RECORD to show that up to the present time, although the disaster occurred almost 2 months ago, not a single loan has meen made, I have been told.

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

Mr. LANGER. I yield.

Mr. SPARKMAN. Since the distinguished Senator from North Dakota spoke to me a few minutes ago with reference to the paucity and even the lack of loans being made in North Dakota, I have called the Small Business Committee, and within a few minutes I expect the place in the Senator's hands a complete list of the loans made by the Small Business Administration. When the Senator receives the information, he may wish to check it to see if it truly portrays the situation.

Mr. LANGER. I thank the distinguished Senator from Alabama.

Mr. SPARKMAN subsequently said: Mr. President, when the bill to amend and extend the Small Business Act of 1953, as amended, was under consideration, the Senator from North Dakota [Mr. LANGER] raised some question about loans in North Dakota, and I promised to obtain some information on that subject.

I now have the information, and wish to read it into the RECORD and have it printed in the RECORD in connection with the debate on Senate bill 2504. I ask unanimous consent for that purpose, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I am informed that 24 applications for disaster loans have been received by the Small Business Administration from Fargo, N. Dak. I am informed that 18 of them have been approved; that in the case of two applications, more information is being prepared; that in the case of two other applications, new homes on a better scale than the old ones are being considered; that in the case of two other applications, it has been found that loans can probably be obtained privately. I am informed that all six of these are still pending.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, before the Senate votes on the bill, I should like to speak for a few minutes concerning the situation with respect to the Small Business Administration. Together with many other Senators, I sponsored proposed legislation to make the Small Business Administration a permanent agency. I have also sponsored proposed legislation to make the Special Committee on Small Business a regular and permanent committee of the Senate.

It has been my pleasure to work very closely with the Small Business Administration in my State of Colorado, and also, in some cases, in adjoining States.

On numerous occasions this spring I have taken the floor to compliment Mr. Harold Smethills, the Director of the Small Business Administration at Denver, who has done outstanding work in administering the agency in that area.

I wish the Senator from Oregon had not left the floor, because I should like to have him, particularly, hear these remarks.

I know there are inadequacies in the Small Business Administration. But I say to the Senator from Oregon and to my other colleagues that if there are inadequacies in the Small Business Administration, many of them can be charged to the failure of Congress to give the Small Business Administration the authority which it needs to cope with its work.

As an attorney I took part in the handling of many of these loans for clients, long before I ever came to the Senate. I have also seen many of those transactions since I have come to the Senate.

I know the limitations which are placed upon the employees of the SBA in an attempt to do a big job with very crippling limitations.

Let me suggest one proposal. One of the fine things which I think was done in the 1930's was the creation of the Federal Deposit Insurance Corporation. But when we placed the Government in the field of inspection of national banks, we also placed upon the bankers—and I am thinking in terms of small bankers; I am not thinking of the big-city bankers—many limitations with respect to their lending power. The small bankers do not have great freedom. They cannot always do business with a man whom they believe to be honest and deal with him forever, because the inspectors come along and say, "My friend, you must get rid of this paper." So it is necessary to take the disadvantages with the advantages.

The benefits of the FDIC are great, but also they have cut down the opportunities of the small banker to make loans to business people, especially small-business people who very often need them.

It is time to place the Small Business Administration upon a permanent basis. I say, moreover, that it is time to rewrite some of the fundamental powers which the Small Business Administration has, so that it can act with greater freedom and with not so many crippling restrictions with respect to its activities with the banks, as is now the case. It is almost impossible now for a small-business man to get financing; yet I believe this is the agency and this is the means by which we should go about helping the small-business people to get financial aid and backing.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I support the bill to extend the life of the Small Business Administration. I am glad we are not trying to give it permanent life at this time, because I believe Congress has grossly underestimated the giant task of extending proper financing to the small-business community. We need more time to perfect permanent legislation. The capitalization of the Small Business Administration in the past has not been in sufficient amount, and it has not had adequate personnel with which to operate in a manner which would be of the greatest benefit to small business.

I think the failures—and there have been many in the field of Small Business Administration—to meet the needs within a reasonable time limit within which the needed financing must be extended to small business, before rigor mortis sets in, have been partly due to the administration of the act, and that the primary responsibility rests upon it.

At the time the Reconstruction Finance Corporation was killed deliberately by Congress, it had an adequate capitalization to make small-business loans. The RFC had a fine record of successful operation in that field.

The demise of the Reconstruction Finance Corporation greatly reduced, almost to an infinitesimal amount, the funds which had been available to the Small Business Administration for lending.

The bill before the Senate today authorizes $75 million more in lending authority. I call attention to the fact that scarcely a day goes by on the stock market when more than $75 million in debentures are not floated by our great corporations.

Yet this amount must serve for a year for all the small-business community. We offer only this meager amount to an element of American business which cannot hope to find adequate financing in the regular financial channels.

Mr. President, earlier I stated that the delay in approving loans is most disheartening to small-business men, who find it necessary to go from office to office and to have their applications for loans considered and reconsidered, transferred to the Washington office, and finally transferred back to the regional office, and so forth. So, Mr. President, I hope a definite change will be made in respect to that situation.

In the meantime, Mr. President, I join wholeheartedly in supporting the bill and urging its passage. It is an absolute necessity to act now so that at least some source of loans may be available.

The PRESIDING OFFICER. The time yielded to the Senator from Oklahoma has expired.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the junior Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I am a new member of the Select Committee on Small Business. However, the problems relating to small business are ones with which I have concerned myself during my service in both bodies of the Congress.

Of course, the State of New York, as the greatest business community in the United States, especially in terms of small business, probably has more small business than is to be found in any other State of the United States.

Mr. President, I believe in a permanent Small Business Administration, although I understand and respect the reasons why there is to be only a 1-year extension at this time; and indeed I am grateful to the majority leader, the minority leader, and the Senator from Pennsylvania [Mr. CLARK], who is the floor leader in connection with this particular measure.

Mr. President, I am grateful for the following reasons: First of all, I do not think the problems of small business are primarily small. I believe that the Senator from Oklahoma is aware of that. Obviously the amount of loans granted to small business is small, when compared to the size of small business. All of us also realize that if there were a great outcry, Congress would provide the Small Business Administration with more funds, to enable it to make more loans. However, the fact that the amount of loans made thus far is small, demonstrates that loans do not constitute the key to the problem. The key to the problem is to be found, first, in

the provision of technical assistance in respect to warehousing, manufacturing research, and related problems. In those respects, small business needs to obtain some of the benefits had by big business and needs to be able to make plans similar to those made by big business. Second, and very important, Mr. President, small business needs to have consideration given in regard to enforcement of the antitrust laws. It is obvious that the same antitrust laws that are applied to big business cannot properly be applied to small business, inasmuch as it is desirable to have combinations of small businesses in many instances, whereas combinations of big business units threaten the American economic system.

So a permanent Small Business Administration would be helpful and useful: first, in the case of engineering and technical assistance on a cooperative basis; and, second, in the case of modification of enforcement of the antitrust laws, so as to serve the needs of small businesses, instead of having those laws enforced in ways opposed to their legitimate interests.

Mr. President, I hope the Select Committee on Small Business and the other Senate committees involved will apply themselves to these matters, in the interest of the small business community.

The PRESIDING OFFICER. The time yielded to the Senator from New York has expired.

Mr. JAVITS. Mr. President, I thank the Senator from California for yielding me this time.

Mr. CLARK. Mr. President, I yield 3 minutes to the Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I want to urge the Senate to take immediate action on S. 2504 to extend the Small Business Act of 1953, as amended, for 1 year, and to increase the agency's lending authority by $75 million.

In my opinion, the record which has been established by the Small Business Administration since its inception in August 1953 is more than sufficient justification for the passage of S. 2504.

Since the Small Business Administration started actual operations in February 1954 it has approved 7,096 business loans in the total amount of $324,785,615. When the life of the agency expired at midnight on July 31, through failure of the Senate to act to extend it, 700 applications for business loans were pending. The aggregate amount of loans sought in these applications was $46 million.

In a period of tight credit, such as the United States is undergoing at the present time, I consider it of utmost importance that small business in the Nation be able to receive the assistance of the Small Business Administration.

Another phase of the agency's operations of which I most heartily approve is that of providing disaster loans to applicants from areas where disaster has struck. During the past 6 months approximately 120 counties in 20 States have been declared disaster areas. Applications for disaster loans totaling $2,034,000 were pending when the agency was forced to cease operations. From its beginning in 1953 through June 30, 1957, 6,149 disaster loans were made to businesses and homeowners who suffered damage as a result of hurricanes, tornadoes, or floods. These loans amounted to a total of $66,008,513.

The Small Business Administration has been charged with the responsibility of issuing certificates of competency to small businesses, to make them eligible for certain Government contracts. When the agency was forced to stop operations, 8 applications were pending for certificates of competency, involving contracts of more than $250,000. Unless the certificates can be issued soon, these contracts will be lost by the small-business concerns involved.

The PRESIDING OFFICER. The time yielded to the Senator from South Carolina has expired.

Mr. KNOWLAND. Mr. President, I yield an additional 2 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for an additional 2 minutes.

Mr. THURMOND. I thank the Senator from California.

Mr. President, the small-business man and the small farmer comprise the backbone of trade in this country. I hope the Senate will take prompt action to restore the Small Business Administration, so that the small-business man, in his sometimes desperate plight, will not be left without a helping hand in the event he needs it.

S. 2504 should be enacted at once.

Mr. CLARK. Mr. President, I yield 3 minutes to the Senator from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. HUMPHREY. Mr. President, I rise to join the Senator from Pennsylvania [Mr. CLARK] and other Senators in support of extension of the life of the Small Business Administration. I regret that the extension is to be for only 1 year.

Personally, I believe that the Small Business Administration should be a permanent agency, and should be authorized by legislation of a permanent character.

I also believe the Select Committee on Small Business should be a permanent standing committee of the Senate.

Mr. President, this agency has its shortcomings, as do others; but in the main it has done a good job. I believe it has been of great help to many independent business establishments. I am confident that it has been of considerable help to independent small businesses that have been involved in Government contracts for the defense agencies.

Mr. President, some of the problems relating to small business are beyond the scope of the agency; for example, tax problems.

The Senator from Alabama [Mr. SPARKMAN] introduced, and brought up for consideration, bills relating to tax adjustments which would be helpful to small, independent business enterprises, for instance, in the case of tax schedules which would permit them to have reserves for expansion.

I believe passage of the pending bill is important, and I believe it must be passed. I commend the Senator from Alabama [Mr. SPARKMAN] and the Senator from Arkansas [Mr. FULBRIGHT] for their efforts. It has been my privilege to associate myself with them in those efforts.

Also, Mr. President, I must say that the interest policy and the tight credit policy and the high interest rates of the administration have made matters exceedingly difficult for independent small businesses. These problems cannot be handled by the Small Business Administration by itself. It has tried to alleviate some of the impact of the problems, by engaging in what we call participating loans with the banks. I wish to say that it is fitting and proper for a Government agency to work with the established institutions. We do not want a Government agency that attempts to take all the responsibilities; instead, we want it to cooperate with the established private credit facilities.

Finally, Mr. President, let me say the Small Business Administration has been a tower of strength in terms of disaster relief. In my own State of Minnesota, we are grateful for the effective and active service of the Small Business Administration in offering disaster relief to those who have been the victims of floods.

So the Small Business Administration has done a creditable job; and I rise today to thank the Small Business Administration, in behalf of the people of my State.

I hope the pending bill will be promptly passed and enacted into law. I hope that the next time the Senate deals with this subject, it may have the benefit of a recommendation from the Banking and Currency Committee to make the Small Business Administration a permanent agency.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Texas [Mr. YARBOROUGH].

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. YARBOROUGH. Mr. President, I desire to associate myself with the remarks made by the distinguished Senator from Pennsylvania [Mr. CLARK] and by the senior Senator and the junior Senator from Minnesota [Mr. THYE and Mr. HUMPHREY].

In my part of the country, in the Southwest, there are three reasons why we need an extension of the Small Business Administration. They are basic reasons for the need of this lending power. In addition to other factors, let me mention these three credit factors in respect to the financing of certain types of loans, for which bank credit is not available under existing laws.

In recent years we have had 7 years of drought in the Southwest, followed by 70 days of flood. Conditions caused by these disasters have been worsened by the hard-money, high-interest rate policy. In recent months those two adverse business factors have had a third

added to them, that of large importations of foreign oil, to bring about declining prosperity over the whole Southwest area.

The drought which lasted so long was not limited to one State, but its disastrous proportions extended over a great area in other States, embracing over 600,000 square miles in the Midwest and Southwest, more than twice the area of my home State. In those areas the farms and ranches were unproductive of money returns during the drought except in the limited irrigated areas. The depression extends not only to the farming and ranching industries, but to suppliers and to banks and businesses in that entire area.

The distinguished Senator from Minnesota has aptly described the small-business man as representative of Main Street, U. S. A. If his business was just in one county, one community, one State, he faced ruin, whereas a nationwide chain extending credit in one drought-ridden State could make up losses in the other 47 States. The effect was liquidation of the small-business man.

In my opinion, the small-business men, along with the family-type farmers, constitute the economic yeomen of our free-enterprise system.

I have heard a lot of criticism of slowness of loans by the Small Business Administration. I am not prepared to join in that criticism. I do not think there is enough money for the small loans needed. I think it is better to consider all loans, even though there is not enough money to make all, and even though some delay is caused. After all, hope of a loan has saved some businesses. The mere fact that there was an agency, even with a small amount of money, that could make loans, and gave hope has helped pull many businesses through for 2 or 3 months. That has meant survival for many small-business men, even before they get loans, or if they failed to get loans.

I think the Small Business Administration is one of the most important agencies of our Government. I think it is imperative that the power to grant loans be extended. We are hopeful that many of the conditions that have brought about the necessity for the existence of the SBA may terminate, and that the hard money, high interest rate policy may end. However, we see no termination of that policy in sight. The Small Business Agency is the hope of many businesses that may never have to secure loans there. It is a place of refuge for the small-business men.

This Agency in my State has made, as the Senator from Minnesota said was true in his State, many disaster loans, and has made them far more promptly than normal business loans would be made. Termination of the lending power of the Agency in disaster areas, particularly in the flood areas, would be disastrous.

I want to commend the Senate Select Committee on Small Business for the fine work it has done. I feel that the life of that committee should be extended. I hope the Small Business Administration is given more money than the $75 million this temporary law gives it. It is my hope that it will be made a permanent agency of our Government, although the bill presently before the Senate provides only an extension of the Agency for 1 year. The Small Business Administration needs more money, and more liberalized lending terms.

I want to commend the committee and those who worked on the bill for doing a very important piece of work.

Mr. KNOWLAND. Mr. President, I yield 3 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the authorization for the operation of the Small Business Administration expired at midnight on July 31, which means that all small business loans and disaster loans have come to an abrupt halt. I am pleased that the Senate has given unanimous consent to have this important proposed legislation considered. The bill now under consideration simply increases small business loan authorization by $75 million and extends the act to July 31, 1958. This increase in authorization will not completely solve the problem of tight money for the small-business man, but it is a step in the right direction. I favor making this Agency permanent; however, the 1-year extension provided in S. 2504 will restore life to the Small Business Administration and give us a chance to go into needed changes more thoroughly next session.

Small businesses throughout the Nation are struggling to meet competition on a sound and profitable basis, and their need for guidance and loans provided through the Small Business Administration is more pressing today than ever before. I understand that there were over 700 loan applications pending before this Agency when the authorization expired Wednesday night. These loans are especially pressing in areas that have suffered recent disaster.

Mr. President, as of June 30, 1957, 81 small-business loans had been made in Mississippi, amounting to $4,765,000. These loans have greatly benefited the small-business man and the local economy. They have been made on a sound basis and their repayment record has been outstanding. Small business loans do not compete with private banks. In fact, banks participate in more than two-thirds of the small business loans made in the United States.

There is growing demand for Government programs to be shifted to give greater assistance to small, independent concerns. The Small Business Administration is making great progress in filling a part of this gap, and is making a real contribution in giving needed assistance to small businesses throughout the Nation.

I hope the bill will receive the full approval of the Senate as an expression of the general policy that the Agency should be continued on a sound business basis, because it is about the only agency that can fill the need when it cannot be taken care of solely by local and private financing.

I appreciate the time yielded to me, and I yield back any time I may have remaining.

Mr. CLARK. Mr. President, I yield 5 minutes to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, first I wish to pay my compliments to the distinguished Senator from Pennsylvania, who has served as chairman of the subcommittee of the Banking and Currency Committee handling small-business legislation. He held rather extensive hearings, during which many pieces of proposed legislation were considered. The hearings were most helpful, and he did an excellent job in developing the needs and exploring the programs of small business. I compliment him for it.

I wish to join him in urging that the Senate agree to the present proposed extension of the agency for 1 year. I, along with most of the other Senators who have spoken, believe there ought to be a permanent agency for the purpose of helping small business. I believe I was the first Member of the Senate who introduced proposed legislation seeking to make this Agency permanent. I have sought for several years to make it permanent, to expand its power, and to free it of some of the restrictions which are imposed on it at the present time.

I agree with the statements which have been made that we have not yet come to the point where there can be a meeting of the minds on just what needs to be done. Because of the urgency of the time factor, I think it is wise that we agree to the bill to extend the Agency for 1 year's time.

Among some of the measures the committee considered, and on which hearings were held, was a bill which I sponsored, along with some of my colleagues in the Senate, S. 2160, which sought to establish a central national bank system for making loans to small business. The objective has been approved by the Federal Reserve and by many other Government agencies, but Mr. Martin, the Chairman of the Federal Reserve Board, testifying before our committee, said he was not able to recommend details which were necessary at this time, and he thought the matter required additional study.

One reason why we did not report the bill was the desire to have time afforded for the additional study. Mr. Martin has given us fair assurance that the Federal Reserve Board will go into the matter most carefully, and will be ready to submit a report to us next spring.

The chairman of our committee, the Senator from Arkansas [Mr. FULBRIGHT], had a proposal whereby the Small Business Administration might be able to tie in its activities with the State or regional development corporations. If I recall correctly, the testimony was to the effect that today there are 15 of these corporations in different parts of the United States and that they are doing very fine work in their particular areas. There are being gradually developed many programs which lend promise in the small-business field.

We believe that perhaps with another year's time these programs may have crystallized to such a point that we will be able to suggest a very effective piece of legislation. For that reason we have felt it would be wise to extend this authority for the 1 year's time.

I should like to express my appreciation for what has been said about the Select Committee on Small Business of the Senate. The distinguished senior Senator from Minnesota [Mr. THYE] has served devotedly on the committee and was its chairman when the Senate was under Republican control. The Senator from Minnesota has been the ranking member of the committee during the time the committee has been in existence.

The Senator from Massachusetts, the junior Senator from Minnesota, the Senator from New York, and several other Senators have spoken about the work of this organization, and they, also, have been members of the committee.

The committee has worked very closely with the Small Business Administration. In some instances we criticize their operations, Mr. President. Every year we ask the Director of the Small Business Administration to come before our committee and give a full report. We cross-examine him. We criticize programs we do not like.

I will say, on behalf of Mr. Barnes, the present Administrator of the Small Business Administration, that in my opinion, he has sincerely tried to do a good job; but I think there are certain limitations within the law under which he operates which make it difficult for him to do so.

Mr. President, I hope the Senate will unanimously pass the bill to extend the Small Business Administration 1 year.

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

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the Senator from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. President, I do not want to let this opportunity pass without expressing appreciation to the members of the committee which brought in the report to extend the Small Business Administration. I should like to express again the appreciation of the people of Kansas for the work of this agency. In 1951 there was a very severe flood in the Kansas River Basin and the Missouri River Basin, one of the most damaging floods in the Nation's history. This Agency was very helpful at that time.

Since then we have had 4 years of drought. There have been some extremely difficult financial problems. This Agency has time and time again been of assistance to our businessmen and to small business generally.

I realize that the distinguished Senator from Alabama [Mr. SPARKMAN] has said there are times when we may have been critical of the Agency, but I think on the whole it has done a good job.

I also wish to pay tribute to Mr. Barnes and to the regional offices—especially the one in Kansas City, which takes care of our area. I commend them for the fine work they have done. I know our people appreciate their work greatly.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the junior Senator from Oregon [Mr. NEUBERGER].

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. NEUBERGER. I thank the Senator from California.

Mr. President, I wish to concur in what has been said by the Senator from Kansas, the Senator from Alabama, and other Senators, in support of the Small Business Administration. It is my feeling that our governmental policies do not do enough for the comparatively small industries, small merchants, and other establishments which have difficulty competing with the great financial colossi which have so dominated our business institutions in recent years.

Mr. KNOWLAND. I yield 2 minutes to the Senator from Louisiana [Mr. LONG].

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG. Mr. President, I wish to thank the majority leader and the minority leader for giving the Senate an opportunity to act on this proposed legislation. I am particularly grateful to the minority leader, for I know he is very anxious to proceed with consideration of civil-rights legislation, for which he has been fighting vigorously for many years.

It is very important that the Small Business Administration bill be passed. The Small Business Administration has now expired in accordance with the terms of the law.

I regret, Mr. President, that the extension provided is not for more than 1 year, because the Small Business Administration has much important work to do in the assistance of small business, by helping, advising and counseling those connected with the smaller concerns.

Furthermore, upon the loan program of the Small Business Administration small business across the Nation has come to depend. The banks also have come to rely heavily upon the Small Business Administration and its loans. The loans which the banks make are loans which would otherwise be inadequate in amount to serve the needs of small business, although those banks desire to assist to the greatest possible extent.

Furthermore, the Small Business Administration is needed not only for this year but for many years in the future, because the disaster-loan program of the Small Business Administration is completely indispensable. We in Louisiana have had an illustration of the need of that program as a result of Hurricane Audrey, which struck Louisiana last year. In that hurricane there was damage of more than $100 million. Vast numbers of people lost their homes. Almost all the cattle in a very broad area were killed. Many people lost all their earthly belongings, as well as their loved and cherished ones. In Cameron Parish, La., there were more than 500 deaths.

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

Mr. LONG. Mr. President, will the Senator yield me one additional minute?

The PRESIDING OFFICER. Does the Senator from California yield one additional minute to the Senator from Louisiana?

Mr. KNOWLAND. I yield one additional minute to the Senator from Louisiana.

Mr. President, the Senator from Ohio [Mr. BRICKER] will handle the time from now on.

Mr. LONG. The emergency and disaster loans made possible by the Small Business Administration have been of the utmost urgency and necessity in Louisiana, and will be needed by others throughout the Nation.

I am delighted to support this bill, and happy to have a chance to vote for it at this time.

Mr. BRICKER. Mr. President, I am prepared to yield back the remainder of the time on our side.

Mr. CLARK. Mr. President, I yield myself the 1 minute remaining of my time.

In summary, the administration of the Small Business Act is not so effective as all of us would like it to be. However, within its limitations the Small Business Administration is doing a reasonably good job.

It is important that a far better bill shall be passed by the Congress next year. This is only a stopgap measure. In order to insure that such a better bill will receive careful consideration before the limited extension of time expires, it was the thought of the committee that the extension should be limited to 1 year. I say that in response to the comments of the Senator from Louisiana [Mr. LONG].

The chairman of our committee, the Senator from Arkansas [Mr. FULBRIGHT] unfortunately cannot be present because of illness. Otherwise he would have taken an important part in the debate.

I hope the Senate will unanimously pass the pending measure, to enable the Small Business Administration to continue its operations for another year, until we can draft and pass a far better bill.

Mr. BRICKER. Mr. President, I yield 1 minute to the Senator from Minnesota [Mr. THYE].

Mr. THYE. Mr. President, I am pleased that we have reached the point where we are ready to yield back the remaining time and to act on the pending bill.

The Small Business Administration has been in existence for only 4 years, but it has already won a place in the hearts of the businessmen of the Nation. Many a banker throughout the land has informed me that the participation of his bank with the Small Business Administration has aided in establishing many young people in business, and in preventing many financial difficulties.

I hope that in the coming year we can establish this Administration as a permanent agency, because it will then be able to attract the very best employees.

When the Administration is operating on a temporary basis, there is always a question whether an able, qualified technician or expert in the financial field is willing to enter the service of this Agency, when he might well take what would be permanent employment in an agency having a permanent status.

That illustrates the importance of a permanent status for the Small Business Administration.

Mr. BRICKER. Mr. President, I yield 1 minute to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I should like to congratulate the able Senator from Ohio [Mr. BRICKER] and the able junior Senator from Pennsylvania [Mr. CLARK] for their effective presentation this morning of the bill to extend the life of the Small Business Administration. In my opinion the passage of the bill is essential to the future security and future prosperity of the United States. We cannot be a strong country unless we maintain small business in America.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. THYE].

Mr. BRICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FREAR in the chair). Without objection, it is so ordered.

THE CIVIL-RIGHTS BILL—PROPOSED AGREEMENT ON CONSIDERATION OF FURTHER AMENDMENTS.

Mr. JOHNSON of Texas. Mr. President, I send to the desk a proposed unanimous-consent agreement which is submitted on behalf of myself and the minority leader [Mr. KNOWLAND], and ask that it be read for the information of the Senate.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be read.

The legislative clerk read as follows:

Ordered, That beginning on the adoption of this order, and during the further consideration of House bill 6127, the Civil Rights Act of 1957, the offering of amendments, including amendments to amendments and modifications thereof, shall be limited to those that have been ordered to lie on the table and be printed; and debate upon any such amendment, if and when proposed, shall be limited to not exceeding 30 minutes, to be equally divided and controlled by the author of any such amendment and the minority leader, respectively.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. JOHNSON of Texas. Mr. President, I withdraw the request temporarily.

EXTENSION OF SMALL BUSINESS ADMINISTRATION

The Senate resumed the consideration of the bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

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

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

Mr. KNOWLAND. Is the pending question on agreeing to the amendment of the Senator from Minnesota [Mr. THYE]?

The PRESIDING OFFICER. That is correct.

Mr. KNOWLAND. Do I correctly understand that the amendment merely covers the period from the expiration on July 31 to the effective date of the act, so there will be no hiatus in the operations?

Mr. THYE. The understanding of the Senator from California is correct.

Mr. KNOWLAND. Mr. President, I know of no objection to the amendment.

Mr. THYE. There is no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. THYE].

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2504) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 204 (b) of the Small Business Act of 1953 is amended (1) by striking out "$455,000,000" wherever it appears and inserting in lieu thereof "$530,000,000", and (2) by striking out "$230,000,000" and inserting in lieu thereof "$305,000,000."

SEC. 2. Section 221 (a) of the Small Business Act of 1953 is amended by striking out "1957" and inserting in lieu thereof "1958."

SEC. 3. This act shall take effect as of the close of July 31, 1957.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes.

CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER. 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.

Mr. KNOWLAND. Mr. President, I call up my amendments dealing with voluntary help for the proposed Commission.

The PRESIDING OFFICER. The amendments will be stated.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Was the unanimous-consent request propounded by the Senator from Texas agreed to or not?

Mr. KNOWLAND. No, it was not agreed to. The Senate has just passed the bill amending and extending the Small Business Act of 1953, as amended.

Mr. HOLLAND. I so understand. But I did not hear what was done with respect to the proposed unanimous-consent agreement regarding amendments to House bill 6127.

Mr. KNOWLAND. The majority leader temporarily withdraw the request; and, according to my understanding, it has not been agreed to.

The PRESIDING OFFICER. That is correct.

The Senator from California has called up his amendments identified as "7-19-57-B," and they will be stated at this time.

The LEGISLATIVE CLERK. On page 6, in line 5, before the words "at such times" it is proposed to insert "and to the Congress."

On page 6, line 7, before "a final" insert "and to the Congress."

On page 6, line 13, after "(a)" insert the following:

There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of $22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director.

On page 6, lines 14 and 15, strike out "a full-time staff director and."

On page 6, beginning with line 20, strike out all through line 2, on page 7, and insert the following:

(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel.

On page 7, line 4, after the word "committees", insert "within States composed of citizens of that State."

On page 7, lines 7, 8, and 9, strike out "voluntary and uncompensated personnel whose services are accepted pursuant to subsection (b) of this section."

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I renew my request that the proposed unanimous-consent agreement be agreed to.

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

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. Mr. President, I send to the desk an amendment to the pending measure, and ask that it be printed and lie on the table.

Mr. JOHNSON of Texas. I wish to make it clear that the amendment submitted by the Senator from New York is included within the terms of the unanimous-consent agreement.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Is there objection to the unanimous-consent request of the Senator from Texas?

Mr. WATKINS. Mr. President, reserving the right to object, I should like to hear the unanimous-consent request read.

The PRESIDING OFFICER. The clerk will read the unanimous-consent request.

Mr. JOHNSON of Texas. I shall be glad to read it.

It reads as follows:

Ordered, That beginning on the adoption of this order, and during the further consideration of House bill 6127, the Civil Rights Act of 1957, the offering of amendments, including amendments to amendments, and including modifications thereof, shall be limited to those that have been ordered to lie on the table and to be printed—

That included the amendment submitted by the Senator from New York [Mr. JAVITS]—

and debate upon any such amendment, if and when proposed, shall be limited to not exceeding 30 minutes, to be equally divided, and controlled by the author of any such amendment and the minority leader, respectively.

Mr. WATKINS. Mr. President, it seems to me that a limitation as to any future amendments is unwise. We may think of one during the discussion of the subject and may wish to submit one during the debate. For that reason I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WATKINS. If it is possible to modify the unanimous-consent request along the lines I have indicated, I shall not object.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. What is the pending question?

Mr. KNOWLAND. It is on my amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from California.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the time for debate on the pending amendments be limited to 20 minutes, to be equally divided, and controlled by the author of the amendments, the Senator from California, and the majority leader, respectively.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KNOWLAND. Mr. President, I yield myself 5 minutes. The amendments are identified as 7-19-57-B. On page 6, line 5, before "at such times" it is proposed to insert "and to the Congress."

On page 6, line 7, before "a final" it is proposed to insert "and to the Congress."

The intent of the amendment is to make sure that the reports, which under the bill are to be submitted to the President of the United States, shall also be submitted to Congress.

On page 6, line 13, after "(a)" it is proposed to insert the following:

There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of $22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director.

The intent of that amendment is to make certain that the staff director will be appointed by the President after consultation with the Commission, and shall be subject to Senate confirmation.

On page 6, lines 14 and 15, it is proposed to strike out "a full-time staff director and."

That amendment would take care of the situation which would exist under the previous amendment, in that the staff director would be appointed by the President subject to confirmation by the Senate, instead of being appointed by the Commission.

On page 6, beginning with line 20, it is proposed to strike out all through line 2 on page 7, and to insert the following:

(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel.

The intent of that amendment is to make sure persons who might have a particular interest in some phase of the problem—who may be members of citizens councils or the NAACP, or similar organization—will not be employed by the Commission on a voluntary basis in connection with something that should be impartial, and that any persons employed on a voluntary basis will carry on their work on an impartial basis. That is the reason for that amendment.

On page 7, line 4, after the word "committees" it is proposed to insert "within States composed of citizens of that State."

The purpose of that language is to make certain that when the advisory committees are appointed the people who know the problems best will be selected to make up the committees. The committees will be made up of citizens of the States in which the committees are expected to function.

On page 7, lines 7, 8, and 9, it is proposed to strike out "voluntary and uncompensated personnel whose services are accepted pursuant to subsection (b) of this section."

This language will make it possible for the Commission to employ people who will not be prejudiced on one side or the other.

Mr. JOHNSON of Texas. Mr. President, under the agreement I control the time in opposition. If any Senator wishes to speak in opposition, I shall be glad to yield time to him. I believe the amendment proposed by the distinguished minority leader is an excellent one. It will be a great improvement in the bill. I hope it will be adopted unanimously. I shall yield back the remainder of my time if the Senator from California will do likewise.

Mr. KNOWLAND. I shall be glad to do so, unless a Senator wishes to speak in behalf of the amendment.

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

Mr. KNOWLAND. I yield.

Mr. RUSSELL. I, too, would like to see the amendment adopted unanimously. If the Commission is to do its job it must certainly be free from any suspicion of bias, and I think the amendment proposed by the distinguished minority leader is calculated to make the Commission responsible and will inspire general confidence in its operations.

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

Mr. JOHNSON of Texas. I yield to the Senator from Tennessee.

Mr. KEFAUVER. As Senators may know, I have an amendment pending which I expect to offer. I do not intend to cast any reflection upon the President in connection with the appointment of the Commission, but it seems to me that since the Commission is to gather facts for legislative purposes, it should be a legislative Commission. The Senator from California in offering his amendment and in requiring reports to be sent to Congress as well as to the President, recognizes at least to some extent that that is true.

I should like to make a parliamentary inquiry. Since my amendment deals with some of the subject matter which is dealt with in the amendments of the Senator from California, would it be in order to offer it at a later time, or must it be offered at this time.

The PRESIDING OFFICER. Will the Senator from Tennessee please restate his parliamentary inquiry?

Mr. KEFAUVER. The amendment I shall offer deals with a part of the same language, or with some parts of section 1, dealt with by the amendments of the Senator from California. My inquiry is whether after the adoption of the amendments of the Senator from California it will be in order, notwithstanding that fact, to offer and to secure consideration of my amendment.

The PRESIDING OFFICER. Is there a copy of the Senator's amendment at the desk?

Mr. KEFAUVER. It is designated as 7-27-57-D.

The PRESIDING OFFICER. The Chair advises the Senator from Tennessee that his amendment can be offered. Whether it is consistent or inconsistent will be a question to be determined by the Senate.

Mr. JOHNSON of Texas. Mr. President, may we have a vote on the amendments offered by the Senator from California?

The PRESIDING OFFICER. Without objection, the amendments of the Senator from California are agreed to en bloc.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the amendments of the Senator from California were agreed to.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. CASE of South Dakota. Mr. President, I call up my amendment designated "7-31-57-A" and ask that it be read.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The LEGISLATIVE CLERK. On page 12, line 7, it is proposed to strike out the word "shall" and in lieu thereof insert "may."

Mr. CASE of South Dakota. I have no objection to limiting the time.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the debate on the amendment of the Senator from South Dakota be limited to 5 minutes to each side.

Mr. CASE of South Dakota. Mr. President, it simply occurred to me that it would be better draftsmanship in this instance to use "may" instead of "shall" particularly since under the law when one asks for an injunction, the court, first of all, wants to know whether or not the applicant has exercised every affirmative administrative procedure which is provided by law.

The language of the paragraph which it is proposed to amend, as it appears on page 12, reads:

> The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

The change I propose would make the actions of the courts permissive, so that the district courts "may exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

To the extent that I have been able to confer with other Members of the Senate, particularly with those who are lawyers, it is their thought that the proposed language would be clearer, because it would not destroy the right of a court to exercise its function or to grant an injunction without regard to whether other remedies had been used; but the court would be relieved from the mandate that it must consider an injunction regardless of the fact that there might be a simpler and better way to achieve the relief desired.

Mr. JOHNSON of Texas. Mr. President, I am prepared to yield back my time.

Mr. KNOWLAND. Mr. President, there is some opposition to the amendment, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the Senator from Illinois [Mr. DIRKSEN].

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DIRKSEN. Mr. President, I wish to express some opposition to the amendment which has been submitted by the distinguished Senator from South Dakota [Mr. CASE]. He proposes that on page 12, in line 7 of the bill, the word "shall" be changed to "may," so that the language would, in effect, then confer upon the district courts permissive authority to entertain jurisdiction if they felt they wished to do so.

In my judgment that would be an amazing situation, particularly in dealing with a constitutional right. If a district judge could undertake, in such a grave circumstance, to determine for himself—after proceedings had ben instituted by the Attorney General—whether he would take jurisdiction, in my opinion that would be a most astonishing situation and, first of all, would frustrate the entire proceedings, and also would confer an amazing power upon a judge at the district court level—the power to determine whether in a constitutional issue he would or would not accept jurisdiction.

I know that the Department of Justice is vigorously opposed to this proposal; and I hope the amendment will be rejected.

Mr. RUSSELL. Mr. President, is any limitation of time in effect at present?

Mr. JOHNSON of Texas. Yes; there is a limitation of 5 minutes to a side; and I have agreed to yield to the Senator from Georgia [Mr. TALMADGE].

The PRESIDING OFFICER. The Senator from Texas has 3 minutes remaining under his control.

Mr. JOHNSON of Texas. Mr. President, I now yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I appreciate the courtesy of the Senator from Texas in yielding to me.

I should like to ask a question: If the unanimous-consent agreement proposed by the Senator from Texas is entered into, will I have an opportunity to offer amendments?

Mr. JOHNSON of Texas. The agreement has not been entered into; instead, it has been withdrawn. As a result, at the present time any Senator has a right to offer any amendment he may desire to offer.

Of course, many amendments have been offered over a period of weeks; and I thought that if an agreement could be obtained regarding a limitation to apply to the consideration of further amendments, perhaps it would be possible to speed up the action of the Senate on the bill.

However, objection was made, and at the present time there is no such agreement or limitation.

Mr. TALMADGE. I thank the Senator from Texas.

Mr. CASE of South Dakota. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota has 2 minutes remaining.

Mr. CASE of South Dakota. Mr. President, I am surprised that there is any opposition to the amendment. It does not provide that the district court shall not have jurisdiction. It merely provides that the district court shall have jurisdiction and may exercise it without regard to whether the party aggrieved has exhausted any other remedies.

I am surprised that any lawyer would object to the amendment, because the matter was brought to my attention by other lawyers, who pointed out that the normal rule of court is that other remedies must be exhausted first.

I yield now to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I rise in support of the amendment. It is fair, just, and equitable, and will assist in the administration of the bill.

The bill provides for unusual procedure; the Attorney General would be permitted to bring proceedings, regardless of whether the person concerned wished to have them brought or not. Suppose the Attorney General filed a petition, stating that 100 persons had not been permitted to vote, and suppose the court proceeded to cite the registrar. Suppose the registrar then came into court, and said to the court, "If Your Honor please, these people have not presented themselves to ask to be registered to vote." In such a case, should not the judge say that such persons should present themselves and ask to be registered, before the registrar could be cited for contempt?

This amendment will expedite the orderly administration of the bill, Mr. President.

The PRESIDING OFFICER. The time under the control of the Senator from South Dakota has expired.

Mr. JOHNSON of Texas. Mr. President, I should like to renew my request for a time limitation in regard to the consideration of amendments to the bill.

The minority leader has informed me that the Senator from Utah [Mr. WATKINS] has withdrawn his objection. So if there is a chance to have the agreement entered, I should like to have the Chair put the question again.

Mr. RUSSELL. Mr. President, I think that in all fairness I should say that I have submitted two amendments to be printed, since the original request was made.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Georgia forego those, and let me attempt to obtain consent at this time?

Mr. RUSSELL. I am willing to do so.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. RUSSELL. Mr. President, let me ask what other amendments have been offered in the interim.

The PRESIDING OFFICER. The Senator from Michigan [Mr. POTTER] has offered an amendment, and the

Senator from North Carolina [Mr. ERVIN] has offered an amendment.

Mr. RUSSELL. Have any other amendments been offered?

Mr. JAVITS. I have offered an amendment.

Mr. WATKINS. Mr. President, a parliamentary inquiry.

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

Mr. WATKINS. If the proposed order is entered, will it mean that amendments may not be proposed to the amendments which now are pending and at the desk?

The PRESIDING OFFICER. Amendments could be submitted to those which are pending, but the only amendments which could be considered would be those which are printed and lying at the desk.

Mr. WATKINS. Could those amendments be amended?

The PRESIDING OFFICER. They could be offered as amendments to other pending amendments, and they would have to be lying at the desk.

Mr. WATKINS. For instance, I have an amendment lying at the desk. If I wish to offer an amendment to it, would that be in order, under the proposed agreement?

Mr. JOHNSON of Texas. No, Mr. President; it would not. I wish to make that clear.

The PRESIDING OFFICER. Only amendments lying at the desk could be considered.

Mr. WATKINS. Yes; but would it be in order to offer amendments to them?

The PRESIDING OFFICER. They could not be amended except by language included in amendments already lying at the desk.

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

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

Mr. KNOWLAND. Is not the situation that except for the amendments which already are at the desk or the amendments which already have been printed, no other amendments could be considered, under the terms of the proposed agreement? An amendment to such an amendment could be considered, provided it was already at the desk. But once the proposed agreement has been entered into, there can be no further modifications of any amendments, other than those that are at the desk, as I understand.

Mr. WATKINS. That was my question.

Mr. KNOWLAND. I wanted the Senator from Utah to be certain of the proposed agreement, as I understand it.

Mr. WATKINS. I wish to ascertain whether it would be possible for a Senator to offer an amendment to an amendment which already is at the desk.

The PRESIDING OFFICER. If it were in language appearing in amendments already lying at the desk, it could be submitted.

Mr. WATKINS. Obviously it is probable that the language would not be the same as that of an amendment already at the desk.

The PRESIDING OFFICER. In that event such an amendment would not be in order.

Mr. WATKINS. I should like to know about that situation. If we cannot propose language different from that included in amendments already at the desk, what good is to be gained by being told that such an amendment can be amended.

The PRESIDING OFFICER. If the proposed agreement is entered into, no amendment that is——

Mr. JOHNSON of Texas. Mr. President, I withdraw the proposed unanimous-consent agreement. I was informed that the Senator from Utah had approved it.

Mr. WATKINS. I wish to find out just what it means.

Mr. JOHNSON of Texas. Mr. President, I withdraw it; and then we can discuss it further.

The PRESIDING OFFICER. All available time on the amendment of the Senator from South Dakota [Mr. CASE] has expired.

Mr. JOHNSON of Texas. Mr. President, the question is on agreeing to the amendment of the Senator from South Dakota, is it not?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the amendment of the Senator from South Dakota [Mr. CASE]. [Putting the question.]

The "ayes" seem to have it.

Mr. KNOWLAND. Mr. President, I ask for a division.

The Senate proceeded to divide.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays on this question.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. The Senator from Utah and I had a misunderstanding, and I renew my request for the unanimous-consent agreement. I understand he is agreeable to it now.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Texas?

The Chair hears none, and the agreement is entered.

The agreement, as entered, is as follows:

Ordered, That effective upon the adoption of this order, during the further consideration of H. R. 6127, the Civil Rights Act of 1957, the offering of amendments, including amendments to amendments or modification thereof, shall be limited to those that have been heretofore ordered to lie on the table and to be printed, and debate on any such amendment if and when proposed shall be limited to not exceeding 30 minutes, to be equally divided and controlled by the author of any such amendment and the minority leader, respectively.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from South Dakota [Mr. CASE].

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays on the question.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Arkansas [Mr. FULBRIGHT] is absent because of illness.

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

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MURRAY], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Indiana [Mr. CAPEHART] If present and voting, the Senator from Arkansas would vote "yea," and the Senator from Indiana would vote "nay."

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MURRAY], and the Senator from West Virginia [Mr. NEELY] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Maryland [Mr. BEALL] and the Senator from Utah [Mr. BENNETT] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

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

The Senator from Connecticut [Mr. BUSH], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Connecticut [Mr. BUSH], the Senator from Pennsylvania [Mr. MARTIN], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "nay."

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from Indiana would vote "nay," and the Senator from Arkansas would vote "yea."

The result was announced—yeas 34, nays 47, not voting 14, as follows:

YEAS—34

Anderson	Hill	Robertson
Bible	Holland	Russell
Byrd	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S. C.	Smathers
Chavez	Kerr	Sparkman
Eastland	Long	Stennis
Ellender	Malone	Talmadge
Ervin	Mansfield	Thurmond
Frear	McClellan	Yarborough
Gore	Monroney	Young
Green	Mundt	
Hayden	O'Mahoney	

NAYS—47

Aiken	Bricker	Carroll
Allott	Butler	Case, N. J.
Barrett	Carlson	Church

Clark	Javits	Pastore
Cooper	Jenner	Potter
Cotton	Kefauver	Purtell
Curtis	Knowland	Revercomb
Dirksen	Kuchel	Saltonstall
Douglas	Langer	Smith, Maine
Dworshak	Lausche	Smith, N. J.
Flanders	Magnuson	Symington
Goldwater	Martin, Iowa	Thye
Hickenlooper	McNamara	Watkins
Hruska	Morse	Wiley
Ives	Morton	Williams
Jackson	Neuberger	

NOT VOTING—14

Beall	Fulbright	Murray
Bennett	Hennings	Neely
Bridges	Humphrey	Payne
Bush	Kennedy	Schoeppel
Capehart	Martin, Pa.	

So the amendment of Mr. CASE of South Dakota was rejected.

Mr. SALTONSTALL. Mr. President, I move that the vote by which the Case amendment was rejected be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California, to lay on the table the motion of the Senator from Massachusetts to reconsider the vote by which the Case amendment was rejected.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ERVIN. Mr. President, on behalf of the senior Senator from South Carolina [Mr. JOHNSTON] and myself, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 12, line 23, change the period and quotation marks at the end of subsection (e) to a comma, and add thereafter the following: "who shall receive reasonable fees for their services to be fixed by the court and paid out of any unexpended appropriations available to the Department of Justice."

The PRESIDING OFFICER. How much time does the Senator wish?

Mr. ERVIN. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 minutes.

Mr. ERVIN. This amendment would merely complete the last sentence on page 12, so as to read as follows, if amended:

If such person—

That is, the person charged with contempt of court—

shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel, who shall receive reasonable fees for their services to be fixed by the court and paid out of any unexpended appropriations available to the Department of Justice.

In my State election officials receive a total compensation, on the average, of about $80 every other year, that is, during election years. Some of these officials may be cited for contempt of court merely because they disagree with the Government as to whether certain citizens possess the qualifications prescribed for electors of the most numerous branch of the State legislature.

It seems to me that we ought not to array all the legal and financial might of the United States against local officials who are performing essential governmental services at the local level, out of a sense of public duty, and who receive virtually no compensation for their services, without insuring that such officials as may be indigent have adequate means of defense.

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

Mr. ERVIN. I yield.

Mr. DIRKSEN. What is the custom in the Senator's State when it becomes necessary for the court to assign counsel. Are counsel reimbursed?

Mr. ERVIN. So far as North Carolina is concerned, the only instance in which there is authority of law for reimbursement is when counsel are appointed by the court to defend persons in capital cases.

Mr. DIRKSEN. But in a case comparable to what we have in mind, there would be no reimbursement if counsel were assigned, and there would be no fund from which counsel could be paid.

Mr. ERVIN. That is a fact. But the fact that under the law of a State an injustice would be done in a similar case should not justify us, as national legislators, in doing an injustice on a national level.

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

Mr. ERVIN. I yield.

Mr. KNOWLAND. I feel somewhat at a disadvantage in confronting the able Senator, with his long judicial and legal background, but my impression is that in my own State when a person cannot afford counsel the court assigns counsel. Such counsel are not compensated.

Mr. ERVIN. The Senator may be correct as to California. I do not know. At any rate, it seems to me that fundamental justice would require that when the financial and legal might of the United States is arrayed against a poor little local official whose total compensation does not exceed more than a few dollars a year, such official ought to have his counsel compensated by the Government in case he is financially unable to pay them. I have always stood for that principle in my State. I have not succeeded in having my views enacted into law there, but I think that is a just principle, and it should be adopted.

Mr. KNOWLAND. It seems to me that there is already an adequate provision in the bill which is now before the Senate. It reads as follows:

If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel.

It seems to me that we might very well operate under that provision. This amendment comes in rather late. It has not even been printed. It covers one subject which the proposed commission might very well examine. If an injustice is being done, or if it is found that voluntary counsel cannot be provided, and it is desirable to make an appropriation of public funds for that purpose, I think that is something to which the Congress would wish to give its attention. But I respectfully say to the Senator that under the circumstances we do not know what would be involved in the way of appropriations. We do not know how the situation would develop.

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

Mr. KNOWLAND. I yield myself 1 more minute.

Mr. President, it seems to me that it might be more advisable to stand on the bill as it is now written.

Mr. ERVIN. There is a difference between a contempt proceeding under this bill and an ordinary case. In the great majority of instances the defendants in contempt proceedings under this bill will be local officials who perform essential governmental services at the local level, for little or no compensation. I think they fall in a somewhat different class from an ordinary case.

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

Mr. KNOWLAND. Mr. President, I yield myself 2 additional minutes.

If these people are largely local officials, is there not some responsibility on the part of the local government, which has denied the right to vote, and whose policies the official is carrying out, to see that counsel is provided?

Mr. ERVIN. I should say that the duty rests upon us, as Federal legislators, to see that means are provided for accomplishing justice, rather than depending upon the States, for which we are not legislators.

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

Mr. ERVIN. I yield.

Mr. PASTORE. Is not the provision for counsel in part IV applicable only in cases in which an order has been issued, and the order has been violated, and the individual is brought before the court for contempt?

Mr. ERVIN. That is correct.

Mr. PASTORE. In other words, we are talking about people who stand before the court because they have violated an order of the court.

Mr. ERVIN. Not because they have violated an order of the court, but because they have been charged with violation of the order.

Mr. PASTORE. That is correct.

Mr. ERVIN. They may be innocent.

Mr. PASTORE. That is correct. They are before the court because the Attorney General has filed a petition calling upon them to show cause why they should not be held in contempt of court. The petition has been granted by the court.

Mr. ERVIN. That is correct.

Mr. PASTORE. The individual comes before the court, which will pass sentence, or cause the individual to be incarcerated until such time as he shall purge himself.

Mr. ERVIN. The Senator is correct.

Mr. PASTORE. As I understand, if an individual does not have means of his own, he will be supplied with counsel, and counsel will be paid out of funds of the United States. I cannot understand what is bothering the Senator from North Carolina.

Mr. ERVIN. The problem is this: This proposal was voted on in the House, but the House struck from the amendment the provision that counsel shall be furnished at Government expense. I am merely offering an amendment to provide that counsel appointed by the court shall receive reasonable fees to be fixed by the court and paid by the Government in the case of indigent respondents.

Mr. PASTORE. It is my understanding——

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

Mr. PASTORE. May I have 1 additional minute?

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Rhode Island.

Mr. PASTORE. I have gone over to the opposition, but I may still vote the other way. [Laughter.] What I am trying to find out is what the question is all about. Apparently the Senator is fearful of the fact that the provision is not clear as to who is to pay the bill. Is that correct?

Mr. ERVIN. Yes; because the House struck out the part of the amendment providing that the Government shall pay the bill.

Mr. PASTORE. All the amendment does is to make clear that if the court assigns counsel because a respondent cannot afford to engage counsel, the United States Government will pay the fee. Is that correct?

Mr. ERVIN. The Senator is correct.

Mr. PASTORE. I shall vote for the amendment.

Mr. JOHNSON of Texas. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KNOWLAND. Mr. President, I yield 3 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I believe we ought to take into consideration the present law relating to the ability of the Federal courts, under authority granted by Congress and with moneys appropriated by Congress, to pay for counsel appointed for indigent persons. It is my understanding that no such authority now exists, and no such fees are paid. At least so far as the United States district court located in Cleveland is concerned, I know that when counsel is appointed to represent a defendant who is not financially able to engage counsel, counsel's services are uncompensated so far as the United States Government is concerned. I do not believe that in connection with this subject we ought to be creating a new law and a new precedent. If this matter is to be handled differently in connection with civil-rights cases, I believe it ought to be taken up at a time when the whole subject can be explored and properly disposed of.

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

Mr. LAUSCHE. I yield.

Mr. ROBERTSON. Is it not a fact that as of now an individual who complains of a civil right being violated by another individual does not have his counsel fee paid by the Government; whereas under the proposed amendment the fee would be paid? Why should we have one law for one person and another law for another person?

Mr. LAUSCHE. I am not sure that I follow the Senator's question.

Mr. ROBERTSON. The question is this. We have no such law now. The proposed law would give an individual the right to go to the Attorney General and say, "You pay my counsel fees," and have the Attorney General say, "All right, I will do it."

Then the Attorney General hauls the registrar into court and he says to him, "If you cannot pay for counsel, the law says we will assign one to you and the Government will pay your counsel fee too." All we are doing is adding what the House struck out, and providing that the Government will pay for counsel on both sides.

Mr. LAUSCHE. I do not think the parallel is proper. The Federal Government indicts a person. An indictment may be procured through the request of the citizen who has been wronged. The Federal Government——

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

Mr. LAUSCHE. Mr. President, may I have 2 additional minutes?

Mr. KNOWLAND. I yield 2 additional minutes to the Senator from Ohio.

Mr. LAUSCHE. When a defendant is brought into court, he must hire his own counsel. If counsel is appointed in a Federal court, he is not paid, under present law.

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

Mr. LAUSCHE. I wish someone would challenge me on the statement I have made.

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

Mr. LAUSCHE. I yield.

Mr. ANDERSON. I wonder if this is not true. If a man is charged with murder and he does not have counsel and cannot afford one, the court assigns an attorney to him. That attorney is not paid by the court. Why should an attorney be paid in this situation? Why do we not survey the whole subject before we take action on it?

Mr. LAUSCHE. In our State courts, assigned counsel is paid; but the Federal Government has not adopted that policy, and I do not believe we should adopt it in connection with this highly disputed subject.

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

Mr. LAUSCHE. I yield.

Mr. PASTORE. It is absolutely correct to say that the statement made by the distinguished Senator from Ohio cannot be challenged. The situation today in connection with a criminal case in a Federal court, when the court appoints an attorney to represent an indigent defendant, is that the attorney is an officer of the court, and he serves as a favor to the court in that particular case, and he is not compensated for his services.

In this case, however, I submit that we have an entirely different situation. This is a new law. This is a procedure which is quite unorthodox. An indigent respondent who cannot afford an attorney should at least be given his choice as to whom he will hire as an attorney. He should not be limited to someone the court might appoint for him. We are concerned with an extraordinary procedure. We should permit a respondent in this case to say to the court, "Your Honor, I should like to have Mr. LAUSCHE represent me, if he will." The court would say, "Very well, Mr. LAUSCHE may represent you and be reasonably paid for his services." In other words, we should not leave the choice completely to the court, but we should give the defendant a reasonable opportunity to make his own choice, because we are providing in the bill that "competent counsel" shall be appointed. The respondent, therefore, ought to have some opportunity to decide competency for himself.

Mr. LAUSCHE. I believe I still have the floor. The philosophy expressed by the Senator from Rhode Island is beautiful——

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

Mr. LAUSCHE. Mr. President, may I have 1 more minute?

Mr. KNOWLAND. I yield 1 more minute to the Senator from Ohio.

Mr. LAUSCHE. The philosophy expressed by the distinguished Senator from Rhode Island is beautiful, but it is completely novel. It has never been practiced. I do not believe that in connection with this subject we ought to undertake to establish that kind of precedent.

Mr. KNOWLAND. Mr. President, I yield 3 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, the Senator from Rhode Island and the Senator from Ohio have stated the law as I understand it to be with respect to the Federal courts. We recently had a situation in Colorado where a group of attorneys served for some indigent defendants and probably gave them services which would have a reasonable value of $50,000.

What the amendment would do would be to give a preference in these cases. If we had to define a new crime with relation, for example, to the handling of uranium, a justification might be sought to be made by reason of what we would have done in this case. It seems to me that the logical thing to do is to go into this whole area and study it. If we are going to pay counsel, then counsel should be paid whenever they are appointed by the Federal courts. I should like to call to the attention of the Senator from Rhode Island that there is language in the bill which provides "as he may desire." In other words, the defendant himself has the essential right of selection. The Senator from Rhode Island is a very eminent lawyer. I know, and I am sure he knows, that it is considered a part of an attorney's duties to serve as defense counsel for indigent defendants when appointed by the Federal court.

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

Mr. ALLOTT. I am happy to yield.

Mr. PASTORE. While it may be a part of the attorney's duty to comply with the request at the invitation of the court, it would not be unethical or contrary to the canons of law for the attorney to refuse to so serve. There is no compulsion.

Mr. ALLOTT. Let me say——

Mr. PASTORE. May I finish my statement?

Mr. ALLOTT. I have the floor. I am glad to yield for a question.

Mr. PASTORE. The Senator mentioned me, and I should like to state my position.

Mr. ALLOTT. The Senator can do it on his own time. I will answer questions. I say if we do it in this case, we will have to do it in other cases also, and there are thousands of cases in Federal courts in which attorneys are assigned to serve without pay.

Mr. ERVIN. Mr. President, I believe I have 9 minutes remaining. I yield 2 minutes to the Senator from Rhode Island, 2 minutes to the Senator from Florida, and the remaining 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The Senator from Rhode Island is recognized for 2 minutes. The Senator will suspend until the Senate is in order. The time will not be taken out of the Senator's 2 minutes. The Senate will be in order.

Mr. PASTORE. I have a very strong conviction about civil rights. I think every Member of the Senate knows it. We are not now talking about civil rights. We are talking about a novel situation under what will be a very novel law, and we have to admit that it will be a novel law. At present we are under a different law. Now we are proposing to have the full power, prestige, and influence of the United States Government, through the Attorney General, in an equity case reach a respondent. With that I absolutely agree.

I only say, therefore, that if a respondent under this proposed law is entitled to counsel, he ought to have a right to make a choice, if he has no money with which to hire counsel. Once he has made his choice, he should feel that the person who is serving him is being paid for his services, and that he is not acting as an accommodation or as a favor to the court who will pass upon his sentence for contempt.

I think this is a novel situation. It is worthy of exception. I realize it is an exception. I do not think it will get us into any trouble at all, but it will make the bill very understandable and will make it fair.

Mr. HOLLAND. Mr. President, I first call attention to something that has not yet been mentioned, namely, that this amendment applies not only to defense for criminal contempt, but also to defense for civil contempt, because it applies to every person brought before the court under a charge of contempt of any kind who is financially unable to provide counsel.

One comment, and then I shall sit down. If the proponents of the proposed legislation want to force defendants, whether they are guilty or not, and whether they have any connection or not with groups who are trying to obstruct greater participation in voting—to force such persons into the arms of such obstructive groups the best way to do it is to force them to avail themselves of counsel from those sources.

If the court is going to appoint counsel—as this section of the bill requires—it seems to me we must provide that the court shall go further and compensate counsel reasonably.

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

Mr. HOLLAND. I yield.

Mr. ROBERTSON. Is it not true that in the hearings it was disclosed that up to the time Attorney General Clark retired from that office—we never could get statistics beyond that time—there was one year in which the NAACP made 14,000 complaints. All of them had to be investigated and only 12 were found in which it was necessary to start prosecutions. If that has happened in the past, how many thousands of innocent persons might be brought into court after this bill is passed?

Mr. KNOWLAND. Mr. President, I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I should like to ask a question of the minority leader. As I understand the explanation of the amendment, a defendant will be given a right to choose his own counsel. What would prevent a lawyer from developing a shyster practice on that basis, so that more than one defendant—in fact, a great many defendants—would go to the same lawyer, who would be engaged in developing this type of practice? Can the Senator answer that question?

Mr. KNOWLAND. I think that could be done. Theoretically, the case mentioned by the Senator from Montana could happen. Whether it would be done, neither of us know. But certainly it is a possibility.

Mr. MANSFIELD. In other words, a type of ambulance-chasing practice could be developed, particularly in a case of this kind.

Mr. KNOWLAND. Yes; and with full knowledge that he would be compensated, an attorney could develop a number of cases.

Mr. HUMPHREY. Mr. President, will the Senator yield 1 minute to me, on another matter?

Mr. KNOWLAND. I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, when the amendment of the Senator from South Dakota [Mr. CASE] was under consideration, I was called to the District of Columbia room, where I was visiting with some 45 teachers from Minnesota. I regret to say that I received no notice of the vote. No one informed me that the yea and nay vote was in progress. I did not come to the Chamber because I had no notice of the vote. The bells did not ring in the District of Columbia Committee room. I suggest that an inspection be made of them.

Had I been present to vote, I would have voted against the Case amendment. I would have voted "nay." I am very much pleased to know that the amendment was rejected.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. MAGNUSON. I think the Senator from North Carolina and the Senator from South Carolina should clarify one point. Several persons have asked me what the compensation would be in this particular kind of case. I understand the amount would be fixed by the court itself.

Mr. JOHNSTON of South Carolina. It would be fixed by the court itself. If Senators will read the section which is being amended, they will note that the defendant before the court has a right to choose his counsel.

I have been in courts and have many times observed the choosing of counsel, but the attorneys refused to serve, and the judge would have to select someone else. In almost every instance it would be necessary to get a young lawyer, one who did not know the procedures in the court and did not know how to defend the person who was before the court.

But if a defendant has the right to choose his counsel, and that right is written into the law, then the judge will have the authority to appoint and to pay the attorney a reasonable fee for his services. The judge will fix the amount. Then I think the defendant will be properly protected.

I have heard much talk about the trials defendants receive in South Carolina, and in the South generally. The great trouble today is that the defendant does not have money when he comes into court. Many times the attorneys whom judges appoint to defend in cases of crime get no pay; and so the defendant has assigned to represent him a lawyer who is worth just about nothing, because he is not being paid.

A great many defendants are being convicted who would be acquitted if there were some such law as that which is proposed by the amendment.

The PRESIDING OFFICER. The Senator from South Carolina will suspend until there is order in the Chamber. There will be no deduction from his time granted under the unanimous-consent agreement until the Senate is in order.

Senators who are not participating in the debate should retire to the cloakroom. Attachés who are not needed on the floor will likewise retire from the Senate Chamber.

The Senator from South Carolina may now proceed.

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

Mr. JOHNSTON of South Carolina. I yield.

Mr. KEFAUVER. I feel that a lawyer who is selected to represent an indigent defendant, one who himself cannot afford to pay a lawyer, ought to receive some compensation. That certainly is true in this kind of case, in which the court itself may have an interest.

Does not the Senator think that if we grant such a right in these cases it may have a wholesome effect upon changing the general laws, so that there can be a public defender, or at least a system of compensation to be followed in other Federal cases, for the benefit of lawyers who represent indigent defendants?

Mr. JOHNSTON of South Carolina. First, I think we should insure having that take place. Then defendants would get more justice than they now get in court, not because the court does not want to award justice, not because the jury does not want to award justice, but simply because the facts are not properly presented to the court and jury in many instances. Under the present practice, all the witnesses are paid and everything is ready for the trial of the defendant, who is not able to pay for an attorney. But he is told that he must proceed with his trial anyway.

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

Mr. JOHNSTON of South Carolina. I yield.

Mr. PASTORE. Is it not true that this procedure is somewhat different from the existing procedure in criminal cases, with respect to counsel for indigent defendants, for the reason that in a criminal case, when a defendant is indigent, the court usually assigns competent counsel to defend the rights of the accused.

But here we are saying in one breath that the respondent himself shall have the right to choose. How can he choose if he has to accept as counsel a person who is going to end by serving as an accommodation to the court? Naturally, the defendant will have to go down the scale of competency until he gets someone who perhaps either wants a little publicity of who feels that the chances are he may ingratiate himself with the court if he accommodates the court.

Here we are providing that if the respondent is given the right of choice, he will have to be fortified by the law, so that he can say to his counsel, when the counsel calls for an interview, "You will receive reasonable compensation from the court for what you do for me."

That will put the defendant in the position, usually, of getting the man of his first choice. But if he is in no position to guarantee fair compensation, I am afraid that the result will be in every case that the court will have to appoint counsel, and that would not be fair—not in this type of case, which involves civil contempt and criminal contempt.

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

Mr. JOHNSTON of South Carolina. I yield.

Mr. DIRKSEN. It occurs to me that we are assuming that the courts will be dealing with indigents. There are two provisions in this particular part, one relating to those who are operating under color of law, and the other to those who are interfering with the voting rights. Those involved are not going to be indigents, I can assure the Senate. So the proposal cannot be made on that basis.

Mr. JOHNSTON of South Carolina. Then their counsel will not be paid for them. Counsel would be paid only "If such person shall be found by the court to be financially unable to provide for such counsel."

Mr. DIRKSEN. Yes; but who are those people? How will it be known that they are not operating under color of law?

Mr. JOHNSTON of South Carolina. That is the condition which confronts the courts at present.

Mr. DIRKSEN. Indeed, so.

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

Mr. JOHNSTON of South Carolina. I yield.

Mr. PASTORE. Mr. President, if we are talking about respondents who can afford to pay for counsel, we are simply aruging in a vacuum, for this provision applies only in cases in which the respondents are unable to engage competent counsel. If they are able to engage competent counsel, this provision will not enter into the situation.

Mr. DIRKSEN. Who are the respondents?

Mr. PASTORE. Mr. President, will the Senator from South Carolina yield further to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. PASTORE. Let me say to the distinguished Senator from Illinois, in answer to his question, that no one is wise enough to answer that question.

The PRESIDING OFFICER. All time yielded to the Senator from South Carolina has expired.

No further time remains to the proponents of the amendment.

One minute remains under the control of the Senator from California.

Mr. KNOWLAND. Mr. President, I yield 1 minute to the Senator from Colorado [Mr. CARROLL].

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. CARROLL. Mr. President, it seems to me that the Senate must consider that this proposal would establish a precedent.

I would be very happy to support the amendment if I thought the Judiciary Committee would change the old, antiquated system. Today, in most of the States there is provision for paying counsel appointed by the court. Under the Federal system, there is no provision for paying such counsel.

This amendment, if adopted, would establish a precedent. Would it be meaningful? I suggest that the Judiciary Committee report a bill embodying a proper amendment on this subject, and then the Senate can vote on the bill.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. CARROLL. Mr. President, only 1 minute has been yielded to me, so I cannot yield.

Mr. President, the Senate can act properly in connection with this matter. The House has rejected this proposal. I suggest that, under the proper procedure, this proposal be brought forward in the form of a bill coming from the Senate Judiciary Committee. In that event, I will vote for it.

The PRESIDING OFFICER. The time yielded to the Senator from Colorado has expired.

All time available on the amendment has expired.

The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN]. [Putting the question.]

Mr. ERVIN. Mr. President, I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KEFAUVER. Mr. President, I call up my amendment identified as "7-23-57—D," and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated, for the information of the Senate.

The LEGISLATIVE CLERK. On page 1, it is proposed to strike out section 101 of part I, and to substitute therefor, as follows:

SEC. 101. (a) There is created in the legislative branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) The Commission shall be composed of six members who shall be appointed by and with the consent of the Senate as follows: One member by the Vice President of the United States; one member by the Speaker of the House of Representatives; one member by the leader of the majority party in the Senate; one member by the leader of the minority party in the Senate; one member by the leader of the majority party in the House of Representatives; and one member by the leader of the minority party in the House of Representatives.

(c) The members of the Commission shall elect and designate one of its members as Chairman and one of its members as Vice Chairman. The Vice Chairman shall not be of the same political party as the Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled by the same appointing authority as the original appointment.

(e) Four members of the Commission shall constitute a quorum.

On page 6, strike out subsection (b) of section 104 of part I, and substitute the following:

(b) The Commission shall submit interim reports to the President of the Senate and to the Speaker of the House of Representatives as either the President of the Senate or the Speaker of the House of Representatives shall deem advisable and shall submit to the President of the Senate and to the Speaker of the House of Representatives a final and comprehensive report of its activities, findings, and recommendations not later than 2 years from the date of the enactment of this act.

On page 6, strike out subsection (a) of section 105, of part I, and substitute the following:

SEC. 105. (a) The Commission shall, by and with the advice and consent of the Senate, appoint a full-time staff director, and may, within the limitations of its appropriations, appoint such other personnel as it deems advisable.

Mr. KEFAUVER. Mr. President——

The PRESIDING OFFICER. For how long does the Senator from Tennessee desire to be recognized?

Mr. KEFAUVER. For 5 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. KEFAUVER. Mr. President, the purpose of this amendment is not to imply any lack of confidence in the President of the United States, for I feel certain that under the provisions of the bill, as it now stands, the President would try to appoint six capable men, of both political parties, who would perform the functions set forth in part I of the bill. The purpose of the proposed Commission is to secure facts upon which to base legislation. The Congress of the United States, not the President, legislates.

When it comes to describing what the purposes of the proposed Commission are, we find, by reading the text on page 5, that the Commission shall investigate certain allegations, and so forth.

On pages 5 and 6, we also find the following:

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

I submit that the duties there set forth are legislative. If they are legislative duties, I submit that the Commission should be a legislative, not an executive, commission.

I desire to point out to those who are very much interested in an effective civil-rights bill that this amendment will make the bill more effective. In the first place, a legislative commission carries more authority, receives more notice and more publicity, and is more highly respected, in my opinion, than is an executive commission appointed by the President.

In the second place, the recommendations of a legislative commission—if its members were appointed by the responsible heads of the legislative branch of the Government—would carry more weight, when the time came to legislate upon its recommendations. Recommendations in regard to laws which need to be changed or amended and recommendations for the enactment of new laws to protect the voting rights or civil rights of people will be likely to receive greater consideration by the Congress if the commission is a legislative commission, a commission of the Congress itself.

Mr. HUMPHREY. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Do I correctly understand that the amendment of the Senator from Tennessee would substitute a legislative commission for the proposed executive commission?

Mr. KEFAUVER. That is the purpose. The number of members of the commission would be the same. Under my proposal, one member of the commission would be appointed by the Vice President of the United States, and thus to some extent the executive branch would be brought into the situation. One member would be appointed by the Speaker of the House of Representatives; 1 member would be appointed by the majority leader of the Senate; 1 member would be appointed by minority leader of the Senate; 1 member would be appointed by the leader of the majority party in the House of Representatives; and 1 member would be appointed by the leader of the minority party in the House of Representatives.

Mr. HUMPHREY. I had thought that the amendment called for an additional commission, perhaps as a supplement to the commission already provided for by the bill. But now I understand that the amendment of the Senator from Tennessee calls for a commission established by the legislative branch, through the officers of the Congress.

Mr. KEFAUVER. Yes. I insist that since the commission is to be established for legislative purposes—in other words, to ascertain facts and to make recommendations with respect to changes in laws or with respect to additional laws—it should properly be appointed by, and should be under the supervision of, and should report to, the Congress of the United States, instead of the President. I say this not in disparagement of the President, but simply to indicate the reason for the amendment.

I believe the appointment as provided in the bill is lodged in the wrong place. We have had great experience with committees or commissions which are appointed by Congress. We remember the commission that was appointed to make a study of salaries of legislators, which was composed partly of members appointed partly by the Speaker and partly by the Vice President. We have had other examples of such commissions, and they have always been effective.

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

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. The Senator has indicated that part I of the bill as now written provides that the Commission shall make recommendations, not only to the President, but to the Congress—that is, the recommendations are for public notice, and are not necessarily exclusively for the executive branch.

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

Mr. KEFAUVER. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 3 additional minutes.

Mr. KEFAUVER. The bill as originally written provided for a report by the Commission to the President. Under the amendments submitted by the Senator from California [Mr. KNOWLAND], the Congress would at least get reports from the Commission.

For a number of years, not only in this administration, but in other administrations, we have seen a great many of the legislative powers taken away from the legislative branch and assumed by the executive. We have seen various arms of Congress established, such as the Securities and Exchange Commission and the Federal Communications Commission. Those agencies are supposed to administer and carry out the laws enacted by Congress, because Congress is not in a position, of course, to administer the details of laws it enacts. Yet we find that more and more such commissions are coming under the domination of the executive. More and more they consider themselves arms of the executive, and Congress is being pushed out of the picture.

No doubt, in the years to come, in the next session of Congress, and in sessions following, other civil-rights proposals will be made. I submit that the Nation would be more interested in them, and they would certainly have greater weight with the Members of Congress, who, after all, must legislate on these proposals, if the facts were secured from and if the recommendations were made by a legislative commission appointed in the fashion I have suggested, rather than one which was in the executive department, and in which the Congress had no part except by way of the confirmation of the nominations of its members.

Mr. President, I had prepared an argument on this point, which time will not permit me to give in more detail, and I ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

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

STATEMENT BY SENATOR KEFAUVER

The Commission itself would be primarily a factfinding body, investigating, first, individual deprivations of the right to vote; second, legal developments constituting a denial of equal protection of the laws; and, third, the laws and policies of the Federal Government with respect to equal protection. There is very clearly the need for such a commission of inquiry upon this whole subject. One has only to look at the history of recent attempts to enact civil-rights legislation in order to be aware of the confusion that exists in Congress on the factual, the legal, and even the policy level.

(a) Factual disagreements in the present debate alone, for instance, have ranged over such vital points as exactly how many potential voters have been deprived of their rights by irregular qualification requirements, what specific evidence is there of southern juries violating their spirit of their mandate, what is the percentage of Negro voters across the whole Nation in relation to the number of those eligible. Where can the Congress turn for information of this sort that can be effectively gathered only by on-the-spot observers? Congress is in effect being forced to rely for its basic information upon various organizations with strong biases of one kind or another. Individual Members do not know except after lengthy personal research which sources are reliable and which are not. If only in this one area of factual research, a Commission on Civil Rights in the legislative branch would be invaluable.

(b) Legal disagreements have occupied an even more prominent position in the present debates. What would the effect of including or denying jury trials in contempt cases actually be? How would the proposed bill compare with State laws on similar cases? To what extent are old reconstruction statutes still in force which might affect current proposals? What can the Attorney General actually do under present law in civil rights or related cases? And, most important of all, what are the civil rights as distinct from voting rights that some legislators are

prepared to guarantee without any more precise definition? Innumerable other legal points arise that could best be answered by a commission with a specific mandate to study and appraise just these areas.

(c) Policy level disputes are also evident in the history of civil-rights legislation over the past generation. During the twenties and thirties, the standard form of civil rights advocated was a Federal antilynching bill. During the forties, attention was focused alternately upon fair employment practices legislation and anti-poll-tax bill. In 1948 the President's Committee with little legislative support undertook a study and recommended sweeping legislation. This demand has been echoed up to the present, but each suggested bill has varied somewhat from previous ones. The 1957 civil-rights bill, for example, is a completely different sort of measure from the 1956 one. This continuing disparity suggests that even among those who are eager supporters of civil-rights legislation there is much doubt as to where the greatest abuses exist and how best to remedy them. Although a Commission in the legislative branch could never resolve all of the different points of view behind these approaches, it could at least provide an authoritative guide for legislators as to which field, if any, would benefit most by new legislation.

B. In its role as watchdog over the executive and other branches of the Government: This role, which has traditionally been exercised by Congress since the first investigation in 1792 of General St. Clair's rout by the Indians, was reemphasized in the Legislative Reorganization Act of 1946 which specifically provided: "Each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee."

1. The field of civil rights, which would require much on-the-spot investigation, would certainly be better covered by a separate commission, responsible to the legislature, than by an already busy committee. But it is clear that the watchfulness prescribed for the legislative branch should not be omitted in the field of civil-rights enforcement merely because the field offers a challenge and requires on-the-spot surveillance.

(a) The proposed measure in its present form is giving new and unprecedented powers to the Attorney General in bringing civil suits. The power of the executive is being considerably increased by this innovation. A Civil Rights Commission in the legislative branch would be wise not only to balance this growth of the executive, but also to watch over the exercise of this power by the Justice Department, a power which is very clearly subject to political or other abuse.

(b) As has been mentioned, both the executive and the judiciary have throughout American history and even to the present day been guilty of some of the most flagrant disregard of individual rights. The abuses involved in the trial of civilians in military courts during the Civil War and in the mass deportation of citizens during World War II are two instances of executive guilt in these matters. The Debs injunction case and the Girard case show the judiciary at fault. It would benefit Congress very much to have a commission which over the next 2 years could keep a watchful eye on just such instances and perhaps prevent them or mitigate their effects.

(c) The independent commissions, appointed by the President by and with the consent of the Senate, have shown themselves more and more dependent upon the executive, and not in a real sense fair arbiters of national needs. There is no need to create another commission on these lines, or, as proposed, directly in the executive branch, for such bodies frequently do not provide the Congress with the impartial information required for an adequate supervision of executive policies.

2. The establishment of the Commission with a life of approximately 2 years would recognize the continuing concern which Congress feels in this area. It would fulfill Congress' desire for a real long-term answer to these problems, problems that must be gradually settled and cannot be cleared away in one fell swoop.

C. In its role as a forum focusing attention upon national issues.

1. It is clear from the present debate alone that the problem of civil rights can be better debated and more thoroughly publicized by Congress than by any other branch of the Government. National attention has been more thoroughly focused upon the pros and cons of this type of legislation today than at any time since the Civil War. The Congressional debates have pointed up how unclear even the President is as to the full implications of this policy. Since civil rights has become a national issue, it is only reasonable that Congress, which must discuss and possibly legislate upon the issue, should have direct access to the most complete and most reliable information on the subject—information such as would be supplied by a Commission on Civil Rights in the legislative branch.

D. In its role as an expression of public opinion.

1. It is equally clear that on an issue where the feelings of the country are as sharply divided as on this question, Congress is uniquely fitted to discuss the whole problem and to reflect the opinions not only of all the legislators themselves, but also of all the constituents or local organizations who are interested. Thus it is the duty of Congress, more than of any other branch of the Government, to maintain a commission to study civil rights in order that it may give a more complete and better informed picture of the situation than would be possible from executive agencies alone.

III. Benefits to be derived by the proposed Commission on Civil Rights from a position in the legislative branch:

A. More support:

1. Throughout the country, a commission appointed by legislators from different parts of the country and both political parties would unquestionably meet with more cooperation than would a less representative executive body. Having the support of the whole Congress behind it, it will naturally receive more support from whatever area or group it is investigating. Its members will be more accessible to public opinion, too, through the influence that Members of Congress may exert in behalf of their constituents; and being more accessible, it will probably also be more acceptable.

2. In the Government itself, a commission attached to the legislative branch would probably be more effective in winning cooperation and assistance from the rest of the Government than would an executive group. The success of the two Small Business Committees of Congress is a case in point. These committees have succeeded in more or less guaranteeing a fair share on military contracts to small businesses; they have prevented discrimination by the Fair Trade Commission; and in general they have provided an excellent clearinghouse in touch with small businesses and the Government at important points. Another example of a fact-finding group under Congress which has achieved a significant place is the Joint Economic Committee. The staff of this committee, four professional economists, has filled a very necessary gap in studying the condition of the whole economy and presenting authoritative studies and recommendations. Business Week evaluates the work of this group in comparison with the parallel executive organ as follows: "Where the Council of Economic Advisers—for example—has withdrawn more and more from controversial subjects, limiting its role to that of the President's confidential adviser, the Economic Committee staff plunges energetically into one sensitive subject after another—wherever the orders of the committee lead. * * * Always in the glare of political controversy, * * * the staff has been eminently successful, raising economic analysis to the most respected position it has ever held in Congress." [1]

B. Greater publicity: By the uniqueness of its position, by the backing of Congress, the Commission would probably receive more publicity in the legislative branch than it would as merely another adjunct to the executive bureaucracy. This publicity would represent one of the most effective methods of developing the national awareness and responsibility required on an issue of this nature.

C. Greater independence: A commission that would be selected by various individuals and that would select its own chairman, would possess a far greater degree of independence than a commission under the Executive which might be severely pressured by the Executive to reach preordained conclusions. The Joint Economic Committee again is an example.

D. Greater authority: A report coming from a commission selected and authorized by the Congress would carry far more weight, both in the country as a whole and in the legislative councils of the Congress, than a report from a purely executive agency. Congress would be far more likely to act upon the recommendations of a commission selected by and responsible to the legislature—if further action were to be necessary—than upon those of an Executive commission, most particularly in a field that directly concerns legislation.

IV. Particular advantages to be derived from the proposed method of appointment:

A. Both the executive and the legislature would be represented. The choice of one member of the commission by the Vice President would afford representation to the executive branch, yet most of the appointments would rest with the Congress in an area where most of the action should come from Congress.

B. Both houses of the legislature would be represented. This might be very useful in insuring a proper balance between the rights of the States and those of individual citizens.

C. Both parties would be fairly represented in making and thus presumably in holding the appointments. There would be no danger of so-called Eisenhower Democrats being appointed instead of genuine Democrats. There is every reason to suppose that there would be a wide geographic range in the choice of commissioners, as there is in the choice of men to appoint them.

D. The men who currently hold the positions that would have the appointing power are known for their fairness, moderation, and experience. Moreover, these are the men who would be called upon to carry through whatever legislative program might be needed to meet the national needs. It is therefore only reasonable to allow them some voice in the selection of the Commission.

E. The provision that the Commission should select its own chairman rather than accept a Presidential appointee permits far greater independence on the part of the Commission from the very start and suggests very pointedly the dangerous degree of Executive control which might be applied to a commission in the executive branch.

Although the amendment providing for a commission in the legislative rather than executive branch to be appointed by the

[1] Congress Own Brain Trust. Business Week, July 20, 1957: 97.

Vice President, Speaker of the House, and majority and minority leaders of both Houses, has no direct precedents, it is admirably suited to the needs of the Congress. The issue of civil rights ought to be handled, if at all, by the Congress. Congress could benefit from a commission with the proposed powers in its funcitions of legislating, of supervising the administration, of airing national problems, and of expressing public opinion. The authority and effectiveness of the commission would be enhanced by direct relationship with Congress rather than the Executive. And the results would be a more equitable presentation of the vexatious civil-rights issue for the whole country.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired. The Senator has 7 minutes remaining to him.

Mr. DIRKSEN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. DIRKSEN. There are many reasons why the pending amendment ought to be roundly defeated on both sides of the aisle. If the Senator from Tennessee wants such a legislative commission, there is nothing to inhibit him from submitting a resolution which could come before the Senate for its approval.

In the second place, I ask, How objective would such a legislative commission be at this time? We have had 6 months of turbulence on this subject. Without demeaning any Senator, if we can be objective about the selection of a commission—that I would like to see.

In the third place, the executive commission is limited in tenure. It will be in existence for only a 2-year period.

In the fourth place, the situation is safeguarded because the nominations of not only the members of the Commission, but of the staff director, must be confirmed by the Senate. That would make it a truly objective commission. From it I think we could secure really worthwhile information. But if the distinguished Senator from Tennessee wants to have a legislative commission, let him introduce a bill providing for it. The bill will go to the Judiciary Committee, along with others. We shall be quick to give it consideration, we shall pass judgment on it, and then determine what shall be done.

So there is no reason under the sun why the amendment should be adopted. In fact, it should be roundly and soundly defeated except for one vote, and that is the vote of the author of the amendment.

Mr. KEFAUVER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. KEFAUVER. Mr. President, if the Senator from Illinois wishes further to give away the legislative powers of the Congress of the United States, if the Senator from Illinois wants to have facts which are for the benefit of the Congress, upon which to base legislation, gathered and collected by a commission over which the Congress has no power, that is his prerogative; but, so far as I am concerned I know Congress will enact better laws and will have more confidence in the evidence gathered if the information and the recommendations come from a commission which is composed of outstanding men—not Members of Congress. It is not intended that its members should be Members of the House and the Senate, but outstanding men who would be appointed by the Vice President and the Speaker and the majority leader and the minority leader, for whom they would feel responsible. They would also feel responsible for seeing that the recommendations made by their appointees received consideration. I think the dignity and the standing and the power of the Congress would be furthered and sustained by this kind of approach.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Illinois yield back the remainder of his time?

Mr. DIRKSEN. First I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. DIRKSEN. I point out to Senators that in the administration of Franklin Roosevelt and in the administration of Harry Truman there were a great many executive commissions. In fact, in the Truman administration there was an executive commission dealing with this very subject matter, which made a very excellent report, which I had occasion to examine only a few days ago. There is no precedent involved by the creation of such a commission as is provided for by the bill. What is proposed is very common. It would be amazing indeed if the Chief Executive's opinions or findings could not be implemented and fortified by reports from an objective commission, on a factfinding basis, whereby there could be obtained all the facts and data necessary for a determination of the very delicate problem we are facing.

Mr. KNOWLAND. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I should like to support what the Senator from Illinois has said and to point out what we have been through in the consideration of the pending bill.

Do we want a legislative commission which can be the focal point and lightning rod of the cockpit of emotions that exist in this particular field? I think it is a blessing that we have a Presidency, and that we can have an executive commission.

Mr. KEFAUVER. Mr. President——

The PRESIDING OFFICER. The remainder of the time on the amendment is under the control of the Senator from California.

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Tennessee, so he may address an inquiry to the Senator from New York.

Mr. KEFAUVER. I wish to say to the Senator from New York that I am not talking about a joint commission or committee of the House and Senate. The Judiciary Committees have jurisdiction of such questions, and if Congress wants to have a special joint committee, that is another matter which could be considered. What I am suggesting by my proposal is a commission composed of qualified citizens who would represent a cross section of the United States, because they would be appointed by eminent men who come from all sections of the Nation. The fact that 3 Republicans and 3 Democrats would do the appointing would assure us that the Commission would not be partisan, and that they would be men of distinction, of whom Congress would be proud, and to whom the Congress could look for recommendations.

Mr. JAVITS. I wish to point out that in my argument——

The PRESIDING OFFICER. Does the Senator from California yield any additional time to the Senator from New York?

Mr. JAVITS. May I have 30 seconds?

Mr. KNOWLAND. I yield one-half a minute to the Senator from New York.

Mr. JAVITS. I point out that the names would be subject to the approval of the majority and minority leaders. The Commission would be under the control of the Congress. We understand how such commissions would operate. I am sure we do not want a Commission which can do the things we have seen done heretofore. We are all anxious to have the bill put behind us.

The PRESIDING OFFICER. Does the Senator from California yield back the balance of his time?

Mr. KNOWLAND. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Tennessee [Mr. KEFAUVER] has yielded back all his time. The Senator from California now has 10 minutes remaining.

Mr. KNOWLAND. Mr. President, I yield myself 1 minute, and then I shall be prepared to yield back the time remaining to me.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. KNOWLAND. Mr. President, I hope the amendment will not be agreed to. We have gone along this far with an executive commission. I think the Senator from Illinois [Mr. DIRKSEN] and the Senator from New York [Mr. JAVITS] have amply pointed out the reasons why it would be a mistake to involve the matter in a legislative type of commission. I hope the amendment will be defeated.

The PRESIDING OFFICER. Does the Senator from California yield back the remainder of his time?

Mr. KNOWLAND. I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Tennessee [Mr. KEFAUVER].

The amendment was rejected.

VISIT TO THE SENATE BY MEMBERS OF THE JAPANESE DIET

Mr. WILEY. Mr. President and Senators, what the world is looking for is understanding. We are privileged today to have five members of the Japanese Diet on the floor of the Senate as our visitors. We are happy to know that

these gentlemen from another parliamentary body have seen fit to come to the United States Senate to become better acquainted with us. We hope that from this contact they will know us better and that we will know them better.

Mr. President, I should like to introduce Councilor Shokichi Uehara, Councilor Tsunesuke Muto, Councilor Hideo Aoyagi, Councilor Seiji Uchimura, Councilor Kan Kase, and their secretary, Saburo Kikui.

I ask the Senate to extend to them a warm welcome.

[The distinguished visitors were greeted with applause, Senators rising.]

The PRESIDING OFFICER (Mr. BIBLE in the chair). The Chair wishes to join the distinguished Senator from Wisconsin in welcoming our visitors from overseas to the Senate Chamber, and to express the hope that their visit to our shores will afford them pleasure and benefit.

Mr. WILEY. Mr. President, I ask unanimous consent that the Senate stand in recess briefly, for about 3 minutes, so that Senators may personally greet and shake the hands of the Japanese councilors.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Is there objection to the unanimous-consent request of the Senator from Wisconsin that the Senate stand in recess for 3 minutes? The Chair hears none, and it is so ordered. The Senate will stand in recess for 3 minutes.

Thereupon (at 3 o'clock and 24 minutes p. m.), the Senate took a recess until 3 o'clock and 27 minutes p. m.

During the recess the Members of the House of Councilors of the Japanese Diet were greeted by Members of the Senate, who were presented by Mr. WILEY.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

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. JOHNSTON of South Carolina. Mr. President, I should like to call up at this time amendment 7-10-57-C and amendment 7-10-57-D, since both amendments deal with the same subject.

The PRESIDING OFFICER. The clerk will state the amendments for the information of the Senate.

The CHIEF CLERK. On page 5, line 5, before the comma it is proposed to insert "when away from his usual place of residence".

On page 5, line 12, before the comma it is proposed to insert "when away from his usual place of residence".

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. JOHNSTON] and asks the Senator how much time he yields himself.

Mr. JOHNSTON of South Carolina. Mr. President, I yield myself 3 minutes. I do not think it will be necessary to use all the time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. JOHNSTON of South Carolina. The two amendments before the Senate at this time are both clarifying amendments, since all Federal employees now are permitted to be paid per diem in lieu of expenses only when they are away from their usual places of residence. Clarification of the provisions of the bill would be accomplished by the two amendments. The Senator from Kansas [Mr. CARLSON] and the other members of the committee agree.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield, and if so, to whom?

Mr. JOHNSTON of South Carolina. I yield to the Senator from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. President, I wish to associate myself in support of the two amendments, which are in fact one amendment. If we dare set a precedent of permitting an appointee to draw $12 per diem for expenses while at home, there will be a demand to modify the general law, and permit all Federal employees to enjoy this added windfall.

Mr. JOHNSTON of South Carolina. That is true. That is the only reason why the amendments are proposed.

Mr. MONRONEY. This is the uniform status of the law at the present time.

Mr. JOHNSTON of South Carolina. The Senator is correct. It is uniform law now for all Federal employees.

Mr. CARLSON and Mr. DIRKSEN addressed the Chair.

Mr. JOHNSTON of South Carolina. I yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I sincerely hope the amendments will be adopted. Otherwise we will upset the entire civil service pay system as it relates to taking care of expenses away from home. The provision in the bill would permit payment while at home, and I do not think we intend to permit that.

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

Mr. JOHNSTON of South Carolina. I yield.

Mr. KNOWLAND. Perhaps the Senator has explained the point—I had to be out of the Chamber for a few moments—but, as I understand, the amendments would not interfere with the per diem payments of compensation to the members of the Commission?

Mr. JOHNSTON of South Carolina. Not at all. Commission members would be paid travel and subsistence expenses only when they were away from their usual places of residence.

Mr. KNOWLAND. The Senator refers to the payment for expenses over and above the per diem, does he not?

Mr. JOHNSTON of South Carolina. That is correct.

Mr. KNOWLAND. When the members of the Commission are away.

Mr. JOHNSTON of South Carolina. If the Senator will read the amendments, he will find they say "when away from his usual place of residence."

Mr. KNOWLAND. They will still be paid the $50 per diem?

Mr. JOHNSTON of South Carolina. The $50, as well as the $12 when away from the usual place of residence.

Mr. KNOWLAND. It is only the latter payment which is under consideration?

Mr. JOHNSTON of South Carolina. The Senator is correct. At home the members of the Commission will not receive the $12. That is the situation as it relates to other Federal employees.

Mr. MAGNUSON. Mr. President, will the Senator yield me 2 minutes?

Mr. JOHNSTON of South Carolina. I yield the Senator from Washington 2 minutes.

Mr. MAGNUSON. I should like to ask a question of either the distinguished Senator from Illinois [Mr. DIRKSEN] or the distinguished Senator from California [Mr. KNOWLAND].

I do not know who wrote the bill, but I am quite concerned about it. I might submit an amendment, but I believe the matter can be clarified. The bill provides for the appointment of six commissioners. I am wondering what was the reason for having an even number. How will the Commission be able to arrive at any conclusions if there are 3 votes one way and 3 votes the other?

Mr. DIRKSEN. It would be impossible to have a truly bipartisan Commission unless the number were even.

Mr. MAGNUSON. I am not talking about partisan votes. I am talking about questions such as may arise in any commission.

Mr. DIRKSEN. First, nominations of the members must be confirmed by the Senate; and if we do not get objective, competent members, it will be the fault of the Senate rather than of the appointing power.

Mr. MAGNUSON. I understand that. They could be competent and objective, but there might be some question upon which they would disagree. There might be a tie vote. It would not necessarily be a partisan vote. There might be 3 votes one way and 3 another, and the Commission would be stymied. Why not a commission of 7 or 5?

Mr. KNOWLAND. The reason was that it was attempted to make this a bipartisan Commission. It cannot very well be a bipartisan Commission unless there are the same number of Republicans as Democrats. If the number were seven, there would have to be 4 Democrats and 3 Republicans, or 4 Republicans and 3 Democrats. I think there was an attempt to lean over backward in preserving a Commission equally balanced as between the two parties, so that the Commission would not be partisan in nature, but bipartisan.

Mr. MAGNUSON. That is a partial explanation. Many persons have asked me the question.

Mr. KNOWLAND. It is a good question, but I think that is probably the answer as to why the number is even. It would have to be some even number in order to preserve a balance. The number might have been 8, or 12, or 4. I suppose the number six was agreed upon as a reasonable number.

Mr. MAGNUSON. Everyone hopes the Commission will be bipartisan. There is no such thing as a nonpartisan body.

I wanted the RECORD to show the explanation. I have been asked the question several times as to why the provision was made for an even number, and whether it might not be possible for the Commission to get into a stalemate.

The PRESIDING OFFICER. Are Senators prepared to yield back the remainder of the time?

Mr. JOHNSTON of South Carolina. I yield back the remainder of my time.

Mr. KNOWLAND. I yield back all the time remaining to me.

The PRESIDING OFFICER. All time has been exhausted or yielded back.

The question is on agreeing en bloc to the amendments of the Senator from South Carolina [Mr. JOHNSTON].

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McNAMARA. Mr. President, I call up my amendment which I sent to the desk and ask to have it stated.

The PRESIDING OFFICER. Does the Senator from Michigan desire that the entire amendment, which is in the nature of a substitute, be read, or merely printed in the RECORD?

Mr. McNAMARA. There is no necessity for reading it.

The PRESIDING OFFICER. Without objection, the amendment may be printed in the RECORD at this point.

Mr. McNAMARA's amendment is as follows:

On page 12, after line 23, insert the following new part:

"PART V—REDUCTION OF CONGRESSIONAL REPRESENTATION OF STATES DENYING OR ABRIDGING THE RIGHT OF ITS INHABITANTS TO VOTE

"Establishment of a Joint Committee on Congressional Representation

"SEC. 141. There is hereby established a Joint Committee on Congressional Representation (hereinafter in this part referred to as the Joint Committee) to be composed of 9 Members of the Senate to be appointed by the President of the Senate, and 9 Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five members shall be members of the same political party.

"Functions of the Joint Committee

"SEC. 142. (a) The Joint Committee shall, as soon as practicable following the date of each biennial election for Rrepesentatives in Congress in the several States as established by section 25 of the Revised Statutes, but not later than May 1 of the year following such election—

"(1) determine whether any State has, in violation of section 2 of the 14th amendment to the Constitution, denied or abridged the right of inhabitants of such State to vote in any election prescribed in such section since the preceding biennial election for Representatives in Congress; and

"(2) calculate, in the manner prescribed in section 2 of the 14th amendment to the Constitution and in section 22 of the Revised Statutes, the number (if any) by which the Representatives in Congress of each State which the Joint Committee determines has so denied or abridged the right of its inhabitants to vote shall be reduced as the result of such denial or abridgment.

"(b) The Joint Committee shall, on or before May 1 of the year following each biennial election for Representatives in Congress, submit to the Congress a statement indicating, with respect to each State, the number (if any) by which such State's Representatives in Congress shall be reduced under section 150 (a) for the Congress which commences after the date of such statement. The Joint Committee shall submit with such statement a full and complete report of the facts upon which such statement is based. A copy of such statement shall be transmitted to the Clerk of the House of Representatives.

"Time reductions become effective

"SEC. 143. The reductions prescribed in such statement shall become effective, with respect to the Congress which commences after the date of submission of such statement, upon the expiration of the first period of 30 calendar days of continuous session of the Congress following the date of submission of such statement, but only if between the date of submission and the expiration of such 30-day period the Congress has not passed a concurrent resolution stating in substance that the Congress does not approve the statement. For the purposes of this subsection, continuity of session shall be considered as broken only by an adjournment of the Congress sine die, but, in the computation of the 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain.

"Disapproval of Joint Comittee's action

"SEC. 144. (a) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in subsection (b)); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

"(b) As used in this subsection, the term 'resolution' means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the statement relating to representation in the Congress submitted to the Congress by the Joint Committee on Congressional Representation on , 19 .', the blank spaces therein being appropriately filled.

"(c) A resolution with respect to a statement shall be referred to a committee (and all resolutions with respect to the same statement shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"(d) (1) If the committee to which has been referred a resolution with respect to a statement has not reported it before the expiration of 10 calendar days after its introduction (or, in the case of a resolution received from the other House, 10 calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such statement which has been referred to the committee.

"(2) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to such statement), and debate thereon shall be limited to not to exceed 1 hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(3) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to such statement.

"(e) (1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a statement, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(2) Debate on the resolution shall be limited to not to exceed 10 hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(f) (1) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a statement, and all motions to proceed to the consideration of other business, shall be decided without debate.

"(2) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a statement shall be decided without debate.

"(g) If, prior to the passage by one House of a resolution of that House with respect to a statement, such House receives from the other House a resolution with respect to such statement, then—

"(1) if no resolution of the first House with respect to such statement has been referred to committee, no other resolution with respect to such statement may be reported or (despite the provisions of paragraph (d) (1)) be made the subject of a motion to discharge; and

"(2) if a resolution of the first House with respect to such statement has been referred to committee—

"(A) the procedure with respect to that or other resolutions of such House with respect to such statement which have been referred to committee shall be the same as if no resolution from the other House with respect to such statement had been reeceived; but

"(B) on any vote on final passage of a resolution of the first House with respect to such statement the resolution from the other House with respect to such statement shall be automatically substituted for the resolution of the first House.

"Vacancies; selection of chairman and vice chairman

"SEC. 145. (a) Vacancies in the membership of the Joint Committee shall not, except as provided in section 147, affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection.

"(b) The Joint Committee shall select a chairman and vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the chairman shall be selected by the members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the members from that House.

"Powers of the Joint Committee

"SEC. 146. (a) In carrying out its functions, the Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings and investigations, to sit and act at such places and times, to require by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

"(b) Subpenas may be issued over the signature of the chairman of the Joint Committee or by any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths to witnesses.

"(c) The provisions of sections 102 to 104 inclusive, of the Revised Statutes, as amended, shall apply in the case of the failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

"Organization and procedures

"SEC. 147. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, but no statement shall be submitted to the Congress pursuant to subsection (b) of section 142 unless it shall have been agreed to by a majority of the authorized membership of the Joint Committee.

"Expenses

"SEC. 148. (a) Members of the Joint Committee, and its employees and consultants, shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties of the Joint Committee.

"(b) The cost of stenographic services to report hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate.

"(c) The expenses of the Joint Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Joint Committee upon vouchers approved by the chairman.

"Staff and assistance

"SEC. 149. The Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Joint Committee is authorized to utilize the service, information, facilities, and personnel of the departments and establishments of the Government.

"Notice to the States of reductions in congressional representation

"SEC. 150. (a) Effective for the 87th Congress and each succeeding Congress, the number of Representatives to which each State is entitled under section 22 of the act entitled 'An act to provide for the 15th and subsequent decennial censuses and to provide for appointment of Representatives in Congress,' approved June 18, 1929, as amended, is hereby reduced by the number of Representatives shown in the statement submitted for such Congress under subsection (b) of section 142, if such statement has not been disapproved by the Congress as provided in sections 143 and 144. Any reduction under this subsection in the number of Representatives to which a State is entitled shall be effective only with respect to the Congress for which such statement is submitted.

"(b) It shall be the duty of the Clerk of the House of Representatives, or if there be no Clerk, such other official of the House of Representatives as the Joint Committee may designate, within 15 calendar days, after a statement submitted under subsection (b) of section 142 has become effective, to transmit to the executives of those States whose Representatives in Congress are reduced pursuant to section 2 of the 14th article of amendment to the Constitution and section 22 of the Revised Statutes for the Congress which commences after the date of submission of such statement a certificate specifying the number by which such State's Representatives in Congress is reduced for such Congress.

"(c) The provisions of subsection (c) of section 22 of the act entitled 'An act to provide for the 15th and subsequent decennial censuses and to provide for appointment of Representatives in Congress,' approved June 18, 1929, as amended, shall be effective with respect to any State whose congressional representation is reduced pursuant to the provisions of this part.

"(d) No State's representation in the House of Representatives shall be reduced below one Representative."

On page 13, line 1, strike out "SEC. 141.", and insert in lieu thereof "SEC. 151."

The PRESIDING OFFICER. How much time does the Senator from Michigan desire?

Mr. McNAMARA. How much time have I?

The PRESIDING OFFICER. The Senator has 15 minutes, under the unanimous-consent agreement.

Mr. McNAMARA. I shall take such time as may be required to explain the amendment, within that time.

The PRESIDING OFFICER. The Senator from Michigan is recognized under those conditions.

Mr. McNAMARA. Mr. President, House bill 6127——

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

Mr. McNAMARA. I shall be happy to yield for that purpose.

The PRESIDING OFFICER. The Chair is advised that that is not possible under the unanimous-consent agreement until all time has been used or yielded back.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Mr. KNOWLAND. Mr. President, I shall be compelled to object. We can have a quorum call, if necessary, before the vote on the bill.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes. The suggestion of the absence of a quorum is not in order.

Mr. McNAMARA. Mr. President, H. R. 6127 came to the Senate as a true civil-rights bill.

Perhaps it was not as broad and inclusive of all civil rights as some of us might have wished. Nevertheless, it was a moderate step in the right direction.

Before long, however, part III—a section which would have meant a great deal to the cause of civil rights—was stripped from the bill.

The measure then became limited almost entirely to voting rights—and protection and enforcement procedures were spelled out in part IV.

Had we been able to keep the spirit of part IV intact, we still might have emerged with a really meaningful civil-rights bill.

However, as the result of the addition of a jury trial amendment, the bill has become more ineffective even in the protection of the right to vote.

But since this measure appears destined to be simply a voting-rights bill, I believe that it should be a strong one.

My amendment would accomplish the vital need of affording all American citizens their rights under the Constitution.

It would place the responsibility for the enforcement of this constitutional right squarely in the hands of Congress.

My amendment relates particularly to the second section of the 14th amendment to the Constitution.

It adds nothing to the Constitution. It twists nothing that is already written in the Constitution.

Let us look at the section to which I am referring.

The 14th amendment became a part of that document on July 28, 1868.

Section 2 provides:

> Representatives shall be apportioned among the several States according to their respective numbers; counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, "is denied to any of the inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime," the basis of representation therein shall be reduced in the proportion which the number of such citizens shall bear to the whole number of citizens 21 years of age in such State.

That is section 2 of the 14th amendment, Mr. President.

The punishment for those States which deny or abridge the right to vote is rather graphically spelled out.

Section 5 of the same amendment provides:

> The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Unfortunately, this enforcement has been sadly lacking.

As a part of an act of February 2, 1872, Congress passed a provision substantially repeating the words of section 2—but without enforcement or procedural provisions.

Thus, we are told by Corwin's "The Constitution of the United States" that "no serious attempt has been made by

Congress to enforce the mandate of the second section of the 14th amendment.

But the 14th amendment still is a part of the Constitution. The voting rights of many of our citizens are still being denied or abridged.

My amendment seeks to supply the enforcement of this section of the Constitution.

It would do it in the fairest way possible, I believe, through a joint committee on Congressional representation.

This committee, to be composed of nine members each from the Senate and the House, would meet following each biennial election for Representatives.

The committee would have the authority to conduct investigations, hold hearings, and to issue subpenas.

By May 1 following each such election, the committee would be required to report to the Congress whether it has found that any State has violated section 2 of the 14th amendment.

It would calculate whether such violations were sufficient in any State to reduce the number of Representatives as provided by the 14th amendment.

Section 144 (a), beginning on page 4 of my proposed amendment then spells out how Congress, if it wishes, may disapprove the joint committee's action.

It further details, however, how any such disapproval by Congress must be accomplished within a certain specified time.

Should the joint committee find that a State should have its representation reduced—and lacking disapproval by Congress within the specified period—the reductions in representation would be effective for the next Congress.

And the reductions would apply only to that Congress. In no case would a State's representation be reduced below one.

I believe this amendment to be very fair, Mr. President.

It keeps the major responsibility for protecting the right to vote with the Congress.

We cannot be selective about enforcing our constitutional rights and duties. If we are to accept any of the constitutional provisions, we must accept all of them.

Many of my colleagues were successful in somewhat distorting the constitutional right to trial by jury, and I am sorry for that.

However, there is no way to distort the meaning of section 2 of the 14th amendment.

All it needs is enforcement.

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

Mr. McNAMARA. I am happy to yield to the Senator from Oregon.

Mr. MORSE. First I should like to commend the Senator from Michigan for offering his amendment. I stand in support of it. For purposes of clarification I should like to ask him some questions. Is the Senator concerned, as I am, about Supreme Court decisions, such as one rendered in 1950, with the great dissenting opinions of Mr. Justice Douglas and Mr. Justice Black in one decision pointing out that in some places, for example, the vote of a person in a southern city may be one-twentieth of the vote of a person in a rural area? Does that give the Senator concern?

Mr. McNAMARA. I assure the Senate that I share his concern.

Mr. MORSE. Does the Senator from Michigan know that there was discussion among some Members of the Senate during the last few days about offering an amendment which would deal with this problem directly in connection with the pending bill, but that we thought it would be fairer to our colleagues in the Senate from the areas of the country concerned if we first had a study and investigation made and a report submitted, before taking action?

Mr. McNAMARA. I agree that was the situation, and that that was the consideration shown.

Mr. MORSE. As I understand, the amendment provides for that kind of investigation and for future action if the facts warrant, and that it seeks to give true equality in the voting privilege, in that each vote would be of equal value, no matter where cast. Is that correct?

Mr. McNAMARA. That is the intent of the amendment.

Mr. MORSE. I wish to say for that reason, and for the other reasons set forth by the Senator from Michigan, I am happy to support the amendment.

Mr. McNAMARA. I thank the Senator.

Mr. MORSE. Mr. President, will the Senator permit me to ask unanimous consent to have printed as a part of the RECORD at this point the Supreme Court decision in South against Peters, which includes the dissenting opinion of Justices Douglas and Black?

Mr. McNAMARA. I shall be glad to have the Senator do so.

Mr. MORSE. Mr. President, I ask unanimous consent that the Supreme Court decision I have referred to be printed in the RECORD at this point.

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

SOUTH ET AL. v. PETERS, CHAIRMAN OF THE GEORGIA STATE DEMOCRATIC EXECUTIVE COMMITTEE, ET AL.

The District Court dismissed a suit to restrain adherence to the county unit system prescribed by Georgia Code Annotated, sections 34-3212 and the following, in the forthcoming Democratic Party primary for United States Senator, governor, and other State offices (89 F. Supp. 672). On appeal to this court, affirmed, page 277.

Hamilton Douglas, Jr., for appellants.

Eugene Cook, attorney general of Georgia; M. H. Blackshear, assistant attorney general; M. F. Goldstein and B. D. Murphy for appellees.

Per curiam.

The Georgia statute which appellants attack as violative of the 14th and 17th amendments provides that county unit votes shall determine the outcome of a primary election.[1] Each county is allotted a number of unit votes, ranging from 6 for the 8 most populous counties, to 2 for most of the counties. The candidate who receives the highest popular vote in the county is awarded the appropriate number of unit votes. Appellants, residents of the most populous county in the State, contend that their votes and those of all other voters in that county have on the average but one-tenth the weight of those in the other counties. Urging that this amounts to an unconstitutional discrimination against them, appellants brought this suit to restrain adherence to the statute in the forthcoming Democratic Party primary for United States Senator, governor, and other State offices.

The Court below dismissed appellants' petition (89 F. Supp. 672). We affirm. Federal courts consistently refuse to exercise their equity powers in cases posing political issues arising from a State's geographical distribution of electoral strength among its political subdivisions. See *MacDougall* v. *Green* (335 U. S. 281 (1948)); *Colegrove* v. *Green* (328 U. S. 549 (1946)); *Wood* v. *Broom* (287 U. S. 1, 8 (1932)); cf. *Johnson* v. *Stevenson* (170 F. 2d 108 (C. A. 5th Cir., 1948)).

Affirmed.

Mr. Justice Douglas, with whom Mr. Justice Black concurs, dissenting.

I suppose that if a State reduced the vote of Negroes, Catholics, or Jews so that each got only one-tenth of a vote, we would strike the law down. The right to vote in a primary was held in *Nixon* v. *Herndon* (273 U. S. 536), to be covered by the equal protection clause of the 14th amendment. And where, as in Georgia, a party primary election is an integral part of the State election machinery, the right to vote in it is protected by the 15th amendment. *Smith* v. *Allwright* (321 U. S. 649). And see *United States* v. *Classic* (313 U. S. 299). Under both amendments discriminations based on race, creed or color fall beyond the pale.

Yet there is evidence in this case showing that Georgia's county unit system of consolidating votes in primary elections makes an equally invidious discrimination. Under this primary law the nomination does not go to the candidate who gets the majority or plurality of votes. Votes are counted county by county. The winner in each county gets a designated number of votes—6 in the most populous counties, 4 in the next most populous, 2 in each of the rest.

Plaintiffs are registered voters in Georgia's most populous county—Fulton County. They complain that their votes will be counted so as drastically to reduce their voting strength.

They show that a vote in one county will be worth over 120 times each of their votes. They show that in 45 counties a vote will be given 20 times the weight of each of theirs. They show that on a Statewide average each vote outside Fulton County will have over 11 times the weight of each vote of the plaintiffs.

Population figures show that there is a heavy Negro population in the large cities. There is testimony in the record that only in those areas have Negroes been able to vote in important numbers. Yet the county-unit system heavily disenfranchises that urban Negro population. The county-unit system has indeed been called the last loophole around our decisions holding that there must be no discrimination because of race in primary as well as in general elections.

The racial angle of the case only emphasizes the bite of the decision which sustains the county-unit system of voting. The discrimination against citizens in the more populous counties of Georgia is plain. Because they are city folks, their voting power is only an eleventh or a hundred and twentieth of the voting power of other citizens. I can see no way to save that classification under the equal-protection clause. The creation by law of favored groups of citizens and the grant to them of preferred political rights is the worst of all discriminations under a democratic system of government.

The county-unit system has other constitutional infirmities. Article I, section 2 of the Constitution provides that Members of

[1] Georgia Code Annotated (secs. 34-3212 et seq. (1936)). Although this particular statute was enacted in 1917, the county unit has been basic in the State electoral scheme since Georgia's first constitution in 1777.

the House of Representatives shall be "chosen" by the people. And the 17th amendment provides that Senators shall be "elected by the people." These constitutional rights extend to the primary where that election is an integral part of the procedure of choosing Representatives or Senators, or where in fact the primary effectively controls the choice. *United States* v. *Classic*, supra. In Georgia's primary to be held on June 28, 1950, a United States Senator will be nominated. Certainly in a State like Georgia, where the Democratic nomination is equivalent to election, it would be a travesty to say that the true election in the constitutional sense comes later.

There is more to the right to vote than the right to mark a piece of paper and drop it in a box or the right to pull a lever in a voting booth. The right to vote includes the right to have the ballot counted. *United States* v. *Classic, supra; Ex parte Yarbrough* (110 U. S. 651). It also includes the right to have the vote counted at full value without dilution or discount. *United States* v. *Saylor* (322 U. S. 385). That federally protected right suffers substantial dilution in this case. The favored group has full voting strength. The groups not in favor have their votes discounted.

In Colegrove v. *Green* (328 U. S. 549), we had before us a case involving the division of Illinois into congressional districts in such a way that gross inequalities in voting resulted. Citizens of heavily populated districts sued to enjoin State officials from holding an election under the Illinois law governing congressional districts. There was an argument, persuasive to three members of the Court, that the issue presented was of a political nature and not justiciable, that it was an effort to get the Federal courts "to reconstruct the electoral process of Illinois in order that it may be adequately represented in the councils of the Nation" (328 U. S. 552). And in *MacDougall* v. *Green* (335 U. S. 281), the Court on a closely divided vote refused to interfere with the provisions of the Illinois law governing the formation of a new political party. There is no such force in the argument that the question in the present case is political and not justiciable.

Plaintiffs sue as individuals to enforce rights political in origin and relating to political action. But as Mr. Justice Holmes said of the same argument in *Nixon* v. *Herndon, supra*, page 540, it is "little more than a play upon words" to call it a political suit and therefore a nonjusticiable one. The rights they seek to enforce are personal and individual. Moreover, no decree which we need enter would collide either with Congress or with the election. Georgia need not be remapped politically. The Georgia Legislature need not take new action after our decree. There is no necessity that we supervise an election. There need be no change or alteration in the place of the election, its time, the ballots that are used, or the regulations that govern its conduct. The wrong done by the county unit system takes place not only after the ballots are in the box but also after they have been counted. The impact of the decree would be on the tallying of votes and the determination of what names go on the general election ballot. The interference with the political processes of the State is no greater here than it is when ballot boxes are stuffed or other tampering with the votes occurs and we take action to correct the practice. And related considerations, which led Mr. Justice Rutledge to conclude in *Colegrove* v. *Green* that the Court should not exercise its equity powers in that election, are lacking here. There is time to act, since the State primary is called for June 28, 1950. Relief can be certain. No conflict with any policy of Congress is possible. There is no overhauling of the State's electoral process.

The case is of greater importance than the rights of plaintiffs in this next election may appear to be. We have here a system of discrimination in primary voting that undermines the advances made by the Nixon, Classic, and Allwright cases. Those decisions are defeated by a device as deeply rooted in discrimination as the practice which keeps a man from the voting booth because of his race, creed, or color, or which fails to count his vote after it has been cast.

It is said that the dilution of plaintiffs' votes in the present case is justified because equality of voting is unnecessary in the nomination of United States Senators. Thus it is pointed out that in some States nomination is by conventions. But that proves too much. If that premise is allowed, then the whole ground is cut from under our primary cases since *Nixon* v. *Herndon*, which have insisted that where there is voting there be equality. Indeed, the only tenable premise under the 14th, 15th, and 17th amendments is that where nominations are made in primary elections, there shall be no inequality in voting power by reason of race, creed, color, or other invidious discrimination.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. McNAMARA. I am happy to yield.

Mr. CASE of New Jersey. I wish to associate myself with the Senator from Michigan and the Senator from Oregon in connection with the pending amendment. It has been a long time since we should have done what the Senator from Michigan now attempts to do. I, myself, have been interested in one phase of this particular question on several occasions; first in the House of Representatives and, more recently, in the Senate, when bills to change the method of electing the President of the United States were considered. Both in the House, when I was a Member of that body, and in the Senate, I offered to those bills amendments which would have had substantially the same effect, insofar as the selection of presidential electors is concerned, as the amendment proposed by the Senator from Michigan would have.

I wish to commend him. It is a matter concerning which Congress has always had the duty to take action. Congress has always shirked its responsibility and duty. I am glad the Senator gives us an opportunity to again express our views upon this most important question.

Mr. McNAMARA. I thank the Senator.

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

Mr. McNAMARA. I yield.

Mr. DOUGLAS. I, too, wish to associate myself with the position of the Senator from Michigan. We have apparently not taken any steps to enforce the 15th amendment. Nevertheless, I think it would be a very good thing if we acted to enforce the provisions of the 14th amendment.

Mr. McNAMARA. I thank the Senator and I express my appreciation to him.

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

Mr. McNAMARA. I yield.

Mr. JAVITS. I should like to associate myself with the views expressed by the Senator from Michigan, and to compliment him for offering his amendment. I also wish to associate myself with the views expressed by my colleague from New Jersey [Mr. CASE], whom I heard in the other body lead this fight years ago for the same reason. I should like to point out also that it is our duty to vindicate the Constitution of the United States. That is what the Senator's amendment would do.

Mr. McNAMARA. I thank the Senator, and I appreciate his contribution.

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

Mr. McNAMARA. I yield.

Mr. CLARK. I, too, would like to associate myself with the amendment offered by the Senator from Michigan. I think it is no more than simple justice. It is an effort which has been delayed for perhaps some 90 years, and is certainly long overdue. I hope it will be possible to have the yeas and nays ordered on the amendment when it comes to a vote. We should have a yea-and-nay vote on the amendment. In that way I hope we will be able to determine whether the amendment meets the conscience of the Senate. I think it does.

Mr. McNAMARA. I thank the Senator.

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

Mr. McNAMARA. I yield.

Mr. NEUBERGER. I wish to join the other Members of the Senate who have commended the Senator from Michigan for offering his amendment. It is a very much merited proposal. I should like to ask the Senator several questions, if I may be permitted to do so. I gather that the amendment is designed to prevent any State from having seats in the House of Representatives based upon the residence of persons in those States who are not able to exercise their right to vote. Is that correct?

Mr. McNAMARA. The Senator is correct. As long as the representation is based on the census, it is proper that their representation should be reduced proportionately, if that is the situation.

Mr. NEUBERGER. As I understand, the operation of the Senator's amendment would be applied equally whether it be an urban area, a rural area, or a metropolitan area; in other words, it would be applied similarly in relation to any State where a person who is included in the census is not permitted to go to the polls and freely take part in an election. Is that correct?

Mr. McNAMARA. The Senator is correct.

Mr. NEUBERGER. I thank the Senator for offering his amendment.

The PRESIDING OFFICER. All time of the Senator from Michigan has expired.

Mr. McNAMARA. Mr. President, I do not wish to dispute the timekeeper, but I do not believe I have used quite 15 minutes. Has the Chair charged to me the time he used in seeking order in the Senate? I should like to yield to the Senator from Michigan [Mr. POTTER] for a question.

Mr. RUSSELL. Mr. President, I ask unanimous consent that that may be done.

Mr. McNAMARA. I thank the Senator.

The PRESIDING OFFICER. Without objection, the junior Senator from Michigan may yield to his colleague for a question.

Mr. POTTER. I wish to commend my distinguished colleague for offering his amendment. It is characteristic of his endeavor to make certain that all people be treated equally. In other words, if some people within a State are denied the right to vote, the State should not have representation for those citizens. I hope the Senate will adopt the amendment.

Mr. McNAMARA. I thank the Senator for his generosity.

The PRESIDING OFFICER. The time in opposition to the amendment is under the control of the minority leader, who has 15 minutes.

Mr. KNOWLAND. Mr. President, do any Senators desire time in opposition? If not, I yield myself 2 minutes.

While the amendment might be worthy of consideration if it were offered as a separate piece of proposed legislation, I myself question very much the advisability of its being made a part of the bill at this time.

Under the circumstances, I shall vote against the amendment of the Senator from Michigan.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

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

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Michigan.

Mr. McNAMARA. Mr. President, on this question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [putting the question.]

The "noes" have it, and the amendment is rejected.

The bill is open to further amendment.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. McNAMARA. Mr. President, on the question of agreeing to my amendment, I ask for a division.

The PRESIDING OFFICER. The Senator from Texas has been recognized.

Mr. JOHNSON of Texas. Mr. President I have no objection to having a division on the question of agreeing to the amendment of the Senator from Michigan; in fact, I have no objection to even 3 or 4 divisions.

Mr. McNAMARA. Perhaps in some cases I would be glad to have 3 or 4 divisions; but in this case I ask for only 1.

The PRESIDING OFFICER. On the question of agreeing to the amendment of the Senator from Michigan [Mr. McNAMARA]. A division has been requested, and the Senate will proceed to divide.

On a division, the amendment was rejected.

Mr. JAVITS. Mr. President, I call up the amendment which I have sent to the desk, and ask that it be stated. I submit the amendment on behalf of myself, the Senator from Illinois [Mr. DIRKSEN], the Senator from New Jersey [Mr. CASE], and the Senator from Wisconsin [Mr. WILEY].

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. After section 153 it is proposed to insert the following:

SEC. 154. Sections 402 and 3691 of title 18 of the United States Code, as amended by sections 151 and 152, respectively, of this act, shall apply only to contempt proceedings for disobedience of, or resistance or obstruction to, any lawful writ, process, order, rule, decree or command issued in actions or proceedings instituted by the Attorney General under section 2004 of the Revised Statutes. Any other proceeding for contempt of any court of the United States shall be heard and determined in accordance with the provisions of sections 402 and 3691 of title 18 of the United States Code as such sections were in effect on the day before the date of the enactment of this act and in accordance with the usages and customs of law and equity prevailing on such day.

The PRESIDING OFFICER. For how long a time does the Senator from New York seek recognition?

Mr. JAVITS. Mr. President, I should like to be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, what the amendment proposes to do is to apply the present provisions of the Clayton Act with respect to trials in criminal-contempt cases to all the statutes of the United States to which they apply today, and to apply the amendment which the Senate adopted last night to this particular civil-rights statute only.

The difference between the amendment I have proposed and the amendment proposed last night by the distinguished Senator from Ohio [Mr. LAUSCHE] is only in one respect, and it is a minor respect. In a moment I shall explain why I have called up the amendment. Under my amendment, I do not attempt to equate a criminal contempt with a crime under Federal or State law, whereas under the amendment of the Senator from Ohio, that attempt was made, in practical effect, by incorporating the exact text of the provision of the Clayton Act, as it now stands, which would have been applicable.

Let me state my reason for bringing up this amendment. I spoke last night of the path of responsibility, regardless of the feelings of any of us. For example, I voted against the Taft-Hartley bill. By the pending bill, a change will be made in the Taft-Hartley Act, if the amendment stands as it is. If one wanted to be very cute about this, he could say, "Let it be." That is not the way to run the affairs of this country or of the Congress. I think the Senator from Ohio referred to that. Had I had time, when the unanimous consent agreement was proposed, I would have sought the adherence of the Senator from Ohio to the amendment, in which I have had the support of the Senator from New Jersey [Mr. CASE], the Senator from Wisconsin [Mr. WILEY], and the Senator from Illinois [Mr. DIRKSEN], but I am sure the Senator from Ohio will understand my inability to reach him in time.

The fundamental problem involved is a very real one. Overnight I made some inquiry about what the amendment which was adopted would mean in respect of other statutes. We are now beyond the point where Senators are trying to attract some of their colleagues who are interested in having the language made applicable to other statutes. We are talking about getting a bill to conference. I find that the bill as it stands would, if enacted, have a very, very materially adverse effect on other statutes.

Let me give two examples of what it would do to other statutes if the amendment should be enacted. First, in respect to the anti-trust laws, the language which was adopted would be applicable to contempt proceedings under antitrust laws. The limitation of fine which is contained in the amendment which the Senate adopted last night would also obtain in anti-trust proceedings. Every Senator will remember there have been antitrust decrees in criminal contempts in which very extensive fines have been imposed. Often, a criminal contempt case is for the benefit of an individual, and in such a case the court can levy a very large fine, which the court feels can be devoted to the aggrieved individual.

One of the cases to which I have referred is United States against Schine, decided in the District Court for the Western District of New York, criminal 2679-C, December 27, 1956. Not only did

that case involve a very large business enterprise, but the decree was an extremely complex one under the antitrust laws. If a jury were impaneled in such a case, the jury could properly, under the rules of germaneness, go into the details of the facts and circumstances which resulted in the decree itself. I think we have had enough experience to know we could hardly expect juries to deal with the complexities of antitrust decrees. In fact, in many antitrust cases in which there have been juries many of them have broken down because of the length of time of the trial and the complexity of the situation. Such procedures have proved to be very unsatisfactory.

That is one aspect of the question. I shall not detain the Senate too long, but another case is that of Federal Trade Commission cease and desist orders which go to the court of appeals. They are taken to the circuit court of appeals either by the Commission or by defendants. In such cases the decrees become decrees of the circuit court of appeals. Those decrees may be violated, and they are violated. I cite one such case to the Senate, the case of the Dolcin Corp., Circuit Court of Appeals, miscellaneous No. 648, decided December 18, 1956. In such a case the decree becomes the decree of the circuit court of appeals. If it is violated and there is a criminal contempt proceeding, the criminal contempt trial must be held in the circuit court of appeals; and the circuit court of appeals has no machinery, no mechanics, no procedure for empaneling a jury. Permitting the matter to be submitted to a jury under those circumstances would be a completely new approach to the law, and would involve a completely new body of law which does not exist today.

Mr. KNOWLAND. Mr. President, if the Senator will permit me, at this point, I yield myself 2 minutes.

I should like to say to the Senator I think he has performed a very useful service to the Senate, but particularly to the conference, in pointing out some of the problems which may arise under the language of the amendment which was adopted last night. I must say to the Senator that I personally have some doubt that the Senate at this time will adopt the Senator's amendment, because there may be other problems involved which the conference will meet when the bill is before it.

However, I think this issue very definitely needed to be raised. The amendment adopted last night may go far beyond what even some of its proponents intended it to go. I urgently hope the conferees will study not only the remarks of the Senator from New York, but any memorandums he might place in the RECORD in regard to this matter, so that in conference this very real problem may be straightened out, and if a jury trial is to be provided, it may be limited to the question of voting rights as contained in the bill.

Mr. JAVITS. I thank the majority leader.

Mr. SALTONSTALL rose.

Mr. JAVITS. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I think the majority leader covered the point I had in mind.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. I should like to know how the unanimous-consent agreement applies to the amendment under discussion. Who has control of the time—the proponent of the amendment and the minority leader, who is also supporting the amendment?

Mr. KNOWLAND. No. The minority leader said he could not support it, but he said the Senator from New York was performing a useful service, because the amendment adopted last night went far beyond where it was expected to go.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 additional minutes.

Mr. JAVITS. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Last night the Senate adopted an amendment to protect the right of jury trials in cases of criminal contempt in civil-rights cases. As I understand, it is the purpose of the Senator's amendment to confine jury-trials to cases of that character, and not have jury trials provided in other criminal contempts, such as in the cases he has cited.

Mr. JAVITS. Exactly. Someone calculated that 38 statutes would be effected, including security laws, antitrust laws, hot oil laws, the communications laws, and so forth. As a matter of fact, at page 62 of the record which all Senators have before them there is a list of 28 statutes furnished by the Attorney General.

There is one correction which I should like to make in the statement of the Senator from Massachusetts. The amendment which was agreed to last night applied the jury-trial provision to all the statutes, rather than, as the Senator said, only to the civil-rights bill. If the amendment had applied only to the civil-rights bill, I would not be offering the amendment.

Mr. SALTONSTALL. The purpose of the Senator is to confine jury trials to this one issue. Is that correct?

Mr. JAVITS. Yes. I am under no illusions as to the fate of the amendment, but when the unanimous-consent request was propounded which would cut off all possible amendments which were not at the desk, I thought that bringing up this point was an essential service to ourselves, so that we might have it before us when we went to conference, instead of having the discussion lost in the parliamentary situation of last night, when Senators did not want to stop to deliberate this matter, and when they wanted to push on to the conclusion of action on the jury-trial amendment. I felt the question should be raised, and some of the arguments should be put in the RECORD, and if the amendment were rejected, which seems to be the prevailing fashion, it would be markedly and sharply brought up for the benefit of those who would have to confer on the bill.

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

Mr. JAVITS. I yield to the Senator from Ohio. I say to him I would welcome being joined in this amendment by him, if he should be so disposed.

Mr. LAUSCHE. Mr. President, I am very grateful that the Senator from New York has made a study of a number of the statutes which are involved in the class of about 28 to 40 affected by the O'Mahoney-Kefauver-Church amendment. I think in due time the impact of that amendment will have to be corrected. I have no doubt about my judgment in that matter.

I wish to invite the attention of my colleagues to the very interesting disclosure made by the Senator from New York, that antitrust cases have always belonged to the jurisdiction of equity. Such cases involve complicated matters not triable by juries.

In a measure this fact casts a reflection on the argument which was made that the principle affecting jury trials which was sought to be applied in the bill pending before the Senate did not genuinely have application to the 28 or 40 statutes.

If I may make the suggestion, though the subject has been concluded, cases under statutes properly come within the jurisdiction of equity. I think the Senator from New York has pointed that out. There are some cases which might not properly have come under equity originally; but that is a collateral matter, and is now disposed of.

I shall be glad to collaborate with the Senator from New York in a further study of this subject.

Mr. JAVITS. I thank the Senator.

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

Mr. JAVITS. I yield to my colleague, the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I should like to associate myself with the amendment proposed by the Senator from New York. I hope my colleagues will give careful thought to reversing what to me is clearly a mistake we made yesterday by legislating in the dark with respect to 28, 36, or 40 statutes about which we know nothing, and changing the present judicial procedures affecting those statutes.

The PRESIDING OFFICER. The time of the Senator from New York has expired. The Senator has 5 additional minutes.

Mr. JAVITS. Mr. President, I yield myself an additional 2 minutes, and I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 2 minutes.

Mr. CLARK. The end result of this procedure will be that by legislating in the dark we will have put on the statute books an amendment to 40 statutes, the provisions of most of which we do not know.

Mr. President, with all humility I say such a course of action represents irresponsible legislation, and we should not

indulge in it. The amendment proposed by the Senator from New York should be adopted. It would confine criminal contempt jury trials to cases under consideration in civil-rights matters and would not apply across the board to statutes which would be affected we know not how.

Mr. JAVITS. I thank the Senator from Pennsylvania.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to my colleague, the Senator from New Jersey.

Mr. CASE of New Jersey. I thank the Senator from New York.

The issue here is very clear. It was made clear during the debate of the days past as to the jury-trial amendment, and was emphasized again last night. Summed up by the Senator from New York, the issue is simply this: As the Senator from Pennsylvania indicated, and as the Senator from Missouri [Mr. HENNINGS] indicated in the memorandum which he sent to the Senator from Pennsylvania, which was printed in the RECORD, it is almost irresponsible for this body to apply the sort of provision contemplated to the courts of this country, without any kind of consideration adequate to the subject. We should not take an action which would seriously undermine the prestige of the courts not only with regard to particular statutes in respect to which the injunctive remedy is now available to the United States, but with regard to all matters to which conceivably in the future it may be thought to have application.

The PRESIDING OFFICER. The additional 2 minutes of the Senator from New York has expired. The Senator has 3 minutes remaining.

Mr. JAVITS. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. I yield to the Senator from New Jersey.

Mr. CASE of New Jersey. The case of the mine workers is in the minds of all Senators. I should like my colleagues to think of what would have happened if the court in that case had been faced with the law as it would be if the amendment of the Senator from Wyoming should be finally made a part of the law of the land by the enactment of the civil rights bill as it now stands.

Mr. JAVITS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The time in opposition to the amendment is under the control of the Senator from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. President, I yield the Senator from Wyoming [Mr. O'MAHONEY] 5 minutes.

Mr. O'MAHONEY. I thank the Senator from California.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. O'MAHONEY. Mr. President, the subject matter of the proposal now made by the Senator from New York has been discussed at length during the entire period in which the jury trial amendment has been under consideration. The amendment was adopted last night by an overwhelming vote of the Senate.

When the motion of the Senator from Ohio [Mr. LAUSCHE] was made and I asked the Senate to reject that motion, I gave the Senator my personal assurance that the problem which he desired to have presented would receive every consideration which I had in my power to give. I shall certainly be glad to ask the conferees to consider the matter. I make that same statement to the Senator from New York.

The amendment of the Senator from New York has not been printed. Members of the Senate have not had the opportunity to read it. If the amendment were adopted the situation would be very confusing. It is not necessary to adopt the amendment. I feel that the interests of all concerned will be taken care of by such consideration as will be given to the matter when the bill goes to conference.

I hope the amendment will be rejected.

SEVERAL SENATORS. Vote! Vote! Vote!

The PRESIDING OFFICER. The Senator from California.

Mr. KNOWLAND. I am prepared to yield back the remainder of my time, whenever the Senator from New York is prepared to yield back the time remaining to him.

The PRESIDING OFFICER. Does the Senator from New York yield back his remaining time?

Mr. JAVITS. Mr. President, I yield myself the time remaining to me.

The PRESIDING OFFICER. The Senator from New York has 2 minutes remaining. The Senator is recognized for that time.

Mr. JAVITS. I thank the Chair.

I should like to explain to the Senate that my reason for not having the amendment printed is solely attributable to the unanimous-consent request which was agreed to today, immediately after the vote of last night. I thought I would have ample opportunity to have the amendment printed. I approve of the unanimous-consent request. Had it not been for that circumstance I would have shown the courtesy to all of my colleagues of having the amendment printed.

Mr. President, I ask unanimous consent that there may be printed in the RECORD a memorandum on the subject, which deals with some factual cases and the law and emphasizes the very great seriousness of what we are considering at this time. As the days go by we will discover more and more instances where the shoe pinches very hard.

I deeply appreciate the words of the distinguished Senator from Wyoming. The real urgency of what is necessary to be done constructively in the interest of all of us, to prevent the amendment adopted last night covering a wide gamut of cases, which I think is unintended and can be very damaging, is what we face.

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

MEMORANDUM

Requiring a jury trial in all criminal contempt cases might seriously interfere with effective enforcement of both the antitrust laws and regulatory statutes enforced by administrative agencies.

1. Civil suits brought by the United States to "prevent and restrain" violations of the antitrust laws are heard and decided by a single United States district judge (or, in certain exceptional cases, by a specially constituted court of 3 judges, at least 1 of whom is a court of appeals judge) sitting without a jury. These cases usually involve complex and difficult factual and legal questions, may require the introduction of a large amount of documentary and testimonial evidence, and often result in a decree which causes far-reaching changes in the organization and operation of an entire industry.[1] The determination of the appropriate relief frequently is one of the most difficult and bitterly contested, as well as one of the most important, issues in the case. For, as the Supreme Court has pointed out (*International Salt Co.* v. *United States* (332 U. S. 392, 401)), if the Government fails to obtain relief which is adequate "effectively [to] pry open to competition a market that has been closed by defendants' illegal restraints * * * the Government has won a lawsuit and lost a cause."

While in most cases the defendants comply with the decree in good faith, there are a sufficient number of instances of noncompliance to make it vital to proper enforcement that adequate sanctions be available to deal effectively with recalcitrant violators. In the event of violation, the only remedy available to the Government is a civil or a criminal contempt proceeding, or both. Criminal contempt may often be the more effective sanction, since a civil contempt proceeding does no more than give the defendant, upon pain of punishment, another chance to comply with the court's order. (See *Penfield Company* v. *Securities & Exchange Commission* (330 U. S. 585, 590).) Criminal contempt, on the other hand, not only vindicates the judicial authority by punishing disobedience of the court's order in a particular case, but also serves as an effective deterrent sanction against noncompliance with antitrust decrees.[2]

It would be anomalous, we think, to require that, after a district judge himself has decided the case and formulated the decree, a jury should be called upon to determine whether the decree has been violated. The determination of such violation may involve questions of extreme complexity, often as difficult to decide as the original issue of violation. Furthermore, decision of the contempt question frequently requires considerable knowledge of the facts and issues in the original antitrust case. This was true, for example, in the recent proceeding in which J. Myer Schine and other defendants in a prior Government antitrust case were convicted of criminal contempt for willful violation of the decree entered against them in that case. (*United States* v. *J. Myer Schine, et al.* (W. D. N. Y., Criminal No. 6279–C), decided Dec. 27, 1956.)

Thus, the complexity of issues in an antitrust contempt case is such that, if a jury were required to decide them, it might be necessary to introduce major portions of the evidence in the original proceeding. The result inevitably would be unduly to protract and delay the contempt proceedings, which, indeed, might become of even greater complexity than the original case. Furthermore, the question of contempt may turn to a considerable extent on what the intent of the

[1] For example, in the Government's suit against the motion picture industry, the final decree provided for the separation of the production and distribution phases of the industry into separate businesses, and completely changed the method by which films were distributed to exhibitors.

[2] The Government has filed 17 criminal contempt cases for violation of Sherman Act decrees, 6 of which have been filed since 1952.

judgment was. That is a question which the judge seems far better able to decide than the jury, particularly if, as sometimes happens, the judge hearing the contempt case is the same individual who decided the original case.

"[P]unishment for contempt does not restore the competition which has been eliminated" (*United States* v. *Crescent Amusement Co.* (323 U. S. 173, 186)) by violation of the decree. A fortiori, the efficiency that contempt has as a means of insuring compliance with the decree should not be weakened by making contempt proceedings less effective.

2. A jury trial in all criminal contempt cases would also create serious problems in connection with the enforcement of cease-and-desist and similar orders of regulatory agencies. Most statutes which provide for the issuance of such orders (which are designed to eliminate practices which Congress has determined are contrary to the public interest), provide for their enforcement by courts of appeals. Thus, section 5 of the Federal Trade Commission Act (15 U. S. C. 45) provides that a court of appeals, upon review of a cease-and-desist order issued by the Federal Trade Commission against unfair methods of competition, or unfair or deceptive acts or practices, "shall, [t]o the extent that the order of the Commission is affirmed * * * thereupon issue its own order commanding obedience to the terms of such order of the Commission."

If a person subject to such a judicially enforced order willfully violates it, the violator is subject to appropriate punishment in a criminal contempt proceeding in the court of appeals. Such a case recently arose in the Court of Appeals for the District of Columbia Circuit in connection with an order issued by the Federal Trade Commission against the Dolcin Corp. and three of its officers directing them to cease and desist misrepresenting the therapeutic properties of a drug they were manufacturing and selling. Judicial review was had of that order, and the court of appeals, upon affirming the order, entered a judgment providing that the order, as modified by the court, "be, and it is hereby, ordered enforced and the petitioners herein are hereby commanded to obey the terms thereof." The company and its officials did not obey the order, and the court of appeals, after hearing (on the pleadings and affidavits, together with oral argument of counsel), found that the company and its officers had willfully and knowingly violated the judgment. As punishment for the criminal contempt, the court imposed a fine of $15,000 on the corporation and $2,500 on the individual. *In re Dolcin Corporation, et al.* (C. A. D. C., Misc. No. 648), decided December 18, 1956, certiorari denied June 3, 1957, No. 965, October term, 1956.

If, in such a case, a jury were required to determine the question of contempt, the result, to say the least, would be to create a number of serious problems. In the first place, no machinery exists for a court of appeals to convene a jury. Since the contempt involved is of the court of appeals, it would hardly be appropriate, if valid, to utilize a jury under the control of the district court for determination of that issue. Permitting the matter to be submitted to a jury also would result in complicating and delaying the proceedings, since the jury would have to consider, and therefore receive evidence with respect to, a number of issues connected with the original enforcement case, and perhaps even with the Commission proceedings. Finally, determination whether there has been a willful violation of an order of the court of appeals enforcing an administrative order, is not the kind of question the decision of which, under our system of jurisprudence, has ever been viewed as the proper function of the jury. To the best of our knowledge, there has been no serious objection made to the court determining that question, as an appropriate incident to its inherent power to vindicate its authority.

The PRESIDING OFFICER. Does the Senator from California yield back the remainder of his time?

Mr. KNOWLAND. I yield back the remaining time to me, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS].

The amendment was rejected.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. President, I call up on behalf of myself and the Senator from South Carolina [Mr. JOHNSTON] my amendment No. 2, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. At the end of subsection (c) on page 12, line 4, it is proposed to add the following:

The Attorney General shall not institute or prosecute any action or proceeding under the provisions of this section for the benefit of any person unless he files with the district court with the pleading relating to such person written authority to do so executed by such person.

The Chair recognizes the Senator from North Carolina. How much time does the Senator wish?

Mr. ERVIN. I yield myself 5 minutes.

Mr. President, I wish to call the attention of the Senate to the fact that the persons for whom the Attorney General will bring actions or proceedings under this bill in every case will be persons who are adults, in the possession of all of their faculties.

We have been talking a great deal about civil rights during the past several weeks. It seems to me that if there is any civil right which ought to be recognized by everyone, under all circumstances, it is the civil right not to be embroiled in a lawsuit in the capacity of a supposed beneficiary, without one's consent.

This amendment would merely make it plain that the Attorney General could not bring suit in behalf of any person under the proposed law unless he did so with that person's written consent. I respectfully submit that it is a wise proposal, in that it attempts to remove from the proposed legislation a proposition which has never been advanced before, so far as I can determine, in any Anglo-Saxon jurisdiction, namely, that a public officer, or any other person, can bring a suit for an adult in possession of all his mental faculties without the consent of that adult.

That is all my amendment does, and I respectfully submit that it ought to be adopted.

I may state that this amendment is offered on behalf of the distinguished senior Senator from South Carolina [Mr. JOHNSTON] as well as myself.

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

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Is it not also true that this amendment was before the Judiciary Committee, and was discussed thoroughly by the committee?

Mr. ERVIN. The Senator is correct.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the Senator from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. President, I was greatly pleased today to note that both the Washington Post and the Washington Evening Star carried editorials commendatory of the action which the Senate has thus far taken with respect to the bill, particularly their comments with respect to the amendment adopted last night.

However, in the comment of the Star there is a section which relates directly to the issue which has been raised by the Senator from North Carolina. Therefore, I should like to read it at this time, as well as to place both editorials in the RECORD when I shall have concluded.

The Star editorial begins:

The Senate strengthened the civil-rights bill early today by its approval of the O'Mahoney-Fefauver-Church amendment, providing jury trials in criminal contempt and establishing new safeguards against exclusion of Negroes from jury service in Federal courts.

Further along in the editorial says:

The bill as it passed the House derived no strength from bypassing jury trials. That was a fundamental source of weakness. This bill derives its real strength from new powers conferred on the Attorney General to initiate, independently or with others, civil actions for the relief of those injured by deprivation of their voting rights.

I digress at this point to note that the editorial friendly to the amendment adopted yesterday points out that the bill derives its real strength from new powers conferred on the Attorney General to initiate, independently or with others, civil actions for relief of those injured by deprivation of their voting rights.

If that is the real strength of this bill—and I feel that the bill does represent an advance in the field of civil rights generally, as well as in the field of voting rights—it seems to me that it would be unwise to add the amendment which the Senator from North Carolina has suggested.

I read further:

That is a tremendously potent extension of Federal power, both executive and judicial, in a complex field. And as a practical matter it remains undiminished by the relatively minor safeguard interposed by the right of jury in the narrow field of punishment for criminal contempt.

I wish to follow that by a few sentences from the editorial in the Washington Post. I particularly commend these editorials to those who felt that all was lost last night when the O'Mahoney-Kefauver-Church amendment was adopted.

The Washington Post editorial of this morning says:

Senate approval of the jury-trial amendment can prove a boon rather than a barrier to the protection of voting rights if it is accepted in the proper spirit. The amendment agreed to last night amounts to a very substantial concession to the sensibilities of the South. There is no excuse now for any further delaying tactics in final adoption of the

civil-rights bill. At the same time, the bill, as amended can materially advance the primary purpose of safeguarding the voting rights of all citizens in Federal elections.

Obviously the bill as it now stands is not all that many civil rights champions wanted, and it is a good bit more than some southerners wanted. It has been divested of section III, which dealt with rights other than the right to vote, and it has been softened by the jury-trial amendment. Yet it still contains provisions for the creation of a civil rights commission with subpena powers and for the appointment of an Assistant Attorney General for civil rights. The significance of these two provisions is not inconsiderable; and although most Southern Senators, for political reasons, cannot afford to welcome them publicly, there are indications that the provisions will be tacitly accepted.

In conclusion the Post editorial says:

It also is important to recognize that criminal contempt is a sort of last-ditch proceeding. Means of dealing with it are necessary to give the bill teeth. But the real significance of the bill is in the equity route it provides. A person who deprived another of voting rights would be confronted with the authority and majesty of the United States.

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

Mr. CASE of South Dakota. Mr. President, may I have 3 additional minutes?

Mr. KNOWLAND. I yield 3 additional minutes to the Senator from South Dakota.

Mr. CASE of South Dakota. The Post editorial continues:

No one would relish the thought of fighting the United States; and there would in all likelihood be considerable pressure for compliance from law-abiding citizens in the community, whatever their views. It is a disservice to the South to think that there automatically would be disrespect for the courts and defiance of the law.

I should like to interject that in my own State, if there were a precinct where some local prejudice existed against Indians or other voting, if those holding such prejudice were confronted by an order of the court, served by the United States marshal, I am sure the tendency of the average citizen would be to comply with the order. Even though he might consider the possibility of converting the case in some way into a criminal contempt case, his natural inclination would be to respect an order of the United States court when it came to him from the hands of the United States marshal.

The Post editorial concludes:

What has emerged is a compromise in the best tradition of dignified Senate deliberation. A filibuster has been avoided, in the initial instance at least, by acceptance of a reasonable but less stringent measure which all but the most diehard southern Senators should feel a moral obligation to uphold in practice. The need now is to keep the remaining debate in the same good temper and above considerations of mere partisan advantage. No attempt to guarantee civil rights against every possible abuse can succeed. But it is a plausible theory that respect for other rights stems from exercise of the ballot, and the Senate last night paved the way for new protection of the basic right to vote that should be far from meaningless.

I commend the two editorials, from the two leading Washington newspapers, which have been more or less at opposite poles on this question. I commend the editorials to Senators because I think they say, better than I said yesterday, that if the proposed legislation becomes law it will become a landmark in our better implementation of civil rights. It will be a credit to the Congress and a credit to the administration which sponsored it.

I ask unanimous consent to have the two editorials printed in the RECORD at this point as a part of my remarks.

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

[From the Washington Evening Star of August 2, 1957]

TRIUMPH OF PRINCIPLE

The Senate strengthened the civil rights bill early today by its approval of the O'Mahoney-Kefauver-Church amendment, providing jury trials in criminal contempt and establishing new safeguards against exclusion of Negroes from jury service in Federal courts.

A few other changes may be made in the bill, with particular reference to the makeup and procedures of the Federal Civil Rights Commission established under the legislation. But to all intents and purposes, adoption of the amendment has cleared the way for Senate passage of a genuine civil rights bill—the first one that has got so far since Reconstruction days.

We hope the disposition of the House, and of the administration which sent the bill to Congress, will be to speed its final enactment as perfected in the Senate. That will be done if its supporters want to see the great power and influence of the Federal Government directed to the effective removal of discrimination in the exercise of voting rights. It will not be done if they wish to retain civil rights as a political football to kick around in election campaigns. If the same order of statesmanship displayed by the Senate prevails in the House, a good civil rights bill will become law.

Many things have been said on and off the Senate floor in recent weeks to ridicule and otherwise to discredit the principle of jury trial and its advocates. The most misleading has been the repeated contention that preservation of that principle in civil-rights legislation would weaken the legislation and the inherent power of the courts to enforce their orders. The bill as it passed the House derived no strength from bypassing jury trials. That was a fundamental source of weakness. This bill derives its real strength from new powers conferred on the Attorney General to initiate, independently or with others, civil actions for the relief of those injured by deprivation of their voting rights. That is a tremendously potent extension of Federal power, both executive and judicial, in a complex field. And as a practical matter it remains undiminished by the relatively minor safeguard interposed by the right of jury trial in the narrow field of punishment for criminal contempt.

A minor safeguard it is. But it represents a cardinal principle, the importance of which has fortunately not been undermined by the astonishing resistance to it displayed by men in high places. It is they, not those who voted for the amendment, who sought to weaken not only this bill but one of the great traditions of a free society.

[From the Washington Post of August 2, 1957]

THE STAKE IN CIVIL RIGHTS

Senate approval of the jury-trial amendment can prove a boon rather than a barrier to the protection of voting rights if it is accepted in the proper spirit. The amendment agreed to last night amounts to a very substantial concession to the sensibilities of the South. There is no excuse now for any further delaying tactics in final adoption of the civil-rights bill. At the same time, the bill as amended can materially advance the primary purpose of safeguarding the voting rights of all citizens in Federal elections.

Obviously the bill as it now stands is not all that many civil-rights champions wanted, and it is a good bit more than some southerns wanted. It has been divested of section III, which dealth with rights other than the right to vote, and it has been softened by the jury-trial amendment. Yet it still contains provisions for the creation of a civil-rights Commission with subpena powers and for the appointment of an Assistant Attorney General for civil rights. The significance of these two provisions is not inconsiderable; and although most southern Senators, for political reasons, cannot afford to welcome them publicly, there are indications that the provisions will be tacitly accepted.

The adoption of the O'Mahoney-Kefauver-Church amendment providing for jury trials in cases of criminal contempt came about because honest men were sorely troubled. This newspaper groped along with Members of the Senate in the sheer complexity of the problem and the wish to find a reasonable accommodation. Unquestionably the issue of jury trials was used by opponents of the civil-rights bill in the beginning as a diversionary smokescreen. In the course of the debate, however, more persons began to have doubts. Was it desirable, they asked, to jeopardize one set of real or implied rights in order to secure others?

The whole reason for civil-rights legislation, of course, lies in the fact that the Constitution of the United States has not been fully accepted in parts of the South. The 14th and 15th amendments undertake to guarantee voting rights, and they are amplified by more specific laws forbidding interference or intimidation. These provisions have become dead letters in some areas because of the inability to persuade white juries to convict white defendants. But the problem was, and is, to bring about more general respect for voting rights without the sort of pyrrhic victory that would encourage political bitterness and divisions and stimulate a search for new evasions.

There is no such thing as a constitutional right of jury trial. Some 37 different statutes permit governmental agencies to enforce the law through equity proceedings rather than criminal trials. At the same time, a little-known provision of the Clayton Act of 1914 requires jury trials for criminal contempt if the contempt is a crime under other Federal or State laws, and unless the United States is a party to the suit.

The essential objective of the amended bill before the Senate is to make the United States automatically a party to suits—that is, to permit the Attorney General to sue on behalf of an individual who might be intimidated or financially unable to institute proceedings to protect his voting rights. The dilemma arose from the need, on the one hand, to insure to the courts the powers necessary to compel respect for and compliance with their orders; and the reluctance, on the other hand, to use the contempt power to punish a man summarily for actions which under laws already on the books were crimes in which defendants were entitled to jury trials.

This issue has been resolved by the amendment providing jury trials in all cases of criminal contempt, but leaving to judges summary powers to cope with civil contempt (including the power to imprison a defendant until he complies with a court order). The amendment was notably improved by a new section proposed by Senator CHURCH eliminating the provision now in Federal law that persons serving on Federal juries must satisfy requirements for State juries.

Actually this is a modification of the earlier effort by Senator NEUBERGER to deny application of the jury-trial amendment to areas where Federal juries are drawn from voting lists rather than from the general population. If the amendment as approved carries out its intent, it will remove the totally unwarranted veto some States exercise against service of Negroes on Federal juries. Alert Federal judges should be able to see to it that the selection of jury panels is fair. Negroes serving on juries in contempt trials will by no means guarantee convictions even when convictions are warranted; but the breaking of this artificial restraint will enhance confidence in the jury-trial amendment.

This newspaper is still troubled by the general application of the O'Mahoney-Kefauver-Church amendment as adopted. It will limit the powers of judges, not merely in voting cases, but in the entire range of Federal proceedings. This may seriously interfere with antitrust suits and similar litigation. Congress will want to appraise the results closely with a view toward narrowing the scope of the new provision if necessary.

One other question is whether the amendment, by providing a jury trial for criminal contempt, may encourage large instead of small contempt. A defendant might hope that if he defied a court order long enough and vigorously enough he would escape punishment via a jury trial. This is admittedly a danger, but we think it has been magnified. In all but a very few States voting registration is permanent. A recalcitrant registrar could be kept in jail indefinitely until he complied with a court order; and although this would not assure the voting rights of an individual in a particular election, it would most certainly be a consideration in the actions of the registrar. Moreover, under the revised method of selecting juries, a defendant could not count for sure on a sympathetic or all-white jury.

It also is important to recognize that criminal contempt is a sort of last-ditch proceeding. Means of dealing with it are necessary to give the bill teeth. But the real significance of the bill is in the equity route it provides. A person who deprived another of voting rights would be confronted with the authority and majesty of the United States. No one would relish the thought of fighting the United States; and there would in all likelihood be considerable pressure for compliance from law-abiding citizens in the community, whatever their views. It is a disservice to the South to think that there automatically would be disrespect for the courts and defiance of the law.

What has emerged is a compromise in the best tradition of dignified Senate deliberation. A filibuster has been avoided, in the initial instance at least, by acceptance of a reasonable but less stringent measure which all but the most die-hard southern Senators should feel a moral obligation to uphold in practice. The need now is to keep the remaining debate in the same good temper and above considerations of mere partisan advantage. No attempt to guarantee civil rights against every possible abuse can succeed. But it is a plausible theory that respect for other rights stems from exercise of the ballot, and the Senate last night paved the way for new protection of the basic right to vote that should be far from meaningless.

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

Mr. CASE of South Dakota. I shall be glad to yield, if I have the time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KNOWLAND. Mr. President, I hope the amendment will be defeated. I shall yield back the remainder of my time if the proponent of the amendment is prepared to yield back the time remaining to him.

Mr. ERVIN. I am glad to yield back the remainder of my time, notwithstanding the fact that I still do not believe that the Attorney General should be appointed the guardian of every adult citizen in the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN] for himself and the Senator from South Carolina [Mr. JOHNSTON]. [Putting the question.] The "noes" appear to have it.

Several Senators requested a division.

On a division the amendment was rejected.

Mr. POTTER. Mr. President, I offer my amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. POTTER. Mr. President, I ask unanimous consent that the clerk not state the amendment, but that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. POTTER's amendment is as follows:

On page 12, after line 23, insert the following:

"SEC. 132. (a) If the Attorney General finds, in the manner prescribed by this section, that the right of any person to vote in a Federal election held in any State or Territory has been denied or abridged, such person shall not be required, without his consent, to perform service in the Armed Forces of the United States under any requirement of the Universal Military Training and Service Act for a period of 2 years from the date on which the Attorney General certifies such finding under subsection (c) of this section. As used in this section, the term Federal election means any general, special, or primary election held in any State or Territory solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of (or Delegate to) the House of Representatives.

"(b) Any person who claims that his right to vote in a Federal election held in any State or Territory has been denied or abridged may file a complaint with the Attorney General. Such complaint must be filed within 30 days after the date of the Federal election with respect to which such person claims his right to vote was denied or abridged. Such complaint shall be under oath and shall set forth the facts claimed which would establish that such person—

"(1) was a qualified voter under the laws of his State on the date of the Federal election with respect to which he claims his right to vote was denied or abridged, but was prevented from voting, or from voting as he chose, in such Federal election, or

"(2) met all of the valid qualifications prescribed by the laws of his State for becoming a qualified voter in the Federal election with respect to which he claims his right to vote was denied or abridged, but was prevented from becoming a qualified voter and, for such reason, was prevented from voting in such Federal election.

As used in this subsection, the term 'State' includes the Territories of the United States.

"(c) The Attorney General shall make a thorough and expeditious investigation of each complaint filed with him under subsection (b). If he finds that the right to vote in a Federal election of the person filing the complaint has been denied or abridged, he shall so notify such person and shall immediately certify such finding to the Director of Selective Service and the Secretary of Defense. If he finds that the right to vote in a Federal election of the person filing the complaint has not been denied or abridged, he shall so notify such person. The findings of the Attorney General with respect to any complaint shall, for purposes of this section, be final and conclusive.

"(d) (1) If, on the date of any certification under subsection (c), the person with respect to whom the certification is made has not been inducted into the Armed Forces of the United States under the Universal Military Training and Service Act, such person shall not, without his consent, be inducted under such act for a period of 2 years from the date of such certification.

"(2) If on the date of any certification under subsection (c), the person with respect to whom the certification is made has been inducted into the Armed Forces of the United States under the Universal Military Training and Service Act, such person shall, if he so elects, be released from any obligation to perform service in the Armed Forces of the United States under such act for a period of 2 years from the date of such certification. During the time such person is released from such obligation, such person shall not be considered to be a member of the Armed Forces, but such time shall be counted in computing the period for which such person is obliged to perform service in the Armed Forces under the Universal Military Training and Service Act.

"(e) Nothing in this section shall be construed to exempt any person from induction under the Universal Military Training and Service Act, or to entitle any person to a deferment under such act, or to release any person from his obligation to perform service in the Armed Forces under such act solely by reason of the fact that such person has filed a complaint under subsection (b) unless the Attorney General has made a certification under subsection (c) with respect to such complaint."

Mr. POTTER. I should like to explain my amendment, and for that purpose I yield myself 3 minutes.

The amendment is offered on the basis that persons who are denied the right to vote or have their right to vote infringed upon—and all of us agree that the right to vote is a privilege of citizenship which everyone should take pride in enjoying—should not be called upon to perform the more onerous duties of citizenship, such as service in the military forces of the country against their will.

All that I seek to do by the amendment I have offered is this: If an American citizen is denied his right to vote, he can submit his statement under oath to the Attorney General of the United States, setting forth the circumstances of such denial, and the Attorney General must then investigate the situation and determine whether the allegations are true. If they are found to be true, the Attorney General will issue a certificate to the head of Selective Service Board and to the Secretary of Defense certifying that that person has been deprived of his right to vote and therefore shall be deferred from military service, if he so desires. It is as simple as that.

The Attorney General's decision is final, and the citizen who claims his voting rights were denied or infringed upon, if he establishes that fact through the investigation of the Attorney General,

will be free from the citizenship responsibility of serving in the Armed Forces of the country.

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

Mr. POTTER. I yield.

Mr. HICKENLOOPER. Would the Senator consider expanding that privilege to include exclusion from the payment of taxes?

Mr. POTTER. The same argument could be applied.

Mr. HICKENLOOPER. I am afraid that such a provision would be rather far reaching.

Mr. POTTER. If we believe in the Constitution, and if we believe in the rights of citizens under the Constitution, it makes a great deal of sense to excuse him from military service if his right to vote is denied.

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

Mr. POTTER. I yield.

Mr. MORTON. If the amendment is to be effective, it should be amended so as to provide for the lowering of the voting age—such as has been done in the great States of Georgia and Kentucky—because otherwise persons affected will be out of the armed service before they will be eligible to vote.

Mr. POTTER. That is a possibility. A young man who is asked to assume the responsibility of citizenship to the extent of serving in the Armed Forces should not be denied his right to vote.

The PRESIDING OFFICER. The Senator from California controls the time in opposition to the amendment.

Mr. KNOWLAND. Mr. President, I yield back my time.

The PRESIDING OFFICER. Does the Senator from Michigan yield back the remainder of his time?

Mr. POTTER. I yield back the time remaining to me.

The PRESIDING OFFICER. All time for debate on the amendment has been yielded back. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. POTTER].

The amendment was rejected.

Mr. ERVIN. Mr. President, I call up the amendment which has been submitted on behalf of myself and the Senator from South Carolina [Mr. JOHNSTON].

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 12, lines 5 to 9, both inclusive, it is proposed to strike out subsection (d) in its entirety, and insert in lieu thereof the following:

(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section.

Mr. ERVIN. Mr. President, I yield myself 5 minutes. This is a very simple amendment. It proposes to eliminate from the bill the provision which authorizes the bypassing of State administrative remedies. Under the first article of the Constitution and the 17th amendment to the Constitution, the States of the Union have the power to prescribe the qualifications of voters for the most numerous branch of the State legislature under the Constitution these are the persons entitled to vote for Federal elective officials.

I respectfully submit that every State in the Union has enacted election laws for determining the qualifications of such voters, that these election laws were enacted by the States in the undoubted exercise of the legislative power reserved to them by the 10th amendment, and that it is unconstitutional for Congress to pass a statute which would delegate to a single Federal executive officer, namely, the Attorney General, uncontrolled power in his discretion to nullify these laws.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I deeply and sincerely believe that the amendment should be rejected, if for no other reason than in pursuance of the argument which had so much to do with carrying the jury-trial amendment.

What this amendment means, if I understand it, is that the administrative remedies which are available in a particular State, to wit, appeal to the board of elections and then on up beyond that board, must be completed before the Attorney General can start his injunction suit.

We would get into the very situation which those of us who opposed the jury-trial amendment argued against so devotedly. There would be given to the registrar the power to wait and wait and wait, and the right of appeal, until the point would be reached where the civil-contempt procedure would be useless, and only criminal contempt would remain.

Secondly, as to constitutionality, the statement made by my friend, who is a very distinguished lawyer in North Carolina, never ceases to amaze me on this point. I am amazed, Mr. President, that he constantly should want to make it. He speaks constantly of the "uncontrolled power" of the Attorney General, without regard to the fact that he knows and I know and everyone else knows that we are dealing with courts, not with the Attorney General.

As a matter of fact, subsection (d) is set forth in the bill, and we can refer to it. It states clearly:

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section.

In short, it leaves within the discretion of the courts, and the whole hierarchy of the courts, the question whether administrative remedies could or could not be pursued.

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

Mr. JAVITS. What the Senator from North Carolina would have us do is strike out the provision which enables the Attorney General to step in, and get us back into the State registrar situation, which has been the cause of so much complaint.

Mr. KNOWLAND. Mr. President, I am prepared to yield back the remainder of my time if the Senator from North Carolina is prepared to do likewise.

Mr. ERVIN. Mr. President, I yield myself 2 minutes.

I disagree with the distinguished Senator from New York. The courts are not permitted to determine this question. Under the bill if the Attorney General elects to bring one of these proceedings, the State statutes will be nullified and cease to operate. But if the Attorney General elects not to bring the proceeding, the State statutes will remain in full force and effect. This certainly produces a peculiar situation.

We have heard much talk about the equal protection of the laws. The equal protection of the laws demands that every person shall have the right to resort to the remedies available to all other persons in like circumstances.

If the Attorney General elects to bring suit, the State laws will cease to operate. But if the Attorney General elects not to bring suit, the State laws will continue to operate.

The Attorney General is the only person on earth, or in the heavens above, or in the waters beneath the earth, who has any authority to make that election.

I yield back the remainder of my time.

Mr. KNOWLAND. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment offered by the Senator from North Carolina for himself and on behalf of the Senator from South Carolina [Mr. JOHNSTON].

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

ORDER OF BUSINESS—ORDER FOR CALL OF CALENDAR ON MONDAY

Mr. JOHNSON of Texas. Mr. President, in view of the very fine record which the Senate has made in connection with the bill this week, particularly yesterday and today, and in view of the fact that we have had the third reading of the bill, the question now is on the passage of the bill.

We have agreed not to have a Saturday session. I am about to move that the Senate proceed to the consideration of the privileged conference report on Public Law 480. We will not discuss that report today, but it will be taken up on Monday.

On Monday it is planned to call the Executive Calendar.

Mr. President, I ask unanimous consent that it be in order on Monday to have a call of all bills on the regular calendar to which there is no objection.

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

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. HOLLAND. What is the plan of the distinguished Senator from Texas with reference to the time at which the conference report on the extension of Public Law 480 will come up?

Mr. JOHNSON of Texas. After the Senate convenes on Monday I propose to place that matter ahead of the call of the calendar, if that is agreeable to the Senator from Florida. I would want that to be agreeable to Senators who are interested in the report.

Mr. HOLLAND. The Senator from Louisiana is in charge of the conference report.

Mr. JOHNSON of Texas. It is agreeable to him.

Mr. HOLLAND. I thank the Senator.

Mr. JOHNSON of Texas. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1314) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of July 9, 1957, pp. 11153–11154, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended, and it was signed by the President pro tempore.

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, I desire to make a brief statement, if the Senate will indulge me. After I have made it, I will yield to any Senator who may desire to address himself to the Senate before we recess until noon on Monday.

I am today as proud of this great body, the United States Senate, as I have ever been. It has operated in its finest deliberative traditions. We have had the third reading of what I consider to be a meaningful and effective civil-rights bill. In my judgment, the bill will be accepted by most Americans.

The bill is no longer open to amendment. Now it must be voted up or down. I am hopeful that early next week the Senate can vote on final passage.

What does the bill before us do? First, it provides effective machinery to secure for all American citizens the right to vote.

Second, it establishes a new principle—a new civil right for all citizens—the right to trial by jury in all criminal contempt cases. I may say that I am not concerned that it applies to all Federal statutes. I believe it should.

When our Constitution was written, the right to trial by jury was created for all criminal cases, and there was not a single Federal criminal statute on the books. These have all come subsequently.

Third, the bill creates a commission. I hope the President, when he appoints the commission, will select the ablest, most patriotic Americans within our borders.

Fourth, the bill creates a new division in the Department of Justice.

Fifth, it confers a new right for all citizens to serve on Federal juries and insures that all Americans will have that opportunity.

There have been predictions that the Senate could not legislate in this field. There have been warnings that we would be here all winter with the proposed legislation. The Senate has effectively answered those predictions.

I hope that when the Senate convenes on Monday, we can proceed with the consideration of the conference report and the call of the calendar, and then have further discussion on the final passage of this bill. I hope we can continue the discussion on Tuesday, and that perhaps on Wednesday, we will have concluded our deliberations and be able to call the roll on final passage.

I thank all my colleagues for their indulgence and their understanding. There have been moments when we were all exhausted and when we were irritated. But I am thankful to my State for giving me the honor of serving in the greatest deliberative body in the world in these significant times. I am thankful to my colleagues for the patience, tolerance, and understanding they have displayed toward me.

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

Mr. JOHNSON of Texas. I yield to the Senator from California.

Mr. KNOWLAND. Mr. President, as the majority leader has said, we have now had the third reading of the bill. I hope we shall reach the final vote on the bill sometime next week, perhaps by Wednesday.

I shall vote for the final passage of the bill. I shall vote for it, regretting that a number of sections were eliminated from the bill, and that a number of amendments were added. I shall vote for the bill, however, in the hope that in the legislative process which will soon occur between the Senate and the House of Representatives, where very likely a conference will be held, certain aspects of the bill can be modified and can be strengthened. I believe that if that can be done, an effective bill can be reported by the conference, and that the conference report can then be adopted by both Houses of Congress. I am very hopeful that when that has been done, an effective civil-rights bill will be sent to the President for his consideration.

No one knows how long that process may take. No one knows exactly in what form the conference report may come back to this body. No one can predict at this time how long the discussion may take on the conference report, if, indeed, one comes back.

I join with the distinguished majority leader, however, in the hope that if we come to that process at this session of Congress—and I sincerely hope we do—the Senate then may be prepared, after a reasonable amount of debate on agreeing to the conference report, to send the bill on to its final stage in the process of legislation under the Constitution.

Mr. JOHNSON of Texas subsequently said,

Mr. President, I should like to add a statement, in view of what the minority leader has said.

I was very pleased to hear what the distinguished minority leader [Mr. KNOWLAND] had to say when he announced that he would join me in support of this measure when the roll is called on the question of final passage.

Some have chosen to call the bill an emasculated, watered-down bill, and indicated they could not vote for it. I am sure there will be other Senators who will feel that the bill is too strong, and that, therefore, they cannot vote for it.

I hope all Members of the Senate will examine the bill and will examine their consciences and will reach their decisions accordingly.

I believe that on the day we take the final rollcall, an overwhelming majority of the Members of this body will join the majority leader and the minority leader in passing the bill. I do not invite further trouble. I do not predict further trouble. I am hopeful that the notable improvements we have made in the bill; the strength we have given to the bill; the features that we have added, that have made it more acceptable, will make it acceptable to our colleagues in the House.

While I do not want to recommend action to them, or predict what their action will be, I do express the hope that all those persons who sincerely and earnestly want a civil rights bill will work to that end, and perhaps be able to concur in the amendments the Senate has added, and send this bill to the President, where I hope it will meet with his approval. If that is done, Mr. President, I concur in the thought expressed by one of our great newspapers the other day when it said, "When and if this bill is passed, we can then say that this has been a year of progress and a year of advancement for America."

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have the civil-rights bill, with all the amendments adopted by the Senate—that is to say, the bill in its present form—printed in today's RECORD, so Senators may have

an opportunity to examine it over the weekend. It seems to me that will be very helpful to all Senators.

The PRESIDING OFFICER. Is there objection?

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

Be it enacted, etc.

PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

SEC. 101. (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the Commission).

(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) The President shall designate 1 of the members of the Commission as Chairman and 1 as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(e) Four members of the Commission shall constitute a quorum.

Rules of procedure of the Commission

SEC. 102. (a) The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpena additional witnesses.

(f) Except as provided in sections 102 and 105 (f) of this act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

(g) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adducted at its hearings.

(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

(j) A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business.

Compensation of members of the Commission

SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

Duties of the Commission

SEC. 104. (a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than 2 years from the date of the enactment of this act.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist.

Powers of the Commission

SEC. 105. (a) There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of $22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 15 of the act of August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a), but at rates for individuals not in excess of $50 per diem.

(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel.

(c) The Commission may constitute such advisory committees within States composed of citizens of that State and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

(d) Members of the Commission, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99).

(e) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Appropriations

SEC. 106. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this act.

PART II—TO PROVIDE FOR AN ADDITIONAL ASSISTANT ATTORNEY GENERAL

SEC. 111. There shall be in the Department of Justice one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Attorney General in the performance of his duties, and who shall receive compensation at the rate prescribed by law for other Assistant Attorneys General.

PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES, AND FOR OTHER PURPOSES

SEC. 121. Section 1343 of title 28, United States Code, is amended as follows:

(a) Amend the catchline of said section to read, "§ 1343. Civil rights and elective franchise".

(b) Delete the period at the end of paragraph (3) and insert in lieu thereof a semicolon.

(c) Add a paragraph as follows:

"(4) To recover damages or to secure equitable or other relief under any act of Congress providing for the protection of civil rights, including the right to vote."

SEC. 122. Section 1989 of the Revised Statutes (42 U. S. C. 1993) is hereby repealed.

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

(a) Amend the catchline of said section to read, "Voting rights".

(b) Designate its present text with the subsection symbol "(a)".

(c) Add, immediately following the present text, four new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

"(e) Any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

SEC. 141. This act may be cited as the "Civil Rights Act of 1957."

PART V—AMENDMENT TO THE FEDERAL CRIMINAL CODE TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS IN CASES IN FEDERAL COURTS

SEC. 151. Section 402 of title 18 of the United States Code is hereby amended to read as follows:

"SEC. 402. Criminal contempts

"Any person, corporation, or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both: *Provided, however,* That in case the accused is a natural person, the fine to be paid shall not exceed the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

"This section shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil-contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

SEC. 152. Section 3691 of title 18 of the United States Code is hereby amended to read as follows:

"SEC. 3691. Jury trial of criminal contempt

"In any proceeding for criminal contempt for willful disobedience of or obstruction to any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in criminal cases.

"This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

SEC. 153. Section 1861, title 28, of the United States Code is hereby amended to read as follows:

"SEC. 1851. Qualifications of Federal jurors

"Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within the judicial district, is competent to serve as a grand or petit juror unless:

"(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"(2) He is unable to read, write, speak, and understand the English language.

"(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service."

JOSEPH P. CHAMBERLAIN AWARD CONFERRED UPON JOHN THOMAS

Mr. HUMPHREY. Mr. President——

Mr. JOHNSON of Texas. Mr. President. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, one of our Minnesota citizens of whom we are very proud, and from whom the world is hearing in an ever-increasing degree, is John Thomas, currently Deputy Chief of Operations for the 27-nation Intergovernmental Committee for European Migration (ICEM).

Mr. Thomas is an old and cherished friend of mine. He has had a long career in the relief and welfare activities in Minnesota, and we rejoice that his talents are now being made available to the international community.

During the desperate days of the Hungarian crisis last winter, John Thomas was in the front lines of the humanitarian effort to rescue Hungarian refugees. His activities became a legend to foreign diplomats, newspaper correspondents, and refugees themselves, who had an opportunity to view on the spot his work in Austria.

It was no surprise, Mr. President, when we received the news that Mr. Thomas was selected to receive the Joseph P. Chamberlain award, established by the New York State Committee on Refugees. No honor was ever better deserved, and all Minnesotans share his pride in receiving this merited recognition.

I ask unanimous consent that a resolution concerning the Joseph P. Chamberlain award, as well as a press release about Mr. Thomas' selection, be printed at this point in the RECORD.

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

THE JOSEPH P. CHAMBERLAIN AWARD

Whereas when the New York State Committee on Refugees was reconstituted by Gov. Averell Harriman on April 21, 1955, its purpose was to "guide and aid the resettlement of refugees and others admitted into the United States * * * who wish to establish themselves in the State of New York so that such newcomers may be most effectively absorbed in the economic and social life of our community." In order to express its appreciation for the noble and humanitarian efforts performed by persons or organizations who have voluntarily, under adverse conditions, made outstanding contributions in assisting this committee in the above endeavor, particularly during the Hungarian refugee emergency; and

Whereas Joseph P. Chamberlain, former professor emeritus of public law at Columbia University, was one of the outstanding leaders in the immigration and refugee fields and was a person who devoted much of his time and energy to the work of official and voluntary agencies concerned with the problem of the immigrant, particularly the refugee and displaced person. He continually worked toward reconciling seemingly divergent views of various groups and organizations interested in the same humanitarian goal. Over the years Professor Chamberlain was an active member and often the principal officer of the American Council of Voluntary Agencies for the Foreign Service; American Branch of the International Social Service; United Service for New Americans and the Advisory Committee on Voluntary Foreign Aid, Department of State. Other organizations in the immigration and nationality field in which he played an important part included the governing body of the High Commission for Refugees coming from Germany; President's Advisory Committee on Political Refugees; League of Nations Committee of Experts on Assistance of Indigent Foreigners; Ellis Island Committee, appointed by the Secretary to recommend legislation. His experience, wise counsel and active aid had been associated for many years with most efforts to improve immigration legislation and to advance humanitarian goals in the immigration and nationality field. He fully deserved the feelings ex-

pressed in a New York Times editorial at his death, which in part reads "No one who experienced even in the most casual manner the gentle friendship of this kindly man could fail to be impressed by the depth of his sincerity, the breadth of his vision, the warm firmness of his purpose. He will be greatly missed and deeply mourned by the great company of those who have benefited from his labor and his wisdom": Now, therefore, be it

Resolved, That an award shall be established by the New York State Committee on Refugees to be entitled "The Annual Joseph P. Chamberlain Award" and that this award will be presented each year to those individuals or organizations which have contributed outstanding service to refugee resettlement activities during the year prior to the award; and be it further

Resolved, That a copy of this resolution be immediately dispatched to Governor Harriman's office for the purpose of having him proclaim a Joseph P. Chamberlain Day upon which date the award would be presented.

JOHN THOMAS—ICEM'S "MR. AMERICA"

A key figure in the remarkable accomplishment of moving westward out of Austria more than 100,000 Hungarian escapees within the short space of 10 weeks is John Thomas of Minneapolis, Minn., Deputy Chief of Operations for the 27-nation Intergovernmental Committee for European Migration (ICEM).

Mr. Thomas has been helping to solve the problem of Europe's homeless since he served as a United States Army officer in Germany during World War II.

Dispatched to Vienna during the first days of November when Hungarian escapees began streaming across the border, Thomas helped set up resettlement machinery overnight—registration of the refugees, presenting Hungarians to consular officials of receiving countries, completing arrangements for their movement out of Austria by train and plane to the 23 nations which offered asylum to the revolt victims.

Thomas virtually shepherded many of the Hungarian refugees through the complex business of qualifying for admission to the United States, from the initial registration right up to departure by plane from Vienna's Schwechat Airport.

For thousands of the refugees and for many of the newsmen at Vienna he quickly became identified as Mr. America, ready to step into any crisis to smooth the road to speedy settlement.

His long experience in the field helped him to cut through miles of redtape, get the refugee flow started to the United States and keep it going. When an ugly anti-Semitic incident occurred in one camp, Thomas rushed to the scene and delivered an effective "Americanism" speech that healed the breach before it could infect the whole camp. Refugees, officials, and newsmen looked to him for an honest briefing on the problems that threatened to slow movements.

Prior to the crash assignment in Vienna, Thomas served as chief of the United States program of ICEM at world headquarters in Geneva.

In this work, he organized a program which has resulted in the movement of more than 140,000 refugees to this country during the past 5 years.

Mr. Thomas joined ICEM headquarters staff at its inception in February 1952 upon completion of his assignment as chief of resettlement in the United States Zone of Germany for the International Refugee Organization.

Married and the father of two children, the Thomases make their home in Geneva. John Thomas is a graduate of the University of Minnesota and prior to World War II was active in relief and welfare activities in his home State of Minnesota.

IMPORTANCE OF CANADIAN OIL IMPORTS

Mr. HUMPHREY. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, some time ago, following the President's announcement of a program of voluntary restrictions on the importation of crude oil, I made a statement which reflected my views in regard to that action. In the statement I called for a watchful eye, to see that the prices of gasoline and oil are not driven upward, and to see that small-business refineries using Canadian crude oil are not blocked from their normal expansion to at least a minimum operating level.

In our part of the country, in the upper Midwest, several oil refineries have been developed, and they are completely dependent upon the importations of Canadian crude oil. We have a very fine relationship with our Canadian neighbor to the north, and it would be unfortunate if that relationship were in any way marred by the imposition of any kind of quota or import restriction on oil imported into the United States from Canada.

I ask unanimous consent that a statement which I released at the time of the President's announcement be printed at this point in the RECORD.

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

SENATOR HUMPHREY CALLS FOR WATCHFUL EYE ON EFFECT OF CANADIAN OIL IMPORT RESTRICTIONS

Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, today commented that the President's announcement of a program of voluntary restrictions on the importation of crude oil "calls for a watchful eye to see that prices of gasoline and oil are not driven upward, and to see that small-business refineries using Canadian crude oil are not blocked from a normal expansion to a minimum economic operating level."

"It appears that our midwestern refiners dependent on Canadian crude have been given quotas based on their estimates of a year ago," Senator HUMPHREY commented on the President's Memorandum on Crude Oil Imports. "However, these small refiners have a right to expand their operating capacity up to the 30,000–35,000 barrels per day level, which they feel to be the level at which they can survive competitively in the refining industry."

"The President's Special Cabinet Committee should study this small business problem, to make sure that a Government policy designed to protect American oil producers does not seriously harm the small business segment of the oil refining industry, as well as consumers in the upper Midwest who are dependent on Canadian crude oil to offset the cost imposed by long-distance transportation of petroleum products from the Southwest," Senator HUMPHREY said.

COMPULSORY INSPECTION OF POULTRY AND POULTRY PRODUCTS

The PRESIDING OFFICER (Mr. HOLLAND in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, which was, to strike out all after the enacting clause and insert:

That this act may be cited as the "Poultry Products Inspection Act."

LEGISLATIVE FINDING

SEC. 2. Wholesome poultry products are an important source of the Nation's total supply of food. Such products are consumed throughout the Nation and substantial quantities thereof move in interstate and foreign commerce. Unwholesome poultry products in the channels of interstate or foreign commerce are injurious to the public welfare, adversely affect the marketing of wholesome poultry products, result in sundry losses to producers, and destroy markets for wholesome poultry products. The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspection under this act are either in the current of interstate or foreign commerce or directly affect such commerce. That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.

The great volume of poultry products required as an article of food for the inhabitants of large centers of population directly affects the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, the Secretary of Agriculture is authorized, pursuant to the provisions of this act, to designate major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome or otherwise unfit for human food.

DESIGNATION

SEC. 4. Upon application by the appropriate governing official or body of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this act for such area to be subject to the provisions of this act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this act, he shall by order designate such area and prescribe the provisions of this act which shall be applicable thereto and grant such exemptions therefrom as he determines practicable. Such designation shall not become effective until 6 months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and

poultry products processed, sold, received, or delivered in any such area shall be subject to the provisions of this act.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION AND QUARANTINE

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce or a designated major consuming area of any poultry product which is unwholesome or adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in any official establishment processing poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and such quarantine, segregation, reinspection as he deems necessary of poultry and poultry products in each official establishment processing such poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(c) All poultry carcasses and parts thereof and poultry products found to be unwholesome or adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses, parts, and products, which may by reprocessing be made not unwholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not unwholesome and not adulterated. If an appeal be taken from such determination, the product shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the product shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of section 6 of this act.

SANITATION, FACILITIES, AND PRACTICES

SEC. 6. Each official establishment slaughtering poultry or processing poultry products for commerce or in or for marketing in a designated major consuming area shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required and approved by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or in a designated city or area, of poultry products which are unwholesome or adulterated.

LABELING

SEC. 7. (a) Each shipping container of any poultry product inspected under the authority of this act and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which the contents were processed. Each immediate container of any poultry product inspected under the authority of this act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed.

(b) The use of any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this act or the container thereof which is false or misleading is prohibited. No poultry products inspected or required to be inspected pursuant to the provisions of this act shall be sold or offered for sale by any person, firm, or corporation under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted. If the Secretary has reason to believe that any label in use or prepared for use is false or misleading, he may direct that the use of the label be withheld unless it is modified in such manner as the Secretary may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Secretary, he may request a hearing, but the use of the label shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless within 30 days after the receipt of notice of such final determination the person adversely affected thereby appeals to the United States court of appeals for the circuit in which he has his principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 8. The following acts or the causing thereof are hereby prohibited:

(a) The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this act.

(b) The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this act.

(c) Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification or device for making such mark or identification, used in connection with the inspection of poultry, or poultry products under this act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this act when such poultry or poultry product has in fact not been so inspected.

(d) Using in commerce, or in a designated city or area, a false or misleading label on any poultry product.

(e) The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.

(f) The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated city or area, upon presentation of appropriate credentials.

(g) The refusal to permit access to and the copying of any record as authorized by section 10 of this act.

(h) The using by any person to his own advantage, or revealing, other than to the authorized representatives of the Government in their official capacity, or to the courts when relevant in any judicial proceeding under this act, any information acquired under the authority of this act, concerning any matter which as a trade secret is entitled to protection.

(i) Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this act), in commerce or from an official establishment or in a designated major consuming area, except that such poultry may be permitted to be transported between official establishments and to foreign countries pursuant to rules and regulations prescribed by the Secretary.

SEC. 9. No establishment processing poultry or poultry products for commerce or in or for marketing in a designated city or area shall process any poultry or poultry product except in compliance with the requirements of this act.

RECORDS OF INTERSTATE SHIPMENT

SEC. 10. For the purpose of enforcing the provisions of this act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all records. Nothing in this section shall be construed as requiring the maintenance of a record for a period longer than 2 years after the transaction, which is the subject of such record, has taken place.

PENALTIES

SEC. 11. (a) Any person who violates the provisions of section 8, 9, 10, or 17, shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 6 months, or a fine of not more than $3,000, or both such imprisonment and fine; but if such violation is committed after one conviction of such person under this section has become final such person shall be subject to imprisonment for not more than 1 year, or a fine of not more than $5,000, or both such imprisonment and fine; but if such violation is committed after 2 or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than 2 years, or a fine of not more than $10,000, or both such imprisonment and fine. When construing or enforcing the provisions of said sections the act, omission, or failure of any person act-

ing for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this section for a violation of the provisions of section 8 or 17 by reason of his receipt, carriage, holding or delivery, in the usual course of business as a carrier of slaughtered poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such slaughtered poultry or poultry products were not inspected or marked in accordance with the provisions of this act or were not eligible for transportation under this act. Any carrier who with or without knowledge violated section 10 of this act shall be subject to the penalties of this section.

SEC. 12. Before any violation of this act is reported by the Secretary to any United States attorney for institution of a criminal proceeding the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of injunction proceedings violations of this act whenever he believes that the public interest will be adequately served and compliance with the act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 13. The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this act.

EXEMPTIONS

SEC. 14. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels and boarding houses for use in their own dining rooms in the preparation of meals for sales direct to consumers only: *Provided,* That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms.

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores: *Provided,* That the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises in which such sales to consumers are made;

(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however,* That no such exemption shall continue in effect on and after July 1, 1960.

(4) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this act.

(b) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this act.

VIOLATIONS BY EXEMPTED PERSONS

SEC. 15. Any person who sells, delivers, transports, or offers for sale or transportation in commerce or in a designated major consuming area any poultry products which are exempt under section 15, knowing that such products are unwholesome and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.

IMPORTS

SEC. 16. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, and fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this act. All imported slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this act and the Federal Food, Drug, and Cosmetic Act, and acts amendatory of, supplemental to, or in substitution for such acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 17. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this act.

(b) In carrying out the provisions of this act, the Secretary may cooperate with other branches of Government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 18. The cost of inspection rendered under the requirements of this act shall be borne by the United States. The Secretary of Agriculture is authorized in his discretion to pay employees of the Department of Agriculture, employed in establishments subject to the provisions of this act, for overtime or holiday work performed at such establishments at such rates as he may determine and to accept from such establishments wherein such premium pay work is performed reimbursement for any sums paid out by him for such work such reimbursement to be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 19. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this act.

SEPARABILITY OF PROVISIONS

SEC. 20. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

DEFINITIONS

SEC. 21. For purposes of this act—

(a) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(d) The term "poultry" means any live or slaughtered domesticated bird.

(e) The term "poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

(f) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

(g) The term "unwholesome" means:

(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

(h) The term "adulterated" shall apply to poultry and poultry products under one or more of the following circumstances:

(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health; but, in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render them injurious to health.

(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their production or unavoidable under good manufacturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided,* That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

(3) If any substance has been substituted, wholly or in part, therefor.

(4) If damage or inferiority has been concealed in any manner.

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(i) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this act, or (2) any employee or official of any State government authorized by the Secretary to inspect poultry and poultry products under authority of this act, under an agreement entered into between the Secretary and the appropriate State agency.

(j) The term "official inspection mark" means the symbol, formulated pursuant to rules and regulations prescribed by the Secretary, stating that the product was inspected.

(k) The term "inspection service" means the official Government service within the Department of Agriculture, designated by the Secretary as having the responsibility for carrying out the provisions of this act.

(l) The terms "container" or "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(m) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this act.

(n) The term "label" means any written, printed, or graphic material on the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package, or the poultry product, or accompanying such product.

(o) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(p) The term "immediate container" includes any consumer package; or any carton, box, barrel, or other receptacle in which poultry carcasses or poultry products, not consumer packaged, are packed.

EFFECTIVE DATE

SEC. 22. This act shall take effect upon enactment, except that no person shall be subject to the provisions of this act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this act with respect to all poultry or poultry products handled in the establishment for which said application for inspection is made.

SEC. 23. This act shall not be construed as invalidating any provision of State law which could be valid in the absence of this act unless there is a direct and positive conflict between an express provision of this act and such provision of State law so that the two cannot be reconciled or consistently stand together.

Mr. ELLENDER. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives, request a conference thereon with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HUMPHREY, Mr. TALMADGE, Mr. AIKEN, and Mr. WILLIAMS conferees on the part of the Senate.

Mr. ELLENDER. Mr. President, I ask unanimous consent that House bill 6814, to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPERVISION OF THE KLAMATH INDIANS

Mr. NEUBERGER. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from Oregon.

Mr. NEUBERGER. Mr. President, as chairman of the Indian Affairs Subcommittee of the Committee on Interior and Insular Affairs, I should like to ask the distinguished majority leader about the conference report on Senate bill 469, an Indian bill, in connection with which, time is of the essence.

I understand that the House has already acted on the conference report. I wonder whether it will be possible for the Senate to act on the conference report some time during the session on the coming Monday?

Mr. JOHNSON of Texas. Mr. President, I had not previously had this matter brought to my attention. I see that it is listed on the calendar. If the Senator from Oregon will permit me to study it over the weekend, I shall try to have action taken on it on Monday, if possible.

Mr. NEUBERGER. I appreciate very much the consideration given by my friend, the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I always appreciate the characteristic courtesy of the Senator from Oregon.

MISSIONARY OF DEMOCRACY

Mr. JOHNSON of Texas. Mr. President, if there is no objection, I ask unanimous consent that the Senator from Montana [Mr. MANSFIELD] be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Montana is recognized.

Mr. HUMPHREY. Mr. President——

Mr. MANSFIELD. Mr. President, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, all of us have a tremendous stake in the type of Americans representing us abroad, in any capacity. That is particularly true in the case of those working directly with people of other lands, in connection with our technical-assistance programs. The success or failure of those programs often depends upon, and is determined by, the attitudes and thinking of the persons we send abroad to carry on our foreign-aid programs. Recently, a letter from one of our career workers who is serving us abroad in the field of agriculture, came to my attention; and it impressed me so deeply that I wish to call it to the attention of my colleagues. The letter was not sent to me. I do not know the writer personally, and he has no knowledge that I have even been shown his letter by another friend. However, the letter gives such a graphic description of the experiences of a technical-assistance worker abroad—and reflects such a dedication and understanding of the importance of the work he is doing—that I am sure others will enjoy reading it.

The letter is from William Green, now working among the hill people of Taiwan. He is in charge of agricultural extension in Taiwan. I have learned that he has served as an agricultural representative of this country in many areas of the world. He is an Oklahoman, a graduate of the former Oklahoma A. and M. College, and has served our country usefully in Guam, the Virgin Islands, the China mainland, Burma, Peru, Bolivia, and Haiti. After reading his interesting letter, I am convinced he is a man who holds high the banner of freedom and democracy, and that his work is a fine example of what technical assistance should be.

Mr. President, I ask unanimous consent that his letter describing his work be printed at this point in the RECORD.

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

BILL'S FAR EAST LETTERS, MAY 11, 1957
T'AI-PEI, TAIWAN

Last night I returned from a week's trip into more of the areas inhabited by the aborigine tribes. It was most interesting, one that I would not have missed for anything. With Austin Shu, one of the members of the extension division of JCRR, I made a trip that took us into 5 aborigine townships in 3 of the mountain areas of the island; a trip that carried us down the west coast, across the Tropic of Cancer and almost to the south end of the island; then out of the plains into some of the most rugged and beautiful mountain country that I have ever seen. It took us up over winding, breathtaking roads, some of them hewed out of the sides of unbelievably steep mountains. On one side there would be a solid wall of rock, on the other a drop of 1,000 feet or more. These roads reminded me very much of the road to the Yungas, in Bolivia, or the road to Tinga Maria, in Peru, both of them on the rainy side of the Andes. The trip took us into places where a stranger would not have dared to go at one time on account of the wild head hunters who lived on the heavily forested mountainsides and along the beautiful mountain streams. It took us into the villages and into the homes of the descendants of these headhunters, many of whom still tattoo their faces according to ancient tribal custom.

The aboriginal people of Taiwan are divided into eight tribes, each with a different language. We first visited the Panwan Tribe in the mountains above Pingtung near the south end of the island. If I am not mistaken, this was the tribe that gave Formosa such a bad reputation a few centuries ago by killing anyone who was shipwrecked on the southern end of the island. They were driven back into the mountains by the early Chinese settlers and later by the Japanese. They are now a friendly people. To get to their head village in one township, we followed the paved road out of Pingtung for a short distance, then turned into a gravel road that led straight into the mountains. After entering the foothills, we followed a river for some time, then zigzagged our way up the side of a steep mountain. Before that, however, we came to a station where we had to show the passes that permitted us to enter the aborigine area. I suppose that the government requires these passes so as to keep out persons who might stir up trouble among the tribesmen. At any rate, at every place where we entered the

land of these primitive people we had to show our passes.

When we reached the village near the top of the mountain, we found the chief and some of his staff waiting to welcome us. We had been delayed in starting that morning, so they had been waiting for us for more than an hour. JCRR helps to finance an agricultural extension worker in this township. He is an aborigine who is a graduate of one of the vocational schools in the lowlands. We went to the township office where we had the chief and his assistants tell us about conditions in the township, and then discussed some of their special problems. The extension man gave us a report on what was being done to meet some of these problems. Afterward we visited three of the villages and saw some of the demonstrations in rice growing, compost making, hog raising, and other things being carried on by native farmers under the guidance of the extension man.

Our next visit was to another township of the same tribe. We did not have an extension worker in that one, but we learned about conditions from the chief and his helpers. They are interested in having an extension worker like the one in the first township. In both of these townships, the big problem is the scarcity of suitable land for farming. Most of it is so steep that the soil soon washes away if all the trees and underbrush are cleared away. Another serious problem is water for producing crops, because this area is one with comparatively light rainfall.

After visiting these two townships, we drove back down to the lowlands and on to Chiayi where we spent the night. The next day we drove through more of the low country, then up into the mountains to the village of Jenai, the headquarters of the township of the same name. The aboriginal people of this area are of the Taiyalu tribe and speak another language. JCRR does not support an extension worker in this township, but has been giving assistance to an agricultural school for aborigines. We spent almost 2 days in this township, discussing problems with the chief and his staff and with the vocational school principal, and visiting villages. I might explain that the aborigines all live in villages, each of which is governed by a village chief. We visited families in their homes and saw their methods of farming. I took many colored pictures. I hope that they turn out all right so that I can show them to you some day. They will tell the story of these mountain people much better than I can do in this letter.

We spent the night in a guesthouse in an isolated area. To get there, we drove for several miles over a narrow, rocky mountain road to a place where we had to leave our jeep station wagon for the night. We then followed a narrow, steep footpath down the side of a gorge with a river far below us. As we went down, the afternoon sun sank behind a mountain to the west of us. After what seemed to me like quite a long time, we came to a suspension bridge across the river. It was a narrow footbridge suspended across the gorge by two wire cables. I was the first to cross. If you have never had the experience of walking over a foaming mountain river on one of these bridges, you don't know what you have missed.

The bridge was about 600 feet long. It was no doubt perfectly safe; but I couldn't keep from wishing that I had never read The Bridge of San Luis Rey. As you may recall that story was about a similar bridge over a river very like this one, but in faraway Peru. One day it collapsed and sent five persons to their deaths. Well, this one did not collapse; but when I got about halfway across, it did a lot of swaying back and forth, and jumping up and down. I looked down at the river, more than 100 feet below me, and decided that the queer feeling in the pit of my stomach might ease up a bit if I would keep my eyes fixed on the mountain on the other side of the stream. Greatly to my relief, and somewhat to my surprise, I arrived at the end of the bridge without any mishap. Later that evening, when one of the men complimented me on not showing any fear when crossing the bridge, I smiled and acted as if I were an old hand at that sort of thing. It is a good thing that he was unable to read my thoughts on the way across.

After a short climb we came to the guesthouse on a level piece of land at the foot of a high mountain. It is located near a hot spring, the water from which runs through a bathroom. After a hot bath and a good supper prepared by the caretaker, who is also the cook, I had a wonderful night's sleep. It was a quiet, peaceful place, far from the honking automobiles, jangling podicab and bicycle bells, and the other street noises of Taipei. Up there at about 6,000 feet the air was comfortably cool. (I can hear some of you in La Paz who read this letter say, "Why, that is almost down to sea level".)

I said that everything was quiet and peaceful there; but it had not always been that way. In my last letter I told about the aborigines resisting the Japanese; and that as late as 1930 the latter were attacking them with field pieces, land mines, and planes. The mountain at the back of the place where the guesthouse now stands was where the Tailayu warriors made their last stand. For 6 months the Japanese were unable to drive them from their jungle-covered stronghold. Only after bombing and strafing them with planes were they able to defeat them. At last, 900 of the survivors surrendered and laid down their arms. Perhaps it would have been better if they had been killed in battle, because the Japanese tied the prisoners hand and foot, beat them, and finally killed everyone of them. No wonder the hatred for their former rulers still burns so strongly in the breasts of the Tailayu people. Near Jenai I was taken to see a memorial to those brave men who held out so long on that mountain. At the back of it is a concrete pit holding the bones of those heroes. I know that they are there, because someone raised the lid so that I could see the bones for myself.

Although some of the tribes were head-hunters until comparatively recent times, the Tailayu stopped the practice a long time ago. The story of how that happened is a very interesting one. Back in the days before Japan took Taiwan away from China a magistrate by the name of Wu Feng was the representative of the Imperial Chinese Government in the land of the Tailayu. He held that position for many years. He was so fair and so kind to the primitive mountain people that they came to love as well as respect him. There was one thing they would not do for him, however. They would not give up the practice of making raids into the lowlands for the purpose of bringing back prisoners for use in the head-taking ceremonies.

Wu Feng grew to be an old man, but he was a very discouraged man because he could not get the people to stop their ancient custom. Finally one day he called a meeting of the chiefs of the tribe. He had a plan to present to them. He explained once more that the Emperor in far away Peiping was angry because his people would not give up the practice of head hunting and that they would have to stop it. He said that he knew it was difficult to stop an old custom, so proposed that they take one more head and hold their last ceremony. If they would agree, he said that on the night of the next day, before the moon came up over the mountain, a man dressed in white would approach from the west a certain crossroads not far from a nearby village. They would take the head of that man on condition that it would be the last. The chiefs agreed. Elaborate preparations were made for the head-taking rites.

At the appointed time the next night, a selected group of the chiefs were hidden in the bamboos near the crossroads. In the darkness, a man dressed in white walked slowly down the path from the west. When he reached the designated spot, the hidden men darted out from their hiding places yelling the war cries of their ancestors. One of the chiefs quickly cut off the head of the stranger; and they rushed back with it to the place where the ceremony was to be held. A big feast had been prepared. A huge bonfire had been built on the beach of a lake. Around it were gathered the people of the tribe. There was much rejoicing.

At the appointed time the top chief advanced into the firelight with a head on a pole. The people crowded around him to see it. Then suddenly a hush fell upon the crowd. The merrymaking turned into shocked silence. The head was that of their beloved magistrate Wu. He had given his life to get them to stop their head hunting. It is said that the tribe never took another head.

Whether the story is true in every detail, or whether it is partly legendary, I cannot say. But I do know that a town and township in Chiayi hsien are named for magistrate Wu Feng; and I am told that in many places high up in the mountains, small shrines built to him keep his memory fresh in the minds of the people of the tribe he loved so much.

At the risk of making this letter too long, I must tell one more story about the mountain people. At the first township we visited in the third area, the extension man had invited a group of the tribes people to come in to meet with the new chief of the extension division of JCRR. The meeting place was in a building partly financed by our organization. About 40 men and women were there. Some of them were fairly well dressed in western clothes. Some wore shoes, others were barefooted. Some of the older ones, both men and women, had their faces tattooed. I was called upon to tell about JCRR and what it could do for them and the other members of their tribe. I talked in English; Austin Shu translated it into Mandarin; and the chief, who understood Mandarin, translated it into Tailayu.

After I had finished my talk, I said that I would like for them to tell me about some of their problems, especially those relating to their farms and homes. That part of the meeting was the most interesting to me. The men expressed themselves very freely, and the problems that they presented were very practical ones. Here are some of them; the need to build small reservoirs to impound water during the rains so that it could be used for irrigation during the dry season; the difficulty in clearing away the rocks in order to bring more land into cultivation; the need of producing more compost for fertilizers; the need of better education for their children; insect damage to crops; and frost damage to vegetable crops.

One young fellow presented a problem that to him was very serious. He said that he had been down into the plains country, but the people there looked down upon him because he was an aborigine. He wondered if they would quit doing so if the tribes people would wear better clothes. Another young fellow said that they worked hard, but had no amusements. If they had electricity in the villages, they might have movies like they do in the lowlands. A school principal suggested that they might get small electric generators to be run by waterpower from the mountain streams that are near most villages. One man with tattoo marks on his face said they did not get a good price for their tea because of its poor quality. He said that they needed

small tea processing machinery so that they could put out a product that would bring a better price.

During all this time the women in the crowd had kept quiet. Finally, I asked if any of the ladies present had any problems. It was a very unusual thing for women to attend a meeting of this kind, and an unheard thing for one of them to talk at the meeting. This time, the wife of one of the leading aborigine farmers made history by getting up and presenting two problems and suggesting how they be solved. The first was the fact that all the women worked outdoors, and there was the problem of what to do with the babies and young children. She suggested that each village have a nursery where the mother could leave the youngsters when she went to the field or to the forest. The second was that the women of the tribe did not know much about better methods of cooking, sewing and homemaking. The men had an extension man to show them better ways to farm; and she wondered if the women could have someone to help them with their home problems. When she sat down, a precedent had been set—an aborigine woman had talked at a meeting. Mentally I resolved that before I left Taiwan, we would somewhere, somehow, find a woman with the necessary training and language requirements to serve as home demonstration agent for these tribal women who wanted help and who needed it so much.

I had intended to tell you about the reception given by President and Madam Chiang Kai-shek on May 1, but this letter has become so long, that I shall merely mention the fact that 12 years had passed since I last saw the Generalissimo. His hair has turned white in the meantime, but he appears to be just as spry and active as he was then.

I must draw this letter to a close. Please write.

Sincerely,

BILL.

TRIBUTE TO SENATOR MORSE FOR LEADERSHIP IN HELLS CANYON FIGHT

Mr. NEUBERGER. Mr. President——

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. NEUBERGER. Mr. President, I ask unanimous consent to include in the CONGRESSIONAL RECORD an item from the June, 1957, issue of the interesting newsletter prepared regularly by Representative EDITH S. GREEN, of the Third Oregon District.

This particular item gives credit to the senior Senator from Oregon [Mr. MORSE] for his outstanding leadership in the Hells Canyon fight, and hails as a great tribute to him the passage by the Senate last month of the Hells Canyon high dam bill (S. 555).

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

[From the June 1957 Newsletter by Representative EDITH GREEN, of Oregon]

YOUR CONGRESSWOMAN REPORTS

HELLS CANYON

By now, of course, you know that the Senate passed the bill for a high Hells Canyon Dam by the welcome margin of seven votes. The Senate victory is a great tribute to Senator MORSE, who has so effectively and courageously led this fight for so long against terrific odds.

You know also about the last-minute maneuver of the Idaho Power Co. in sending back—in a dramatic gesture—its fast tax writeoff certificates. New votes were won for the high dam because of these questionable maneuvers. One question raised in the minds of many was: If they send these certificates back on the day of the vote, what is to prevent their getting them back right after the vote? Another question raised was whether officers of the company alone could refuse the fast tax writeoff or whether ultimately it would be forced either by the stockholders or by the Idaho Public Utilities Commission to claim the writeoff.

The fight for the high Hells Canyon Dam now shifts to the House Interior Committee. How fortunate we are to have our own capable Congressman AL ULLMAN, formerly president of National Hells Canyon Association, to take the lead as a member of that committee. He is joined by the fighting GRACIE PFOST of Idaho and LEE METCALF of Montana of Interior Committee. We're betting on them to get the bill over those first tough hurdles—a favorable vote in subcommittee and then full committee. Next hurdle is the Rules Committee—that's even tougher. Then we have a fighting chance on the floor of the House.

If you believe in this, why don't you write your friends and relatives in other States urging them to write to their Representatives. Time is of the essence.

BAITING RHODE ISLAND WATERS IN ANTICIPATION OF PRESIDENT EISENHOWER'S VISIT

Mr. NEUBERGER. Mr. President——

Mr. MANSFIELD. I yield.

Mr. NEUBERGER. Mr. President, I should like to read to the Senate, if I may, an Associated Press dispatch, as carried on the news ticker. It reads as follows:

NEWPORT, R. I.—The Rhode Island League of Salt Water Anglers is angry because Newport waters are being baited to insure good fishing prospects for President Eisenhower during his vacation visit.

The league, a 3,000-member organization dedicated to the preservation of the State's salt water resources, wired the President today asking him to intervene in the chumming of Newport waters.

The telegram resulted from Newport councilman George W. Lawton's disclosure that minced fish is being scattered in the waters to attract striped bass and bluefish to spots where the President is expected to drop his line.

In the telegram the salt water anglers said "the effect of this baiting action is the loading of commercial traps in the area and causing further slaughter and depletion of game fish in Rhode Island waters."

I should like to add that I am hopeful President Eisenhower himself has no knowledge of the baiting of the waters of Narragansett Bay, in order to make his fishing visit more successful.

All of us who are familiar with the outdoors know that such baiting is unsportsmanlike and contrary to the best conservation practices. I trust that the baiting has been done entirely without the knowledge and approval of the President.

I am extremely hopeful that the President, upon receiving the telegram from the conservationists and sportsmen in the State of Rhode Island, will himself urge that the process and practice stop.

I believe it is significant for us to note, however, that this is not the first time that so-called baiting—I do not use the word in the political sense but, to the contrary, in the wildlife sense—has occurred with respect to this administration. When President Eisenhower took office, the long-time career head of the United States Fish and Wildlife Service, Dr. Albert L. Day, was demoted. His successor—who was not a career servant of the Government but was a political appointee—thereupon was involved in condoning the so-called baiting of duck blinds, to attract waterfowl in the State of California, by very wealthy sportsmen's clubs who were indulging in game shooting in the State of California.

Furthermore, there has been, under this administration, the unsavory opening up of wildlife refuges to indiscriminate and thoroughly unjustified oil drilling; there has been the surrender of national-forest timber, under the guise of mining claims; the construction of commercial reservoirs has been recommended to invade wilderness solitudes and sanctuaries; and great water-power sites have been surrendered for piecemeal exploitation.

So it is my very fervent and earnest hope—and I am sure the hope is justified—that the President of the United States has not authorized this practice in the waters of Narragansett Bay, and that he will use his great influence and prestige to see that it stops.

APPROVAL BY PRESIDENT OF RECOMMENDATION THAT NORTHWEST AIRLINES FLY THE GREAT CIRCLE ROUTE FROM SEATTLE TO TOKYO

Mr. THYE and several other Senators addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Minnesota first.

Mr. THYE. Mr. President, I have just received word that the President has approved a recommendation by the Civil Aeronautics Board that Northwest Airlines be granted permanent certification to fly the Great Circle Route from Seattle to Tokyo. This is of major significance to all citizens in the Midwest and upper Northwest regions of the United States.

Northwest Airlines is what we in the Midwest term a local airline. It has its main base of operation at Wold Chamberlain Field in Minneapolis-St. Paul. Northwest has established itself as an integral part of the economic development and growth of the Midwest and upper Northwest. It forms a link for our people between the Middle West, the east coast, the west coast, and the Orient. Its employees are contributing every day to the social and economic growth of the Nation.

The President's decision is a tribute to Northwest Airlines for its pioneering of the Great Circle Route against great odds. Northwest has sought and worked for this permanent certification for many years. It has been off Government subsidy since late in 1954. President Eisenhower's decision is in accord with his previous announcement that permanent certificates would be granted when carriers went off subsidies.

The decision by President Eisenhower is welcome news to those of us who understand its importance to the people of the Middle West.

SUPPLIES OF ENERGY

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

Mr. MANSFIELD. I yield to the Senator from Tennessee.

Mr. KEFAUVER. I suppose all Members of the Senate today received a copy of a little booklet entitled "Future Growth of the Natural Gas Industry," published by the Chase Manhattan Bank. The booklet reprints a study presented to the American Gas Association by Lyon F. Terry, vice president, and John G. Winger, petroleum economist, for the bank.

I find this study to be significant, because of a table appearing on page 8. This table lists the sources of energy supply in the United States, shows the amount supplied in 1946 and in 1956 of each of these sources of energy, and projects the increase for each in 1946.

The table is brief and to the point, and I ask that it be placed in my remarks at this point.

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

Sources of energy supply in United States

	Quadrillion B.t.u.			Percent change 1966 from 1956
	1946	1956	1966	
Natural gas	4.1	9.9	15.6	+57.6
Coal	14.5	12.0	13.8	+15.0
Waterpower	1.4	1.8	1.8	0.0
Petroleum	10.5	18.4	30.1	+63.6
Total energy	30.5	42.1	61.3	+45.6

Mr. KEFAUVER. What strikes one as significant about that table? Of all the increase in energy, there is none predicted for waterpower; and I dare say the people who prepared this study had good grounds to make that assumption. There will be large percentage increases in natural gas and petroleum, and a smaller one for coal—in other words, large percentage increases in the higher cost fuels, but nothing at all in the low cost source of energy, waterpower.

I recall that when Harry Truman dedicated Hungry Horse Dam in Montana during the 1952 presidential campaign, he told the people to take a good look at it because if Eisenhower were elected they would not see another one.

He was laughed at then, but he has been proven right since.

The bankers, in my opinion, know what they are talking about in this study, unless the Democratic Congress can somehow get this banker-dominated, big business, Eisenhower administration to look again at the great rivers and streams of this Nation which are rolling to the sea with their great store of energy unharnessed.

In this period of great inflation, and ever increasing living costs, we ought to look again at the cheaper supplies of energy.

TOBACCO PRICE SUPPORTS

Mr. COOPER. Mr. President, I have learned that the Senate Agriculture Committee has acted to postpone indefinitely consideration of S. 2569, introduced last month by the junior Senator from Oregon [Mr. NEUBERGER], and which, if it became law, would remove tobacco from the list of basic agricultural commodities and deprive tobacco of price support.

As I understand, the action of the Senate Agriculture Committee in postponing indefinitely Senator NEUBERGER's bill kills the bill for this session and for the foreseeable future. I never had any doubt that the committee would quickly reject the bill. Nevertheless, I am glad the Agriculture Committee acted so promptly to refuse this discriminatory measure. The bill directly attacked the livelihood of three-quarters of a million farm families—thousands of them in Kentucky. Its net effect would have been nothing less than to reduce the income and reduce the standard of living of farmers who must depend on their tobacco crop as a principal source of their income.

The principal danger of Senator NEUBERGER's bill was that it tended to give currency and publicity to the mistaken notion that tobacco is subsidized, or that the Government "spends million of dollars to underwrite the growing of tobacco."

The truth of the matter is that tobacco is not subsidized. Among all our farm programs, the tobacco program is unique in that it has neither resulted in burdensome Government-owned stocks, nor has it cost the Government or the taxpayers money.

Credit for this remarkable achievement belongs to the hundreds of thousands of tobacco growers who have the sacrifices necessary to keep their program sound, and who have consistently faced up to the realities of the law of supply and demand. Through realistic production controls these farmers have made 90 percent of parity work—as an annual achievement as well as a goal. That program, which farmers operate in cooperation with their Department of Agriculture, gives each tobacco grower a fair share of the market, and a fair price for his product. Its outstanding record of continued success over many years deserves better than uninformed criticism, sniping, or punitive proposals such as S. 2569.

I shall continue to support our tobacco program. I welcome this action of the committee.

RESTRICTIONS ON VOTING

Mr. CASE of South Dakota. Mr. President, in view of the importance of the subject of voting, I ask unanimous consent that a résumé of restrictions on voting in the several States, which was prepared for me by the Library of Congress, be printed in the RECORD.

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

RESTRICTIONS ON VOTING

This report is based on State legislation touching on restrictions on voting, including qualifications of voters, registration for voting, categories of persons disqualified, and penalties for offenses connected with these provisions.

Several States whose legislatures have held recent sessions have not yet made available to us the laws enacted at such sessions, and any consequent changes in the election laws made by such recent laws, are therefore not included in this study. Where this is the case, a note to that effect is contained in the introductory statement to the report of that State.

A comparison was made between the provisions of law of the State of Oregon and that of the other States, concerning restrictions on voting, with the following results:

Age: The minimum age for voting in 46 States is 21 years. Georgia and Kentucky allow voting at 18 years.

Citizenship: All States require voter to be a citizen of the United States. However, while most of the States, including Oregon, require that the qualifications for voting be attained by the day of the election for which applicant is registering, the following States require that applicant shall have been a citizen of the United States for at least 90 days prior to the election: California, Minnesota, New York, Utah. Pennsylvania requires United States citizenship at least 1 month before election.

Residence: Eleven States require a residence of 6 months in the State immediately preceding election: Idaho, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, and Oregon.

Thirty-two States require a residence period of 1 year, immediately preceding the election: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Missouri, Montana, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Five States require a residence of 2 years immediately preceding the election: Alabama, Louisiana, Mississippi, Rhode Island (only 1 year is required if person pays a real or personal property tax), South Carolina.

South Dakota is the only State which requires a residence of 5 years in the United States in order to qualify a voter.

Wisconsin allows new residents of the State to vote for presidential and vice presidential electors without the required residence of 1 year, provided that they were qualified voters in another State immediately prior to removal to Wisconsin, or would have been so qualified had they remained there until election, and but for residence would be qualified to vote in Wisconsin.

Literacy: 18 States have some form of literary test: Alabama, Arizona, California, Connecticut, Delaware, Georgia, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Washington, Wyoming. In two of these States, Georgia and Louisiana, if a person is illiterate he may still be qualified as a voter if he is a person of good character and understands the duties and obligations of citizenship under a republican form of government. Oregon requires that a voter be able to read and write English. Louisiana also requires that he understand any section of the Constitution which may be read to him and be able to give a reasonable interpretation thereof. South Carolina exempts a voter from literary requirement if he can show that he owns and has paid all taxes collectible during previous year, on property in State assessed at $300 or more. Two of these States, North Carolina and Oklahoma, have what is known as the "grandfather clause" whereby a lineal descendent of an old voter in any State (dates specified) shall not be disqualified because of illiteracy.

Twenty-seven States do not have any literacy requirement: Arkansas, Colorado, Florida, Idaho, Illinois, Indiana, Iowa,

Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, New Jersey, New Mexico, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, and Wisconsin.

Nebraska only requires that applicant for registration sign his name in the register, and Virginia requires that applicant shall make application in his own handwriting, in the presence of the registrar. However, both these States provide a penalty for "deceiving an illiterate elector" (in Nebraska) and for deceiving an elector who cannot read the language in which the ballot is printed or written (in Virginia).

Nevada, by a law of 1953, has inserted on the registration form, a question (No. 8) as to whether or not (a) applicant can read the Constitution in English, (b) can write his name, (c) is entitled to vote by reason of having been an elector, (d) he can mark his ballot (state physical disability, if any). However, the same law makes provision for the registration of electors who are unable to sign their names.

Poll tax: Five States provide for payment of a poll tax as prerequisite to voting: Alabama, Arkansas, Mississippi, Texas, Virginia. Mississippi provides for payment of all taxes legally required of him and which he has had opportunity to pay according to law.

DISQUALIFIED FOR VOTING

Idiots and insane persons: All the States, including Oregon, have provisions disqualifying persons of unsound mind from voting, except Illinois, Indiana, Michigan, New Hampshire, Pennsylvania, Tennessee, and Vermont. In Illinois, the Supreme Court has rendered a decision that the vote of persons non compos mentis, ought not to be received. Indiana has a provision that an oath shall not be administered to insane persons, and since the registration application contains an affidavit, it would appear that such persons could not be registered.

Commission of felony or infamous crime: Forty-one States, including Oregon, provide for disfranchisement for commission of a felony or infamous crime: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, Wyoming.

Colorado disfranchises persons confined in public prisons, while so confined; and West Virginia disfranchises persons "under conviction" of a felony. Pennsylvania disfranchises for 4 years, persons who were convicted of violating any provision of the election code. Massachusetts disfranchises for 3 years persons convicted of corrupt practices in elections, and Alabama disfranchises such persons permanently.

Paupers: Nine States disfranchise paupers: Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, South Carolina, Texas, Virginia, West Virginia. Missouri and Oklahoma disfranchise persons while in poorhouse or other asylum at public expense. Louisiana disfranchises inmates of charitable institutions except inmates of the soldiers home and United States Marine Hospital.

Dishonorable discharge: Kansas and Louisiana disfranchise persons who received a dishonorable discharge from the Armed Forces of the United States.

Duels: Virginia and Wisconsin disfranchise persons who take any part in a duel.

Subversive activity: Washington disfranchises persons convicted of subversive activities or of membership in a subversive organization after June 1, 1951.

Soldiers: Texas does not allow persons to vote while in the Regular service of the Army or Navy of the United States. This does not apply to persons in the National Guard of Texas at any time.

Oath: Seven States require a loyalty oath: Alabama, Connecticut, Florida, Idaho, Mississippi, North Carolina, Vermont.

Thirty-four States, including Oregon, require an oath that applicant is qualified: Arizona, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Six States require an oath only in certain cases or merely authorize an oath: Delaware, Maine, New York, North Dakota, South Dakota, Texas. Arkansas has no provision for an oath.

The oath required in Alabama contains a disavowal of belief in or affiliation with an organization which advocates the overthrow of the Federal or State government by unlawful means.

Registration: Registration is not required in four States: Arkansas, North Dakota, Texas, and Vermont.

In the States that require registration, the registration is generally permanent, subject to cancellation in most States, for failure to vote in a 2-year or 4-year period, and must be made in person. Of the States that require registration, most States either exempt armed service voters from registration requirements, or provide for absent registration of such voters. Only four States, which require registration, make no provision for absent registration of military voters: Alabama, Florida, Louisiana, and Virginia.

Registration applications—contents: Although the provisions of some of the States are more detailed than others, all States which require registration provide for questioning of the applicant for registration in such a manner as to elicit information covering the requirements for qualification of voters.

Penalties: Oregon, as most other States, provides penalties for (1) false swearing, (2) impersonation of a voter, (3) voting under fictitious name, (4) voting more than once at the same election, (5) fraudulent registration, (6) illegal voting, either when not qualified or in a precinct other than that in which voter is qualified.

Most stringent: Alabama appears to be one of the States which have the most stringent requirements, requiring 2 years' residence, a literacy test, good character, the payment of a poll tax, a loyalty oath containing a disavowal of affiliation with any group which advocates overthrow of the Federal or State government by unlawful means. It has a system of permanent registration, requiring applicant to appear in person, and makes no provision for absent registration of voters in the armed services. The registration form contains all questions necessary to establish the qualifications of the applicant; and the penalties provided for offenses pertaining to registration and qualification of voters are about the same as in most States, except that Alabama's maximum penalty for such offenses is 5 years' imprisonment, while Oregon sets such maximum at 3 years' imprisonment. Alabama disfranchises, as do most States including Oregon, persons of unsound mind, persons convicted of felony and persons convicted of a crime involving moral turpitude, and also disfranchises persons convicted as tramps or vagrants, and persons convicted of corrupt election offenses.

Most lenient: Vermont appears to be one of the States that has the most lenient requirements. In order to qualify as a voter a person of the required age and residence need but take the freeman's oath that he will vote in the best interests of the State of Vermont. No registration application is required. Absent voters in the Armed Forces may take the freeman's oath outside the United States. No literacy test and no payment of a poll tax is required. The penalties for offenses connected with registration and qualification of voters are lighter in general, being mostly limited to a fine of not more than $100, except for impersonation of a voter or use of a fictitious name, the maximum penalty for which is 1 year's imprisonment, and except for taking a false oath, the penalty for which is imprisonment in the State prison for not more than 15 years, and a fine of not more than $1,000. The only persons disqualified from voting are those convicted of bribery in an election, and the disfranchisement is only for that election.

INDIAN VOTING PRIVILEGES

The Law and Order Division of the Bureau of Indian Affairs reports that Indians have the same voting privileges as whites in all States with the exception of Mississippi.

Mississippi has an exclusion clause, "idiots, * * * Indians not taxed may not vote. (Apparently means land tax or personal property, if they have it).

Utah removed their restriction that Indians living on reservations could not vote in the last meeting of the legislature.

Arizona and New Mexico recently removed their restriction. About 1948 to 1950.

VOTING RIGHTS OF INDIANS ON RESERVATIONS

This memorandum is in reply to your request of October 4, 1956, in behalf of a constituent, for information on the above subject matter.

A person born in the United States to member of an Indian tribe shall be a national and citizen of the United States at birth (8 U. S. C. 1401 (a) (2)). However, when the 14th amendment to the Constitution conferred citizenship upon all persons born or naturalized in the United States, it did not necessarily confer the right of suffrage. The power was left with the States to determine the qualifications of its voters. Thus, for example, a State may establish a literacy test as a prerequisite for voting. (*Guinn* v. *United States* (1915) (238 U. S. 347, 362).)

The exclusion from voting, of Indians on a reservation in certain States, is generally the result of provisions in the State constitutions disqualifying persons not taxed or persons under guardianship, since Indians on reservations are generally considered wards of the Federal Government, and receive certain benefits as such. Since this is not a discrimination against persons because of their race or color, it does not violate the 15th amendment of the United States Constitution.

Most of the States have by now removed restrictions against the enfranchisement of Indians, the last two States to do so recently, Arizona and New Mexico, doing so by court interpretation.

By a decision rendered in 1948 (*Harrison* v. *Laveen* (67 Ariz. 337; 196 p. (2d) 456)) the courts of Arizona have construed the provision of article 7, section 2 of the State constitution, denying the franchise to persons under guardianship, as applicable only to persons whose guardianship has been established by judicial decree and as no longer including Indians living on reservations.

On August 11, 1948, the United States District Court for New Mexico declared unconstitutional the provision of article VII, section 1 of the constitution of New Mexico, which disqualified for voting "Indians not taxed." (*Trujillo* v. *Garley* (Civil File No. 1353 (not reported)).

Although a few States still have provisions in their constitutions and election codes, specifically disqualifying Indians on reservations from voting (Mississippi, North Dakota, and Washington) the present trend in most of the States appears to be, that where Indians are denied the right to vote, this de-

nial is not under circumstances in which non-Indians would be permitted to vote.

The voting rights of Indians on a reservation would depend upon the law of the State in which the reservation is situated.

WALTER JOHNSON

Mr. DWORSHAK. Mr. President, 50 years ago today Walter Johnson, a 19-year-old youth from Weiser, Idaho, made his debut as a pitcher for the Washington Senators. Johnson literally had burned up the Idaho State League before signing the contract with the Senators. At one time he pitched 75 innings without allowing a run, and had a strikeout record of 15 per game.

Walter Johnson, a legend during his lifetime, is now immortalized in Baseball's Hall of Fame at Cooperstown, N. Y. One of the provisions of Johnson's contract with the Senators which he insisted upon was that he be given a return trip ticket to Idaho in case he failed as a major league pitcher.

The highlights of Johnson's career include the winning of 414 major league games. Over half of these games were won when Washington was a second division team.

He established the alltime major league strikeout record, 3,497.

In 1908 Walter Johnson pitched three shutouts.

At another point in his major league career, he pitched 56 consecutive innings.

Mr. President, I had intended to ask unanimous consent that Shirley Povich's column, "This Morning" from today's Washington Post, reviewing Johnson's exceptional baseball achievements, be printed in the RECORD, but I understand it was placed in the RECORD earlier today by the Senator from Kansas [Mr. CARLSON].

THE SECRETARY OF THE TREASURY

Mr. MORSE. Mr. President, we in the Senate who follow the activities of our colleagues in the course of their committee work come to have a very high regard for the thoroughness with which they pursue the investigations they are undertaking for the benefit of us all.

We should not forget, however, that in many cases these efforts go largely unreported in the daily press, or if reported, the references are necessarily curtailed for reasons not only of space, but, and more importantly, for reasons that have to do wtih the difficulty of making sound evaluations of the import of statements under the pressure of wire-service deadlines. The events crowd in upon the public as successive waves move up on the beach, each with its white boiling crest of controversy, to be succeeded by another foaming, curling, rushing mass of turbulent waters. In such cases, Mr. President, it is very helpful to the public in their understanding and interpretation of the significance of the longer-range ebb and flow of the tides and currents of affairs to have published from time to time the background articles that through selection and emphasis lay bare the underlying story, that through analysis permit a better understanding of what has happened and that which is happening.

Such an article is one which may be found in the August 8, 1957, issue of the Reporter magazine. It was writted by Mr. Sidney Hyman, and is entitled "George M. Humphrey Had a Great Fall." It is not an unkind article, but it is a frank and devastating one. Because of its honesty, and because it details in such an admirable manner the brilliant work of many of our Senatorial colleagues, who in this instance, as in so many, deserve the highest praise, I ask unanimous consent, Mr. President, that this article be printed in the body of the RECORD at this point in my remarks.

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

GEORGE M. HUMPHREY HAD A GREAT FALL

(By Sidney Hyman)

During Mr. Eisenhower's first term, Secretary of the Treasury George M. Humphrey was often called "the strong man" of the administration—the source of the "Yes" or "No" by which the President would decide many crucial questions whether foreign or domestic. This role, it has been explained, was prearranged. Mr. Humphrey agreed to a place in the Cabinet only on condition that he would be heard in any matter bearing a dollar sign—which meant almost everything.

In the early years, Mr. Humphrey's Republican friends could be expected to embroider the legends about the good use to which he put his power as the President's favorite privy councilor. After all, as the first Republican Secretary of the Treasury in 20 years he held the Cabinet position that had most concerned them while the Democrats were in power. And it was all too natural for them to exalt Mr. Humphrey's reputation outside the Cabinet in order to enlarge his influence within it. Yet the striking fact was that even the professional Democrats spoke well of him. He was "an A-1 executive," "intelligent," "sincere," and, above all, a man "who knows exactly where he stands and lets you know it."

Of course—so the Democrats would conclude—we've got to be against Humphrey. Politics, you know. But he was still the one bright spot in the administration.

Over the years Mr. Humphrey's personal qualities seemed as solid as ever. He remained very much a town and country man—urbane, wryly humorous, muscular, masterful. The effect, in composite, had a "Here I am and here I stand" aura of great appeal.

AN ERRATIC COURSE

But if this was the man, the Secretary of the Treasury, representing a sum total of legal powers and responsibilities, was something else again. Here the passing years unveiled a Cabinet official with a marked tendency to zigzag.

Item: In his view, the people who shook confidence—the prophets of gloom and doom—were guilty of original sin. Yet, somehow it was not the sin of shaking confidence but a great public service when he himself spoke about a depression that will curl your hair.

Item: There was a time when he was eloquent with proof that the 1953–54 recession didn't exist: All talk about it was just politics. Yet later on he led the chorus of praise for his having cured something whose presence he had previously denied.

Item: He often talked about the mess in Washington and about the need to halt the policy of drift. Yet he himself committed a breach of executive discipline, responsibility, and loyalty almost without precedent for an incumbent Secretary of the Treasury. His invitation to the Congress to make war on the President's budget made him the precipitating agent for that great mess and that windstorm drift known as the battle of the budget.

Item: The motto he brought from Cleveland in January 1953, was "Never complain, never explain." Yet every ray of sunshine was due to sound management, and when the rains came, it was all because of the natural laws of supply and demand in the market.

Given the central role he has been playing, "When George talks, we all listen," said President Eisenhower in a springtime burst of enthusiasm for the team, Mr. Humphery's retirement to private life is an event of great importance. In the turn of events, its importance has been doubly underscored by the nature of his two last acts as Secretary of the Treasury.

To state them in the reverse order, his last act (July 22–24) involved him in a $23.9 billion refinancing of the Federal debt—one of the largest operations of the kind on record. But more important, the interest rates offered by the Treasury in the refinancing are not only higher than those on the securities they replace; the new rates—3⅝ percent on a 4-month certificate, 4 percent on a 1-year certificate, and 4 percent on a 4-year note that can be redeemed in 2—are the highest the Government has offered since the bank holiday of 1933.

For reasons that need not be detailed, it will be some time before the results of the operation can be judged accurately. It is enough to say here that success or failure will depend on the response of banks and nonbank corporations that now hold the major share of about $9 billion in maturing securities; more particularly, it will depend on whether they demand cash or accept the new securities in trade, and whether they prefer the short-term or the long-term issues.

Yet these details, when determined, will have far-reaching significance . Is the Treasury itself by conscious intent the architect of the higher interest rates it has to pay for money? Or in setting its rates is it merely following the market? Is the higher interest-rate cost to the Government of a tight-money policy more than offset by the checkmate such a policy gives to inflationary pressures? Or has such a policy served only to inflate what needs curbing while deflating what needs buoying up?

On the assumption that there is inflation, is it a nationwide situation in which demand for goods and services exceeds the available supply, including the supply of money? Or is the inflation an arbitrary one, limited to industries that are in a position to outbid anyone else for money or to fix their own prices? And with respect to these price increases, are they, in the case of basic industries, due to wage increases extorted by entrenched union labor without regard to labor productivity? Or are the wage increases being used by the industries as a propaganda device by which labor is blamed for industry price increases unrelated in motive to any labor factors?

THE VALEDICTORY

As these questions give form and focus to the controversy over the Treasury's $23.9 billion refinancing, they also give form and focus to the second of Mr. Humphrey's parting acts, second in the order here but first in the order of actual occurrence.

This was his testimony as the first witness in the Senate Finance Committee's investigation of the financial condition of the United States. (The investigation was begun on June 18 and was suspended on July 13 so that the next scheduled witness, Under Secretary of the Treasury W. Randolph Burgess, the technical manager of the public debt, could give his undivided attention to the $23.9 billion refinancing operation.)

Mr. Humphrey's 14-day testimony was meant to be wide ranging, for this was his valedictory as the embodiment of General Eisenhower's 1952 campaign promise "to bring into Government the best kind of business management that the business brains of the country can provide." Yet it was even more than that. It was the inventory of the legacy he leaves to Robert B. Anderson, his successor as head of the Treasury. It was his parting gift to the polemical cause of the Republican Party in the impending 1958 Congressional elections. And as things turned out, it was also a painful and sorry revelation, even for his one-time Wall Street admirers.

He began bravely enough. "The record of our accomplishments in the past 4 years * * * is a record of a prospering America with new high levels of employment, rising income, and increasing purchasing power." It is also a record of "increased leisure * * * unequaled investment * * * the growth of the supply of goods * * * the return to free markets * * *" and to "individual freedom of choice." Behold. "We first reduced and then entirely eliminated planned deficits * * * balanced the budget * * * reduced Federal expenditures * * * reduced the public debt * * * reduced the floating debt * * * shifted some of the debt away from the banks * * * created a more favorable climate for enterprise."

Then the questioners began to zero in. To be sure, he stood up to them as an intelligent millionaire should: quick in doing sums in his head, quick to detect a misplaced decimal point, self-depreciating in small details, ready to exchange half-humorous sallies, always reasonable—up to a point. Up to the point where the dialectic through which he had been led plainly pointed to a conclusion the opposite of the one he wanted to hold or felt he had to hold. At that point, he retreated into a half-muttered "I've dealt with that question before," or "You are asking some rather technical questions here which I think should be answered by the technicians rather than myself."

The supreme example of this came early in the hearing. Senator ROBERT KERR, Democrat, of Oklahoma, had asked Secretary Humphrey the key question: To what did he attribute the inflationary rise in prices that the Secretary himself had admitted? (The current rise stands at 4.6 percent above the level a year ago.)

"The reason these inflationary pressures are upon us now," said Mr. Humphrey as he laid down his basic doctrinal line, "is because of the great prosperity which the country is enjoying at the present time. It is the demand for building, it is the demand for goods, it is the demand for all sorts of things that are exceeding supply, and that is what is putting the pressures, the inflationary pressures, on us today."

"Well," said Senator KERR, "would the Secretary indicate what goods in fact were in short supply?" He noticed, for example, that the steel industry was only operating at 86 percent of capacity. In rejoinder to KERR's challenge, Mr. Humphrey cited the shortage of oil-line pipe.

Senator KERR. "You said that this inflation was caused by a bigger demand than productive capacity could supply."

Secretary HUMPHREY. "That is right."

Senator KERR. "And the only one you have told me so far was line pipe."

Secretary HUMPHREY. "That is right."

Senator KERR. "What others?"

Secretary HUMPHREY. "I will get you a list."

Senator KERR. "Do you know of any other Mr. Secretary?"

Secretary HUMPHREY. "I will get you a list."

Senator KERR. "Do you know of any other?"

Secretary HUMPHREY. "I will get you a list."

Senator KERR. "Do you know of any other at this moment?"

Secretary Humphrey. "I will bring a list which will have the statistics to back it up."

And so on for a total of 22 exchanges that ended with Humphrey still promising to cite other items in short supply.

Here was the nub of the argument: What kind of inflation were we in? Two days before the issue was joined on this point, Senator HARRY F. BYRD, Democrat, Virginia, chairman of the committee, had raked Secretary Humphrey fore and aft about different matters. Yet although this was humanly interesting as an attack from the right, BYRD's fire was aimed only at the secondary targets Humphrey had left exposed.

RAKED FORE AND AFT

Yes; the budget was in balance but only by a hair wrapped around accounting gimmicks. Federal spending had been reduced but it was still at the highest peacetime level in American history. Yes; a few billion dollars had been paid on the national debt, but taking the 4 years as a whole, the aggregate size of the debt had increased to a point where it was pressing hard against the statutory limit. Yes; there had been some tax reductions back in 1954, but in the main those taxes were a result of the Korean war and were due to expire automatically at a stated time. Nor were there any prospects for a really new and meaningful tax cut in sight.

As for the Treasury's claim that it shifted the debt structure from a basis of short-term vulnerability requiring constant refinancing to a long-term basis, the very opposite occurred. The short-term proportion of the public debt has increased since 1953, while the long-term proportion has decreased. Moreover, the two memorable efforts by the Treasury to refinance the debt by means of long-term issues had led to grim results.

The first, issued shortly after the Eisenhower administration came into office, bore a radical and arbitrary increase in interest rates—on the theory that the Nation was in a dangerous inflationary situation that needed curbing by monetary restraints. In point of fact, despite the Korean war prices had been relatively stable from December 1951 to March 1953. Thus, by undertaking to curb a nonexistent inflation, all the initial long-term high-rate issue did was to soak up so much capital as to create a near panic in the money markets, followed by the recession of 1953–54. As for the second long-term issue of significance—the one issued in May 1957—it was subscribed to by only 72 percent, and was pronounced a distinct flop in financial circles. Indeed, in describing the general operations of the Treasury during the spring and early summer of this year, the Wall Street Journal used a reminiscent phrase: "the mess in the Treasury."

ARE WE OR AREN'T WE?

Yet all this, to repeat, was of secondary importance. The main issue was inflation—not whether it is good or bad in principle but simply what kind of inflation are we in?

If it corresponds to Secretary Humphrey's version—namely, a great and uniform expansion in the economy in which demand for goods and services everywhere exceeds supply (including the supply of money)—then the administration's across-the-board hard-money policy as an instrument of control is both defensible and supportable. For to accept the fact of creeping inflation as the price of full employment and full production is to accept the fact that many millions of elderly or disabled Americans who live on fixed pensions and annuities will be pauperized. It also means that additional millions who work on low and inflexible salaries will have their standard of living sharply reduced. In the circumstances, strict monetary controls on credit expansion are far less onerous than the two alternative anti-inflationary devices—direct controls on wages and prices or deliberately induced unemployment to check rising costs.

But there is impressive testimony from many quarters that the kind of inflation we now have is not the kind Mr. Humphrey talks about, the kind that might have justified the whole of his hard-money policy.

At the turn of the year, in a scathing attack on the administration's conduct of monetary and fiscal policies, the highly respected Business Week stated flatly: "We are not in the midst of a runaway inflation or even on the edge of one." This publication cannot be accused of anti-Republican bias. It is edited by Elliott V. Bell, a major figure in the entourage of former Gov. Thomas E. Dewey, and a leader in the internationalist wing of the Republican Party

In antiadministration circles, meanwhile, ROBERT KERR, RUSSELL LONG, CLINTON ANDERSON, and ALBERT GORE—four Democrats on the Senate Finance Committee—have also been questioning the Humphrey views on inflation.

In the case of the four Democrats, many of their facts are traceable to Leon Keyserling, who was Chairman of the Council of Economic Advisers under Truman. In early April of 1957, Keyserling in the course of testifying before the Senate Finance Committee against an increase in interest rates on savings bonds launched an all-out assault on the administration's hard-money policy.

Stripped to the essentials, here are his facts:

1. In an economy that must keep expanding merely to stand still, our annual average growth rate had declined by the end of 1956 to less than half of what it was in 1947–53.

2. This slowdown in turn increased the deficiencies in total potential production from an annual average rate of $5 billion in 1947–53 to an annual rate of more than $21 billion in the fourth quarter of 1956.

3. Unemployment for the first quarter of 1957, standing at 6.4 percent of the civilian labor force, was more than 40 percent higher than it was in 1953.

4. After taxes, the ratio of small-business profit rates to big-business profit rates had dropped (by 1955) to 50 percent.

5. For the period of 1953–56 as a whole, dividends increased at an average annual rate of 6.6 percent, and personal interest income increased at an average annual rate of 6.8 percent. But labor income increased at an average annual rate of only 3.2 percent; small business and professional income increased at an average annual rate of only 2.3 percent; and net farm operators' income declined at an average annual rate of 5.4 percent.

6. While investment in heavy machinery and durable equipment grew by about 12.7 percent from 1955 to 1956 and investment in new construction (other than housing) grew by about 6 percent, consumption grew by only 1.6 percent.

Nor was this all. In the first 4 years of the Eisenhower Presidency, the total debt structure of the United States—Federal, State, local, corporate, and private—increased $200 billion to a total of $793 billion, or about 33 percent higher than it was in 1953. And the annual interest being paid on this total debt is about $3.3 billion higher than it would be if the 1952 interest rates had been maintained.

These facts portray not a booming economy but one that is slowing down generally—an economy in which an arbitrary hard-money policy is wrongheaded. It is wrongheaded because it comes at a time when there is an underutilization of capacities instead of an excessive demand for them, and because it merely transfers income from the people who borrow money and need money most to the people who have money to lend and thus have less need for supplemented income. It is wrongheaded because it has failed to curb industries like steel from shoving prices upward

in order to reap profits that can pay for plant expansion even before the plant is built.

The only thing the indiscriminate application of the hard-money policy has curbed is investment in inventory financing and general operations by small business. It has raised interest on the money cities and States borrow, and thus increased the costs of building such things as schools. It has raised the interest cost severely on the very frequent refinancing that the farmer has had to do. It has tremendously increased costs on homeownership and home construction. And, finally, in various combinations of the foregoing facts lies the real reason why people of small means are cashing in their savings bonds at a rate in excess of what they are buying. It is not because they want to take advantage of better interest rates offered elsewhere. They are cashing them in because they need the money to help meet their current living costs, which have been rising steadily for a year.

AN ECONOMY IN DISARRAY

The echo of these Keyserling arguments provides the common element of what Senators KERR, LONG, ANDERSON, and GORE had to say to Secretary Humphrey. What they added was drawn from the whole climate of the Eisenhower administration. Its special incentives to business, its fast tax write-offs, its giveaways, its Hoover Commission reports, its dismantling of vital Government-sponsored programs, its packing of the regulatory commissions—all these have created a psychological state of mind among the great captains of industry that now is the time to get in there, grab, and get out; that now is the time to divert from the consuming power of the Nation the funds that can go into the durable capital goods where the captains have their equities.

The great captains of whom George Humphrey is certainly one, have yet to observe the axiom that mass production requires mass consumption, and that mass consumption requires effective mass purchasing power to absorb the output of mass production; if the elements of this equation are out of kilter, the whole economy goes out of kilter. It is that kind of economy in disarray which Secretary of the Treasury George M. Humphrey leaves to his successor.

In the world of big business, Mr. Humphrey's views will continue to command respectful attention. But in more sophisticated financial circles, his valedictory was read as a confession of failure.

THE CIVIL-RIGHTS BILL

Mr. MORSE. Mr. President, I was very much interested in the enthusiastic statement of the majority leader expressing his approval of the pending legislation. As everybody knows, I have the greatest of respect for the majority leader and for the sincerity of his views. As I have told him privately, I now tell him publicly: I have the highest regard for the great leadership and generalship he has exercised in putting the civil-rights bill through the Senate to its present position—a horizontal one in the coffin it now occupies.

I disagree with my majority leader on the nature of the bill. I consider it a corpse. I was ready, Mr. President, to hear the funeral sermons and eulogies over its dead body tonight. I think it is a mistake to wait over the weekend for the funeral because the odor of the corpse is going to be pretty strong on Monday. This corpse already stinks, Mr. President.

I think this so-called civil-rights bill shows that civil rights for the time being for millions of colored people are dead, so far as effective protection of their right to vote is concerned. If I vote for the bill Monday, in the Senate session devoted to the bill's funeral services, or whenever the final ritual is held, it will only be out of respect for the memory of the title of the bill "Civil Rights." I shall vote for it hoping someday there really will be a resurrection of civil rights in the United States through the passage of a true civil-rights bill that will implement the 14th and 15th amendments.

COMPLIMENTARY REFERENCES TO DEBATE ON CIVIL-RIGHTS BILL

Mr. MANSFIELD. Mr. President, we have just witnessed the end of a great debate. I think the past 4 weeks will prove to be historic in the annals of this country. I think the Senate has earned a vote of thanks for reasonableness, consideration, tolerance, and understanding. It has, collectively, exhibited a high sense of statesmanship.

There are many Senators who could be picked out for special praise.

First, I might mention the Senator from Wyoming [Mr. O'MAHONEY], the latest of a great line of constitutional lawyers, starting with Senator Walsh of Montana, and continuing with Senator Borah of Idaho, and Senator Norris of Nebraska. The Senator from Wyoming was the contemporary of those great men. He has upheld the tradition of the jury-trial system in this country, and the seeds which he has nourished in this particular garden will live long after all of us in this Chamber are gone.

The Senator from Wyoming was aided tremendously by the distinguished Senator from Tennessee [Mr. KEFAUVER], and also by the outstanding young Senator from Idaho [Mr. CHURCH]. Several other Senators, in opposition, also contributed brilliantly, such as the Senator from Illinois [Mr. DOUGLAS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Michigan [Mr. MCNAMARA], the Senator from Pennsylvania [Mr. CLARK], and other Senators who were well versed and capable of taking care of themselves during the debate.

Mention must also be made of the Senator from New York [Mr. JAVITS], and the Senator from New Jersey [Mr. CASE], both of whom fought for their cause with all the weapons at their command.

Certainly by no means the least important is our distinguished minority leader, the Senator from California [Mr. KNOWLAND], who contributed a great deal to the debate. His integrity, his consideration, and his ability were outstanding.

Also important were the Senator from Georgia [Mr. RUSSELL]; the present occupant of the Chair, the Senator from Florida [Mr. HOLLAND]; and other Senators who contributed of their tremendous knowledge and energies.

We must not fail to mention the distinguished Senator from North Carolina [Mr. ERVIN] who was on the floor constantly and who was prepared and willing to answer all questions and all arguments raised.

Mr. President, there were 95 Senators who indicated an active interest in this proposal. The great majority of them participated in one way or another.

Mr. President, there was no filibuster, as everybody anticipated. There was an air of reason, an air of understanding, an air of tolerance and a desire to complete a task, once started.

Regardless of what anyone may say, the bill which the Senate has now brought up to its third reading is a better bill and a stronger bill than when it came from the House.

I think also the representatives of the press, radio, and TV of this Nation are entitled to a great deal of credit for their comprehensive coverage, and for the knowledge which they achieved as to what was contained within the bill, and which they so freely gave to the public of the Nation. I think they accomplished a real and distinct service, and they typified in the best sense of the term the meaning of the fourth estate.

Mr. President, I would be remiss in my duty if I did not mention our distinguished majority leader, the Senator from Texas [Mr. JOHNSON] who was able to bring the various elements on both sides of the aisle together to finally bring forth a reasonable bill, a bill which everyone can live with, and a bill which everyone can understand.

So in the last hours of the debate, Mr. President, I wish to take this means of adding my words of praise for all the Members of the Senate—those for the bill and those against the bill—who have contributed so much to the solution. For the first time, this body has brought a civil rights bill to a third reading, and in my opinion great history has been made in the last 4 weeks of the debate.

The Senate collectively and all Senators individually have distinguished themselves. Once again, this body has proved to the country the importance of a forum where free, open, and unlimited debate can be used to discuss, to analyze and, finally, to decide.

THE CIVIL-RIGHTS BILL

Mr. NEUBERGER. Mr. President, because there have been some observations made on the floor of the Senate this afternoon with respect to the civil-rights bill, which has now reached a third reading, I should like to add a few brief contributions to the discussion. I think the participation which I have had in the various yea and nay votes will indicate that I am to some degree disappointed by what has happened. I personally feel that the bill, as it came from the House, has been weakened by the addition of the jury trial amendment and by the elimination of part III.

To me the granting of civil rights is the most important obligation of a Member of this legislative body. That is one reason why I have valued the opportunity to serve as chairman of the Indian Affairs Subcommittee, because we are concerned in our consideration there not with protection of the civil rights of racial groups, but of the civil rights of the oldest minority of all, the

descendants of the original inhabitants and owners of this North American Continent.

Both my wife and I in the Oregon State Legislature were active in bringing about the adoption there of fair employment practices legislation and State legislation to assure the equal access to public accommodations of people of all races, creeds, religions and colors.

However, I feel that it is the obligation of a person who is dedicated to a cause to support any advance or any gain which is made toward an ultimate goal. It is my thought that as mankind struggles upward toward a better, brighter day, those who seek the sunlight do not always get so close at each step as they had originally hoped.

The civil-rights bill is not all I had hoped for. It is not all that some of my colleagues had hoped for. But I feel that it is a gain. It is an advance. Therefore I wish to state for the RECORD that it is my intention next week to vote for passage of the bill when it comes before the Senate on a yea-and-nay vote.

Mr. MANSFIELD. Mr. President, the Senator from Oregon [Mr. NEUBERGER] and his colleague [Mr. MORSE] certainly are men of great integrity, understanding, and tolerance. No one could have worked harder than they did in behalf of the measure as it came over from the House to the Senate. I rank them with other Senators in the forefront because of their unrelenting, unstinting efforts to carry forward the kind of program in which they believed so completely and so honestly.

Mr. NEUBERGER. The Senator from Montana is very kind in his remarks.

Mr. ERVIN. Mr. President, I wish to thank the able and distinguished junior Senator from Montana for his generous remarks concerning myself, and to say that I think it is impossible to appraise at its full value the great service which the able and distinguished junior Senator from Montana, as assistant to the majority leader, has rendered to the Senate since he was elected to that position.

I do not know anyone who has contributed more sanity, more wisdom, more tact, more toleration, and more fidelity to the ultimate interests of his country in his senatorial service than has the junior Senator from Montana.

Mr. MANSFIELD. I thank the Senator from North Carolina.

Mr. JOHNSON of Texas. Mr. President, I thank the Senator from Montana for his very generous references to me. Except for those references, I wish to associate myself with everything he had to say about my colleagues on both sides of the aisle.

I think the RECORD should show that a great contribution was made by the distinguished Democratic whip, the junior Senator from Montana. Day after day and night after night he worked with men of differing views. He worked diligently and effectively. No one is entitled to more credit for the achievement of the Senate than is the junior Senator from Montana.

Mr. MANSFIELD. I thank the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that House bill 6127, the civil-rights bill, be reprinted, showing all Senate amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ELECTIONS ACT OF 1957—REPORT OF A COMMITTEE (S. REPT. NO. 792)

Mr. HAYDEN. Mr. President, from the Committee on Rules and Administration, I submit a report, together with the individual views of the Senator from Georgia [Mr. TALMADGE] and the Senator from Nebraska [Mr. CURTIS], to accompany the bill (S. 2150) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes, which was reported on July 3, 1957. I ask that the report, together with the individual views, may be printed.

The PRESIDING OFFICER (Mr. HOLLAND) in the chair. The report will be received and printed, as requested by the Senator from Arizona.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 2, 1957, he presented to the President of the United States the enrolled bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

RECESS TO MONDAY

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, August 5, 1957, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 2 (legislative day of July 8), 1957:

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

To be captain

A. Newton Stewart	Robert A. Earle
Max G. Ricketts	Harry F. Garber
Clarence A. George	Karl B. Jeffers

POSTMASTERS

ALABAMA

William J. Dobson, Tuscumbia, Ala., in place of H. G. Sockwell, removed.

Hughie J. McInnish, Union Springs, Ala., in place of F. W. Rainer, retired.

ARIZONA

Ruth M. Despain, Bagdad, Ariz., in place of J. S. Story, resigned.

Opal V. Chambers, Cashion, Ariz., in place of A. D. Zihlman, retired.

ARKANSAS

Bart M. Price, Cove, Ark., in place of J. C. Allen, retired.

Elbert R. Upshaw, Turrell, Ark., in place of D. H. Stalls, deceased.

Lewis A. J. Booth, Williford, Ark., in place of L. D. Kerr, transferred.

CALIFORNIA

Jay C. Andes, Biggs, Calif., in place of A. L. Fenton, retired.

Alfred E. Rider, Burney, Calif., in place of Salve Bue, retired.

Eldrude E. Case, Butte City, Calif., in place of L. G. Squire, retired.

Marguerite I. Wilson, Dutch Flat, Calif., in place of E. B. Quinn, retired.

Richard L. Bernard, Gonzales, Calif., in place of W. R. Bernard, retired.

Evelyn O. Pedroia, Monte Rio, Calif., in place of O. W. Richardson, resigned.

COLORADO

Ben H. Cox, Springfield, Colo., in place of L. Y. Cook, transferred.

CONNECTICUT

John Shanaghan, East Haddam, Conn., in place of R. M. Smith, retired.

Raffaele A. DePanfilis, South Norwalk, Conn., in place of T. P. Horan, deceased.

Helen L. Clough, Tolland, Conn., in place of B. M. Place, retired.

Dorothy B. Tuller, West Simsbury, Conn., in place of J. E. Scheidel, transferred.

FLORIDA

Helen N. Kelly, Fort Walton Beach, Fla., in place of H. T. Stewart, resigned.

Charles H. Watson, Homosassa Springs, Fla., in place of M. V. Lindsey, deceased.

Carl David Lippincott, Jr., Zephyrhills, Fla., in place of L. D. Gall, retired.

GEORGIA

Martha W. Sanders, Jeffersonville, Ga., in place of Ralph Smith, removed.

Mittie F. Jones, Lavonia, Ga., in place of P. R. Bradford, deceased.

William Avery Bryant, Lexington, Ga., in place of E. S. Maxwell, retired.

Dennis R. DeLoach, Statesboro, Ga., in place of A. C. Turner, retired.

Bertha C. Taylor, Tallulah Falls, Ga., in place of Calvo Lee, removed.

ILLINOIS

William T. Keenan, Alexander, Ill., in place of F. W. Neal, deceased.

Emil Serpe, Algonquin, Ill., in place of M. W. Struwing, removed.

Carl M. Crowder, Bethany, Ill., in place of W. A. Goetz, resigned.

William C. Newton, Golconda, Ill., in place of M. W. Volle, resigned.

Anthony J. Zucco, Mount Zion, Ill., in place of A. M. Tate, retired.

Roy George Fraser, Roxana, Ill., in place of M. E. Schnell, removed.

Dwight S. Leverton, Winslow, Ill., in place of B. E. Reck, retired.

Cyril L. Chaon, West Brooklyn, Ill, in place of J. H. Michel, retired.

INDIANA

Lela E. Neptune, Brooklyn, Ind., in place of M. G. Rothrock, deceased.

Leonard E. Taylor, Fairland, Ind., in place of DeAnvie Griner, retired.

Virgil R. McVay, Fortville, Ind., in place of Q. J. Van Laningham, resigned.

John S. Solomon, Manilla, Ind., in place of M. F. Woods, deceased.

Orlyn J. Clawson, San Pierre, Ind., in place of P. A. Tannehill, retired.

Max E. Martin, Windfall, Ind., in place of F. M. Plummer, transferred.

IOWA

Francis Darwin Smith, Cleghorn, Iowa, in place of R. M. Brooks, retired.

Joseph E. Link, Farley, Iowa, in place of E. P. Kelly, removed.

Kenneth D. Cunningham, Rippey, Iowa, in place of H. E. Munson, retired.

Richard A. Chancellor, Saint Ansgar, Iowa, in place of C. E. Miller, deceased.

LeRoy E. Larson, Saint Olaf, Iowa, in place of Ervey Elvers, resigned.

Ross G. Hauser, Union, Iowa, in place of A. J. Tisdale, retired.

KANSAS

Velma M. Peters, Lorraine, Kans., in place of G. H. Diggs, retired.

James W. Brown, Strong City, Kans., in place of H. B. Iliff, deceased.

KENTUCKY

Shirley H. Ashby, Auburn, Ky., in place of J. R. Wilson, resigned.

William T. Brooks, Jr., Buffalo, Ky., in place of M. E. Chaudoin, retired.

Glenn House, East Bernstadt, Ky., in place of Ernest Muster, retired.

Eleanor R. Millis, Russell, Ky., in place of E. C. Williams, resigned.

Walton W. Buckman, Simpsonville, Ky., in place of R. A. McDowell, retired.

LOUISIANA

Clarence A. Rousse, Sr., Buras, La., in place of Bernard Buras, removed.

James E. Fogleman, Morrow, La., in place of J. E. Hicks, resigned.

MARYLAND

Reginald E. Wolfe, Freeland, Md., in place of H. T. Robinson, retired.

MASSACHUSETTS

John S. Conway, Nantucket, Mass., in place of F. L. Hardy, removed.

Dorthy E. Strong, Stow, Mass., in place of F. L. Strong, deceased.

MICHIGAN

Duaine E. Murphy, Eagle, Mich., in place of R. E. Van Driesen, removed.

Charles H. Pratt, Flint, Mich, in place of W. O. Kelly, resigned.

Benjamin E. Voorhees, Jr., Midland, Mich., in place of B. F. Bailey, resigned.

Leon B. Crofoot, Mikado, Mich., in place of Mamie Deford, resigned.

Roy J. Murray, Port Huron, Mich., in place of R. J. McIntosh, resigned.

Merle Jean Fester, Riverside, Mich., in place of Lester Kittell, retired.

Eugenie A. Westhauser, Sawyer, Mich., in place of E. O. Samuelson, retired.

MINNESOTA

Gustav A. Marohn, Annandale, Minn., in place of H. S. Heasley, retired.

William A. Larson, Crookston, Minn., in place of O. G. Brustad, retired.

Bertha H. Swenson, Dawson, Minn., in place of P. M. Swenson, deceased.

Standley F. Drips, Rochester, Minn., in place of G. B. Burbach, retired.

Vernon R. Flint, St. Charles, Minn., in place of E. E. Watson, resigned.

MISSISSIPPI

Henry W. Jones, Brandon, Miss., in place of O. L. Stubblefield, retired.

John H. Hobdy, Waynesboro, Miss., in place of A. F. Holcomb, deceased.

MISSOURI

Otto W. Buescher, Columbia, Mo., in place of A. W. Sapp, removed.

NEBRASKA

John H. Dueker, Bayard, Nebr., in place of J. E. Hunt, removed.

NEW HAMPSHIRE

Herbert N. Smith, Mount Sunapee, N. H., in place of M. B. Perkins, retired.

Winburn T. Dudley, Union, N. H., in place of J. A. Reed, retired.

NEW MEXICO

William D. Reams, Silver City, N. Mex., in place of J. L. Turner, resigned.

NEW YORK

Alton G. Snyder, Atlanta, N. Y., in place of A. J. Webber, retired.

Alden Francis Matt, Canajoharie, N. Y., in place of Warren Scott, retired.

Robert J. Gardner, Croghan, N. Y., in place of E. A. Andre, deceased.

Francis B. Crowley, East Rockaway, N. Y., in place of P. E. Carrigan, deceased.

Francis W. Robinson, Fort Edward, N. Y., in place of E. J. Blackall, deceased.

Harold E. Coyne, Remsen, N. Y., in place of Roy Bryant, retired.

Dorothy E. Forsman, Rhinecliff, N. Y., in place of L. C. Trowbridge, retired.

Margaret M. Cutler, Upper Jay, N. Y., in place of D. A. Roberts, resigned.

Harry C. Hager, Watertown, N. Y., in place of W. L. Farley, removed.

Charles J. Ryemiller, Jr., West Sand Lake, N. Y., in place of C. J. Ryemiller, deceased.

Howard V. Galer, Worcester, N. Y., in place of G. M. Allen, retired.

Dalton H. Newton, Yorkshire, N. Y., in place of M. P. Sampson, retired.

NORTH CAROLINA

Thaddeus H. Pope, Dunn, N. C., in place of Ralph Wade, retired.

Carroll Owen Jenkins, Robbinsville, N. C., in place of W. G. Carver, removed.

NORTH DAKOTA

Gertrude E. Anderson, Epping, N. Dak., in place of E. L. Pretzer, resigned.

OHIO

Robert C. Anderson, Clarksburg, Ohio, in place of C. H. Steinhauser, resigned.

Fern L. Graver, Lindsey, Ohio, in place of C. E. Hesselbart, retired.

Ned J. Reynolds, Sterling, Ohio, in place of W. A. Barnhart, retired.

Hoyt G. Whitney, Sunbury, Ohio, in place of Carroll Williamson, retired.

Vera Gail Slater, The Plains, Ohio, in place of L. V. Topton, retired.

OKLAHOMA

John W. Henderson, Tulsa, Okla., in place of G. L. Watkins, retired.

George L. Wood, Union, Okla., in place of M. K. Richardson, deceased.

PENNSYLVANIA

Louis C. Schultz, Blossburg, Pa., in place of J. R. Stratton, removed.

Doris G. Blue, Brave, Pa., in place of Gail Wood, retired.

Harry S. Kolva, Lykens, Pa., in place of C. M. Golden, resigned.

Robert B. Woodring, Milesburg, Pa., in place of M. C. Adams, retired.

Frank W. Hill, New Castle, Pa., in place of W. R. Hanna, deceased.

Mary D. Bacha, Rixford, Pa., in place of W. F. Shuman, retired.

SOUTH CAROLINA

Linder Lee Ray, St. Matthews, S. C., in place of J. B. Taylor, deceased.

Arace M. Crouch, Wallace, S. C. Office established September 1, 1950.

TENNESSEE

David A. Weaver, Persia, Tenn., in place of L. E. Hagood, transferred.

John E. Carter, Sparta, Tenn., in place of P. B. Andrews, deceased.

TEXAS

Walter K. Wood, Albany, Tex., in place of B. W. Bray, transferred.

Albert A. Hubbard, Alvarado, Tex., in place of E. P. Robinson, retired.

Marion B. Bone, Colleyville, Tex., in place of T. Y. Stephens, resigned.

Holman R. Lee, Graham, Tex., in place of W. E. Simpson, removed.

Janet F. Young, Mabank, Tex., in place of W. M. Covey, retired.

Dollie O. Ryon, Seadrift, Tex., in place of L. R. Ryon, retired.

Herman W. Hawker, Teague, Tex., in place of W. J. Springer, retired.

Thomas N. Fair, Walnut Springs, Tex., in place of W. F. Sellers, deceased.

VERMONT

Ralph W. Reirden, Richford, Vt., in place of A. G. Restivo, resigned.

VIRGINIA

Alexander D. Smith, Fort Eustis, Va., in place of G. H. Fletcher, resigned.

WASHINGTON

Marguerite H. Riggs, Marblemount, Wash., in place of Mabel Pressentin, retired.

Pauline G. Stewart, Milton, Wash., in place of H. M. Mildon, removed.

Robert E. Olney, Redmond, Wash., in place of L. B. Reed, deceased.

WEST VIRGINIA

Verla O. Eary, Fayetteville, W. Va., in place of B. K. Hesse, removed.

Ruth J. Cochran, Mona, W. Va., in place of E. A. Trevillian, resigned.

WISCONSIN

Lars J. Peterson, Durand, Wis., in place of N. W. Helgoe, removed.

Alice R. Pietrykowski, Eden, Wis., in place of N. A. Braun, retired.

HOUSE OF REPRESENTATIVES

FRIDAY, AUGUST 2, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal God, whose presence and power are here and everywhere, may our spirits now be brought into a complete harmony and oneness with Thy spirit.

May we be inspired to choose what Thou dost desire and will to do what Thou dost command.

Bless Thy servants who are daily engaged in considering affairs of great moment and concern in the life of our Nation and the world.

Grant unto them vigor and strength of body and mind as they confront difficult decisions and seek to perform faithfully and diligently the duties of their high calling.

May they have a clear vision of Thy truth, a fearless faith in Thy divine sovereignty, and a confident assurance that righteousness and justice shall prevail.

Hear us in the name of the King of kings and Lord of lords. Amen.

The Journal of the proceedings of yesterday was read and approved.

OKLAHOMANS DO WELL IN THE AIR FORCE

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to adress the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the Air Force Association is this week honoring the 21 outstanding airmen in the United States Air Force, and I want to salute this great association for this action in recognizing the important role which our airmen are playing in the maintenance of a great Air Force and the

preservation of our national military security.

It is a source of special pride to us in Oklahoma that 3 of the 21 airmen so recognized are natives of our State. The honored airmen include: T. Sgt. L. C. Long, Bokoshe; M. Sgt. C. L. Jackson, of Tulsa; and M. Sgt. R. C. Evans, Jr., of Oklahoma City. I have had the pleasure of meeting all three of these men and they are a real credit to the Air Force as well as their State and Nation.

I know that the parents of these fine airmen share our pride in their achievement and in the honor which is being paid them, and I want to wish to all three of these splendid Oklahomans even greater success in their future military career.

THE KLAMATH TRIBE OF INDIANS

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 946)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 5, 6, 7, 8, 9, and 10.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Page 3, line 7, strike out "member;" " and insert "member: *Provided, however,* That any member, or any heir or any devisee of any deceased member, for whom the Secretary has so designated a representative may (on his own behalf, through his natural guardian, or next friend) within one hundred and twenty days after receipt of written notice of such secretarial designation, contest the secretarial designation in any naturalization court for the area in which such member resides, by filing of a petition therein requesting designation of a named person other than the secretarial designee, and the burden shall thereupon devolve upon the Secretary to show cause why the member-designated representative should not represent the interests of such member, and the decision of such court shall be final and conclusive;"; and the House agree to the same.

CLAIR ENGLE,
WAYNE N. ASPINALL,
JAMES A. HALEY,
E. Y. BERRY,
JACK WESTLAND,
Managers on the Part of the House.

RICHARD L. NEUBERGER,
CLINTON P. ANDERSON,
FRANK CHURCH,
ARTHUR V. WATKINS,
BARRY GOLDWATER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes, submit the following statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report:

The language agreed upon by the conference committee and recommended for favorable action by the House is identical to that contained in S. 469 as originally approved by the House with two exceptions:

First, the words "or deceased" would be reinserted in subsection (d) where they were stricken by House floor action. Following action by the House, the Portland area office of the Bureau of Indian Affairs, through the Department of the Interior, advised the House Interior and Insular Affairs Committee of the problem posed by deletion of the language authorizing a designee of the Secretary of the Interior to elect withdrawal from, or remainder in, the tribal organization, for the estate of a deceased person. As of June 13, 1957, there were 86 deceased Klamaths who will be on the final roll. Nine of these died between August 13, 1954, the date of enactment of the Klamath termination law, and February 13, 1955, the cutoff date for probate of decedents' estates by the Federal examiner of inheritance. Seventy-seven have died since February 13, 1955, and their estates will be probated under State law. The Bureau of Indian Affairs is of the opinion that there should be an opportunity for election of every pro rata share of members on the final roll, and that because of the complex heirship situation presented by the numerous estates involved it would be next to impossible for the management specialists under the original House language to determine the pro rata shares withdrawn and those remaining—which determination the specialists are required to make under terms of their contract. In view of this position taken by the Federal agency responsible for the welfare of the Indians, and with the assurance and understanding that the person designated to make the decision will, in a majority of the cases involved, be the estate's administrator, the conference committee agreed to recommend restoration of the language in question.

Finally, and in light of the restoration of the words "or deceased" in subsection (d), the conference committee agreed to an amendment to the House-adopted proviso added to that subsection, which amendment would insert, following the word "member" where it first occurs, a comma, and the words "or any heir or devisee of any deceased member,". The purpose of the proviso inserted on the House floor was to afford an opportunity for minors or persons declared incompetent for whom the Secretary has designated a representative to appeal the secretarial designation. The amendment to the proviso recommended by the conference committee would make available to "any heir or any devisee of any deceased member" the same right of appeal from secretarial designations as is available to the other two classes of persons affected by subsection (d) of S. 469, namely, "minors" and "persons declared incompetent by judicial proceedings."

In all other respects the Senate conferees agreed to the language in S. 469 as it passed the House.

CLAIR ENGLE,
WAYNE N. ASPINALL,
JAMES A. HALEY,
E. Y. BERRY,
JACK WESTLAND,
Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SCHOOL-CONSTRUCTION BILL

Mr. HENDERSON. 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. HENDERSON. Mr. Speaker, considerable heat has been generated on the matter of the death of the school-construction bill. Both sides are claiming that the opposite party killed the school bill—some suggest that the President killed it by not applying the thumbscrews to Members of Congress.

I would just like to suggest that the school bill was defeated by the people of this Nation, by their determination that the Federal Government not get into the business of building schools or controlling education. And this feeling was transmitted to the Members of Congress. Those Members who were responsive to the will and the determination of the people back home to conduct education at local levels voted against the bill.

The will of the people decided this issue. The democratic principles of government prevailed. Let us hope that this is establishing a precedent.

NATIONAL GRANGE PROPERTY

Mr. MACK of Washington. 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 Washington?

There was no objection.

Mr. MACK of Washington. Mr. Speaker, I, today, have introduced a bill in the House of Representatives that would prohibit the General Services Administration from acquiring the property of the National Grange in Jackson Square.

The facts are these. The GSA desires to build a new Federal building in Jackson Square. As part of the site for that new Federal building GSA proposes to acquire the National Grange property which is a 7-story office building that occupies a landed area of 50 by 70 feet—3,500 square feet.

Plans for the proposed new office building to be erected in Jackson Square do not show that this new building will occupy any of the land now owned by the Grange. These plans show only that the Grange building will be torn down and the 3,500 square feet this Grange building now occupies made into a lawn.

It is generally admitted that the Federal Government will have to pay $500,000 or more for the Grange property if it is acquired by GSA by condemnation. In addition to this half a million dollars that will be paid for the property the taxpayers will be put to the expense of tearing down the present building, clearing its site and then sowing this 3,500 square feet of land to lawn and planting it to garden. This means a cost of as much as $150 to $200 a square foot for a lawn. Some lawn.

Since the acquiring at great cost of the Grange property will add no more feet of extra space to the office space in the efficiency of the proposed new building, my bill would prohibit the acquiring of the Grange property as part of a building site without the expressed authorization of Congress.

The bill also would direct the Administrator of the GSA to withdraw the declaration of taking of the Grange property filed by him in the United States District Court for the District of Columbia.

If other Members of the House agree with me that this legislation is sound and just, I invite them to join with me in introducing similar bills.

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. McCORMACK. 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. 168]

Addonizio	Frelinghuysen	Morano
Allen, Calif.	Gray	Morrison
Anfuso	Griffiths	O'Brien, N. Y.
Barden	Gwinn	O'Hara, Minn.
Bass, N. H.	Halleck	O'Konski
Beamer	Hays, Ark.	Patterson
Becker	Healey	Perkins
Boykin	Hemphill	Philbin
Breeding	Hess	Powell
Buckley	Hiestand	Preston
Bush	Hillings	Reece, Tenn.
Carnahan	Holifield	Reed
Celler	Holt	Rivers
Chudoff	Holtzman	Rodino
Clark	James	Roosevelt
Coffin	Kearney	Scott, N. C.
Coudert	Keating	Shelley
Dawson, Ill.	Kelly, N. Y.	Steed
Dawson, Utah	Keogh	Taylor
Delaney	Kilburn	Teague, Tex.
Diggs	Landrum	Teller
Dollinger	Latham	Van Pelt
Donohue	Loser	Vinson
Dorn, N. Y.	McCarthy	Vursell
Dorn, S. C.	McConnell	Wainwright
Elliott	McMillan	Walter
Engle	Mailliard	Watts
Farbstein	Mason	Yates
Fenton	May	Zablocki
Fino	Miller, N. Y.	Zelenko
Fogarty	Moore	

The SPEAKER. On this rollcall 340 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON ATOMIC ENERGY

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Joint Committee on Atomic Energy may have until midnight tonight to file a report on the bill H. R. 8996, to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and H. R. 8994, to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COLE. Mr. Speaker, I ask unanimous consent that I may have permission to file minority views on the bill H. R. 8996, to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING CONSTRUCTION OF BRIDGES OVER THE POTOMAC RIVER.

Mr. DAVIS of Georgia. 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. 6763) to amend the act of August 30, 1954, entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes."

The SPEAKER. The question is on the motion.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 90, noes 20.

Mr. GROSS: Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 275, nays 59, answered "present" 1, not voting 97, as follows:

[Roll No. 169]

YEAS—275

Abbitt	Andresen, August H.	Avery
Abernethy	Andrews	Baker
Adair	Arends	Baldwin
Albert	Ashley	Baring
Alexander	Ashmore	Barrett
Allen, Calif.	Aspinall	Bass, Tenn.
Anderson, Mont.	Auchincloss	Bates
Belcher	Gordon	Neal
Bennett, Fla.	Granahan	Nicholson
Bennett, Mich.	Grant	Nimtz
Bentley	Gray	Norblad
Berry	Gregory	Norrell
Blatnik	Gubser	O'Brien, Ill.
Boggs	Hagen	O'Hara, Ill.
Boland	Hale	O'Neill
Bolling	Haley	Osmers
Bolton	Harden	Ostertag
Bonner	Hardy	Passman
Boyle	Harris	Patman
Bray	Harrison, Nebr.	Pelly
Brooks, La.	Harrison, Va.	Pilcher
Brooks, Tex.	Harvey	Poage
Brown, Ga.	Hébert	Poff
Brown, Ohio	Hemphill	Polk
Brownson	Herlong	Porter
Broyhill	Heselton	Price
Burdick	Hill	Prouty
Burleson	Hoeven	Radwan
Byrd	Hoffman	Rains
Byrne, Ill.	Holifield	Ray
Byrne, Pa.	Holland	Rhodes, Ariz.
Canfield	Holmes	Rhodes, Pa.
Cannon	Horan	Riehlman
Carrigg	Huddleston	Riley
Cederberg	Hull	Roberts
Chelf	Hyde	Robeson, Va.
Chenoweth	Ikard	Rogers, Fla.
Chiperfield	Jarman	Rogers, Mass.
Christopher	Jenkins	Rogers, Tex.
Church	Jennings	Rutherford
Clevenger	Jensen	Sadlak
Cole	Jonas	St. George
Colmer	Jones, Ala.	Saund
Cooley	Jones, Mo.	Saylor
Cooper	Karsten	Scott, Pa.
Corbett	Kean	Seely-Brown
Cramer	Kearns	Selden
Cretella	Kee	Sheehan
Cunningham, Iowa	Kelley, Pa.	Shuford
	Kilday	Sieminski
Cunningham, Nebr.	Kilgore	Sikes
	King	Simpson, Ill.
Curtin	Kitchin	Sisk
Curtis, Mass.	Kluczynski	Smith, Calif.
Curtis, Mo.	Knox	Smith, Kans.
Dague	Knutson	Smith, Miss.
Davis, Ga.	Krueger	Smith, Va.
Davis, Tenn.	Lane	Spence
Dellay	Lanham	Springer
Dempsey	Lankford	Staggers
Dennison	LeCompte	Stauffer
Denton	Lennon	Sullivan
Derounian	Lipscomb	Talle
Devereux	Long	Teague, Calif.
Dies	McCormack	Tewes
Dingell	McCulloch	Thompson, La.
Dixon	McDonough	Thompson, Tex.
Dooley	McFall	Thomson, Wyo.
Dorn, N. Y.	McGovern	Thornberry
Dorn, S. C.	McGregor	Tollefson
Dowdy	Mack, Ill.	Trimble
Doyle	Mack, Wash.	Tuck
Dwyer	Madden	Udall
Edmondson	Magnuson	Ullman
Evins	Mahon	Vanik
Fallon	Martin	Van Zandt
Fascell	Matthews	Vorys
Feighan	Meader	Westland
Fisher	Merrow	Wharton
Flood	Metcalf	Whitener
Flynt	Miller, Calif.	Whitten
Forand	Miller, Md.	Widnall
Ford	Miller, Nebr.	Wier
Forrester	Miller, N. Y.	Wigglesworth
Fountain	Mills	Williams, Miss.
Frazier	Montoya	Willis
Friedel	Morgan	Wilson, Calif.
Fulton	Morris	Winstead
Garmatz	Moss	Withrow
Gathings	Multer	Wolverton
Gavin	Mumma	Wright
George	Murray	Younger

NAYS—59

Allen, Ill.	Griffin	Michel
Andersen, H. Carl	Gross	Moulder
	Hays, Ohio	Natcher
Baumhart	Henderson	Pfost
Betts	Hosmer	Rabaut
Bosch	Jackson	Rees, Kans.
Bow	Johansen	Reuss
Broomfield	Johnson	Robsion, Ky.
Brown, Mo.	Keeney	Rogers, Colo.
Budge	Kirwan	Rooney
Byrnes, Wis.	Laird	Santangelo
Chamberlain	Lesinski	Schenck
Coad	McIntosh	Scherer
Collier	McVey	Schwengel
Gary	Macdonald	Scrivner
Green, Oreg.	Machrowicz	Scudder
Green, Pa.	Marshall	Sheppard

Siler	Thompson, N. J.	Williams, N. Y.
Taber	Utt	Wilson, Ind.
Thomas	Weaver	Young

ANSWERED "PRESENT"—1

Ayres

NOT VOTING—97

Addonizio	Frelinghuysen	O'Brien, N. Y.
Alger	Griffiths	O'Hara, Minn.
Anfuso	Gwinn	O'Konski
Bailey	Halleck	Patterson
Barden	Haskell	Perkins
Bass, N. H.	Hays, Ark.	Philbin
Beamer	Healey	Pillion
Becker	Hess	Powell
Blitch	Hiestand	Preston
Boykin	Hillings	Reece, Tenn.
Breeding	Holt	Reed
Buckley	Holtzman	Rivers
Bush	James	Rodino
Carnahan	Judd	Roosevelt
Celler	Kearney	Scott, N. C.
Chudoff	Keating	Shelley
Clark	Kelly, N. Y.	Simpson, Pa.
Coffin	Keogh	Smith, Wis.
Coudert	Kilburn	Steed
Dawson, Ill.	Landrum	Taylor
Dawson, Utah	Latham	Teague, Tex.
Delaney	Loser	Teller
Diggs	McCarthy	Van Pelt
Dollinger	McConnell	Vinson
Donohue	McIntire	Vursell
Durham	McMillan	Wainwright
Eberharter	Mailliard	Walter
Elliott	Mason	Watts
Engle	May	Yates
Farbstein	Minshall	Zablocki
Fenton	Moore	Zelenko
Fino	Morano	
Fogarty	Morrison	

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Addonizio with Mr. Halleck.
Mr. Rodino with Mr. Simpson of Pennsylvania.
Mr. Preston with Mr. Coudert.
Mr. Landrum with Mr. Taylor.
Mr. Vinson with Mr. Fino.
Mr. Bailey with Mr. Patterson.
Mrs. Griffiths with Mr. Holt.
Mr. Morrison with Mr. Judd.
Mr. Elliott with Mr. Alger.
Mr. Engle with Mr. Becker.
Mr. Philbin with Mr. Hess.
Mr. Donohue with Mr. Hiestand.
Mr. Fogarty with Mr. Kearney.
Mr. McCarthy with Mr. Keating.
Mr. Rivers with Mr. Wainwright.
Mr. Boykin with Mr. Frelinghuysen.
Mr. Loser with Mr. O'Hara of Minnesota.
Mr. Walter with Mr. Moore.
Mr. Chudoff with Mr. May.
Mr. Coffin with Mr. Fenton.
Mr. McMillan with Mr. Gwinn.
Mr. Dawson of Illinois with Mr. Bass of New Hampshire.
Mr. Yates with Mr. Beamer.
Mr. Zablocki with Mr. Van Pelt.
Mr. Keogh with Mr. Reece of Tennessee.
Mr. Buckley with Mr. Bush.
Mr. Anfuso with Mr. McIntire.
Mr. Farbstein with Mr. Mason.
Mr. Dollinger with Mr. Haskell.
Mr. Zelenko with Mr. James.
Mr. Delaney with Mr. Smith of Wisconsin.
Mr. Healey with Mr. Latham.
Mrs. Kelly of New York with Mr. Kilburn.
Mr. Holtzman with Mr. Reed.
Mr. Celler with Mr. Dawson of Utah.
Mr. O'Brien of New York with Mr. McConnell.
Mr. Powell with Mr. O'Konski.
Mr. Roosevelt with Mr. Morano.
Mr. Scott of North Carolina with Mr. Minshall.
Mr. Shelley with Mr. Mailliard.
Mr. Watts with Mr. Vursell.
Mr. Teller with Mr. Pillion.
Mr. Carnahan with Mr. Hillings.

Mr. HAYS of Ohio changed his vote from "yea" to "nay."

Mr. CRETELLA changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

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. 6763, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the bill was considered as having been read and open for amendment at any point.

For what purpose does the gentleman from Georgia rise?

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have certain information which I would like to give to the membership, and I would ask unanimous consent that I be permitted to speak for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Chairman, while this bill is before the Committee, I would like to give the Committee the benefit of all the information which the subcommittee had in these hearings. Of course, with 1 hour of general debate divided between the two sides, it is not possible to go into all of the detail and give verbatim the testimony which covered some 200 pages in these hearings. I undertook on yesterday to give what I thought were the highlights of that testimony before the subcommittee, and this morning I would like to call your attention to the traffic capacity of the bridges which are already over the Potomac River from Virginia to the District. I gave you the traffic capacity of several tunnels which are already in operation. You will find that information on page 13371 of yesterday's RECORD, beginning in the third column. Many Members were not here yesterday and probably did not get this information. I respectfully refer you to that information now, on page 13371.

Some of the Members seem to have some apprehension as to whether or not a four-lane tunnel would be adequate to take care of the traffic coming from Virginia and going from the District out to Virginia at the Constitution Avenue location. I had the Planning Commission, who do favor this bill, furnish me today with this diagram, which shows the overall program which these planners are going to put into operation. The red line is the innerloop expressway.

Mr. MILLER of Nebraska. Before the gentleman goes into that, will he yield?

Mr. DAVIS of Georgia. I yield.

Mr. MILLER of Nebraska. I wish the gentleman from Georgia would cite in the testimony where the Planning Commission approved a four-lane tunnel. They approved a six-lane tunnel, but General Lane, the Engineer for the District of Columbia, says that at no time did they approve a four-lane tunnel. Has the gentleman specific information on that subject? I would like to have it cleared up.

Mr. DAVIS of Georgia. Yes. I am glad to point the gentleman to that testimony. Mr. Bartholomew, who is Chairman of the National Capital Planning Commission, as the gentleman knows, and who is one of the recognized city planners in the United States, and who is now, I understand, devoting his entire time to the duties as chairman of this Planning Commission, testified in favor of this bill for a four-lane tunnel. His testimony begins on page 43 of the hearings, and it was on February 19 of this year. He stated that the Planning Commission favors this bill and believes that it is the proper river crossing for this location.

Mr. MILLER of Nebraska. Will the gentleman yield further?

Mr. DAVIS of Georgia. I yield.

Mr. MILLER of Nebraska. On page 34 of the hearings on February 21, this year, General Lane had this to say:

> I am surprised indeed to learn that the staff and some members of the Commission consider that approval of a six-lane tunnel constitutes approval of a four-lane tunnel.

Mr. DAVIS of Georgia. General Lane, of course, is opposed to the tunnel, but Mr. Bartholomew, as I said, testified, and his testimony begins on page 43, and he emphatically endorses this legislation and pointed out in quite a lengthy statement the many advantages which would accrue to the District if this bill should be passed.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. KEARNS. I wish to state for the record that General Lane is retiring, and the new Commissioner, who is an engineer, is very much in favor of the tunnel.

Mr. DAVIS of Georgia. I thank the gentleman for that observation.

For the benefit of the gentleman from Nebraska [Mr. MILLER] I will give a portion of Mr. Bartholomew's testimony, beginning on the bottom of page 48:

> The river-crossing problem will not be solved by a bridge or tunnel at Constitution Avenue per se; the point being that our demonstrated need is for 14 river-traffic accommodations.

So that this matter we are considering now is not by any means the full solution to the problem.

This matter that we are considering now, therefore, is by no means the sole solution to the problem.

He said:

> This means a program of construction as differentiated from a piecemeal approach.

I emphasize that, a program as differentiated from a piecemeal approach.

> Once this fact is understood and accepted it is believed that the controversy of a bridge versus a tunnel at Constitution Avenue will fall into its proper perspective and the overall need more quickly and satisfactorily accepted and provided for by the Congress. Without such a program of river-crossing facilities there will be continued debate and a continually growing traffic-congestion problem.
>
> The second factor of which I speak, traffic congestion, is increased, not reduced, by overconcentration of facilities. The maximum relief for traffic congestion is by providing the means for dispersal. That is why the National Capital Planning Commission has approved a bridge at Roaches Run, a bridge

at Three Sisters, and a bridge or tunnel at Constitution Avenue.

In connection with that, this is only a part of the overall program of dispersing traffic between Virginia and the District of Columbia, as Mr. Bartholomew says. Three Sisters Island is just a short distance above Key Bridge, then there will be this tunnel here, the Cabin John Bridge, and then farther down the river the Jones Point Bridge, and then with 2 lanes at Key Bridge which have already been provided for and the addition of 1 lane on the outgoing 14th Street bridge, makes a total of 14 additional traffic lanes which this Planning Commission says will be needed by 1970.

Let me call your attention to the fact that the outgoing 14th Street bridge is now in a state of dilapidation and we had testimony earlier in the year, which was called to our attention yesterday by the gentleman from New Jersey [Mr. AUCHINCLOSS], that in 2 years the outgoing 14th Street bridge will have to be scrapped. There are no other crossings under construction.

It is imperative if you are going to do anything about the traffic between Virginia and the District of Columbia, to get to work on it now, and we in committee have had this problem under consideration for the last 3 years. We have tried to get a six-lane bridge through, we have tried to get a bridge crossing there that the other body would concur in and we have been unable to do it.

I also call attention to the fact that the other body on July 3 passed a four-lane tunnel bill, and if we pass a four-lane tunnel bill we can coordinate the two bills, go ahead and move, and solve this traffic problem.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. HOFFMAN. Last night I spent an hour in the other body visiting around and I asked: "What do you want a tunnel bill for when we sent you over a bridge bill?" And the answer from everywhere was that they understood that the House would not build a bridge but had to have a tunnel. That is what they told me, eight of them anyway.

Mr. DAVIS of Georgia. Let me answer the gentleman's observation. The gentleman well knows, of course, that you cannot enact legislation by messages transmitted by note or word of mouth from one body to the other; it must be done in an orderly way. We passed the bridge bill and sent it to the other body; they amended it. We appointed a conference committee, the conference committee agreed but the other body would not accept the conference report.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

Mr. HOFFMAN. Reserving the right to object, what is the gentleman's idea about what is going to happen later in the day when we get along to the point of voting? Will other Members be recognized?

Mr. DAVIS of Georgia. May I ask the gentleman in what respect?

Mr. HOFFMAN. Will we get recognition? Of course, I have had a lot of time but some Members have not. The gentleman has had 15 minutes.

Mr. DAVIS of Georgia. Will the gentleman let me point out to him——

Mr. HOFFMAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. NICHOLSON. Mr. Chairman, reserving the right to object, as far as the gentleman from Georgia is concerned, I do not care how long he talks, but from now on 5 minutes is the limit.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. DAVIS]?

Mr. TABER. Mr. Chairman, I object.

Mr. HOFFMAN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOFFMAN, of Michigan, 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. WILLIAMS of Mississippi. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Mr. Chairman, it is my understanding that the bill has not been changed since the last motion to strike the enacting clause was considered, and I make the point of order on that basis.

The CHAIRMAN. The Chair will say that subsequent to the offering of the last similar motion an amendment offered by the gentlewoman from Illinois [Mrs. CHURCH] was adopted.

Mr. HOFFMAN. Mr. Chairman, on page 13380 of the RECORD I find the following statement by our distinguished colleague from Virginia [Mr. SMITH]:

If you do not want to pass any bill, if you want to go home and say, "Yes, we would not let them build a bridge across the Potomac for the people of Virginia and Maryland and the District," if you want to demagog about this thing, then let us get through with it.

Well, now, my feelings are not very easily hurt, and I am not sure they were hurt at that time, but they should have been. When the vote is taken the gentleman will have an opportunity to demonstrate by his vote whether he wants a bridge or has something else in mind. That charge of demagoguery hurled at everyone who opposes the position the gentleman takes on his bill is in no way justified and it is unworthy of him. The committee yesterday took the gentleman at his word, it recommended that the bill be sent back to the House with a recommendation the enacting clause be stricken. But on a rollcall vote in the House by a majority of 19 the House rejected the action of the committee in attempting to kill the bill. That is all right, too.

The gentleman from Maryland [Mr. HYDE] suggested here the other day that we were all in favor of some sort of a crossing of the Potomac River, but they always have a "but." That is true. I have one this morning. I do not want a tunnel—when a bridge is better and far cheaper. Of course, I am for striking the enacting clause now, but I have not much hope the motion will be adopted.

My suggestion is an amendment something like this: Strike out on the first page of the bill the word "tunnel" and substitute the word "bridge." That amendment will be offered in good faith, I may say to the gentleman from Virginia [Mr. BROYHILL], who is all hot and bothered about a bridge but cannot see his way clear to say anything about another airport. And we will see before the day is over how he will vote when we reach the place where the chips are down and he is given the chance to vote for a bridge. That is just as important as is another bridge. Nobody will be killed waiting to go across the river. But some folks may be needlessly sacrificed at the airport because of our lack of action. The gentlemen from Maryland and Virginia both have the location of an airport on their minds, but cannot get any action on the real issue because they disagree on the place to locate it.

The amendment to which I referred will strike the word "tunnel" all the way through the bill that is now pending and substitute the word "bridge." There is a fair and square offer giving you across-the-river facilities if that is what you really want. The amendment does not say anything about a drawbridge, it does not say anything about four lanes; it just simply says "bridge." That means a way to get across. I assume there will never be sufficient facilities to take care of the traffic. At Sault Sainte Marie, Mich., we have a similar situation. But the folks there just build another bridge whenever it is needed. We can do the same thing here.

WHY A TUNNEL?

Better facilities for crossing the Potomac in the vicinity of Washington being necessary if the best interests of our nearby and faraway citizens are to be served, the Congress should adopt the procedure which will most economically and efficiently bring about that result.

The foregoing is self-evident.

Cost of four-lane tunnel plus rights-of-way and channel clearance—Interior Department and District of Columbia Highway Department estimates, $29,382,000.

Vehicle per hour capacity of four-lane tunnel, 2,200.

Cost of six-lane bridge, Highway Department estimate: Prestressed concrete, $15,550,000; steel, $18,699,000.

Vehicle per hour capacity of six-lane bridge, 4,500.

Saving in cost of six-lane bridge over four-lane tunnel: Prestressed concrete, $13,832,000; steel, $10,683,000.

Capacity of bridge more than twice that of tunnel—yet tunnel costs almost twice as much as bridge.

Annual operation and maintenance cost of: Four-lane tunnel, $125,000.

Annual operation and cost of six-lane bridge: Prestressed concrete, $10,000; steel, $14,000.

Saving in annual operation and maintenance cost of six-lane bridge over four-lane tunnel: Prestressed concrete, $115,000; steel, $111,000.

Highway Department estimates that operation and maintenance per year of

a six-lane draw span steel bridge is $51,000 less than four-lane tunnel. If the bridge is of prestressed concrete, the operation and maintenance per year would be $55,000 less than a four-lane tunnel.

For verification of above figures, see Senate report No. 477—majority and minority views—Senate Committee on the District of Columbia.

Just whose best interests are being served at the expense of the taxpayers?

For whom are we legislating?

This tunnel proposal has an odor, and it is rank.

Again, here is the point: Why build a tunnel with four lanes which will cost almost twice as much as a six-lane bridge and yet carry only half as much traffic? That is the question. Why? Who is back of this? Will you not tell us? I would like to know. Here is a proposal that will give you a way of getting across the river which is what the gentleman has been yelling about.

Is it the sand and gravel company and the oil company and a few people who are afraid a bridge will interfere with the view?

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes. Tell me why you cannot take a bridge.

What I said a while ago, while the gentleman from Georgia was on the floor, let me repeat. Last night I went over to the Senate and fooled around an hour trying to learn what had been going on in connection with this bridge business. And, what the gentleman says is all right, but the Senators I talked to said "We understood that the House just would not take a bridge, and we wanted the people to have some way of getting across the river." Now, who conveyed that idea to them I do not know, but that is the information I got. And one of them was the gentleman from Tennessee, Senator GORE. And, I did not know their political affiliations; in fact, I did not personally know some of the Senators I talked to. I just butted in.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Michigan.

Mr. RABAUT. If we would recommit this bill, would we not return to Public Law 704, which this House passed?

Mr. HOFFMAN. Which authorized it.

Mr. RABAUT. Which authorized a six-lane bridge. No agency having anything to do with traffic either in the District of Columbia or the Federal agencies or the agency of the State across the river, Virginia, is favorable or has approved any four-lane tunnel.

Mr. HOFFMAN. I just want to say this in conclusion, and I beg your pardon for talking so loud. If you gentlemen want a way of getting across the river, this amendment which will be proposed will give it to you and give it to you now. I have no doubt at all but that the other body will take a bill of that kind.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I want to say this to the members of the committee, that I do not intend to prolong this discussion. I want the committee and the House to work its will on this legislation, whatever that may be.

As I stated before, this is the third year that our committee has wrestled with this problem, and we have come up with this bill which I believe is the best that we are going to be able to get. So, I want to get through with it, and the delay is not going to be on account of anything that I shall say. And, it has not been on account of anything I have said in the past.

I want to say a few words more which I think will give some information to the Members on this legislation as to the capacity of this tunnel.

Now, I have read you the testimony of Mr. Bartholomew who says that this is the proper crossing, at this location, because of dispersal of traffic. We cannot funnel all of the traffic from Virginia into Washington at one point. Dispersal is one of the primary features of this overall program.

Now, people who are familiar with tunnels tell me this, that a tunnel lane will move traffic faster than a bridge lane, particularly in a location like this, for two reasons: One is that this being in the memorial section of Virginia and Washington, the tourists who come across the bridges naturally want to look at the monuments, and for that reason they drive slowly across the bridges. The second is that the lanes are marked off by paint, and the cars weave in and out, and that slows down the traffic, whereas in a tunnel the lanes are separted by a fence so that there can be no weaving in and out, and if a vehicle gets into a lane it stays there and goes right on through.

I think these traffic engineers who came before our committee and gave all of the detailed information about it know what they are talking about. We had the very best to be had.

This is testimony that I do not think can be refuted. Also, I want to point out again that the testimony as to the cost was given to us in the greatest detail. For instance, on page 191 of the testimony of Mr. Singstad, the tunnel engineer, he was asked the question what the figure of $11,800,000 represented. He said:

> The figure of $11,800,000 is itemized on this page, which I will furnish.
>
> * * * * *
>
> That is the construction from this portal to this portal and from this portal to this portal, the rough construction, not the tiling and not the paving and not the light fixtures.
>
> Mr. DAVIS. Where does the other $11 million come in that makes that figure $22 million?
>
> Mr. SINGSTAD. That comes in—we have a sump; we have open ramps from the portals up to the elevation 22; I have an item of $3,830,000 for the rough construction up the ramps. Then I have tunnel finished, that is, the tile on the walls and on the ceiling, of $450,000. I have portal finished, that is, cut granite at the portals, $80,000.
>
> I have tunnel paving, $102,000, and I have open-ramp paving, that is, on these ramps, and, believe it or not, the paving on the ramps I have estimated at more than the paving in the tunnel, $108,000.
>
> I have four underground ventilating chambers.

Then he gives the cost of those, which is $1,630,000. And he describes the fans, motors, and so forth, for $304,000, and the electrical installation for $750,000.

He goes into these details and gives the items which make up the figure $22,500,000. Then he adds the difference between that and the authorized figures in this bill just for a safety margin.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. DAVIS] has expired.

The question is on the preferential motion.

The motion was rejected.

Mr. BROYHILL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia.

Mr. GAVIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. GAVIN. Mr. Chairman, I ask unanimous consent to withdraw the point of order.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BROYHILL. Mr. Chairman, I yield back my time.

Mr. GAVIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

Mr. LONG. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred twenty-five Members are present, a quorum.

The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. GAVIN: On page 1, line 3, strike out everything after the enacting clause and insert the following: "There is authorized to be appropriated the sum of $25,500,000 to carry out that portion of section C, title I, Public Law 704, 83d Congress, which reads as follows: 'The Secretary of the Interior is hereby authorized to construct, maintain, and operate a structure connecting the main body of Theodore Roosevelt Island and the aforesaid portion thereof referred to as "Small Island" to provide pedestrian access between such islands.'"

Mr. GAVIN. Mr. Chairman, it seems that everything that occurs here in Washington or the District of Columbia on public works projects is decided by a certain few individuals who always, in my estimation, at least, base their conclusions and decisions on advantages received by their respective areas, so it is about time that the Members become interested in affairs concerning the District of Columbia and this great metropolitan city of the world, Washington.

When these matters periodically arise there is a lot of political bickering and haggling back and forth about location of bridges and airports. Because of dilatory tactics, the millions of American people who come to Washington are frustrated in their efforts to secure relief from terrific traffic conditions existing, whether air, highway, or bridges.

For 7 years we have been trying to develop a new airport. Five million people used the airport last year, with 33 near-miss collisions which involved several hundred people. Any accident which might have occurred would have cost the lives of many people. The local interests it would appear just simply cannot seem to make up their minds what they want to do as to location of the proposed new airport, which is so greatly needed.

Now about the bridge proposal. In the 83d Congress we passed a bill, Public Law 704, to build a bridge. Then someone conceived the idea that we should have a tunnel highway rather than a bridge; so, even though a bridge was authorized, the project is in a snarl with the result nothing is done and the public suffers. The bridge, as I pointed out, is already authorized by the Congress in Public Law 704 of the 83d Congress.

This amendment at least will separate the bridgers from the tunnelers. We seem to be unable to get a clear-cut vote whether it is to be a bridge or tunnel. We are in a confused state. At least we will determine who is for a bridge by this amendment, or who wants a tunnel. All this amendment does is strike out everything after the enacting clause, leaving the appropriation in and instructing the Interior Department to follow out that portion of section C, title I, Public Law 704 of the 83d Congress, which reads:

> The Secretary of the Interior is hereby authorized to construct, maintain, and operate a structure connecting the main body of Theodore Roosevelt Island and the aforesaid portion thereof referred to as "Small Island" to provide pedestrian access between such islands.

So if you are for a bridge, vote for the amendment. The public have been waiting patiently for Congress to take action to have this bridge or tunnel highway resolved. Let us afford the traveling public some relief. Either approve the tunnel or approve the bridge. Do something. This matter has been bantered around long enough. My amendment would construct a bridge. Therefore, this is an opportunity for each Member in view of the fact that nobody seems to know what he wants, to indicate whether he wants a tunnel or whether he wants a bridge. This amendment will help him reach a decision. The same situation applies to the proposed airport. Nobody seems able to make up his mind where it should be located. We need an airport badly. The present airport is overtaxed. I trust early action will be taken on this airport project by the Appropriations Committee. We need the airport and we need the bridge, however, if you are going to leave it to the local interests it will be haggled over for several more years. It is time for definite action on the part of the Congress. It appears every time a project is approved and authorized someone comes up with a new proposal. We passed legislation for a bridge. It is now authorized. All you have to do is to appropriate the money and a bridge will be constructed. I hope that the bridgers will support the amendment. It will at least determine who wants a bridge and who wants a tunnel.

Mr. BROYHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield for a question?

Mr. BROYHILL. I yield.

Mr. MILLER of Nebraska. I want to ask if this legislation is not passed, is there not legislation on the books now with $4½ million appropriated for a six-lane highway that if they simply get going, you could get started on the bridge?

Mr. BROYHILL. The gentleman is absolutely correct and he took the words right out of my mouth. I was going to state that the amendment is superfluous. If you do not want a four-lane tunnel constructed across the Potomac River at this point, all you have to do is to vote against the bill itself. There has been authorized a six-lane bridge to be constructed across the Potomac at that point. As far as the people in the area of Washington are concerned, it makes no difference to us whether it is a six-lane bridge or a six-lane tunnel or whatever it is as long as we are able to move the traffic across the river. We have already approved that and appropriated, I believe, approximately $6 million toward the construction of a six-lane bridge. What we are back here for is to try to reconcile the difference between the various bodies responsible for the preservation of the beauty and esthetic features of this area in which we have invested millions of dollars over a period of years since the founding of our Nation's Capital. There has been more confusion and more misunderstanding and more misstatements about this legislation than I have heard in all of my 5 short years as a Member of this body. I know that a lot of Members who like to refer to themselves as conservatives have been trying to kill this bill right along under the impression that this might save the taxpayers of the Nation some money. I would like to repeat again that that question is not before the House at this time. You have already acted on that question. You have authorized the construction of a crossing over the Potomac River. You have already appropriated an amount of $6 million of that fund. So if you vote against this tunnel, you will get a crossing anyway and the cost of construction will be approximately the same amount. We have quoted figures over and over again here. We have quoted accurate figures and in spite of that we have had inaccurate figures quoted here just as many times. I cannot understand why a Member of this body would be confused as to what is the true story concerning this legislation. We are only here trying to work out a compromise so that these people whom we have charged with the responsibility of preserving these beautiful areas around our Nation's Capital can work out this problem. So far as paying the cost of construction is concerned, you have already answered that question before in the approval of Public Law 704.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mrs. BOLTON. I would like to ask the gentleman whether it was brought up on the floor and if any consideration was given as to the possibility that the tunnel would provide a way across the river in case we were bombed.

Mr. BROYHILL. I thank the gentlewoman for her question. That was brought out here on the floor yesterday, and, just like so many other things, possibly it fell on some deaf ears. It was brought out in our hearings. It is a very important factor. It would give us one crossing over the Potomac River to the south which would be protected in the event of a bombing of this area. The gentlewoman from Illinois [Mrs. CHURCH] brought up a very good point yesterday in her amendment. She was concerned about what a tunnel would do to the Arlington National Cemetery. That is the reason for the tunnel bill itself. There was concern as to what a bridge crossing would do to Roosevelt Island and the Iwo Jima Memorial Monument and the Lincoln Memorial and the Freedom Foundation Monument. The Freedom Monument has already been approved and they are ready to go ahead and raise $25 million by public subscription. That is the reason why we are here with a tunnel bill now so that we can preserve that beautiful area, the area which the gentlewoman from Illinois was so concerned about in her amendment. So if you want a bridge, you can vote against this entire bill and we will proceed with the one which is already authorized and for which you have already appropriated the money, but it will have an adverse effect on the beauty of the Nation's Capital in that area. So far as the people of the State of Virginia are concerned, they have a crossing anyway and we are here compromising and trying to maintain the beauty of the Nation's Capital.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. GAVIN. If you want a bridge, vote for my amendment. You are saying "Kill the bill." If you want a bridge, the bridge is authorized, and if you will appropriate the money the Interior Department will build the bridge.

Mr. BROYHILL. I refuse to yield further. The gentleman's amendment is not properly drawn. Public Law 704 is properly drawn. The gentleman's amendment is superfluous. If you want to go along with the act of 1954 vote against the bill itself and we will give you something which is already authorized and approved but will not be as desirable, as far as the Nation's Capital beauty is concerned.

Mr. GAVIN. What about the appropriations?

Mr. BROYHILL. Appropriations have already been made: $6 million. It is in the Interstate Highway Act. It is a continuing proposition.

Mr. GAVIN. Why did they not proceed to do it, then, and build the bridge?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. BROYHILL] has expired.

Mr. RABAUT. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 5 additional minutes, as I have some information.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan to proceed for 5 additional minutes?

There was no objection.

Mr. RABAUT. Mr. Chairman, Public Law 704, 83d Congress, authorized construction of a six-lane bridge at Constitution Avenue, just south of Theodore Roosevelt Island. In compliance with the requirements of this act, the Commissioners of the District of Columbia presented the plans for the bridge to the Commission of Fine Arts which, together with other groups including the National Park Service, urged that the location of the bridge be shifted upstream slightly. To comply with this request, the District Commissioners on July 16, 1955, agreed to propose an amendment to provide for the shift in location. The Senate District Committee approved the change, but that session of Congress ended before action could be taken in the House.

In 1956 both the Senate and the House agreed on a six-lane bridge at the upstream location, but the Congress adjourned again without taking any action.

Now, in 1957, with precisely the same issues and facts involved, the Senate has reversed the decision it made for 3 consecutive years and has approved the construction of a four-lane tunnel instead of a six-lane bridge. The House is now faced with the same problem, with the same issues and facts involved, of whether it shall reverse the position it took in 1954 and 1956 favoring a six-lane bridge and now substitute a four-lane tunnel.

There are four basic issues involved in this problem: Traffic, costs, esthetics, and navigation.

As to traffic first and foremost is the fact that traffic needs constitute the sole reason for the proposal to construct a crossing at this location.

Every traffic study made in this area, regardless of the agency making the study, has undisputably shown an absolute need for six lanes at this crossing. A four-lane tunnel will be filled to capacity the very day it opens and will create a traffic bottleneck rather than an adequate addition to the highway system. A six-lane bridge at this location will have twice the capacity of a four-lane tunnel.

That is a decision, not of mine, but of the engineers; there is a slowup process to a tunnel because of grades, and so on.

Tunnel advocates say this: In complete disregard of all traffic studies made in the area, tunnel advocates maintain, from general observations of existing rather than proposed traffic conditions, that no more than four additional lanes of traffic should be allowed in the area. It might also be noted that there is no agency having the responsibility for solving traffic problems in the area which has approved a four-lane crossing, not one. These agencies include the District of Columbia Department of Highways, the Virginia Department of Highways, the Bureau of Public Roads, and the National Capital Planning Commission. They are all against it.

Now, as to comparative costs of the tunnel and the bridge: A six-lane fixed-span bridge will cost $15,550,000, with an annual operation and maintenance expense of $10,000.

A six-lane draw-span bridge will cost $17,450,000, with an annual operation and maintenance expense of $56,000.

A six-lane tunnel—and there is not one in the United States, not one, will cost $47,842,000, with an annual operation and maintenance cost of $310,000.

A four-lane tunnel will cost $25,500,000, and the expense of operation and maintenance would not be much different than the six-lane tunnel, because most of the expense is caused by the need for ventilating the tunnel.

Now we come to esthetics. The bridge advocates say that a bridge could be built here which would not detract from the present esthetic qualities of the area but which would instead constitute a desirable addition to the landscape. This concept seems to be borne out by the fact that the Congress, as well as the President, decided in 1954 that a bridge would be acceptable at this location. The Senate in 1955 and 1956 and the House of Representatives in 1956 again approved a bridge.

Tunnel advocates contend that a tunnel would result in a minimum of damage to the memorial character of the area. But at what price?

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. RABAUT. I yield to the distinguished gentleman from New York.

Mr. TABER. Is it not a fact that at the present time, without any legislation whatever, there is authority for the six-lane bridge?

Mr. RABAUT. There is.

Mr. TABER. Then why do we need any bill?

Mr. RABAUT. That is why we are giving the facts here.

Now, as to navigation: The District of Columbia made application to the Corps of Engineers for approval of the construction of a fixed-span bridge in the vicinity of Constitution Avenue.

After appropriate public hearings, the Corps of Engineers, the Government agency having control over such matters decided it is to be in the best interest of the general public to construct a fixed-span bridge and that the use of the river for navigation purposes did not justify a movable span.

The advocates of the tunnel maintain that the Potomac River should be kept open for the benefit of two commercial interests now located upstream from the proposed crossing—Smoot Sand and Gravel Co. and the American Oil Co. At what price, I ask you?

Mr. GAVIN. Two companies the gentleman said?

Mr. RABAUT. Yes. I ask again, at what price in this economy-minded body?

A tunnel at Constitution Avenue will in no way solve the problem of a fixed span versus a drawspan at the 14th Street crossing, for which legislation is now being considered for a replacement of the old truss structure. Will this be a reason for a second tunnel?

In the legislation now being considered for a replacement of the old truss structure, will this be a reason for a second tunnel?

Another issue is whether the construction of a four-lane crossing fulfills the intent of Public Law 627, known as the Federal Highway Act of 1956. This act governing the construction of the National System of Interstate and Defense Highways establishes standards to which this system of highways must be constructed. It specifically states that such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RABAUT. Mr. Chairman, I ask unanimous consent to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RABAUT. Mr. Chairman, in September 1955 the Bureau of Public Roads, Department of Commerce, designated a river crossing at the Constitution Avenue site as a part of the interstate system. Therefore, any crossing constructed at this site should fulfill the conditions cited above. Representatives of the Bureau of Public Roads have stated that a four-lane tunnel, or any four-lane facility at this location, would not adequately provide the capacity to serve the needs based on 1975 traffic volumes.

A four-lane tunnel does not in any way fulfill the intent of Public Law 627. Furthermore, there is serious doubt as to whether the District of Columbia could qualify for Federal-aid funds in connection with the construction of connecting approaches and ramps to the tunnel on the basis of the 1975 traffic-capacity requirement.

Should a four-lane tunnel be authorized at this location, it may be necessary that the interstate system in the Washington metropolitan area be redesignated. In that event, it is extremely important that allocated Federal-aid funds available to the District of Columbia be held for use on those projects conforming to interstate requirements. In no event should such funds be expended on projects which do not comply with these standards.

If this tunnel is to be financed from District highway funds, the proposed District highway program for the fiscal years 1958, 1959, and a part of 1960 which is now in an advanced planning stage, would have to be scrapped, since a tunnel would not qualify for Federal-aid highway funds and would take a tremendous bite into the District finances. No interruption, however, will take place if the bridge is approved.

After consultation with representatives of the District Highway Department this day, I now recommend to the committee the defeat of this tunnel bill which will automatically authorize the construction of a six-lane bridge across the Potomac River which was author-

ized by the Congress when it enacted Public Law 704 of the 84th Congress.

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not intend to take any more time than appears to be necessary to discuss the issues in this legislation, but I feel impelled to correct some erroneous statements just made by the gentleman from Michigan [Mr. RABAUT].

Mr. John Robertson, who is the director of the Highway Department of the District of Columbia, also sent us copies in the committee of this treatise which the gentleman from Michigan just read to you. I followed his reading of it with interest. Some of it is correct and some of it is not, and I could not sit quietly by and let his statement go that there is no agency having the responsibility for solving the traffic problems in the area which has approved a four-lane tunnel crossing. He mentions among those who have not approved it the National Capital Planning Commission. Well, now, I read you when I first took the floor this morning the testimony of Mr. Harlan Bartholomew, who is the Chairman of the National Capital Planning Commission, who testified on February 24 in favor of this four-lane tunnel bill. And, that is a mistake, but I am satisfied the gentleman believes what he read, but it is not correct.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Michigan.

Mr. RABAUT. Well, now, this information was sent to the committee, and there sat the people representing the people of the District of Columbia. It deals with the whole program, and every word of this they saw and approved.

Mr. DAVIS of Georgia. Was this not prepared by Mr. Robertson, the director of the highway system of the District of Columbia?

Mr. RABAUT. I do not know who prepared it. I asked for some information from the highway department and a representative of that department—not Mr. Robertson—brought this information to me.

Mr. DAVIS of Georgia. He sent five copies to the committee.

Mr. RABAUT. We revised it somewhat this morning for use on the floor today.

Mr. DAVIS of Georgia. I noticed you left out some of it as you were reading it.

Mr. RABAUT. No. The only thing I left out was the detail of the figures and some of the extraneous language.

Mr. DAVIS of Georgia. There were other parts, but I would not quarrel with the gentleman about that.

Mr. RABAUT. I do not think I left out a word that would change the meaning of the statement.

Mr. DAVIS of Georgia. Well, I would not quarrel with the gentleman about that, either.

Now, he also read from Mr. Robertson's statement that the operation of this tunnel would cost $310,000 a year, which is another incorrect statement. Here are the detailed figures on what it will cost. And Mr. Singstad and other people even gave the cost of the electric current per month and per year for operating the fans in the ventilators and all of the details.

He said it would cost $125,000 a year for operation. It will cost to operate a bascule span 6-lane bridge $56,000 per year. That is the difference in the operating cost as between a tunnel and a bascule span bridge, some $60,000.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. TABER. Where do those figures come from?

Mr. DAVIS of Georgia. They come from this source. The bascule span bridge is now costing that figure to operate. That is the incoming 14th Street Bridge.

Mr. TABER. A new bridge would not have the same estimate of cost, would it?

Mr. DAVIS of Georgia. If it is a 6-lane bascule span bridge I assume it will cost substantially the same. I do not think the gentleman would say otherwise.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman.

Mr. MEADER. I would like to ask the gentleman what testimony he had about the advantage of an underriver crossing from the point of view of access to the Pentagon and the airport and other places across the river in the event a bridge were sabotaged or destroyed by a bomb.

Mr. DAVIS of Georgia. Mr. Singstad told us in the committee that he had discussed this matter with engineers in London, England, and they told him that a tunnel was much harder to destroy by the dropping of bombs than a bridge. That was another reason why the tunnel would be more advantageous.

Mr. MEADER. What testimony did he have from people in the Department of Defense or the executive branch of the Government about the desirability of having at least one crossing which was not above ground?

Mr. DAVIS of Georgia. We did not have anybody from the Pentagon who spoke specifically on that issue. But we had witnesses who were asked questions about it, and that was the answer, that they favored it and that was one of the reasons why.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. HOFFMAN. That authority was an English authority, the gentleman said. And I assume the expert got his information from the last war from bombings. But that was before we had these other bombs from which, when they are dropped, the gas settles down into the tunnels and stays there.

Mr. DAVIS of Georgia. The gentleman is as familiar with the dropping of bombs as I am, in London and I presume in Washington, also.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. GROSS. The gentleman is not saying that a tunnel cannot be sabotaged or bombed out of usefulness, is he?

The CHAIRMAN The time of the gentleman from Georgia [Mr. DAVIS] has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Chairman, I wanted to yield to anyone who desired to ask me a question, because I want the Members to have the facts about this proposed legislation and then let the committee work its will on it.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. HAYS of Ohio. Does not the gentleman feel that if an atomic bomb were dropped on Washington, the question of crossing the Potomac would become academic, anyway?

Mr. DAVIS of Georgia. It would be for most of the people. There may be a few left who could go through the tunnel, and I presume that they would be glad to have one, if such were the case.

Mr. MEADER. Mr. Chairman, would the gentleman yield further to me?

Mr. DAVIS of Georgia. I yield.

Mr. MEADER. I would like to ask a question about the amendment offered by the gentleman from Pennsylvania. As I understood the reading of the amendment of the gentleman from Pennsylvania, it would strike out the tunnel and provide for a foot bridge between Roosevelt Island and Small Island.

Mr. DAVIS of Georgia. That is my understanding of it. It would authorize the spending of $25,500,000 to construct a foot bridge from a six-lane bridge down to Roosevelt Island. That is my understanding.

Mr. Chairman, I want to point out one other thing. The gentleman from Michigan [Mr. RABAUT] in reading this treatise from Mr. Robinson said in one part of it that it specifically states that such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975; and said that the Bureau of Public Roads had not O. K.'d this tunnel and probably would not O. K. it.

I talked to Mr. Harry Thompson this morning, the Associate Superintendent of the National Park Service, who, as such, would be in charge of this operation and he said that the Bureau of Public Roads have agreed, in case this legislation passes, to furnish 90 percent of the cost, under the provisions of the highway bill that we passed.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr DAVIS of Georgia. I yield.

Mr. HOFFMAN. Now the gentleman is doing the same thing he admonished me not to do about 5 minutes ago.

Mr. DAVIS of Georgia. What is that?

Mr. HOFFMAN. About the way to legislate. I was telling the gentleman what some Senators told me and now the gentleman is telling me what some fellow down in the department has been telling him.

Mr. DAVIS of Georgia. This man was a witness before the committee. I reviewed his testimony with him this morning and was given that information by him. I think this information should be given to the committee and that is the reason I rose in opposition to the amendment.

Mr. GAVIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAVIN. Mr. Chairman, it has been called to my attention by my very distinguished friend from New York [Mr. TABER] that in my amendment I referred to a certain section of Public Law 704, 83d Congress. I ask unanimous consent to modify my amendment to refer to title I of that law, the first section, (a), which reads as follows:

> That the Commissioners of the District of Columbia are authorized and directed to construct, maintain, and operate a low-level bridge over the Potomac River from the vicinity of Constitution Avenue in the District of Columbia to the Virginia side of the Potomac River, such bridge to be constructed north of the Memorial Bridge and south of the southern portion of Theodore Roosevelt Island sometimes referred to as "Small Island," together with bridge approaches and roads connecting such bridge and approaches with streets and park roads in the District of Columbia and with streets and park roads on the Virginia side of the Potomac River: *Provided*, That in planning such bridge approaches and connecting roads, the Commissioners shall consult with the National Capital Planning Commission.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BROYHILL. I object, Mr. Chairman.

Mr. MILLER of Nebraska. Mr. Chairman, I rise in opposition to the amendment because this amendment is not necessary, since Public Law 704 authorized the construction of a six-lane bridge from Constitution Avenue. The money has been appropriated to start such a bridge. The amendment offered by the gentleman from Pennsylvania merely beclouds the issue and adds nothing to the law presently on the books. So I hope the amendment is defeated.

Mr. Chairman, I do want to clear up one matter, and on this I hope I have the attention of the gentleman from Georgia [Mr. DAVIS], who has worked hard on this bill. There has been some difference of opinion relative to the position of the Commission. As I have stated, General Lane stated several times that no department had approved the four-lane tunnel. Mr. Bartholomew, who is the head of the Planning Committee, said this:

> This committee found that either a bridge or tunnel at this location would be feasible.

I can find no place in his testimony in which he says outright that he wants a four-lane bridge. I do find on page 51 of the hearings of February 19 of this year where the gentleman from Virginia [Mr. SMITH] said this to Mr. Bartholomew:

> I do not know that I follow you closely enough, but I have not understood yet on this particular phase of the controversy whether you want a tunnel or a bridge or no crossing at that point.
>
> Mr. BARTHOLOMEW. The Planning Commission has approved a crossing at Constitution Avenue either in the form of a bridge or a tunnel.

Looking through his testimony I find further that the testimony that he gave relates to some 14 different structures that they are recommending over the Potomac River if the traffic is to be properly handled. Mr. Bartholomew said on page 48 of the hearings of February 19, 1957:

> The river-crossing problem will not be solved by a bridge or a tunnel at Constitution Avenue per se, the point being that our demonstrated need is for 14 traffic river-crossing accommodations.

The tunnel that we are considering now is not by any means a full solution to the problem. In looking through Mr. Bartholomew's testimony, I cannot find a place he actually recommends a 4-lane tunnel. He has no objection to a six-lane bridge. I do find where he said to the gentleman from Virginia [Mr. SMITH], although he did not make a direct reply when he was asked whether he preferred a bridge crossing here, replied:

> Either form, a bridge or a tunnel.

As I understand the engineers and all the departments that are reporting to us, that they prefer a six-lane bridge.

I expect when we reach the proper place in the proceedings to offer a motion to recommit the bill. The executive department of Government can then proceed, as they should, under Public Law 704. Some $6 million has been appropriated to start a six-lane bridge. I think that will take care of it.

Something has been said about the tunnel protecting people in time of war. Mr. Masters, the consulting engineer from Harrisburg, Pa., who helped construct the Chain Bridge in 1926, gave testimony on May 1, 1957, and spoke about the protection:

> It is difficult to sabotage a bridge. It is easy to sabotage a tunnel in wartime. A single time bomb dropped from a car in a tunnel could put it out of commission for a great length of time. It is very, very hard to repair. Even though they would destroy a little section of a bridge, you can always make temporary repairs and restore traffic in a minimum length of time. I think that is something in a situation where a bridge itself becomes a key to a transportation system, the only belt loop in the District of Columbia. So actually your tunnel with bombs dropping on them, you get cracks in a tunnel and leaks in a tunnel which put them out of commission so they are unusable at all so far as traffic is concerned.

I hope the amendment of the gentleman from Pennsylvania is defeated and that we go forward with the consideration of this bill and then consent to the motion to recommit to carry out the provisions passed by the other body on 2 occasions and by this House on 3 occasions, which provided for a 6-lane bridge over the Potomac River.

Mr. GAVIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAVIN. Mr. Chairman, to save further debate on this particular amendment and in view of the fact that the sentiment seems to indicate that the bill will be recommitted and revert back to Public Law 704, therefore at this time I am willing to withdraw the amendment.

The CHAIRMAN. Is there objection that the amendment offered by the gentleman from Pennsylvania be withdrawn?

Mr. GROSS. Mr. Chairman, I object.

Mr. KEARNS. Mr. Chairman, I would like to inquire of the gentleman from Georgia if we could agree on some kind of time here for the consideration of all the amendments and possibly to agree on a time to end the consideration of the bill. I think everybody is pretty well informed about it.

Mr. TABER. Mr. Chairman, I have an amendment which I intend to offer and I must have 5 minutes to speak on my amendment.

Mr. KEARNS. That is right and I have one too, sir, and I was just inquiring of the gentleman, the chairman of the committee, as to what he might be able to do on this.

Mr. DAVIS of Georgia. In order that we may get the sentiment of the Members of the Committee of the Whole, Mr. Chairman, I will submit a unanimous-consent request. I will ask unanimous consent that all debate on all amendments conclude at 3 o'clock.

Mr. HOFFMAN. Mr. Chairman, reserving the right to object, as I said before, I have an amendment to strike the word "tunnel" in this present bill and it is right along the line that was advocated by the Member on your side, the gentleman from Michigan [Mr. RABAUT] and I want at least 10 minutes on that.

Mr. DAVIS of Georgia. I want to follow the wishes of the Committee and I have submitted the request to test the sentiment of the membership.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. HOFFMAN. Mr. Chairman, further reserving the right to object, and I have not withdrawn my reservation of objection—I hear some Members suggesting that the gentleman make a motion to that effect. The gentleman can make a motion if he wants to, but how are you going to get a vote on this bill today if someone does not want it?

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. GROSS. Mr. Chairman, reserving the right to object, I will say to the gentleman from Georgia [Mr. DAVIS] that I have the greatest respect for him. The gentleman has had 15 or 20 minutes on this bill.

Mr. GAVIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and thirteen Members are present, a quorum.

Is there objection to the request of the gentleman from Georgia [Mr. DAVIS]?

Mr. GROSS. Reserving the right to object, Mr. Chairman, I have 4 or 5 amendments to offer to this bill, depending on what is done to it in the meantime. I do not think the gentleman ought to put a severe limitation of time on debate, in view of the fact that members of the committee have taken most of the time up to this time. I do not know how much time will be necessary.

Mr. DAVIS of Georgia. Mr. Chairman, I move that all debate on all amendments to the bill close in not less than 1 hour.

The CHAIRMAN. The question is on the motion, offered by the gentleman from Georgia [Mr. DAVIS].

The question was taken; and on a division (demanded by Mr. GROSS), there were—ayes 105; noes 4.

So the motion was agreed to.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. As I understand it, the motion made by the gentleman from Georgia [Mr. DAVIS] provided "in not less than 1 hour."

Mr. DAVIS of Georgia. That was a slip of the tongue, Mr. Chairman. I meant not more than 1 hour.

Mr. TABER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is it an amendment to the pending amendment?

Mr. TABER. No, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GAVIN].

Mr. GAVIN. Mr. Chairman, I withdrew it.

The CHAIRMAN. But objection was raised to the gentleman's request.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GAVIN].

The amendment was rejected.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 5, strike out sections 109 and 110, including all of lines 8 to 22, inclusive.

Mr. TABER. Mr. Chairman, this amendment would strike the contract authority that is provided in section 109, the authority to use District appropriated funds, not limited at all.

This section 109 provides for contract authorization absolutely unlimited. The Secretary of Interior, under that language could enter into contracts involving enormous sums of money. That is not any exaggeration. That is the way it reads. That is the way it stands; absolutely no limit. It might be more, it might be less, but there is absolutely no control.

That is the example of the kind of thing we would be struggling with every day in the House of Representatives, if bill H. R. 8002 providing for the accrued expenditure business were up. It would be absolutely impossible to have any orderly government or provide any economy whatever if we had that kind of language in authorization bills. It seems to me it is about time we stopped legislating in this wild way. It is just absolutely impossible for members of the Appropriations Committee to be on the floor when every bill is under consideration and protect the House against itself.

The gentleman from Michigan [Mr. RABAUT], and I have felt impelled to be here today; it was not because we wanted to come here and fight over this bridge or tunnel authorization, but because it was our bounden duty to come here and tell the membership exactly what such a provision would do and how dangerous it is to have that kind of legislation.

As far as section 110 goes, that is a smaller item. That refers to District funds only. I have forgotten what the appropriation was for 1958, but it was above $150 million.

Mr. RABAUT. It was $192 million.

Mr. TABER. One hundred and ninety-two million dollars. They could transfer what there was of that and use all of that without any restraint.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. GAVIN. In the event this bill were recommitted we return to Public Law 704 where the bridge is already authorized. I understand it will be possible to use funds from the Highway Assistance Act, funds that have already been appropriated, in part payment. Will the gentleman explain what funds will be used?

Mr. TABER. If I might have 5 additional minutes. I ask unanimous consent that I be granted 5 additional minutes, Mr. Chairman.

The CHAIRMAN. The Chair reminds the gentleman that the committee is operating under a limitation of debate and the Chair cannot entertain such a request.

Mr. TABER. To State it briefly, if this bill is recommitted, or if it is wiped off the boards altogether, there still exists authority under Public Law 704 for going ahead with a six-lane bridge; and there is no reason why we should not do it. We would not need $25 million. I think the figure runs somewhere around $18 million or $19 million for a 6-lane bridge. There is already $6 million appropriated.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Virginia.

Mr. BROYHILL. I think there is precedent for the language in section 109. It was taken verbatim from the Highway Act, Public Law 607 of the 84th Congress, section 106, wherein it gives authorization. Now, this is a situation we have been arguing about for 4 or 5 years. Under that provision the Secretary of the Interior is given the right to enter into these contractual obligations.

Mr. FALLON. Mr. Chairman, if the gentleman will yield, the reason it is not necessary in this bill is because this is for 1 bridge dealing with 1 department, whereas, in the Federal-aid highway bill, it was necessary to have contractual authority because the States have to plan for the future, and in the case of most States the legislatures meet only once in 2 years.

Mr. TABER. Mr. Chairman, I hope that this amendment will be adopted and that the House will show some sense of responsibility.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. GAVIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and six Members are present, a quorum.

Mr. GROSS. Mr. Chairman, I offer an amendment.

Mr. DAVIS of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Georgia. Will the Chairman state how much time each Member will have?

The CHAIRMAN. About 4½ minutes apiece.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 4, strike out all of lines 4 through 15 and insert the following:

"SEC. 105. The cost of construction, reconstruction, relocations, obliteration, and repair of all facilities and related works, including streets, if any, and roads, which are changed or made necessary incident to the construction of said tunnel, approach ramps and connecting roads, shall be paid out of funds made available for the construction of said tunnel, approach ramps and connecting roads for all of which the State of Virginia shall pay the full costs on the Virginia side of the Potomac River and the District of Columbia shall pay the full costs on the District of Columbia side of the Potomac River: *Provided further*, That the cost of all necessary regrading and landscaping resulting from the completion of said tunnel, approaches, and connecting roads also shall be paid out of funds made available in furtherance of this act, and of which the State of Virginia shall bear its full share of the costs on the Virginia side of the Potomac River and the District of Columbia shall bear its full share of the costs on the District of Columbia side of the Potomac River."

Mr. SMITH of Virginia. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Iowa on the ground it is not germane to the bill. I do not know anyone in this body who happens to be a member of the General Assembly of Virginia and therefore can tell the Virginia Assembly how much money it can appropriate for anything.

The CHAIRMAN. Does the gentleman from Iowa [Mr. GROSS] desire to be heard?

Mr. GROSS. Mr. Chairman, the amendment deals with language contained in the bill, section 101, on page 2, wherein there are designated certain duties and responsibilities on the part of the State of Virginia on the Virginia side of the Potomac River, and so forth.

The CHAIRMAN. The Chair is ready to rule. It would appear to the Chair that the language of the amendment offered by the gentleman from Iowa is germane to the subject matter of the bill and, therefore, overrules the point of order.

Mr. GROSS. Mr. Chairman, a while ago the gentleman from Virginia [Mr.

BROYHILL] said, "We do not care whether you put up a bridge, tunnel, or what it is." Of course, he might have added: "Just as long as the taxpayers of the rest of the country pay for it we do not care what you do." I imagine he would accept a pontoon bridge across the river or a fleet of ferry boats if the taxpayers of the rest of the country would pay the bill.

Mr. Chairman, my amendment simply provides that the State of Virginia shall take care of its share of the cost of this venture, including the cost of construction of part of the tunnel, the approaches, the ramps and the landscaping. Under the terms of this bill the taxpayers of the entire country are going to pay for even the landscaping on the connecting roads and so on and so forth. My amendment simply provides that the people of Virginia, the good people of Virginia—and I know they do not want to unload on all the taxpayers of the country the burdens of expenses that they know they ought to carry—should pay their just proportion of the costs. They are fine people over in Virginia, and they have some fine Representatives in Congress. But, I just cannot believe that the people of Virginia want the people of Kentucky, Iowa, Massachusetts, Illinois, Ohio and everywhere else to pick up the burdens of expenses that they themselves know they ought to carry.

That is all my amendment does, Mr. Chairman, and I hope it is adopted. I reserve the balance of my time, because I have other amendments.

Mr. SMITH of Virginia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not want to take up any undue time. We have had a lot of ridiculous amendments on this bill, and I will only take a moment, since Virginia has been mentioned in connection with this project to be undertaken and that somebody from Virginia should say something about it.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. It was my intention to defend Virginia's position rather than have the gentleman do it if he had permitted me to do so.

Mr. SMITH of Virginia. Well, I would have permitted the gentleman, and I am always glad to have the gentleman heard, but I happened to be standing on my feet and I happened to be recognized. I certainly appreciate the gentleman's solicitude for Virginia. I know he would always be fair, too, and support Virginia in every proper way. But, I just want to point out the rather inadequacy of such an amendment. Under the constitution of Virginia we would not be permitted, if we wanted to, to spend any money on any bridge or highway outside of the Commonwealth of Virginia. As most of you know, the Potomac River is entirely to the high-water mark in the District of Columbia, and all of this bridge is on District waters, so that under the constitution of Virginia, Virginia simply could not, if they wanted to, appropriate any money for that purpose.

Now, I am wondering if we have not spent enough time on this bill so that perhaps we could get down to some sensible amendments and let us wind this thing up. If you want to kill this bill, go on and kill it, but we have spent a lot of time on it, and I just wish we would go along with it and see what we are going to do with it in the end.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Iowa.

Mr. GROSS. Would not the State of Virginia like to amend its constitution so that it could take care of some of its responsibilities to its citizens in getting back and forth into the District of Columbia, where they are employed?

Mr. SMITH of Virginia. I do not want to get into a discussion with my good friend from Iowa, because I agree with him so many times that I hate to disagree with him. I know he has my welfare at heart, and I have his welfare at heart, and I want to get across the river without having to swim. And, I know that the gentleman has had a hard session here and he needs a rest, and I hope that after this bill is passed, he will take a much-needed vacation. I really think it would be a desirable thing to the national welfare for him to preserve his health by going on and taking a little rest, because he has had a strenuous session.

Mr. GROSS. I want to tell the gentleman how much I appreciate his solicitude for my physical and spiritual welfare.

Mr. SMITH of Virginia. The solicitude is sincere. Now, you go on and take your vacation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 1, line 9, strike out the words "4-lane tunnel" and insert in lieu thereof "6-lane fixed-span bridge."

Mr. HOFFMAN. Mr. Chairman, I have four other amendments having the same purpose. I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the amendments as follows:

Page 2, line 7, strike out the words "to a depth" and insert in lieu thereof "at a height."

Page 2, line 17, strike out the word "tunnel" and insert in lieu thereof "bridge."

Page 3, line 19, strike out the word "tunnel" and insert in lieu thereof "bridge."

Page 4, lines 8, 10, and 12, strike out the word "tunnel" and insert in lieu thereof "bridge."

Mr. HOFFMAN. Mr. Chairman, I agree with the gentleman from Virginia [Mr. SMITH]. He left out the word "demagogery" this time, when he was talking, so maybe we can forget that from now on. He wants a bridge. He advised the gentleman from Iowa [Mr. GROSS] to go home, to go on his vacation. I join in that. I would be glad to get out, too, because the gentleman from Virginia [Mr. SMITH] fixes it so that we have to pay 3 or 4 cents a quart more for milk, and cannot get milk from Michigan, Illinois and the other States here in Washington, because our civil rights to sell and buy milk are denied us because of legislation which limits the free market to the dairymen of Maryland and Virginia. And the way they are polluting the Potomac River, we may be able to walk across it soon and may not need a bridge. Slightly exaggerated, perhaps?

But getting back to the amendment, the gentleman from Maryland, and the gentleman from Virginia [Mr. BROYHILL] a while ago said that there was no disposition, so far as I could ascertain, to keep the people not only of Maryland and Virginia, but of the rest of the country, from getting facilities to freely travel across the river. The various amendments I have offered merely change the present bill which came out of the committee and which calls for a tunnel to a bill providing a bridge, for a 6-lane bridge, if you will. What is wrong with that, I ask the gentleman from Virginia [Mr. BROYHILL]? Just change the tunnel to a 6-lane bridge in this bill as it would be if amended.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes. Does not the gentleman want a 6-lane bridge?

Mr. BROYHILL. I would like to have a crossing; that is true. But if the gentleman is not for a tunnel, why not vote against the tunnel bill? We have already authorized a 6-lane bridge across the Potomac and have appropriated $4 million of funds to that purpose.

Mr. HOFFMAN. Then why not see that it is built? Call for the ousting of the bureaucrats who defy the Congress. Cut off their compensation. Refuse to give them funds to operate. Who are they? Where do they get their power? If the gentlemen will take this amendment, it would give us a bridge at a cost of practically half of the cost of a tunnel with twice or more the capacity to handle traffic. That was conclusively pointed out by the gentleman from Michigan [Mr. RABAUT]. And no one can dispute the figures. If you want a bridge, you can get it by taking these amendments now. Moreover, we will save from 51 to 55 thousand dollars each year in operating costs.

Mr. DAVIS of Georgia. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I yield to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, the amendment now offered raises a very fundamental question. That is the question whether there shall be a bridge or a tunnel. Underlying the question of the bridge is the question of the use of the Potomac River by transportation. At Georgetown there is one of the oldest ports in the United States. There

is important business there now. There is a movement on now to improve the ports of Alexandria and Washington for international shipping. If the amendment passes in its present state, there is no provision for a bascule span to permit traffic to go up and down the river.

The Committee on the District of Columbia when this matter was considered in the committee was unanimously of the belief and the opinion that the river should not be closed. Every bridge there now has a bascule span. You have 4 bridges there with bascule spans and if you put one in without such a span, you close up the oldest port in America.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I am sorry, I am talking on someone else's time.

I am suggesting an amendment to the gentleman's amendment so that if it does pass, after the word "bridge" wherever it occurs there will be inserted the words "with a bascule span".

Mr. HOFFMAN. I have no objection to that amendment and accept it as far as I am concerned.

Mr. DAVIS of Georgia. Mr. Chairman, I yield back the balance of my time.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I do not have any time. The time belonged to the gentleman from Georgia.

Mr. HOFFMAN. Then, Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOFFMAN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HOFFMAN. Mr. Chairman, this would not have been necessary if the gentleman from Georgia had yielded me just a minute or two.

The cat is out of the bag now exposed by what the gentleman from Virginia [Mr. SMITH] said. And it is a sorry looking alley cat. Navigation. Navigation. Sometime in the future we are to have a seaport up the river in Georgetown.

I have no objection. I cannot stop you if you insist the taxpayers pay for the creation of a span to help out a couple of boatowners and oil company and a sand and gravel company. I will take it if we must, and maybe others will. But give us the names of the lucky ones who will profit. In 1953 the 14th Street Bridge was opened 450 times. In 1956 the Memorial Bridge was opened only 186 times. In this year, 1957, so far it has been opened 150 times.

Who used it? Two boat lines? Two boat lines? Oh, no—an oil company, plenty of oil; a sand and gravel company. Who are the stockholders whose businesses we make profitable? We have these figures about bridge clearance this afternoon. The gentleman from Ohio [Mr. BOW] got them for me. The sand and gravel company and the oil company, their officers, their stockholders, their employees stand to profit—not the folks who want to cross the river.

We have, after all, this 2 days of debate, at last gotten the reason for the tunnel. We are to build this tunnel to pay a less cost for these two companies, private industries to operate. That is what we are doing it for, and here is the admission on the record. Figure that one out for yourself. Do we need an investigation to learn why officials refuse to build a needed bridge and what kind of, and who is doing the lobbying for a tunnel instead of a bridge.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia to the amendment offered by Mr. HOFFMAN: After the word "bridge" insert "with bascule span."

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan, as amended.

The question was taken; and on a division (demanded by Mr. DAVIS of Georgia) there were—ayes 51, noes 40.

Mr. DAVIS of Georgia. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HOFFMAN and Mr. DAVIS of Georgia.

The Committee again divided, and the tellers reported that there were—ayes 75, noes 45.

So the amendments were agreed to.

Mr. WILSON of Indiana. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WILSON of Indiana: On page 4, line 20, strike out all of section 107.

Mr. WILSON of Indiana. Mr. Chairman, this will only take a minute. The sole purpose of this amendment is to prevent the transfer of funds. The subcommittee and the full Committee on Appropriations appropriated funds for the Interior Department for Park Service and its operations. We did not appropriate money for the Department to transfer over for unbudgeted bridge purposes. My amendment would prevent the transferring of funds for purposes.

The section says:

SEC. 107. The Secretary of the Interior, in his discretion, may employ, by negotiated contracts for personal or professional services, engineers, architects, landscape architects, or other expert consultants, or firms, partnerships, or associations thereof, including the facilities, service, travel, and other expenses of their respective organizations so far as employed upon work within the park system of the National Capital and environs in accordance with the usual customs of the several professions without reference to the civil service requirements or to the Classification Act of 1923, as amended, or any other act.

This prohibits the Department from using funds to hire people and bring them here for purposes for which these funds were not intended. We must guard our appropriations. We must make departments live up to their justifications. We must vote this section out so that these funds will be used for their intended purposes.

Mr. THOMSON of Wyoming. Mr. Chairman, I rise in support of the amendment.

Yesterday there was considerable contention about this question of the availability of funds within the Park Service from present appropriations to prepare the plans and initiate construction of this tunnel or bridge as the case may be. Section 106 of the bill provided for the expenditure of $1 million from the appropriations available to the National Park Service for the preparation of plans, designs, and construction purposes. That section was stricken from the bill. Section 107, which the pending motion proposes to strike, could be interpreted as suggesting to the Secretary of the Interior that he should accomplish the same purposes as far as planning is concerned by transfer of funds and personnel. On the basis of the will of the committee as expressed yesterday, this motion should be adopted.

In the debate yesterday it was indicated that the provision for the expenditure of $1 million from presently appropriated National Park Service funds was put in at the suggestion of the Interior Department and on the basis that the arrangement would be temporary and the funds would be restored to the Park Service appropriation at a later date. This caused the gentleman from Indiana, who has just spoken, to say:

Now, one word to the members of the Committee on Appropriations. We have seen evidence here of the carelessness of our committee in dishing out the taxpayers' money. I do not know who are the members of the Interior Department Subcommittee on Appropriations, but they evidently have given the Interior Department too much money. Otherwise the Department would not have $1 million to shift over to this proposed Potomac project, which has not even been formally authorized. Maybe we should take another look at some of our appropriations.

This concerned me very much. During the years of World War II and following, up to 1956, our national parks had been deteriorating into a state of disrepair and we had failed to provide the additional facilities needed to take care of the sharp rise in visitations. Since then, through the hard work on the part of many of us and with the sympathetic understanding and support of the administration and the President, and the fine cooperation and assistance by the Appropriations Committee and of the House as well as the other body, we have undertaken and have provided the appropriations for a most worthwhile program to correct this situation. The program is known as mission 66. Even with the appropriations provided it will take 10 years to bring our parks up to the point where they will take care of the needs of the millions of people of this country that visit them each year.

This year we have appropriated $75,480,000 to take care of not only construction of new facilities, of roads and trails and parkways, but also for management and protection, maintenance and rehabilitation, and administrative expenses for the National Park Service and all of the parks and monuments in the system. This will not take care of all of the things that many of us would like to see done, and many necessary and worthwhile improvements have to be deferred to future years. It is, though, recognized as the maximum amount that we can make available for these purposes during the coming year, and if similar amounts are made available as far as the construction, maintenance, and rehabilitation is concerned for future years, it will accomplish the purpose of mission 66. Certainly, however, none of this money should be spent in any other manner.

Mr. GAVIN. That section was deleted yesterday.

Mr. THOMSON of Wyoming. Yes, section 106 was deleted yesterday and I think this section, 107, should also be deleted. Furthermore, I want to clear up the apparent misunderstanding.

Knowing the necessity of using these funds for the purposes for which they were appropriated, if we were to carry out our national parks program, I was very much concerned by the statements of the gentleman from Indiana, also a member of the Appropriations Committee, as made yesterday and which I have previously quoted. As a result I checked into the situation as thoroughly as time would permit with responsible people in the Department of the Interior. As a result of that check I am convinced that any conclusion that the Department was suggesting that funds be made available from present National Park Service appropriations was a complete misunderstanding.

The Department has never reported upon this particular bill. It did report favorably on S. 944, but as I understand it that bill did not provide for the use of any National Park Service funds.

The Director of the National Park Service informed me that all of the funds appropriated to the National Park Service are programed for specific projects, all of which are needed. He states that none of these funds could be made available for the purpose of this bill without eliminating or cutting back some of those specific projects, and that he did not recommend that this be done. I am convinced that any thought that the Park Service or any responsible representative of the Department of the Interior was suggesting the use of National Park Service funds for this bill from appropriations already made was a complete misunderstanding. The Interior Subcommittee on Appropriations considered this bill very carefully, and I assure the gentleman from Indiana that as usual they have provided only essential and well-justified funds.

The amount provided for roads and trails in all of our national parks and other areas administered by the Park Service is $16 million. I know that work is being deferred in both Yellowstone and the Grand Teton National Parks until later years. I know that this appropriation cannot be tapped for $1 million or any lesser amount without doing serious damage to the program.

The amount provided for parkways is $15 million. I am advised that they are all committed. I cite these figures because these are the appropriations most similar to the purposes of this bill, and to show the impact that any substantial diversion would have on these programs.

I assure the gentleman from Indiana that the Interior Subcommittee of the Appropriations Committee has not been lax in any respect and has not provided any funds which are not needed. Every cent appropriated for park improvements is needed for that purpose and should not be encroached upon for this bridge or tunnel as the case may be, or for any other purpose. I know that the gentleman from Indiana really appreciates this to be the fact. I commend him for offering this amendment. I urge the committee to favorably consider and adopt it.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that he has consumed the time available to him.

Mr. DAVIS of Georgia. I thought I had reserved some.

The CHAIRMAN. The gentleman is correct; the gentleman does have some time remaining; he has 2 minutes.

The gentleman is recognized.

Mr. DAVIS of Georgia. I will not use the 2 minutes, Mr. Chairman. I merely want to say that the contents of this paragraph were quoted by the author of the bill, the gentleman from Virginia [Mr. BROYHILL], as being necessary to the construction of this crossing. I think that is correct, and I think that if this is taken out it would handicap the Secretary of the Interior in constructing whatever he may undertake to construct if this bill passes in any form.

I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. WILSON of Indiana) there were—ayes 39, noes 30.

So the amendment was agreed to.

Mr. PELLY. Mr. Chairman, I move to strike out the last word and ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Chairman, one thing above all others that Dwight D. Eisenhower has contributed to the office of President is integrity. The American people may not always agree with his views or actions, but they recognize his inherent, absolute honesty. This quality has been good for us. It is good that we hold the occupant of the highest office of the land in high regard. It is good that we trust and honor our leader.

The strength of America lies in the fact that people can be outspoken in their differences as to policies and viewpoints, even as to the ability with which an office is conducted. But at the same time such partisanship, out of respect for high office, never results in license for character assassination. Indeed, any such disrespect would offend the American people.

In this connection let me suggest that the future of this country, the future of the boys and girls of America, is linked with respect, decency, and good taste with reference to our President. Public respect for Government and Government officials is the basis of the future of America, and the basis of good education.

So, Mr. Chairman, I felt heartened in the cause of good government and education to read a denial today by one of our colleagues that he had used insulting language about the President. Not that I think the prestige of President Eisenhower would have suffered, because, as I said, the people trust him and hold him above political attack, but rather the prestige of the House of Representatives would have suffered, and did when the press first alleged that one of the Members of the House referred to the President as a "lousy liar."

Mr. Chairman, I would rather the children of our country learn respect for government in crowded, inadequate school buildings, than disrespect in modern, well-lighted, and uncongested classrooms built with Federal financial assistance. The young people of America should never believe that a Member of this House and a so-called champion of education used a coarse and completely insulting and disrespectful epithet in describing the President of the United States. These children would gain the impression, unfortunately, that all Members of Congress, not just one, have no respect for high office. And in our children's eyes this legislative body, it seems to me, could suffer greatly. Indeed, any such statement would hurt our country at home and abroad. Also such undisciplined and unbridled language being attributed to one of our Members would greatly hurt the cause of education. But above everything else, the House of Representatives, the greatest legislative body in the world, would go down a peg in public reputation and esteem.

With admiration the gentleman from Washington [Mr. PELLY] has observed in the past the pride with which our Speaker has by word and deed emphasized the importance of maintaining public respect for this body. The Speaker has on more than one occasion pointed up the fact that he never doubts the word of a Member, meaning that to challenge an individual Member's veracity would reflect on the House as a whole in the eyes of the people. By the same token, Mr. Chairman, a remark made by a Member inside or outside this Chamber, such as is alleged to have been used in reference to our President yesterday, I feel would lower the opinion of every man, woman, and child in America, not for the President but for the House of Representatives and the Congress of the United States.

Censure, according to Jefferson's Manual, was inflicted by the House on an offending Member in debate for declaring the words of another Member "a base lie." Our rules of conduct, of course, only apply to our acts inside this Chamber with reference to words about and as to impugning motives of our colleagues. There would be no breach of rules in the reported reference to the President in this instance, but in my opinion self-imposed self-discipline and restraint should rule any Member's language anywhere.

Thus, Mr. Chairman, I for one am pleased that a colleague has emphatically stated he did not make the remark attributed to him.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 3, line 20, after the word "appropriate," strike the period, insert a colon, and add the following: *"Provided further,* That for the purpose of construction of said tunnel, approach ramps and connecting roads on the Virginia side of the Potomac River, the Secretary of the Interior shall offer for sale to the State of Virginia, at a fair appraised value, such lands and other property held by the Federal Government as may be necessary for construction of the said tunnel and approach ramps."

Mr. SMITH of Virginia. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Virginia. Mr. Chairman, this is no longer a tunnel bill. The last amendment made it a bridge bill and I therefore make a point of order against the gentleman's amendment.

The CHAIRMAN. The Chair will state that there may be an inconsistency in the amendment, but that is not a question for the Chair to decide.

The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 5, strike out all of lines 6 through 22 and insert the following:

"SEC. 108. There is hereby authorized the sum of $25,500,000, one-half of which shall be contributed by the District of Columbia and one-half of which shall be contributed by the State of Virginia, to carry out the provisions of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Strike out the word "tunnel," wherever it appears in the bill, and insert the word "bridge."

Mr. HOFFMAN. Mr. Chairman, this is what might be termed a perfecting amendment. The Clerk advises me that I skipped "tunnel" one or twice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The amendment was agreed to.

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. Do I understand now that the question of the tunnel has been eliminated from further consideration by the committee?

The CHAIRMAN. The Chair will state to the gentleman that the bill, with a number of amendments, is still before the House. The Chair is not prepared to interpret the effect of all the amendments.

Mr. KEARNS. In other words, then, the concept of the tunnel is not entirely eliminated yet.

The CHAIRMAN. The Chair is not sufficiently advised to answer that.

Mr. KEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEARNS: Page 1, line 9, after "four-lane" insert the word "toll."

Page 4, add section 107, as follows: "The cost of this tunnel shall be paid by those using the facility for transportation. The toll fare shall be set under the provisions of this act for 25 cents a round trip (to and from). One way transportation would carry a levy of 25 cents.

Mr. KEARNS. Mr. Chairman, I do not expect to take all of my time. I personally feel that the Congress is mistaken in eliminating the idea of a tunnel. I think that is what we must come to. As you will recall, I reiterated in the time allowed for debate that in New York City we built the Holland Tunnel and paid for it in 7 years at a cost of 50 cents per car. According to the figures given by Mr. ROBERTSON as to the traffic going to and coming from Virginia, we could amortize this tunnel in 10 years, and I think if we could keep the toll on for another 10 or 11 years, we would have sufficient money for maintenance for 25 years.

Let us be honest about this thing of bridges over the Potomac. Every time a bridge bill comes up we have this same argument about it. This holds true whether it is a bridge bill or a tunnel bill—the argument that a year from now there will be another bridge or tunnel needed. It has been rightly said that we have enough bridges over the river; in my opinion, we must go to tunnels eventually. They are more consistent.

Mr. Chairman, I ask favorable consideration of my amendment.

Mr. BROYHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not question the sincerity of the gentleman's amendment, but I think it is a rather superfluous one because as the bill is written now, unless we can get the amendment for the bridge taken out on a rollcall, I do not think the bill as presently written has a chance of becoming law. But, I would compare the toll proposition to that of a football stadium wherein all of the entrances to the stadium with the exception of 1 permitted entry free of charge and 1 entrance having a charge for admission. Quite obviously everyone would use the free admission entrance. Here across the Potomac, coming to the National Capital, there are several bridges right at this particular location. There is the Lincoln Memorial Bridge about 1,000 feet away and Key Bridge about 2,000 feet away.

Certainly any traffic coming down from Arlington Boulevard on the Virginia side or Constitution Avenue on the Washington side, having a choice of 3 crossings, if 1 crossing charges a toll, obviously they would use the structures that are free of charge. So I believe if such a crossing were built it would not be used up to 10 percent of its capacity. It would certainly be a foolish thing for the Federal Government to do to the entrance to our Nation's Capital.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman.

Mr. KEARNS. If the amount were different, would the gentleman still be opposed to it?

Mr. BROYHILL. I would say this. As the bill is presently written—and I do not know anyone who knows how it is written with all these amendments in it—it is a superfluous bill. We have a law on the statute books now with certain funds appropriated for a six-lane bridge. The way this bill is now written we might just as well vote the whole thing down, because we already have a law to permit the building of a bridge.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman.

Mr. GAVIN. If this bill is recommitted, it is quite evident that the sentiment of the House is to have a bridge.

Mr. BROYHILL. I could not answer that question. I think there will be a rollcall on the amendment.

Mr. GAVIN. I should like to direct a question to the distinguished gentleman from the Committee on Appropriations. Let us assume the bill is recommitted and we revert to Public Law 704. How long is it going to take the Committee on Appropriations to act so that the Congress can take some action on this question at this session of Congress?

Can the gentleman from New York [Mr. TABER] answer that question?

Mr. BROYHILL. I yield to the gentleman from New York to answer the question.

Mr. TABER. As I understood the discussion here today, from Mr. RABAUT—I do not remember exactly what the picture is, but, as I understand it, there is already six or eight million dollars available for contract right now. They would not have to wait 10 minutes.

Mr. BROYHILL. I might say that the language was stricken out of the bill which would permit the transfer of those funds to the Department of the Interior.

Mr. TABER. Nothing is stricken out as the bill stands today.

Mr. BROYHILL. As the bill stands today practically everything has been stricken out.

Mr. TABER. The money is there and they would be ready to go.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, 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. 6763) to amend the act of August 30, 1954, entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes," pursuant to House Resolution 375, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. DAVIS of Georgia. Mr. Speaker, I ask for a separate vote on the Hoffman amendment as amended by the Smith amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 1, line 9, strike out the words "four-lane tunnel" and insert in lieu thereof "six-lane fixed span bridge with bascule span."

On page 2, line 7, strike out the words "to a depth" and insert in lieu thereof "at a height."

Page 2, line 17, strike out the word "tunnel" and insert in lieu thereof "bridge with bascule span."

Page 3, line 19, strike out the word "tunnel" and insert in lieu thereof "bridge with bascule span."

Page 4, lines 8, 10, and 12, strike out the word "tunnel" and insert in lieu thereof "bridge with bascule span."

The SPEAKER. The question is on the amendment.

Mr. DAVIS of Georgia. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

Mr. DAVIS of Georgia. Then, Mr. Speaker, I demand a division.

The House divided, and there were—yeas 97, noes 42.

Mr. DAVIS of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 226, nays 109, not voting 97, as follows:

[Roll No. 170]

YEAS—226

Abernethy
Adair
Alger
Allen, Ill.
Andersen, H. Carl
Anderson, Mont.
Andresen, August H.
Andrews
Ashley
Ashmore
Avery
Ayres
Baring
Barrett
Bass, Tenn.
Bates
Baumhart
Beckworth
Bentley
Berry
Betts
Boland
Bonner
Bosch
Bow
Boyle
Bray
Breeding
Brooks, La.
Brooks, Tex.
Broomfield
Brown, Mo.
Brown, Ohio
Brownson
Burleson
Byrd
Byrne, Ill.
Byrne, Pa.
Byrnes, Wis.
Cannon
Carrigg
Cederberg
Chamberlain
Chelf
Chiperfield
Christopher
Church
Clevenger
Coad
Collier
Cooper
Cramer
Cunningham, Iowa
Cunningham, Nebr.
Curtin
Curtis, Mo.
Dennison
Denton
Dies
Dingell
Dixon
Dorn, S. C.
Dowdy
Doyle
Durham
Dwyer
Eberharter
Edmondson
Evins
Fallon
Fascell
Feighan
Fisher
Forand
Ford
Fountain
Frazier
Friedel
Garmatz
Gathings
Gavin
George
Gordon
Grant
Green, Oreg.
Green, Pa.
Griffin
Gross
Gwinn
Haley
Harden
Harrison, Nebr.
Harvey
Haskell
Hays, Ohio
Heselton
Hill
Hoeven
Hoffman
Holifield
Holland
Horan
Hosmer
Huddleston
Hull
Ikard
Jackson
Jenkins
Jennings
Jensen
Johansen
Johnson
Jonas
Jones, Mo.
Karsten
Kee
Keeney
Kelley, Pa.
Kilday
Kilgore
King
Kirwan
Kitchin
Knutson
Krueger
Laird
Lane
Lanham
LeCompte
Lennon
Lesinski
Lipscomb
McCulloch
McFall
McGovern
McIntosh
McVey
Macdonald
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magnuson
Mahon
Marshall
Michel
Miller, Nebr.
Miller, N. Y.
Mills
Morgan
Moss
Moulder
Mumma
Natcher
Neal
Nimtz
Norblad
Norrell
O'Brien, Ill.
O'Hara, Ill.
Henderson
Ostertag
Passman
Patman
Pelly
Pfost
Pilcher
Pillion
Poage
Porter
Prouty
Rabaut
Rains
Rees, Kans.
Reuss
Riehlman
Riley
Roberts
Robsion, Ky.
Rogers, Colo.
Rooney
Rutherford
Santangelo
St. George
Saund
Schenck
Scherer
Scrivner
Scudder
Seely-Brown
Selden
Sheehan
Sheppard
Shuford
Siler
Simpson, Pa.
Sisk
Smith, Calif.
Smith, Miss.
Smith, Wis.
Spence
Staggers
Sullivan
Taber
Talle
Tewes
Thomas
Thompson, N. J.
Thomson, Wyo.
Thornberry
Tollefson
Ullman
Utt
Vanik
Vursell
Weaver
Wharton
Whitener
Whitten
Williams, Miss.
Williams, N. Y.
Wilson, Ind.
Winstead
Withrow
Wright
Younger

NAYS—109

Abbitt
Albert
Arends
Aspinall
Auchincloss
Baker
Baldwin
Belcher
Bennett, Fla.
Bennett, Mich.
Blitch
Boggs
Bolling
Bolton
Brown, Ga.
Broyhill
Budge
Burdick
Canfield
Chenoweth
Cole
Colmer
Cooley
Corbett
Curtis, Mass.
Dague
Davis, Ga.
Davis, Tenn.
Dempsey
Derounian
Devereux
Dooley
Flood
Flynt
Forrester
Fulton
Gary
Granahan
Gregory
Gubser
Hagen
Hale
Hardy
Harris
Harrison, Va.
Hébert
Herlong
Holmes
Hyde
Jarman
Jones, Ala.
Judd
Kean
Kearns
Knox
Lankford
Long
McCormack
McDonough
McGregor
McIntire
Martin
Matthews
Meader
Merrow
Metcalf
Miller, Calif.
Miller, Md.
Montoya
Morris
Murray
Nicholson
O'Neill
Osmers
Poff
Polk
Price
Radwan
Ray
Rhodes, Ariz.
Rhodes, Pa.
Robeson, Va.
Rogers, Fla.
Rogers, Mass.
Rogers, Tex.
Sadlak
Saylor
Sieminski
Sikes
Simpson, Ill.
Smith, Kans.
Smith, Va.
Springer
Stauffer
Teague, Calif.
Thompson, La.
Thompson, Tex.
Trimble
Tuck
Udall
Van Zandt
Vorys
Westland
Widnall
Wier
Wigglesworth
Willis
Wilson, Calif.
Wolverton

NOT VOTING—97

Addonizio
Alexander
Allen, Calif.
Anfuso
Bailey
Barden
Bass, N. H.
Beamer
Becker
Blatnik
Boykin
Buckley
Bush
Carnahan
Celler
Chudoff
Clark
Coffin
Coudert
Cretella
Dawson, Ill.
Dawson, Utah
Delaney
Dellay
Diggs
Dollinger
Donohue
Dorn, N. Y.
Elliott
Engle
Farbstein
Fenton
Fino
Fogarty
Frelinghuysen
Gray
Griffiths
Halleck
Hays, Ark.
Healey
Hemphill
Hess
Hiestand
Hillings
Holt
Holtzman
James
Kearney
Keating
Kelly, N. Y.
Keogh
Kilburn
Kluczynski
Landrum
Latham
Loser
McCarthy
McConnell
McMillan
Mailliard
Mason
May
Minshall
Moore
Morano
Morrison
Multer
O'Brien, N. Y.
O'Hara, Minn.
O'Konski
Patterson
Perkins
Philbin
Powell
Preston
Reece, Tenn.
Reed
Rivers
Rodino
Roosevelt
Schwengel
Scott, N. C.
Scott, Pa.
Shelley
Steed
Taylor
Teague, Tex.
Teller
Van Pelt
Vinson
Wainwright
Walter
Watts
Yates
Young
Zablocki
Zelenko

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. May for, with Mr. Dellay against.

Mr. Keating for, with Mr. Cretella against.

Mr. Minshall for, with Mr. Reece of Tennessee against.

Mr. Hess for, with Mr. Scott of North Carolina against.

Mr. Becker for, with Mr. Loser against.

Mr. Taylor for, with Mr. Elliott against.

Mr. Coudert for, with Mr. Coffin against.

Mr. Allen of California for, with Mr. Keogh against.

Mr. Bass of New Hampshire for, with Mr. Anfuso against.

Mr. Delaney for, with Mr. Buckley against.

Mr. Holtzman for, with Mr. Farbstein against.

Mr. Hillings for, with Mr. Dollinger against.

Mr. Hiestand for, with Mr. Teller against.

Mr. Holt for, with Mr. Powell against.

Mr. Carnahan for, with Mr. Healey against.

Mr. McCarthy for, with Mr. Multer against.

Mr. Young for, with Mr. Celler against.

Mr. Bailey for, with Mr. Fogarty against.

Mr. Addonizio for, with Mr. Yates against.

Mr. Rodino for, with Mr. Walter against.

Mr. Dawson of Illinois for, with Mr. Zelenko against.

Mr. Shelley for, with Mr. Kluczynski against.

Mrs. Kelly of New York for, with Mr. Engel against.

Mr. Kearney for, with Mr. Roosevelt against.

Mr. Chudoff for, with Mr. Morrison against.

Mr. Diggs for, with Mr. Donohue against.

Mr. Blatnik for, with Mr. Philbin against.

Until further notice:

Mrs. Griffiths with Mr. Beamer.

Mr. Rivers with Mr. Halleck.

Mr. Boykin with Mr. Kilburn.

Mr. Landrum with Mr. James.

Mr. Preston with Mr. Wainwright.

Mr. Zablocki with Mr. Bush.

Mr. Watts with Mr. Latham.

Mr. Teague of Texas with Mr. Mailliard.

Mr. Hemphill with Mr. Morano.

Mr. Hayes of Arkansas with Mr. O'Hara of Minnesota.

Mr. Alexander with Mr. Patterson.

Mr. Gray with Mr. Scott of Pennsylvania.

Mr. Clark with Mr. Fino.
Mr. McMillan with Mr. Frelinghuysen.
Mr. O'Brien of New York with Mrs. Dwyer.
Mr. Perkins with Mr. Van Pelt.
Mr. Steed with Mr. Fenton.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MILLER of Nebraska. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MILLER of Nebraska. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Nebraska moves to recommit the bill H. R. 6763 to the District of Columbia Committee.

The SPEAKER. The question is on the motion to recommit.

The motion was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McBride, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2504. A bill to amend and extend the Small Business Act of 1953, as amended.

SUPPLEMENTAL APPROPRIATION BILL

Mr. CANNON. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday next to call up for consideration the supplemental appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. TABER. Mr. Speaker, reserving the right to object, as I understand, the items in the bill relate almost entirely to the military construction bill which came out of the subcommittee with a unanimous report.

Mr. CANNON. That is a major item in the bill.

Mr. TABER. And is it not also true that the other items in the bill are rather small and not of a controversial character?

Mr. CANNON. They are reported out by the unanimous vote of the several subcommittees.

Mr. TABER. And it will go to the full committee on Tuesday; is that right?

Mr. CANNON. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SMALL BUSINESS ACT OF 1953

Mr. SPENCE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MARTIN. Mr. Speaker, reserving the right to object, what is the request?

Mr. SPENCE. That S. 2504, extending the Small Business Act, be taken from the Speaker's table and passed.

Mr. MARTIN. It already passed the House and the Senate amended it.

Mr. SPENCE. No. We passed the bill in the House. It went to the Senate. The Senate thought they would amend it, but we suggested to them that there was no time to amend it and have a conference. We suggested if they would pass an extending resolution, which they have done, it could go through the House without opposition immediately and the Small Business Administration would not die. It is dead now. This bill revives it from the date of its expiration and authorizes an increase in its authority of $75 million for its functions during the coming year. It extends it for 1 year.

Mr. MARTIN. It is merely a continuation of the present Administration?

Mr. SPENCE. That is all it is.

Mr. MARTIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. TALLE. Mr. Speaker, reserving the right to object, and I shall not object, I ask unanimous consent to revise and extend my remarks so that I may point out some unfortunate results that would follow in the event that the House failed to take positive action.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TALLE. Mr. Speaker, failure to enact the pending resolution would mean that no action could be taken on disaster loan applications aggregating $2,034,000, involving many States.

Likewise, no action could be taken on business loan applications. There are 700 applications for such loans now pending in the aggregate amount of more than $46 million in the SBA.

Furthermore, no action would be taken by the Congress to provide appropriation for the Small Business Administration.

I am wholeheartedly in favor of the extending resolution. Mr. Speaker, I withdraw my reservation of objection and urge adoption of the resolution.

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, I am supporting this bill because as it is there is little enough that the small-business man has in the way of assistance from his Government. It would be shameful to permit the Small Business Administration to pass out, inadequate as it has been and at times bitterly disappointing to the small-business man confronted with many problems of which the difficulty of obtaining necessary credit lines in a narrowing money market has been but one. The small-business man has not been receiving anything like his share of defense orders. I trust that the Small Business Administration, with the experience it has acquired, and with its resources increased to some extent, will give itself to its task with real dedication. The small-business man needs help, and it is to the national interest that he should be given it.

George Murphy is one of my constituents. I think his story as told in an article by the always delightful Jack Mabley in the Chicago Daily News of August 1, 1957, is pertinent to the discussion on the pending bill. Mr. Mabley's story, which follows, is printed under a headline reading "He's Got a Lot To Tell Ike—But Will He Get His Ear?"

HE'S GOT A LOT TO TELL IKE—BUT WILL HE GET HIS EAR?

(By Jack Mabley)

I finally found a small-business man who's going to see the President. Or he found me.

George Murphy, 61, owner of the Chicago Mutual Investment Co., 8157 Cottage Grove (employee: one bookkeeper) on July 9 received by airmail an engraved invitation from the White House.

"The President of the United States invites Mr. Murphy to participate in the Conference on Technical and Distribution Research for the Benefit of Small Business," read the raised letters.

Mr. Murphy, who voted for Adlai Stevenson, accepted.

It would be nice to speculate that Mr. Murphy's name was picked out of a hat or chosen by a man sticking a pin in a list of small-business men.

But he happens to be secretary-treasurer of the Businessmen's League of the United States, which used to be the Little Businessmen's League. The President invited a title, rather than an individual.

But he's getting an individual.

CREDIT REALLY "GOOFED UP"

"I hear they've invited a thousand people to this thing," said Murphy. "But I certainly expect to talk to the President personally. They'll have a reception or something like that, I should think.

"What will I tell him? Boy, I've got plenty.

"Credit. The little-business man can't get credit. Ask for a GI business loan, and they'll laugh at you. The credit situation is really goofed up for the small-business man.

"We're harassed by the Federal Government. Most of the time you can't even understand what the Government is talking about in those forms they send out.

"Big businesses can hire lawyers who specialize in every paragraph of Government regulation. The little guy would go broke getting that kind of legal help.

"I've got a few thoughts for the President on inflation, too.

"Ike appeals to businessmen to restrain themselves, and look what he does with the budget. The dollar is going down and down because of Federal spending.

LITTLE FELLOW'S GETTING WHACKED

"And because of the credit situation and the fight the little guy has with regulations, the big fellows get bigger and the little-business man gets whacked."

Murphy is an Irish bachelor. His personal life leaves him time and the freedom to fight for survival as a small-business man.

His business is making investments for small investors.

He has about 1,000 clients.

He says trying to keep a small business going is butting your head against a wall.

"I get a lot of offers from big companies to take a desk with them, but I'm just stubborn enough to stick with this thing."

Now all he has to do is get the President's ear.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 204 (b) of the Small Business Act of 1953 is amended (1) by striking out "$455,000,000" wherever it appears and inserting in lieu thereof "$530,000,000", and (2) by striking out "$230,000,000" and inserting in lieu thereof "$305,000,000."

SEC. 2. Section 221 (a) of the Small Business Act of 1953 is amended by striking out "1957" and inserting in lieu thereof "1958."

SEC. 3. This act shall take effect as of the close of July 31, 1957.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file reports on the bills, H. R. 5822 and H. R. 7993.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

SUBCOMMITTEE ON THE POST OFFICE AND CIVIL SERVICE

Mrs. PFOST. Mr. Speaker, I ask unanimous consent that the subcommittee on the Post Office and Civil Service be allowed to sit Monday afternoon during general debate in the House.

The SPEAKER. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

WHEAT FOR ON-FARM CONSUMPTION

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 363 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8456) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN]; and pending that, I yield myself such time as I may consume.

Mr. Speaker, I think this is a bill that will not arouse—at least I hope it will not arouse—as much controversy as the bill which we have just concluded.

This is an amendment to the Agricultural Adjustment Act to correct a situation which has caused a good deal of dissatisfaction and difficulty among the smaller farmers of the country. Under the Agricultural Adjustment Act as it now is, as you know, people are not permitted to raise wheat except on a quota system. There are a great many people in the country who raise a small quantity of wheat for the purpose of feeding their own livestock on their own farm and they never market any wheat at all. It is difficult for people to understand why they cannot raise any commodity they want on their own property. It is more difficult for anyone to understand why a person who is raising food for his livestock should be prevented from doing so or penalized for doing so.

A number of cases have arisen, some in my own district, where a farmer has raised wheat and cut it to put in the silo. Or, he has raised wheat to feed his cattle or his pigs, and the Government has sued him for a violation of the Agricultural Adjustment Act. Under the law as it now stands those cases have been won by the Government and people have been made to pay fines for raising wheat which never went off their farm.

That is the substance of the wheat-allotment provisions of this bill, and I believe that is generally agreed to. I do not think now there is any objection to it. But what it does is this: The law as it now stands permits any farmer to raise 15 acres of wheat without having an allotment. This permits him to raise 30 acres of wheat if he is not going to sell it off his own farm but is going to use it for feed purposes.

That is the substance of it except that he has to get some kind of permit from the Secretary of Agriculture, which I wish was not in the bill. I think he ought to be able to raise all the wheat he wants if he is going to use it on his own farm to feed it to livestock. But that is the substance of the bill as far as that feature is concerned.

There are two other features in the bill that affect other provisions of the Agricultural Adjustment Act. Section 3 amends section 335 of the Agricultural Adjustment Act and provides that the Secretary of Agriculture may designate a State producting less than 25,000 acres of wheat as a noncommercial area. These States are free to produce all the wheat they want without respect to acreage allotments but are not eligible for any price support.

A further amendment provides that a farmer will not be ruled ineligible to participate in the soil-bank acreage by reason of his not participating in the wheat acreage.

That is the substance, as I understand it.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Iowa.

Mr. JENSEN. The purpose of the bill is to provide that a farmer shall not be penalized for feeding wheat which is grown on his own farm, but this is my question: Does this raise the allotted acres up to 30 acres which any farmer can produce? Subsection (1) states:

That the total wheat acreage on the farm does not exceed 30 acres: *Provided, however*, That this condition shall not apply to farms operated by and as part of State institutions or religious or eleemosynary institutions.

Is there not a provision in law now which provides for just a 15-acre allotment?

Mr. SMITH of Virginia. I so understand that there is. I would prefer that the chairman of the Committee on Agriculture answer that question.

Mr. COOLEY. I do not think the law refers to the 15 acres as an allotment. It exempts a farmer who does not produce more than 15 acres. This provision would permit the farmer to grow up to 30 acres, provided he did not sell or barter or exchange any of the wheat produced on his premises, but consumed it all.

Mr. JENSEN. The gentleman knows, of course, that the wheat that is raised on that extra 15 acres is going to be fed and it will replace other feed grains such as corn, so that we will have a greater supply of corn, a surplus of corn. It appears to me that that provision would be detrimental to the corn farmer.

Mr. COOLEY. Under existing law a farmer who grows up to 15 acres can either feed that wheat or sell it in a commercial market.

Mr. JENSEN. I understand that.

Mr. COOLEY. Now under the provision about to be presented to us, although you would increase his allowance from 15 acres to 30 acres, you restrict the use of it to feeding on the farm. I might say there are about a dozen Members of Congress who have introduced bills similar to the bill we now have before us. There is a great deal of interest in this matter, particularly on the eastern seaboard. I can agree with my friend, the gentleman from Iowa, that this will tend to increase the burdens, perhaps, of the commercial wheat producers under the marketing quota program.

Mr. JENSEN. And it is going to be a detriment to the corn farmer in spite of anything anyone says.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. MILLER of Nebraska. I would like to have the gentleman, the head of the Committee on Agriculture, to answer the question as to whether the allotment of 30 acres for each of these farmers takes away from the wheat farmer his allotted acreage now allocated to him.

Mr. COOLEY. No; it has no effect on the acreage allotted to him. It has no effect on the allotted acreage of the wheat farmers.

Mr. MILLER of Nebraska. And the 15-acre provision which applied in the past is still applicable?

Mr. COOLEY. Yes.

Mr. SMITH of Virginia. This raises it to 30 acres.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. GAVIN. I am most pleased that this legislation is being presented for consideration of the House. This legislation is long overdue. For the past several years I have called this matter to the attention of the Committee on Agriculture and no action was taken; therefore it is timely. It will afford relief for a small farmer to permit him to grow such grain as he may need for his own use. This matter has been before the House Committee on Agriculture for a number of years and I know the small farmer will be grateful for action taken. He is now permitted up to 30 acres which will help the small farmer greatly.

One farmer in my district 2 years ago, if I recall correctly, was fined $450 because he did not comply with the regulation. This increases the small farmer's opportunity to plant up to 30 acres. It takes out the restriction of planting only 15 acres; that is, providing that it is used on his own farm for his own use. I think it is a very fine piece of legislation and I wholeheartedly support it. The committee deserves our sincere thanks for action taken.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. ALBERT. Mr. Speaker, with reference to the question raised by the gentleman from Nebraska [Mr. MILLER], if I understood the question correctly, in this bill the 15-acre provision remains in the law intact except in this particular: Hereafter in counting the acreage for future history purposes, only that portion which is involved in the allotment can be counted. In other words, if a farmer plants 15 acres, having a 10-acre allotment, he can plant 15 acres as heretofore, but only 10 acres or the amount of his allotment, will be considered in determining future allotments.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield for one more question?

Mr. SMITH of Virginia. I yield.

Mr. MILLER of Nebraska. Then the addition of 15 acres—or the 30 acres allowed here—does not affect the allotments?

Mr. ALBERT. The 30-acre provision does not affect the allotment. If a farmer takes advantage of the 30-acre provision, he cannot take advantage of the 15-acre provision or his allotment. Under the 30-acre provision, he cannot count for historical purposes any amount used for that purpose above his allotment.

Mr. MILLER of Nebraska. That was my understanding.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. GUBSER. So that it will be perfectly clear in my mind, would it be possible for a man who has an allotment of 300 acres to raise his acreage to 330 acres with this bill providing for 30 acres and feed it to his own livestock.

Mr. SMITH of Virginia. No, no, 30 acres is the limit.

Mr. GUBSER. I thank the gentleman.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN. Mr. Speaker, I take this time to inquire of the majority leader the program for next week.

Mr. McCORMACK. After disposition of this bill today, we will go over until Monday. The remaining bill from the Committee on Agriculture will be taken up next week as I will announce the program in response to the gentleman's question.

Monday is Consent Calendar day, and there will be 14 bills under suspension.

H. R. 17, from the Ways and Means Committee, relating to the cabaret-tax reduction.

H. R. 4770, the social-security coverage, policemen and firemen.

H. R. 8216, alcohol and tobacco refund of taxes.

H. R. 8531, appointment of cadets to United States Air Force Academy.

H. R. 2816, conveyance of Esler Field, La.

S. 1482, to amend the Columbia Basin Project Act. That is to allow 2 farm benefits where in the past 1 farm only was allowed.

House Joint Resolution 370, to extend the time for the sale of war-built vessels.

H. R. 6709, relating to the Treaty Agreement with Panama.

H. R. 8795, relating to the operation of the Franklin D. Roosevelt Library.

H. R. 6535, relating to the repair of lock and dam at Little Kanawha River, W. Va.

H. R. 5930, education benefits for totally disabled veterans.

H. R. 6908, hospitalization of veterans in the Philippines.

H. R. 8850, to amend the Universal Military Training and Service Act.

H. R. 8772, a bill relating to military records and discharges of the Armed Forces.

On Tuesday the Private Calendar.

And a supplemental appropriation bill for 1958.

Then thereafter:

H. R. 7244, the meat-promotion bill from the Committee on Agriculture.

If rules are reported, the following bills may be brought up:

H. R. 8996, relating to the Atomic Energy Commission.

H. R. 8992, International Atomic Energy Agency.

H. R. 2462, salary increase, Federal employees.

H. R. 5836, postal readjustments and policy.

The usual reservations that any further program will be announced later and conference reports may be brought up at any time.

I will confer with the gentleman from Massachusetts [Mr. MARTIN] if the District of Columbia Committee has some bills that they may want to bring up for consideration some time next week.

Mr. MARTIN. We can take it for granted that the so-called gas bill will not be taken up?

Mr. McCORMACK. It is not programed.

Mr. MARTIN. What does that mean?

Mr. McCORMACK. It is not on the program.

Mr. MARTIN. Then it would not come up?

Mr. McCORMACK. It is my understanding that it will not be brought up next week. All I can say is that it is not on the program.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I expect to make in Committee of the Whole this afternoon and to include extraneous matter.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Virginia [Mr. POFF].

Mr. POFF. 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 Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, on May 4, 1955, I introduced H. R. 6019, and on January 3, 1957, I introduced the same bill, H. R. 879, which is one of a number of bills of similar import introduced this year. H. R. 8456 now under debate is one of them. I am not so much interested in the passage of the bill which bears my name as I am interested in the passage of legislation which will effectuate the principle involved.

The farmers of the District which I represent are small farmers. Most of their farms are small in acreage but they are fertile, well-managed, and productive. While most of the farms are diversified and self-contained units, much of our farm income is derived from the sale of beef, pork, poultry, and dairy products.

Insofar as possible, with limited acreage, our farmers try to raise their own feed supply. What they cannot raise, they are forced to buy at a price greatly inflated by the Government subsidy on grains produced in the West.

Few, if any, of our small farmers raise enough wheat for sale on the open market, and still fewer raise enough to participate in the benefits of the price-support program. Indeed, farmers in the State of Virginia annually receive less than four-tenths of 1 percent of the wheat benefits under this program.

Ordinarily, our farmers consume their entire wheat crop on the farm in the form of food, feed, and seed. In spite of this fact, and in spite of the fact that they receive no price-support benefits, they are nevertheless subjected to acreage allotments and to the marketing penalties under the Agricultural Adjustment Act. This strikes me as grossly unjust.

The Congress has the power to restrict acreage and impose marketing penalties on agricultural production only by virtue of the interstate commerce clause of the Constitution. The purpose of the act, as an essential corollary to the price-support program, is to regulate the production of grain which has an impact upon supply and price as affected by interstate commerce. While I realize that there are Supreme Court decisions which hold to the contrary, I have never been able to understand how the production of wheat which is consumed by the producer and never sold has any effect whatever upon or any relation to interstate commerce. How can it affect either interstate or intrastate commerce when it never enters the channels of commerce or reaches the market place?

If this legislation becomes law, as I earnestly trust it will, a little farmer who consumes all of his wheat crop as food, feed, or seed will be able to harvest as much wheat as he chooses, without regard to allotments or penalties, subject to the conditions and limitations stated in the bill. For my own part, I interpret the legislation to include not only wheat for seed and feed for livestock, but also wheat for flour for human consumption on the farm.

It is becoming more and more apparent to our little farmers that the price support program is geared to the productive capacity of the big western farmer who tills thousands of acres of flat land with highly mechanized equipment and produces tremendous volumes of grain subsidized by the Government. When our little farmers buy this grain for feed and seed, they are, by paying these high subsidized prices, actually furnishing the "support" in the price support program. Here, by the passage of this legislation, the Congress has an opportunity in some small measure to rectify this inequity and relieve the small farmer of the restrictions and penalties of the program from which he gets no benefits.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Michigan [Mr. BENTLEY].

Mr. BENTLEY. 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 Michigan?

There was no objection.

Mr. BENTLEY. Mr. Speaker, I am supporting H. R. 8456, a bill to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes.

In both the 84th and 85th Congresses, I had introduced legislation similar in nature to section 1 of the bill and had also testified before the House Agriculture Committee on both occasions. My legislation, however, would have exempted all wheat producers from marketing quotas who otherwise complied with the terms of the bill and regardless of the total wheat acreage involved. I cannot, therefore, endorse the provision of H. R. 8456 which provides that the total wheat acreage on the farm cannot exceed 30 acres, but I accept it as a step in the right direction. Likewise, I cannot endorse the provision of section 1 that no wheat producer who is hereby exempted is eligible to vote in the next wheat referendum but I accept it for the purpose of getting favorable action on the basic facts of this legislation. With these two exceptions, section 1 of the pending bill is identical with my bill, H. R. 4361.

Section 2 of this bill provides that wheat planted in excess of acreage allotments will not be counted for the purposes of marketing quotas, acreage allotments or price support levels, except where a State is reclassified from noncommercial to commercial. I think this provision will be helpful in preventing or lessening undesirable shifts in State and county wheat acreage allotments and I support its adoption. Likewise, section 3, which has no real applicability to Michigan, is evidently designed to stabilize the commercial wheat-producing area and is also worthy of support. Finally, I support section 4 which permits farmers who might obtain an exemption under section 1 by using their entire wheat production on their farms to participate in the acreage reserve program on exactly the same basis as those who use the 15-acre exemption.

Mr. Speaker, I have been interested in this type of legislation for several years. It has been supported by the administration likewise for several years. I regard this legislation as another step toward permitting farmers to operate their farms with a maximum of freedom and I think further that it will remove the dissatisfaction of many small wheat producers with the wheat program under present legislation. It will certainly benefit the many small farmers in Michigan who grow wheat almost entirely for feed purposes on their own farms. I hope that the House will adopt H. R. 8456.

Mr. BROWN of Ohio. Mr. Speaker, I agree with that which has been said by the gentleman from Virginia [Mr. SMITH] as to the importance of this resolution, which makes in order the consideration of H. R. 8456 under an open rule, with 1 hour of general debate.

The bill is designed to correct an inequity and a condition which has caused considerable concern to many of us in the Midwest especially, for a long time, where we have many small farms which are producing but a relatively small amount of feed for consumption on the farm itself, either as feedstuff or foodstuff.

I might add that a somewhat similar piece of legislation has been either approved by the Senate Committee on Agriculture and is now awaiting action or has been approved by the Senate itself. However, the Senate bill, as I understand, extends to all acreage planted in wheat providing it is all consumed on the farm; while this particular House bill limits the wheat acreage exempt from regulation to 30 acres, providing the wheat is consumed on the farm. But it is also provided that it can be taken off the farm only for processing purposes and then returned to the farm for consumption.

It is a very important measure, and one I believe that has been delayed too long. I hope and believe the House will approve the bill unanimously.

Mr. McCULLOCH. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I am very happy that at long last the Committee on Agriculture has reported favorably such a bill.

In the Great Miami Valley of Ohio the farmers are among the most law-abiding people of this great country of ours, yet in the last 3 years in my congressional district alone at least 44 people have run afoul of this law which has been gall and wormwood to so many people all these years.

Mr. Speaker, the details show that 44 good, dependable, hard-working farmers in the Fourth District of Ohio were fined or otherwise penalized, in the last 3 years, the sum of $14,486.40 for doing what they and their forefathers had been doing on their farms since they were carved from a wilderness, more than a century ago. The record by counties is as follows:

County	Farmers fined or penalized	Amount
Allen County	1	$404.54
Auglaize County	1	728.00
Darke County	21	5,163.86
Mercer County	3	3,481.00
Miami County	2	1,354.00
Shelby County	16	3,355.00

This matter was discussed at length most ably, as he discusses every matter, and many statistics were given by the senior Senator from Ohio, in the other body on yesterday. I would like to refer the Members of the House to page 13251 and the following pages of the RECORD, to get the import of that very able discussion.

Again, Mr. Speaker, I am happy indeed that this matter is up for determination in the House. I am sure the rule will be adopted, and that the bill will be passed, and that the people will be able under the law to proceed in accordance with best American tradition.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Michigan [Mr. KNOX] for a consent request.

Mr. KNOX. 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 Michigan?

There was no objection.

Mr. KNOX. Mr. Speaker, I heartily endorse the rule presented by the Committee on Rules for the consideration of H. R. 8456.

This bill is in accord with my principle on civil-rights guaranty to the American farmer under the Constitution, and that is the right to produce wheat for consumption by livestock on the farm. This legislation should have been enacted 4 or 5 years ago.

Under the laws in my State of Michigan, a farmer that would have livestock

or poultry that were not properly housed or fed, would be hailed into court to answer to charges of cruelty. Farmers in my district have been ordered by the Federal courts to make restitution to the Government for the planting of wheat for livestock feed, when there was no allocation of acreage made to their respective farms.

This legislation is highly desirable but rather late in coming before the Congress. It is my candid opinion that we have too many Congressmen who are willing and eager to farm the farmers. With less regimentation the farmers of this great Nation would have greater opportunities to govern their own farms without the interference of government.

I wholeheartedly support the legislation and hope that the rule of this bill submitted by the Committee on Rules be somewhat conformative with the provisions set forth in legislation passed by the Senate. It is urgent that this legislation be enacted into law so the farmers of the Nation may have restored to them their just constitutional rights.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, for the benefits of the House, and this is not on the subject matter immediately before us, I called the gentleman from West Virginia this morning to advise him I was going to take the floor of the House this afternoon to comment on some remarks he made on yesterday. Unfortunately, he had already left for his home in West Virginia and therefore was not available.

Mr. Speaker, the Washington Post of this morning, on page 2, gives prominence to an article quoting the gentleman from West Viriginia [Mr. BAILEY] as saying that the President of the United States was "a lousy liar" when he disclaimed responsibility for the defeat of the school construction bill. I assume the gentleman was correctly quoted.

I do not rise to defend the President. He needs no defense from me or anyone else. I rise to express regret that a responsible Member of this body, of which I am proud to be a Member, should use such intemperate language with respect to the President of all of us. I have served here for over 20 years and during this period our Presidents have been of a different political faith than my own. During this period there have been many controversial questions arise on which there was bitter disagreement and various times I found myself taking issues with the position taken by our Presidents.

Never once, Mr. Speaker, have I, nor do I recall that any other Member of this body upon any occasion, ever used such language with respect to what the President may have done, said, or not done.

Aside from that, Mr. Speaker, the gentleman from West Virginia does not know whereof he speaks. I happen to know that the President repeatedly urged the enactment of such school legislation. I happen to know that he endeavored to use whatever influence he possessed in its behalf. No; he did not threaten to purge from Congress those of us who did not agree. Is that what the gentleman from West Virginia believes he should have done? Mr. Speaker, we do not have that kind of a man in the White House. President Eisenhower recommended his program on several occasions and made many appeals for its adoption. To be sure, he made no attempt to dictate, not even to demand, as he respects the right of Congress to speak for the people regardless of what he, as President, may wish to be done.

The memory of the gentleman from West Virginia is indeed a short one. I, and many others on this side of the aisle, voted against this same type of legislation in July of last year; and I voted against it again this year. Does the gentleman from West Virginia believe that President Eisenhower would want to persuade us to compromise our own convictions? Is that what the gentleman wants or desires? If the gentleman from West Virginia is really interested in school-construction legislation, why does he not help the Education Committee to report the President's own bill as requested last year?

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes out of order.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. SMITH of Virginia. Mr. Speaker, I regret very much that the subject mentioned by the gentleman from Illinois should come up in the absence of the gentleman from West Virginia. Evidently the gentleman from Illinois is not aware of the fact that the gentleman from West Virginia has publicly stated in very vehement terms that no such statement was made by him.

Those gentlemen who have served here for many years with the gentleman from West Virginia know that it would not be in his nature to make such a statement.

I hope that this matter may be considered concluded. I am sorry the gentleman from West Virginia is not here, I am not authorized to make any statement for him, but I do know he has publicly renounced the statement and denounced the persons who published it in the paper.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Illinois.

Mr. ARENDS. Did the gentleman hear me when I said I had inquired at the office of the gentleman from West Virginia this morning and also that I very carefully mentioned that I assumed the report as quoted was erroneous, and I quoted exactly what appeared on the ticker tape and in the paper, so that I would not be accused of trespassing upon anyone who had not made such a remark.

Mr. NEAL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from West Virginia.

Mr. NEAL. Mr. Speaker, in reference to the purported remarks made by my colleague from West Virginia, I am sorry that the matter has ever come up. I sincerely hope that Mr. BAILEY's quoted remark will be proven to be unfounded. I am quite certain that down in his heart Mr. BAILEY—who has worked for things that he thought were just in this Congress—would not, at least wilfully, make such a remark as has been accorded to him.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, my question on this occasion is directed to the chairman of the Committee on Agriculture, if it is proper at this point. Has any estimate been made of the number of bushels of wheat that this bill will increase over what it would be under the present law?

Mr. COOLEY. I think our information was to the effect that it would be impossible to estimate the amount of the increase.

Mr. SPRINGER. And there is no kind of an estimate that you could give the House at all?

Mr. COOLEY. I do not think so.

Mr. SPRINGER. Well, this will be rather widely used in certain areas of the country, to increase it to 30 acres, will it not?

Mr. COOLEY. Probably it will. But, there has been a great demand for this legislation for many, many years. I think at least a dozen bills have been introduced by Members of the Congress, mostly from the eastern seaboard, and we have had extensive hearings. The Department of Agriculture has been complaining constantly ever since Mr. Benson has been in office about this restrictive legislation, and he refers to it even as punitive legislation. So, the committee, after considering it very carefully under the chairmanship of the gentleman from Oklahoma [Mr. ALBERT], concluded that 30 acres was a fair and reasonable limitation, together with the other limitations involved.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, with reference to the statement made by our Republican whip, the Speaker has several times ruled that at least in the House the statement of a Member would be accepted as true. Perhaps that rule should be extended so as to cover statements made outside the House Chamber. Under that rule we should accept the statement of the gentleman from West Virginia [Mr. BAILEY] that he was misquoted. But, even if we do not accept that, we certainly ought to remember that most of us one time or another say things that we do not mean that do not express our convictions. We cannot be too critical when subject to the same fault. Forget it.

But, back to this bill which is before us and the rule. In my district two very consistent supporters, unmarried sisters,

who for the past 30 years have been operating a farm, have been complaining about this situation with reference to the use of the wheat which they grow on the farm they own. They have asked me—and it has caused considerable trouble in the office in our search for a satisfying answer—whether or not the right to grow wheat on a farm which they have owned for years and to feed it to their poultry was not a civil right. I told them that under the Constitution and the Court decisions I thought, Mr. Speaker, that it was. Then they asked me if I could not do something to protect them in the exercise of and enjoyment of that right. I said I would try and I would appeal to the Committee on Agriculture. I did. It is my hope that this bill gives the answer. Then they suggested—they are not dumb by any means—that I might ask for an amendment to the civil rights bill, they being denied enjoyment of a civil right—that is—the right to grow wheat and feed it to their stock on the farm. I should have proposed an amendment to the civil rights bill, but, of course, I was afraid it would be ruled out as not germane, so I did not suggest it then. The protection of the right to vote is important—especially as upon its exercise may depend the ability to eat.

This bill here may soften their request that the Congress enact a bill to enable them to use the land which they own in fee simple, as they wish, to use the crops which they grow on it to feed to their chickens, their hogs, and cattle.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from New York [Mr. OSTERTAG] for a unanimous consent request.

Mr. OSTERTAG. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KEATING] may extend his remarks at this point in the RECORD on the bill H. R. 8456.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. Mr. Speaker, I rise in support of H. R. 8456, albeit with certain reservations. This bill is similar, in many respects, to a measure I have sponsored for several years in an effort to exempt our smaller wheat producers from liability where all their crop is used on the farm where it is produced. The only trouble with the measure before us today is that it does not go far enough.

As I understand it, H. R. 8456 represents a compromise which was worked out in order to provide a limited exemption for our smaller farmers, while at the same time providing protection for the regular wheat program by minimizing the effect of the exemptions.

But perhaps because it is a compromise, this bill leaves out two essential elements which are needed to make the present law more just and acceptable. In the first place, this bill limits the exemption to 30 acres. I do not feel we should have to limit this exemption to any set amount, for so long as the wheat is kept on the farm and does not enter the regular commercial channels, there will be no appreciable effect on the regular wheat program.

In the second place, I feel the great inequities of the present law make it essential that any amendment allowing exemptions should be retroactive, in order to take care of those people who have already been penalized. I believe we should provide refunds for those who have been assessed. Only by making this law retroactive to 1954 and providing refunds, as the Department of Agriculture has recommended, can we insure that justice is served for these farmers.

Mr. Speaker, I should like to emphasize that the Department of Agriculture has specifically endorsed legislation which would make this exemption unlimited and make it retroactive to 1954, and that the Department has endorsed refunds. Since the Department is, after all, the administrator of the wheat-acreage program, it would seem we should ratify their recommendation in this matter.

In any case, it is certain the present law needs revision. I have received numerous well-merited complaints from farmers who have been forced to pay fines simply because they overstepped limits set by the present statute.

It seems to me contrary to all we have been brought up to believe in, when a man is stopped from raising enough wheat merely for his own use, and if he raises above a certain amount, he is subjected to a fine by the Federal Government.

While I concede there may be merit in the principle of the wheat-marketing quota, it seems to me that here the idea has been carried to a harsh extreme. Wheat used exclusively on the small farms does not enter any marketing channels. It follows, therefore, that it does not have any appreciable impact on the factors which govern the price paid for wheat to those farmers who produce it as a cash crop. As I understand the purpose of the act this bill proposes to amend, it is to protect the wheat producers who make their livelihood from such production. But I do not believe it was the original intent of Congress to make the market-quota provisions so restrictive as to tamper with the fundamental right of a man to raise enough to take care of his own needs.

As I have indicated, the general principle of enforcing compliance of these minority groups of producers with a program determined by the majority may very well be the only sound way of making the marketing quota system work. But surely, Congress should act to correct this law if it is needlessly regimenting operation of small farms which produce only for self-consumption.

It has always seemed to me that a man's right to use the product of his own property as he sees fit is a fundamental one in the American way of life. So long as he does not interfere with the rights of his neighbors or other property owners, and so long as he does not use the right in an improper manner, his rights should not be infringed.

I am sure all of us want to see as little governmental interference with the operation of individual farms as possible. We want the maximum of freedom which is possible and still make the overall programs of the Agriculture Department work.

By removing this unfair restriction on our smaller wheat producers who use the wheat for their own use, we will not only be cutting down Government interference with their operations, we will be removing a roadblock in the way of efficient and equitable management of their own farms. By letting these farmers run their own show, we will be relying on the traditional American doctrine of giving every man an opportunity to help himself.

Because H. R. 8456 is a step toward removing the present inequities from the statute books, I support it. If it were drawn to allow unlimited exemption, made retroactive to 1954, and provided for refunds, I would support it with much more enthusiasm. But at least, it deserves the support of the membership of the House.

I think this present law is all wrong when it says a man should be subject to a penalty if he raises too much wheat—even if it is solely for on-farm consumption. It is time we took this tyrannical law off the backs of our farmers, and we can take a significant step in that direction today by approving this measure.

Mr. OSTERTAG. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. ST. GEORGE] may extend her 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.

Mrs. ST. GEORGE. Mr. Speaker, I would like to say that in my district the farmers are dairy and poultry farmers, and very few, if any—in fact, I would be safe in saying 98 percent of them—do not raise enough feed on their own farms to feed their stock.

In other words, they have to buy feed from the West or from wherever they can get it to the best advantage. It is the feeling of the farmers in my district that such a ruling should not be on our statutes. They consider it un-American. They do not like any part of it, and for that reason I am happy to go along with them, and express their feelings.

We do not have the kind of country where we can raise anything like the amount of wheat we need.

Now, I am not in favor of increasing that acreage or of decreasing the acreage. I think under the act that where all the wheat is fed or used for seed on the farm, and I say "on the farm" advisedly, there should be no penalties.

The 30-acre provision in the present bill before us would satisfy the farmers of my district, although in principle I would prefer no limitation at all.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, perhaps it is out of order, but I would like to ask the gentleman from Massachusetts a question. I understand that the Philippines hospitalization bill will come up on Monday under suspension of the rules. I should like to express my great approval of that program. I am very sure that he will con-

firm my impression. I was at the telephone talking to the Navy Department at the time. All of us know that the Philippines are the best friends we have. They have fought our mutual foes side by side with us as they now fight the Communists side by side with us.

Mr. McCORMACK. H. R. 6908 has been programed for suspension on Monday.

Mr. Speaker, may I say that the gentlewoman from Massachusetts spoke to me on several occasions this week about trying to have that bill programed under suspension of the rules, and I am very happy that we are able to do it for her.

Mrs. ROGERS of Massachusetts. We are all very grateful to the Philippines. I know the bill will go through unanimously.

A significant feature of this bill is the increased control the VA would have over admissions. At present VA determines service-connection but the Philippine Government determines medical need and actually admits. Under H. R. 6908 VA would make all determinations.

Some of those now hospitalized undoubtedly could have their medical needs met by outpatient treatment at a lesser expense if such were available. This would be provided for 5 years by H. R. 6908 for Philippine Army and guerrilla veterans.

Philippine Scouts—except those recruited under Public Law 190, 79th Congress for occupation duty—and other United States veterans with World War II service would be provided hospitalization and outpatient treatment for service-connected disabilities regardless of nature of residence or citizenship. The Scouts in this group served in regular United States Army by voluntary enlistment while the Philippines were a possession of the United States. They suffered heavy casualties on Bataan in 1942 and only about 7,500 of the 12,000 serving in 1941 survived the fighting and the Japanese occupation.

The provision of medical care for the Scouts and other United States veterans residing in the Philippines would only restore benefits available before 1946 when the Philippines became independent and provisions restricting care in foreign countries to United States citizens temporarily residing there for service-connected disabilities applied.

A further significant feature of the bill is that the Philippine Government would be permitted to use for other purposes—at their expense—those beds in the veterans' hospital not required for the service-connected disability cases. Admission of such patients would afford a wider variety of clinical material and such utilization of the presently vacated beds should improve medical care through attraction of the best medical talent.

The bill contains a limitation of $2 million a year for hospitalization of the Philippine veterans presently eligible for treatment. The cost of this part of the bill for the first year and a half would be partially offset by the present authorization of $1,750,000 for reimbursement of the Philippine Government between July 1, 1958, and December 31, 1959.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Speaker, as one of the Members who offered a bill similar to this one, I would like to urge its prompt adoption by the House. The people who are involved in the poultry and dairy business in my district are very much in favor of it. The small farmers particularly need it. I urge its prompt passage.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CHAMBERLAIN] for a unanimous consent request.

Mr. CHAMBERLAIN. Mr. Speaker, as the author of a bill similar to H. R. 8456, I would like to express my approval of the legislation which is before us today. Although my bill differs from the committee version in that it does not limit total wheat acreage on any one private farm to 30 acres, I believe the purposes of my bill are served by this proposal.

I have received many letters from responsible farmers in my District protesting penalties for growing wheat in small quantities strictly for their own use above the present marketing quota. I recognize the need for production controls where commodities are under minimum price support programs, but it is difficult to understand why a farmer is fined for growing wheat on his own farm as feed for his own livestock. Farm experts have objected to this penalty for years, and releasing the farmer from such a penalty will bring great relief to owners of small farms who are beset with rules, regulations and restrictions.

The bill contains adequate safeguards to protect the wheat marketing quotas, including the requirements that the entire crop be retained and stored on the farm and consumed on the farm within the cropyear. There is also a stipulation against exchanging any of the crop for goods or services such as "toll-milling" operations in which the miller retains a portion of the product for his own use.

I know I speak for the many farmers in central Michigan when I urge the enactment of this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. 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. SCHENCK. Mr. Speaker, the farmers of our important Third District of Ohio are law-abiding citizens who make every effort to comply to all the laws, rules, and regulations passed by the Congress governing the operations of their farms.

They have been quite irritated at times because they have felt they were being required to comply with regulations they were prevented from voting on personally. They have also felt they should be able to operate their farms without interference. Many of them resent benefits offered to them and have refused to accept them.

Two farmers in my district inadvertently erred and were fined a total of $952 for their unintentional mistakes.

It is my sincere belief, Mr. Speaker, that H. R. 8456 is a step in the right direction and it is my hope that further legislation along these lines will be approved in the not too distant future.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. NEAL].

Mr. NEAL. Mr. Speaker, I am quite sure that the small farmers of West Virginia would welcome the passage of this bill. These are all small farmers, dairymen, poultry raisers, and meat growers. They rarely, if ever, produce any more corn or wheat on their own farms than enough to feed to their stock. This would be a welcome bill to them and I urge its passage.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8456) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 8456, with Mr. MACK of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dipensed with.

Mr. COOLEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, perhaps never before in the history of the Republic has a Member of Congress from the city of Brooklyn, N. Y., been the author of an important farm bill. The distinguished gentleman from Brooklyn, Congressman VICTOR ANFUSO, in whose district there is not a single farm, is the author of this bill. Mr. ANFUSO, although living in the city, is a devoted friend of the farmers of America. Since becoming a member of our committee, he has been a student of the problems of agriculture. He is likewise interested in the consumers of the country. He is chairman of the Consumers Study Subcommittee and as chairman of that committee is trying to narrow the wide spread between the producers and the consumers of our country.

Extensive hearings have been held. Numerous bills have been considered. The bill before you is the finished product. The distinglished gentleman from Oklahoma [Mr. ALBERT] is chairman of the subcommittee. I now yield to Mr. ALBERT such time as he may desire.

Mr. ALBERT. Mr. Chairman, the principal purpose of House Resolution 8456 is to provide certain exemptions

from marketing penalties of wheat produced for feed, food, or seed on the farm. The general exemption is 30 acres. In the case of State, religious, or charitable institutions the exemption is unlimited.

This is a matter which has been before the House for several years. There is widespread interest in this legislation particularly in the feed deficit areas of the East. A number of bills have been introduced in this and previous Congresses to exempt from marketing quota penalties all wheat produced and consumed on the farm. Such a bill, S. 959, has passed the Senate during the present session and is pending before the Committee on Agriculture.

Commercial wheat producers have with considerable justification opposed bills which would authorize unlimited production of wheat for feed, seed, and human food. Such producers have taken heavy cuts in their allotments over the years in order to try to maintain a price stabilization program. Wheat is the only basic commodity which provides any exemptions or exceptions from the marketing quota laws.

This bill is an attempt on the part of the author, our distinguished colleague from New York [Mr. ANFUSO], and of the committee, to reach a compromise on this legislation. The gentleman from New York [Mr. ANFUSO] has been interested in this matter for several years. He has spoken to me many times about the possibility of working out a compromise such as that incorporated in the pending bill. He is to be commended for the active and intelligent interest he has shown in this matter. Although he comes from a great metropolitan district, the gentleman from New York has interested himself in the subject of agriculture and has done much to bring the problems of farmers and consumers together. While the present bill is not of direct concern to his own district, it is of vital importance to his own State of New York. Much of the interest shown in this legislation has come from small farmers in upstate New York. More than that, the bill is important to our agricultural program generally and is consequently a matter of national interest. I compliment my colleague on bringing forth a measure on which nearly all of the divergent interests have been able to compromise. I am sure the farmers of his State are most appreciative of his efforts in their behalf.

The gentleman from New York [Mr. ANFUSO] first became interested in this matter several years ago when he received a letter from a religious institution stating that its members would have to change their diet unless the law was relaxed to permit them to raise wheat for their own food. Several instances of this kind have been called to the committee's attention. Certainly no such result as this was intended when the Agricultural Adjustment Act of 1938 was enacted. The committee has taken the lid off so far as public, religious, and charitable institutions are concerned. I am sure that I express the views of the entire committee when I say that the committee hopes that this exemption will be liberally construed to include all religious and charitable organizations. It is meant also to include not only all institutions operating under the direct authority of the States, such as State hospitals, schools, orphanages, and penitentiaries, but also institutions operating under the authority of any and all of the subdivisions of State governments, such as county and municipal farms.

The bill, H. R. 8456, as reported by the committee, embraces the provisions of H. R. 6784 with committee amendments. The Department of Agriculture reported and testified favorably on H. R. 6784 and recommended amendments which have been incorporated in the pending bill.

In addition to providing exemptions to producers of wheat used on the farm, the bill seeks to provide a compensating factor for commercial growers in that it provides that no farmer who plants in excess of his allotment will be entitled to vote in the referendums or to include his excess acreage in determining future farm acreage allotments. The bill changes the 15 acre exemption to this extent but otherwise does not affect it. In setting up this exemption of 30 acres, it makes it impossible for a farmer to take advantage of both the 30 acre and the 15 acre exemption. The provisions are mutually exclusive.

Section 4 of the bill contains a provision which is necessary to make those taking advantage of the exemption eligible to participate in the Soil Bank program. Under the Soil Bank Act farmers may participate in the acreage reserve program only if they are in compliance with respect to all other acreage allotments. Under Section 4 of the bill farmers who take advantage of this exemption would be eligible to participate in acreage reserve programs on other basic crops but, of course, not on wheat.

The committee did not set the 30-acre limitation arbitrarily. This question was considered thoroughly. It was the subject of considerable testimony before the committee. It was the opinion of most of those appearing before the committee that an exemption of 30 acres would take care of the overwhelming number of cases of small farmers who have complained about the existing limitations against planting wheat for use on the farm. Most of the instances brought to the committee's attention were those of small farmers who desired to feed their wheat and to plant wheat as a part of their rotation programs. Serious objections have been raised to subjecting these farmers to penalties for planting a few acres in excess of their allotments.

The bill contains a provision designed to stabilize commercial and noncommercial areas. Under existing law, if the allotment of a State is less than 25,000 acres the State is automatically taken out of the commercial wheat area. This bill amends the law to provide that if the acreage planted to wheat for harvest as grain in a State exceeds 35,000 acres per year for 3 years in succession the State shall remain in the commercial wheat area regardless of its allotment until the plantings in the State drop to less than 25,000 acres per year for 3 successive years. In the latter event, if the Secretary determines that it would permit more efficient administration of the wheat program, such State may again be removed from the commercial category.

The committee has held exhaustive hearings on this subject. It has heard Department of Agriculture officials and all authors of bills who desired to be heard, all grain and farm organizations desiring to be heard, and all others who appeared to testify. The bill represents a compromise of many different views. Those who oppose the idea of exemptions have insisted that if exemptions were established they should be kept to the minimum and that the wheat produced from exempt acreages should not interfere with the commercial wheat program. Those representing this point of view have insisted that both the provision limiting the exemption to 30 acres and the provision which removed the authority to include acreage in excess of allotments in determining future farm allotments should be retained in the bill. Those expressing the viewpoint of farmers in the deficit feed areas have wanted unlimited production for on-the-farm uses but have supported this bill on the theory that it is an acceptable compromise and a step in the right direction. We hope that the House will support the committee in its effort to resolve this matter in the best interest of all concerned and in the overall best interests of the wheat program and the agricultural program generally.

Mr. BENTLEY. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BENTLEY. I am very much in favor of this legislation but I would like to ask the gentleman a question relating to a statement in the committee report.

On page 3, at the end of the third paragraph, the report says:

> Paragraph (3) also means that the entire crop must be consumed on the farm within the crop year.

I have read the legislation carefully and I cannot find in paragraph (3), which is on page 2 of the bill, anything that requires the farmer to consume that entire crop within 1 year.

Mr. ALBERT. The gentleman is correct. There is no specific language to that effect. It is in the spirit of this legislation that this wheat be produced and fed as a part of the farm operation; not to be piled up year after year in storage. I think this is a matter that can be worked out on a reasonable basis by the Department.

Mr. BENTLEY. I just wanted to inform myself, if the farmer was unable for one reason or another to consume that entire crop, and thereupon would carry over a portion, he would not forfeit his exemption, would he?

Mr. ALBERT. That is not one of the limitations contained on page 2 of the bill.

Mr. BENTLEY. In other words, the language in the committee report does not have to be taken literally? It is merely an expression of hope that the wheat used for this purpose will be consumed within 1 year.

Mr. ALBERT. That is my opinion, speaking for myself, and I think it is the opinion of the committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. GROSS. Did the gentleman state in his previous remarks how much additional wheat production this would mean?

Mr. ALBERT. No. There is no reliable estimate of the additional wheat production under this bill.

Mr. GROSS. Either as to acres or bushels?

Mr. ALBERT. We do not know how many farmers will take advantage of this exemption.

Mr. BETTS. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BETTS. Was there any discussion in the committee concerning the possibility of retroactive provisions, so far as this provision was concerned.

Mr. ALBERT. There was discussion of that matter, but the committee decided that if we started that, there would be no end to it. It might cost the Government hundreds of millions of dollars, because we might throw open the whole question of penalties on all crops that have been paid over the years. In the interest of sound legislation, we thought we should start with the present and work toward the future.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. RHODES of Arizona. I would like to ask the gentleman about section 3. As I understand it, if any State grows over 35,000 acres of wheat for 3 years, that State then becomes a commercial State.

When would the time begin to run on such determination? Will they upon the passage of this bill look at the history of the State for the last 3 years and perhaps immediately determine that that State is a commercial wheat-producing State? Will the time begin as of the date the bill is passed?

Mr. ALBERT. The time will begin as of now; in other words, Arizona having grown more than 35,000 acres per year for the past 3 years would be subject to the provisions of this bill in the next succeeding crop year.

Mr. RHODES of Arizona. And will become, presumably, a commercial wheat-producing State.

Now may I ask the gentleman further: On the basis of the law as it now stands how many acres would Arizona be allotted for wheat land for the next crop year?

Mr. ALBERT. I think the figures show that Arizona has an allotment of 21,401 acres for wheat for 1958. Being less than 25,000 acres, under the present law Arizona is excluded from the commercial area.

Mr. RHODES of Arizona. Under the present law?

Mr. ALBERT. Yes.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BASS of Tennessee. There is one statement which I think might be corrected if you read section 2. At the bottom of page 3 the report states:

"It is to be noted that the exemption authorized by this section does not change in any way the existing provisions of law with respect to the 15-acre exemption."

I think it should be pointed out, however, that under this bill the 15-acre provision is changed to the extent that no farmer can now build up an allotment by planting the 15-acre exemption as it exists under the law at the present time.

Mr. ALBERT. The gentleman is correct. The only acreage that can be counted under the 15-acre exemption for future allotment purposes is that portion of the 15-acres which does not exceed the farm acreage allotment. In other words, if a producer has a 10-acre allotment but plants 15 acres, only 10 acres can count in his future history, not the full 15 acres.

Mr. BREEDING. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BREEDING. In regard to this 35,000 acres under section 3, what is the present law in regard to it?

Mr. ALBERT. The present law is this: Each year when the national allotment is fixed, the State acreage allotments are factored on a historical basis. The allotments for all the States are determined, and all of those States which come out with an allotment of less than 25,000 acres are exempt from the commercial area.

Mr. BREEDING. This one sets it up to 35,000; is that not right?

Mr. ALBERT. No, the 25,000 acres is the allotment of the State. If the State has an allotment of 25,000 acres or less it is no longer in the commercial zone. Under this amendment in this bill if 35,000 acres are planted for 3 years in a row, regardless of what the allotment is, the State comes within the commercial area.

Mr. BREEDING. What I am trying to get at is what it has been in the past. If you do not plant 35,000 acres the State is a noncommercial area.

Mr. ALBERT. Every year the allotment for every State is figured. Whenever the allotment for any State is less than 25,000 acres for the next year that State is outside the commercial zone and the farmers of that State plant all the wheat they want to plant.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BELCHER. I think the gentleman is incorrect in connection with that allotment. I think the gentleman will find that if it is below 25,000 acres the Secretary may in his discretion declare it a noncommercial wheat area which in every instance so far he has done. But the mere fact that the allotment is below 25,000 acres does not exactly mean that that is not a commercial planted State.

Mr. ALBERT. The gentleman has correctly stated the law. The fact of the matter is that the Department, I believe, has construed this law to mean that it should eliminate a State from the commercial area where its allotment is less than 25,000 acres. I think personally the Secretary should have placed some of these States in the commercial area where their wheat growers have planted 35,000 or 40,000 or even more than 100,000 acres of wheat and are selling it in commercial markets.

I think the Department should have done that, but they have treated the matter otherwise.

Mr. BELCHER. So far, however, those States that have an allotment below 25,000 acres have always been declared noncommercial areas so far as the Department of Agriculture is concerned.

Mr. ALBERT. That is correct.

Mr. BELCHER. That does not bind the Secretary to declare them a noncommercial area?

Mr. ALBERT. I think the gentleman is stating the law correctly, although the practice is as I have stated it previously.

Mr. HOEVEN. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. HOEVEN. This 30-acre exemption is a substitute for the present exemption of 15 acres and 200 bushels?

Mr. ALBERT. The 30-acre exemption is entirely separate from and exclusive of the 15-acre exemption, the 2 provisions being mutually exclusive.

Mr. HOEVEN. In other words, he can either have 15 acres or the 30 acres, but not both?

Mr. ALBERT. The gentleman has correctly stated the language and the purpose of the bill.

Mr. HOEVEN. If the producer chooses to take the 15 acres that can be sold in commercial channels, but if he takes the 30 acres that is restricted to use on the farm?

Mr. ALBERT. That is correct. If any farmer plants more than 15 acres and more than his allotment he must either come under the 30-acre exemption or be subject to penalties. On page 2, the first subsection provides that the total wheat acreage on the farm shall not exceed 30 acres. So the maximum is 30 acres. A farmer cannot take advantage of both the 30-acre and the 15-acre exemption. There is no question about that.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from West Virginia.

Mr. NEAL. My information is that the State of West Virginia has 31,000 acres of wheat planted this year, the smallest acreage in some time. Only a small portion of that is planted on the basis of allotments, the balance being small farmers who use everything practically they raise for feed. Under those conditions, would the State of West Virginia be affected by the terms of this law at all?

Mr. ALBERT. The only way West Virginia would be affected by this is that the farmers of West Virginia who desire to take advantage of the 30-acre provision could do so. West Virginia is a commercial wheat State, and, therefore, the farmers of that State could take advantage of this exemption.

Mr. NEAL. Is West Virginia a commercial wheat State? It has a small allotment.

Mr. ALBERT. I have a list of all the noncommercial wheat States and West Virginia is not included in the list.

Mr. NEAL. It is a commercial wheat State?

Mr. ALBERT. That is correct.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Ohio.

Mr. McGREGOR. I appreciate the gentleman yielding to me. I am sure he is acquainted with the penalty problem we are faced with in Ohio. In face of the Senate some weeks ago passing a Senate bill, 959, relative to the exemptions of penalties, I wonder if the gentleman would take a minute and give us a comparison of what this bill does with penalties under what the Senate bill does? Is this statement correct, that the Senate bill cancels the penalties and makes it retroactive?

Mr. ALBERT. That is correct.

Mr. McGREGOR. How far, may I inquire?

Mr. ALBERT. I have a copy of the Senate bill. I think it is back to 1954.

Mr. McGREGOR. Then do I understand the gentleman to say in this bill it is not retroactive to 1954 but takes into consideration the acreage and penalties from 1957 on?

Mr. ALBERT. This bill applies only to the future.

Mr. McGREGOR. I thank the gentleman.

Mr. OSTERTAG. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from New York.

Mr. OSTERTAG. Will the gentleman state whether this bill will apply to all kinds of wheat, including winter wheat?

Mr. ALBERT. This will apply to any kind of wheat. There is no limitation.

Mr. OSTERTAG. Will it apply to this year's crop?

Mr. ALBERT. No. It will be effective next year. It cannot apply to the 1957 crop. It is already harvested.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. I was under the impression that this bill does not apply to durum wheat.

Mr. ALBERT. Durum wheat has a special statutory status, which I do not think is material to the question of the gentleman from New York.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Texas.

Mr. POAGE. Durum wheat gets a special allotment based on his regular allotment, so that it does not change his regular allotment in the least nor does it change the durum wheat law in any manner.

Mr. ALBERT. No. And, I will say to the gentleman if a farmer plants 30 acres under the exemption, the fact that durum wheat was planted would make no difference.

Mr. BREEDING. Mr. Chairman, will the gentleman yield further?

Mr. ALBERT. I yield.

Mr. BREEDING. If a man had not been raising wheat and then decided to take advantage of this law and plant 30 acres every year for 3 years, would he be able to establish himself on a wheat-allotment basis?

Mr. ALBERT. The gentleman's answer is found on page 3. "No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm."

The answer is no.

Mr. HARRISON of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Nebraska.

Mr. HARRISON of Nebraska. Whenever a 10-year average becomes 25,000 acres or more, that automatically becomes a commercial wheat area.

Mr. ALBERT. The gentleman is correct.

Mr. HARRISON of Nebraska. Under present law.

Mr. ALBERT. The 10-year average is used to determine State allotments. If the allotment of a State is 25,000 acres or more, the State is a commercial wheat State.

Mr. HARRISON of Virginia. 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 Virginia?

There was no objection.

Mr. HARRISON of Virginia. Mr. Chairman, it is heartening to be given the opportunity to vote on a measure intended to give the family farmer a little relief from the stifling regulation and regimentation which presses in on him. Over a period of years, I have contended that it is unjust, unreasonable, and arrogant for a government to tell a man how much grain he may produce on his own soil, in cooperation with nature, for consumption by his family, his livestock and his poultry on the farm, or for use as seed. Probably nothing in the rickety structure of agricultural controls has produced so much resentment among the operators of small farms as the limitation on production for use on one's own place.

This is justified resentment. The family farmer has been forced to take up the study of accountancy and law in the struggle to avoid heavy fines and the threat of jail for violations, often inadvertent, of regulations which he finds not only complex but ridiculous. The hard-working farmer who has retained his spirit of independence in continuing adversity has found that he may not even tell his Government he does not want any "help" in running his farm. His Government will help him with allotments, quotas, and restrictions anyway.

The present bill is hardly an excuse for dancing in the barnyard. It does not knock the shackles from the farmer. It merely loosens one slightly. At present, a farmer may grow up to 15 acres of wheat for home consumption without penalty. The bill will permit him to grow 30 acres of wheat for family use. Even so, some redtape remains, as the farmer will have to apply for an exemption certificate from his county ASC committee if he wants to take advantage of the change. He will have to use the wheat on his place during the crop year in which it is grown—he may not carry over any. He will not be able to trade any of this wheat for milling or other processing services.

We should pass this bill, Mr. Speaker, though it be but a tiny step in the right direction, as an expression of the determination of this House to reverse the trend of agricultural regimentation.

Mr. BROWN of Missouri. 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 Missouri?

There was no objection.

Mr. BROWN of Missouri. Mr. Chairman, this legislation has been long awaited in our section of Missouri. We need it; and we do not want anything to interfere with its speedy passage.

Now what does this bill do? Well, it lets a man grow some feed on his own farm without being subjected to a despicable form of Government policing that is repugnant to any independent American. It should eventually cut down on some wasteful, unprofitable administrative expense in the Department of Agriculture. It could get rid of some Government inspectors flying around taking aerial photographs, checking up on farmers, and lets a man grow more of what he wants to grow as long as he uses it on his own farm. Now what could make more sense than that?

It is one thing to control acreage on commodities that are sold for cash through regular market channels. American farmers have patiently obeyed allotments and restrictions for years in an attempt to stabilize production and prices. But when you extend those controls down to something a man grows for his own use inside the confines of his own domain, that is overdoing it. One or two steps further and you are into a police state.

And from an economic standpoint, you are sending dollars after pennies.

Now we know what the thinking was behind this severe form of regulation in the first place. The country was producing too much wheat; and it did not sound right to cut back wheat production on commercial wheat farms and then let every Tom, Dick and Harry outside the big wheat areas grow all the wheat he could grow. Logic dictated that there should be some restrictions on everybody.

But there is a difference between reasoning something out in theory and putting it into practice. First, there was a matter of human nature. The minute the Government announced that no one could grow more than 15 acres of wheat, here is what happened in our section. Almost everybody—even people who had never planted wheat in their lives—felt they had to put in 15 acres of wheat. The Government had spoken; and the maximum acreage allowable became a

sort of quota that people thought they had to live up to. That was not the way it was supposed to work out in theory; but that is the way it worked in practice. This regulation backfired psychologically.

Second, it is almost impossible to write rigid regulations that are fair and just for everybody under all situations. Wheat's common usages are for human consumption and for feed grain. But we make another use of it in our section. We use wheat for pasture and silage.

In recent years in the Ozarks, droughts have become the rule instead of the exception. So, in order to have ample spring pasture, we plant wheat and turn the stock in on it the minute it gets big enough for grazing.

We plant more acres than the 15 minimum allowable. But, of course, we never intend to sell any of the excess, and could not if we wanted to, because the Government can and does check that very carefully. But always, at the cutoff date—prescribed by Department regulation—we cut whatever wheat is left after grazing and throw it in the silo for winter roughage.

Now that has worked all right in past years; but the trouble with regulations is that there is always an exception to the rule. And with Mr. Benson as Secretary of Agriculture, it is like pulling teeth to get any slight changes in administrative procedure to cover any emergency condition.

This year, strangely enough, torrential rains came to the Ozarks. The fields were wet. Our farmers could not get in to cut the wheat by the stipulated cutoff date. The Department of Agriculture extended it 15 days or so; but in the official memorandum, they included a Government order that any excess beyond 15 acres had to be plowed under.

Now nobody can explain why Mr. Benson issued that order. Whether you cut wheat for silage on June 1 or June 15, does not make any difference. Even Mr. Benson knows that. This was not adding 1 ounce to the commercial wheat market. This was wheat for roughage. We had been doing it every year for years. But the bureaucrats wrote a memorandum and cost our farmers a chunk of their winter roughage supply.

The more regulations you have, the more you are at the mercy of the administrators; and right through this gap, we are getting some strange administrative orders out of the Department of Agriculture. So let us fix it so they can not foul it up, at least on 30 acres of wheat grown by a farmer for use on his own farm.

Now I realize that commercial wheat farmers—and we have some good ones in our Ozarks area—may have some worries about this legislation. But I honestly believe that they have nothing to fear.

I do not believe this bill will lose them any substantial number of customers. The man who will plant a few more acres of wheat when exemptions are raised will plant it on ground that is now being planted in oats or milo or some other feed crop. Chances are, he was not going to be a customer for wheat in the open market anyway. So, I cannot see where it will do any real harm.

Remember: Even under this legislation, no one can sell any more wheat than he can sell now. You are not putting more wheat into marketing channels. This applies to wheat produced on a man's own farm for his own use.

I have said many times to many people since I got to Washington that this one bill will do more to remove the most irritating, the most despisable form of government regulating and policing that now plagues the American farmer than any bill yet considered by the House.

No one likes to be told what he can and cannot do with something he produces himself for his own use on his own farm. No one likes to see the planes flying over taking aerial photographs to police the number of acres that a man plants in one crop. A man's farm is first and foremost a man's home. This is a step toward giving a small farmer back his home.

Let us pass this bill now. It has already been too long in coming.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. HILL].

Mr. HILL. Mr. Chairman, I ask unanimous consent that my colleague, the gentleman from New York [Mr. RIEHLMAN] may extend his remarks immediately following mine.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HILL. Mr. Chairman, first of all, I think we should say, No. 1, that any farmer in these United States—and we have had a hard time getting it understood—can grow 15 acres of wheat on his farm and feed it all regardless of whether he got 20 bushels to the acre or 40. So, that is where we start. But it is only 15 acres. Now, if he is mixing feed and needs more wheat than that, this bill is a real relief. It doubles the amount of acres of wheat that he can grow and consume on the farm. In other words, this bill provides—and it is very simple and not difficult to understand—that he can now grow 30 acres under practically the same conditions that he could grow 15. That is all this legislation assumes to do.

There are some other things it does, but at this particular time we are not so much concerned about that.

The next thing I would like to explain is the difference between our bill and the Senate bill. The Senate bill provides that any farmer on any farm anywhere in any State can grow as many acres of wheat as he wishes as long as he feeds it on the farm. Now, the interesting thing about that is that the Farm Bureau supports that position, and I will ask when we get back in the House that I may put their statement in the RECORD. It states that they have had a resolution time and time again supporting that position presented at the Farm Bureau annual meeting. They have supported the idea that, if a farmer fed all his wheat, he should not come under this complicated agricultural legislation concerning the wheat acreage or marketing controls.

The American Farm Bureau resolution reads:

> We recommend legislation to exempt farms from wheat-growing quotas if all wheat produced thereon is used only as food, feed, or seed on the farm where grown or on farms under the same operation.

I shall put their statement in the RECORD, Mr. Chairman; I include a statement by Walter C. Berger, Administrator, Commodity Stabilization Service; before the Wheat Subcommittee of the House Agriculture Committee, June 19, 1957, 10 a. m. on H. R. 6784, a bill to exempt certain wheat producers from liability under the Agricultural Adjustment Act of 1938 where all the wheat crop is fed or used for seed or food on the farm, and for other purposes.

Mr. Chairman, members of the committee, we have reviewed this proposed bill, H. R. 6784, and find that it has three major purposes.

1. To permit the growing of up to 30 acres of wheat on any farm under an exemption from the wheat marketing quota provisions provided all of the wheat produced is used on the farm for feed, seed, or human food. An exemption is provided from the 30 acre limitation on the farms operated by and as part of State institutions or religious or charitable institutions.

2. The acreage seeded to wheat for harvest in 1958 or thereafter in excess of acreage allotments shall not be considered in the establishment of future State, county, and farm acreage allotments. Also, the planting on the farm of wheat for 1958 and thereafter for which no farm allotment is established shall not make the farm eligible as an old wheat farm. If allotments are desired for such farms they must be considered as new wheat farms.

3. Any State in which for 3 successive years the wheat planted exceeds 35,000 acres shall generally become a commercial wheat producing State.

I should like to discuss each of these provisions in order.

First, with respect to the exemption from the marketing quota penalty or storage requirements for the farm marketing excess, on farms growing up to 30 acres of wheat, all of which is fed, or used for seed or food on the farm where produced, this provision is to a certain extent in line with the Department's recommendations. Bills on this general subject have been recommended by the Department of Agriculture but have in the past failed of enactment.

In the President's message to the Congress of January 9, 1956, he stated as follows:

"Legislation already has passed the Senate and is pending in the House of Representatives which would exempt from marketing quotas those producers who use for feed, food, or seed on their own farms all the wheat they raise. Because of the failure to pass this legislation last year, the Department of Agriculture has been compelled by law to hail before the courts farmers whose only offense was to raise and feed wheat outside their quotas. Again the administration urges prompt enactment of this legislation. Correction of this problem should be delayed no longer."

We believe that the proposed bill, although a step in the right direction, does not go far enough. We recommend that the exemption of wheat producers from liability under the act where all of the wheat crop is fed or used for seed or food on the farm be applicable without limitation in the same manner as is provided in the proposed legislation for State, religious or charitable institutions. However, in the absence of obtaining the greater exemption which we request, we would favor the enactment of H. R. 6784.

The purpose of this bill is to correct a situation which has arisen in connection with marketing quota operations for certain wheat producers who desire to use their entire output for feed and seed on the farm where produced, and who do not want to participate in the wheat price support program.

Under the Agricultural Adjustment Act of 1938, as amended, wheat producers subject to marketing quotas who harvest wheat in excess of their acreage allotment are subject to a marketing penalty on their farm marketing excess (unless they avoid or postpone the penalty by storage or delivery to the Secretary), whether they sell their wheat on the market or whether they feed it on their farms. The law is clear on this point and its constitutionality was upheld in *Wickard* v. *Filburn* (317 U. S. 111). Thus, farmers subject to quotas who produce wheat only for feed and seed and do not want price support on their crop are forced to curtail their operations or pay the penalty if they fail to do so.

Production of wheat for feed is, in general, confined to small farms in the feed deficit areas.

Existing legislation exempts certain of these farms from marketing quota restrictions. For example, quotas are not applicable to any farm on which the wheat acreage does not exceed 15 acres or on which the normal production of the wheat acreage is less than 200 bushels. Also, marketing quotas are not applicable to any farm in any State which has been designated by the Secretary as outside the commercial wheat-producing area. Any State for which the wheat acreage allotment is 25,000 acres or less, may be so designated by the Secretary.

H. R. 6784 broadens these existing exemptions to include those farmers in the commercial wheat-producing area who harvest not more than 30 acres, who use all their wheat on the farm where grown for feed and seed, and who do not desire wheat price support. We believe that no maximum acreage limitation should be established for this type of wheat utilization. Insofar as this latter group of farmers is concerned, wheat marketing quota restrictions impose special hardships.

Although the consumption of wheat on farms where grown does affect interstate commerce, the exemption relating only to farms on which no wheat is removed would appear to be desirable. Such farms constitute only a small portion of all farms which produce wheat and the proposed exemption, although creating some new problems, would not unduly hamper the administration of the wheat marketing quota and price-support programs with respect to farms from which wheat is removed.

Enactment of this bill would be another step toward achievement of our objective—that farmers be permitted to operate their farms with a maximum of freedom. At the same time, it would remove the dissatisfaction of some small wheat producers with the program as it must be operated under present legislation.

The bill, if enacted, would become effective with the 1958 and subsequent crops of wheat. It would in no way relieve or otherwise affect the liability for marketing penalties incurred by farmers under past wheat marketing quota programs who fed or used for seed on the farms where produced their entire wheat crops.

Section 114 of the Soil Bank Act provides that as a condition of eligibility for participation in the acreage-reserve program under that act the wheat acreage on any farm must not exceed the larger of the farm wheat acreage allotment or 15 acres. In order to clarify the matter of eligibility for participation in the acreage-reserve program of any farm for which an exemption from marketing quota penalties might be obtained under the bill, we believe it highly desirable that such bill be supplemented by a new section containing an amendment to the Soil Bank Act which would make it clear that any farm for which an exemption from marketing quota penalties was obtained under the proposed bill would not be required to comply with the larger of the farm wheat acreage allotment or 15 acres to be eligible for participation in the acreage-reserve program.

We believe that farmers who might obtain an exemption from wheat marketing quota penalties because their entire wheat production is used on the farm where produced should be entitled to participate in the acreage reserve program on exactly the same basis as those farmers who avail themselves of the 15-acre exemption. We shall be glad to submit to you the legal language to make this effective.

As indicated above it is recognized that there will be certain administrative difficulties in putting the provisions of the bill into operation, but we believe it will be possible to develop adequate safeguards.

Additional administrative expenses would be incurred in carrying out the provisions of the bill, if enacted. It is believed that such increases might be absorbed from funds appropriated for administering the wheat quota program.

Section 2 of the bill would prohibit the use of excess wheat acreage in 1958 and subsequent years for history purposes in determining future State, county, and farm acreage allotments and prohibit farms planting wheat without an allotment in 1953 and subsequent years from becoming eligible for an allotment in succeeding years as old wheat farms. Each of these proposed provisions now applies to tobacco and the first provision now applies to all basic crops except corn and wheat. Enactment of this section of the bill would do much toward minimizing undesirable shifts in State and county wheat acreage allotments which are prevalent under existing programs. By limiting allotment credits to 1958 and subsequent years to the acreage seeded to wheat within the farm allotment, State and county allotments for succeeding years will become more stable.

Although the acreage-allotment and marketing-quota programs for wheat have generally been effective in holding down the production of wheat, there are problems under the present provisions of law which are inherently contributing to the instability of State and county allotments. Foremost among them is the provision of law which exempts from marketing-quota penalties farms seeding not more than 15 acres of wheat for harvest as grain. In 1956 there were 562,643 farms in the commercial wheat-producing area, or 34 percent of all wheat farms in such area, on which the acreage seeded to wheat for harvest as grain was in excess of the farm allotment. The total allotment on these excess farms was 4,559,317 acres, but the acreage seeded to wheat on such farms for harvest as grain was 8,991,601 acres. Thus, the total wheat acreage on such farms was 97 percent above the total allotted acreage.

An analysis of the 1956 wheat performance reports submitted by all applicable State ASC offices indicate that overplanting of allotments was prevalent on larger farms in some of the important wheat-producing States such as Kansas, Nebraska, Colorado, Wyoming, Montana, Idaho, and Washington. If these States, together with North Dakota and South Dakota in which the number of noncomplying wheat farms were relatively small, are disregarded, a true picture of overplanting wheat allotments on small farms becomes more apparent. Outside these States within the 1956 commercial wheat-producing area, there were 498,088 farms, or 39 percent of all wheat farms, on which the acreage seeded to wheat for harvest as grain in 1956 was in excess of the farm allotment. In the States of truly small wheat farms, the total acreage seeded to wheat for harvest as grain in 1956 on excess farms was about 2½ times larger than the total allotment assigned to such farms.

The permitting of excess wheat acreage to be used for history purposes in determining allotments is causing some radical shifts in State, county, and farm allotments even though the national wheat-acreage allotment remains constant at 55 million acres. The result is that a State such as North Dakota, with only 1.2 percent of the wheat farms overplanting the farm allotment, loses allotment to Missouri and other States where overplanting is exceptionally heavy on small farms. The impact on county allotments is even greater. For example, the 1958 State allotment for Kansas is about the same as for 1957, but because of excess planting on small farms in counties of eastern Kansas, a considerable shift of allotment from the Wheat Belt of western Kansas will be necessary to provide allotments for the increased acreage in the eastern part of the State. Nebraska, another important wheat-producing State, has still another problem resulting from the overplanting of allotments. The overplanting of wheat allotments in this State has, for the most part, been on large farms in certain counties of the high plains area. This overplanting on large wheat farms, although deliberate in the face of marketing quota penalties or under the provisions of law which permits storing the farm marketing excess, is building up excessive wheat acreage history which can only be covered in subsequent years by shifting allotment acreage from other States or from other counties in Nebraska. To illustrate, in Cheyenne County, Nebr., 914 farms, 68.6 percent of all wheat farms in the county, had an acreage of wheat for harvest as grain in 1956 in excess of the farm allotment. The total acreage of wheat on these noncomplying farms was 43.4 percent larger than the total allotment acreage on such farms. Other important wheat-producing counties of Nebraska in which there was considerable overplanting of allotments include Banner, with 64.3 percent of farms overplanting, Deuel with 40.6 percent, and Kimball with 68.9 percent.

The shifting of allotment acreage from one State to another and from county to county within a State as the result of overplanting of farm wheat-acreage allotments is a matter of grave concern to complying producers. Even within counties complying farms must, under existing legislation, give up allotment acreage to cover the excess acreage on noncomplying farms. Unless legislative action is taken to alter this situation, the problem will become greater as we move into the future. We strongly urge the enactment of this section of the bill.

Section 3 of the bill was, no doubt, designed to stabilize the commercial wheat-producing area by preventing certain States from moving in and out of such area from one year to the next. Only four States, Alabama, Arizona, Louisiana, and Mississippi would likely be affected in subsequent years, by the provisions of this section. Based on the latest available statistics of the Department of Agriculture, the acreage seeded to wheat for harvest as grain in each of these States during the last 3 years was as follows:

Acreage for harvest as grain

State	1955	1956	1957
Alabama	59,000	80,000	120,000
Arizona	43,000	58,000	55,000
Louisiana	17,000	35,000	90,000
Mississippi	18,300	18,000	150,000

The computed 1958 State wheat-acreage allotments for these States were: Alabama, 23,240 acres; Arizona, 21,401 acres; Louisiana, 6,302 acres; and Mississippi, 16,256 acres,

Since existing legislation gives the Secretary discretionary authority to designate a State as outside the commercial wheat-producing area if the allotment for such States is 25,000 acres or less, each of the 4 States were so designated for the 1958 crop. An analysis of the wheat seedings in these States indicates that the 1959 State wheat-acreage allotment for both Alabama and Arizona will likely be in excess of 25,000 acres and thereby could not, under the present provisions of law, be excluded from the commercial wheat-producing area for 1959. Under the provisions of section 3 of H. R. 6784 both of these States would definitely be in the commercial area in 1959 and would have to remain therein for a period of at least 3 years before they could again become eligible to be excluded from such area.

We believe that the provisions of section 3 of the bill are necessary in order to stabilize the commercial wheat-producing area in future years and to implement the effective administration of the wheat-production adjustment program. It is recommended, however, that section 3 be modified before its enactment as follows: (1) Insert on line 24 of page 3 the words "for harvest as grain" immediately following the words "planted to wheat"; (2) insert on line 3 of page 4, the words "for harvest as grain" immediately following the words "acreage planted to wheat"; and (3) insert on line 8 of page 4, the words "for harvest as grain" immediately following the words "annual acreage planted to wheat."

In summary may I say that subject to the suggested changes we feel that this proposed bill is a step in the right direction.

Then John A. Baker, of the National Farmers Union, supported this legislation in a statement to our committee. I include a part of it:

In our opinion, H. R. 6784 is a bill which delicately balances these various interests in wheat marketing quota legislation. The special provisions that Mr. ANFUSO has worked out through consultation with representatives of both commercial and noncommercial wheat producers appear to us to provide:

1. Appropriate and needed adjustments required to meet the special problems of noncommercial wheat farmers;

2. But still protects the essential integrity and effectiveness of the wheat marketing quota program in its general application.

Section 1 of H. R 6784 prevents the use of this special authority for a large-scale feeding operation by restricting the exempted acres to 30 per farm. Nor does the bill eliminate the 15-acre minimum in existing law as has been suggested by some.

This section, and section 2, also, provides that acreage exempted from operation of the quota program shall not be used to build up the historical base for future quotas. This closes an unfair loophole that would otherwise be opened up.

Fundamentally we are opposed to requirements that so-called commercial corn and wheat acres be called upon to carry the entire burden of needed market supply adjustments. While H. R. 6784 does not go as far as we would like in reducing the size of the noncommercial wheat area, section 3 of the bill is, in our opinion, a step in the right direction. It is, also, a needed precaution for commercial areas against the expansion of the loophole created by exemption of certain wheat production from operation of quotas.

Mr. Chairman, in net we believe that adoption of H. R. 6784 will strengthen rather than weaken the wheat marketing quota law. Therefore, we urge your favorable consideration.

Then, Mr. Chairman, I include a statement of the American Farm Bureau, presented to our committee by Frank K. Woolley, legislative counsel of the federation:

The American Farm Bureau Federation appreciates this opportunity to present its views with respect to nearly a score of bills introduced in the House this year to exempt wheat fed or used on the farm marketing quota penalties and restrictions.

We understand the situation to be as follows: (1) Many farmers who have customarily grown wheat for feed, seed, or home consumption on the farm where produced have been prohibited by Federal law since the passage of the Agricultural Adjustment Act of 1938 from doing so unless they pay a severe penalty; (2) the foregoing is true even though the farmer does not desire price support on any other feed grain or, for that matter, any other commodity or product produced on the farm; (3) the law denying farmers permission to grow wheat for feed on their farm has been carried to the Supreme Court of the United States and in the case of *Wickard* v. *Filburn* (317 U. S. 111 (1942)), it was held constitutional; (4) thousands of farmers have been penalized and many suits have been filed by United States attorneys to collect these penalties. Legal action is pending against many farmers and administrative action is being pressed to make other collections before suit is filed.

The American Farm Bureau Federation feels this is an intolerable situation that Congress should not permit to exist. The American Farm Bureau Federation has passed resolutions on the subject of feed wheat a number of times and at our last annual meeting in December 1956 the following resolution was adopted by the elected voting delegates of the member State farm bureaus:

"We recommend legislation to exempt farms from wheat marketing quotas if all wheat produced thereon is used only as food, feed, or seed on the farm where grown or on farms under the same operation. Producers taking advantage of this exemption should not be eligible to participate in any price-support program for wheat or other feed grains, and all wheat producers affected by marketing quotas should be eligible to vote thereon. Such legislation should be substituted for the present 15-acre and 200-bushel wheat marketing quota exemptions."

In order to carry out this resolution we would suggest that the bill finally reported by this committee read as follows:

"That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1957 or subsequent years on the following conditions:

"(1) That none of such crop of wheat is removed from such farm except to be processed for use as human food or livestock feed on such farm;

"(2) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producer, or a subsequent owner or operator of the farm; and

"(3) That the producer receiving an exemption from marketing quota penalties on the farm marketing excess of wheat under the provisions of this subsection shall agree to forgo price support on corn, oats, barley, and grain sorghums produced on the same farm, or farms under the same control, for the marketing year for which the exemption from marketing quota penalties on excess wheat is obtained.

"(4) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm.

"SEC. 2. Subsection 335 (d) of the Agricultural Adjustment Act of 1938, as amended, and paragraph (7) of Public Law 74 of the 77th Congress are hereby repealed."

The Senate of the United States has passed legislation a number of times involving the fundamental principle of exempting farmers from wheat penalties who use wheat on the farms where produced for feed, seed, or food. There is undoubtedly widespread support for this legislation in the House and the administration has indicated its desire to be relieved of the responsibility of carrying out a law which obviously unfairly invades the right of a farmer to farm his land as he sees fit.

The free market has been roundly condemned by some people as being cruel. What could be more cruel than the Government forcing farmers to pay a penalty for producing a crop when those farmers are not producing or marketing a commodity in a manner which injures other farmers? This is not only cruel but is the kind of governmental tyranny that is deeply resented and may ultimately result in the farm program being discredited.

We strongly urge that the House Agriculture Committee favorably report the bill at this time.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. If a man grows more than 30 acres of wheat on his farm, he is a commercial wheat grower and a big feeder as such. Would not the gentleman agree with that? That was the thought of the committee in this legislation.

Mr. HILL. Yes. I think the committee had in mind this. If you let your mind think over the number of acres of land in the United States on which wheat is produced, then if you permit everyone to grow 50 acres or 100 acres, you would be in difficulty. That is what we had in mind.

Mr. Chairman, also I should like to include in my remarks, and shall ask permission to do so when we go back into the House, a report from John A. Baker of the legislative service of the National Farmers Union. He and his organization, so he says, support this bill we have before us today.

I shall also ask to have included in my remarks testimony from Walter C. Berger, Administrator of the Commodity Stabilization Services before our committee in June, 1957.

Mr. Chairman, I should be glad to answer any questions I am able to answer.

Mr. HARRISON of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield.

Mr. HARRISON of Nebraska. It it the gentleman's understanding that if a man plants 30 acres of wheat and he has an allotment of 10 acres, that he loses his allotment of 10 acres by sowing the 30 acres?

Mr. HILL. That is exactly what this bill does. In other words, he is either in one program or the other. If he wants to grow 15 acres and his county committee permits him to grow 15 acres he could not continue to grow the 15 acres and then grow 30 acres under this bill.

Mr. HARRISON of Nebraska. He could retain a history of a 10-acre allotment?

Mr. HILL. But he could not grow 30 acres. He would have to stay out of one program.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman.

Mr. CEDERBERG. I should like to associate myself with the gentleman from Colorado in the position he has taken on this bill. This legislation has been needed for a long time. I hope its enactment will bring about the needed relief for the small farmer who grows these acres of wheat.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. Could the gentleman tell us what happens to these farmers who have been penalized or fined but who have not paid their fine if this bill becomes law? Are their cases automatically dismissed?

Mr. HILL. I think the gentleman from Oklahoma discussed that. We discussed that in the committee but we did not see how we could make this retroactive. If I am wrong, I should be glad to have the gentleman from Oklahoma correct me.

Mr. ALBERT. The gentleman is correct. That was the opinion of the subcommittee and of the committee.

Mr. GAVIN. The gentleman will recall that there was a case in his district where a farmer was fined and the court threw out the case.

Mr. HILL. I do not know whether it was in my district, but it was in the wheat-growing section.

Mr. GAVIN. The court did dismiss the case?

Mr. HILL. Other judges may not throw out such cases and we would not have any uniformity in the decisions of the judges. But we do not in the Supreme Court itself, so why bring that up?

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman.

Mr. FULTON. I favor the position of the American Farm Bureau Federation. I do not believe any farmer should be restricted when he feeds the wheat on his own farm.

I strongly defend the right of the small farmer to raise on his own farm whatever feed he needs for his own livestock and poultry. It is an outrage against the free-enterprise system to have prosecution by Federal agents against farmers who are only engaged in raising feed on their own farms for their own needs.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman.

Mr. McCULLOCH. It is my understanding that the other body passed a bill which in effect would make retroactive the proposal for the calendar years 1955 and 1956; is that right?

Hr. HILL. That is correct.

Mr. McCULLOCH. And the House Committee came to the conclusion that that was not proper?

Mr. HILL. I do not think we came to the conclusion that it was not proper. But we felt that we were in no position to take a position antagonistic to the law as it had been interpreted in various States of the United States. That is what we thought.

Mr. McCULLOCH. Mr. Chairman, I hope an appropriate amendment will be offered at the proper time and that it will be adopted.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman from Utah.

Mr. DIXON. This legislation is long overdue. All of our small farmers and producers are asking for it, are they not?

Mr. HILL. They are.

Mr. DIXON. It will be a big relief. I hope the bill passes.

Mr. HILL. In the committee conference we will try to iron out the differences, so that when we come back to the House we can have unanimous support.

Mr. RIEHLMAN. Mr. Chairman, I want to take only a moment to commend the Committee on Agriculture for taking a most constructive step in relation to on-the-farm consumption of wheat. Legislation to exempt up to 30 acres of wheat from marketing quotas when such wheat is used on the farm is vitally necessary.

This legislation will be of benefit to farmers throughout the country who carry on diversified operations. In my own State of New York, and within my district, livestock and poultry producers will be aided immeasureably. Yet, in my opinion, benefits which may result from this bill, will not in turn cause any damage to the marketing-quota programs for the great wheat producing areas of the Nation.

Adoption of this legislation will again express the belief in the American principles of freedom of choice and freedom of opportunity. We are removing restrictions from the farmer who grows wheat for consumption on his own farm—restrictions actually designed for the commercial wheat producer.

A most important segment of agriculture—the family-type farmer—will be the greatest beneficiary of this legislation, and that is as it should be.

The Committee on Agriculture is deserving of praise for reporting out this most worthwhile bill.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, the provision of the law which we are repealing by the terms of this bill is desirable and vital to our American form of Government. The provision assessing penalties against a producer for feeding his own family and his livestock on the products of his own farm should never have been written into the law 20 years ago. I opposed it then. I therefore favor the enactment of this bill, which repeals the penalty on a farmer who produces his own wheat on the farm and feeds it to his family and to his livestock and poultry on the farm.

Mr. Chairman, I hope there will not be any material opposition to this bill. The time is getting late. I have several requests for time, and in order to accommodate those who want to speak briefly on the bill I shall conclude my remarks at this time.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HENDERSON].

Mr. HENDERSON. Mr. Chairman, I would like to say at the very beginning of my remarks that this is not the wheat bill that I had hoped would be presented to the House. It has been my hope that legislation could be considered which would completely eliminate an evil and unfair situation which plagues thousands of small growers of wheat today.

In a free America, in a land in which the people have flourished and prospered because of freedom from controls, we find that the group of people who have been the very backbone of this desire for freedom are those who are most completely fettered by controls today. I refer to the American farmer.

At every turn, as the farmer attempts to manage his affairs, he is subject to the scrutiny and restriction of some government program. Such restrictions are most evident when it comes to the matter of marketing. Production controls hold him in an iron mask of a planned economy for agriculture.

I am sure that the Members are aware of the extent of acreage controls that the program involves in some way or another nearly every farmer. In Ohio alone there are 158,000 acreage allotments for wheat. It is universally believed that the farmers have submitted to controls in exchange for benefits. I would like to point out the extent of benefits by way of loans which the people of southeastern Ohio received in 1956 in return for regimentation. In Guernsey County there were no wheat loans, 1 oat loan, and of the 4 corn loans, the largest was $406. In Monroe County there were no loans. In Morgan County there were no wheat or oat loans. Of the eight corn loans the largest was $3,697. In Muskingum County there were 15 wheat loans, the largest being $1,702, and 38 corn loans with the largest being $10,923. Noble County had one corn loan. Perry County had 19 wheat loans and 18 corn loans. The largest wheat loan was $2,824 and the top corn loan was $4,063. In Washington County there was 1 wheat loan and 4 corn loans. The largest corn loan was $741. In all, 109 farmers received benefits under this program which regimented thousands of farmers.

It is only when the farmer stays within the confines of his own quarter section and does not attempt to compete in the market that there is some hope that he will find himself a free agent. And yet, while he is quietly minding his own busi-

ness, not attempting to raise a controlled crop for sale in the market, he finds himself held in the jaws of controls. I refer to the application of the present law regulating the raising of wheat when farmers intend to use their crop for feed and seed on their own premises. One would have thought that here, surely, this is an area in which the farmer might be left alone to make his own decisions without thought of the Government men looking over his shoulder reminding him that unless he conforms to specified Government requirements he will be subject to prosecution. But, he has discovered to his great dismay, if he dares to raise a crop of wheat for use on his own farm in excess of 15 acres, he has violated the law of the United States, even though not one gram of that wheat ever passes beyond the boundary lines of his farm. This has been the case in great numbers of cases where individual farmers who do not produce wheat for the market have no acreage authorization in excess of 15 acres.

I do not have before me national statistics which would disclose the number of farmers who have been subjected to the embarrassment and loss which has come as a result of such a program, but I have been informed that they involve many hundreds of America's small farmers. I know of instances which have occurred in my own 15th District of Ohio. A great many more have occurred in other Congressional Districts of my State. Only recently our senior Senator from Ohio, the Honorable JOHN BRICKER, obtained and assembled statistics from the Ohio State Agricultural Stabilization and Conservation Committee which show the following:

Two hundred and nine farmers living in 47 of Ohio's 88 counties have been fined under the existing wheat penalty section of the Agricultural Adjustment Act. These fines were levied in 1954, 1955 and 1956 and totaled $59,263.97. Of that amount the Federal Government has collected $22,596.05, while $36,667.92 is pending in the form of liens. The report discloses that of the 209 farmers fined, 28 were penalized 2 of the 3 years, and 9 were penalized all 3 years.

Penalties totaling $37,393 were levied against 152 farmers in 43 counties in 1954. Penalties of $13,171.87 were levied against 57 in 27 counties in 1955, and fines of $8,699.10 were levied against 39 farmers in 17 counties in 1956. Individual amounts ranged from $61.60 to $1,451.52. Penalties were most frequent in Darke, Richland, Stark, Shelby, Columbiana, Fulton, Williams, and Brown Counties.

I will not mention the specific cases with which I am familiar lest it cause embarrassment to those who have been subjected to such indignities. Yet, I would like to mention one specific category of cases where particular hardship has resulted. In the State of Ohio there are farms, maintained and owned by the counties, where indigent, elderly citizens have come to live as public charges. Some of the residents of such farms are able to pay for a portion of their maintenance through meager private funds, old-age assistance, social security or income from retirement plans. The balance of the expense of maintaining and operating such institutions rests upon the county. As a consequence, not only is economy a necessary ingredient of such an operation, but it is absolutely essential that such farms sustain themselves by producing a maximum quantity of the food, seed, and the feed for poultry and livestock needed by the institution. With cattle and swine and poultry and flour and seed for next year's crop required, a great amount of wheat is needed to be raised on such a farm and yet, when one of the county farms in southeastern Ohio exceeded the 15-acre limitation in the raising of wheat, authorities not only considered measures against the superintendent of the institution, but presented a statement of penalty of several hundred dollars to the county commissioners and demanded payment. Not only has this law been a source of intimidation of small farmers, but it also has been directed against the indigent and the helpless and against the local governments of this Nation. Hence, I had hoped that legislation could be enacted by this Congress which would have completely wiped from the books this agricultural straitjacket.

Not only are we regimenting our own farmers but we are in the absurd position of permitting unlimited feed wheat to be imported into this country from abroad. Nearly 7 million bushels were imported last year, 8.7 million bushels the year before and 2.9 million bushels the year before that. We permit importers to do with impunity those things which will bring prison walls to American farmers.

In the 84th Congress, I introduced H. R. 4570, which would have eliminated the restriction on the production of wheat used for seed and feed on the premises of the producing farmer. A similar bill was approved by the Senate of the 84th Congress, but although several hearings were held in the House Agriculture Committee, no bill was brought to the floor. The Department of Agriculture unhesitatingly approved such legislation and the President has repeatedly called for its enactment.

In the 85th Congress, I again introduced my wheat bill, which was numbered H. R. 1144. Other Members of Congress have introduced similar bills and we were hopeful that they would receive favorable attention.

I do not wish my statements on this subject to be regarded as opposition to H. R. 8456, the bill which is presently before us. Instead, I want to emphasize that I do favor it—not the philosophy which is behind it, but because it will offer some measure of relief to the small farmers in raising wheat for seed and feed for their own use. This bill will not, however, remove the manacles of governmental control, which I feel strongly should be removed from this aspect of the present law.

This is a compromise measure. It maintains the philosophy of controls. However, it loosens the restrictions and provides greater freedom than is now possible. The bill before us provides that a farmer may raise up to 30 acres of wheat, so long as this production is used for feed or seed on his farm. It might be said that as a result of this legislation the farmer's position in this regard would be twice as good as it was before because the amount of grain which he can raise has been doubled. Nevertheless, I would like to suggest that the hands of the small farmer would still be tied in many ways as a result of this legislation.

Let us see now just what it does. First, the farmer who contemplates raising more than 15 and less than 30 acres of wheat for feed or seed upon his own premises must make an application to the county ASC committee to obtain exemption from the penalty provisions of the wheat-marketing-quota laws. This is a positive action which the producer must take. He must make application. If he does not file, he is in serious trouble and entitled to no exemption. None of the wheat which is produced under the exemption may be removed from the farm except for processing as human food or livestock feed and the entire crop of wheat produced or processed must be consumed on the farm within the crop year by the producer claiming the exemption or subsequent owner or operator of the farm. None of the wheat can be exchanged for services in processing the wheat for feed. None of the wheat may be sold under any circumstances and all that is grown must be consumed on the farm within the crop year. Any surplus cannot be stored or carried over into a new crop year. There are two restrictions right there. In the event of failure to comply with any of the regulations, the exemption certificate will become immediately null and void and the producer will then become liable for payment of marketing-quota penalties.

I want to make it crystal clear that if a farmer wants to raise more than 15 acres of wheat and obtains the exemption certificate, he must comply with all of the regulations. He is not at all in the same situation as the farmer who raises less than 15 acres of wheat and does not need to apply for an exemption certificate. In other words, under this bill it is an oversimplification to stress that acreage is merely doubled. Whereas the farmer who raises 15 acres of wheat or less need not apply for an exemption certificate and can do anything that he wants to with the wheat that he raises, the farmer who raises more than 15 acres of wheat and applies for an exemption certificate is subject to all of the regulations that I have enumerated, not on the surplus of the wheat over 15 acres, but upon the entire crop.

Mr. Chairman, I do favor the legislation which is before us because it will provide a small measure of increased freedom for the American farmer, but I do not approve the philosophy behind this practice of the restriction of acres of crops that American farmers may produce when that product is completely used upon the premises of the farmer.

I believe that Congress should give careful consideration to the elimination of all agricultural controls as soon as possible, so that the fetters of regimentation can be removed.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield.

Mr. AUGUST H. ANDRESEN. Apparently, these farmers who were fined $59,000 marketed their wheat.

Mr. HENDERSON. The farmers I am referring to are farmers who used the wheat completely within the confines of their own property for feed or for seed.

Mr. AUGUST H. ANDRESEN. Now this bill eliminates that to the extent of the 30 acre provision.

Mr. HENDERSON. Yes; this eliminates that. That is correct. I will not mention any specific cases in my own district, Mr. Chairman, because it might embarrass people who have been caught in the intricacies of this regimentation, but I would like to point out there is one field of endeavor that has been restricted which we might not have thought of, and that is our county homes. The county home in my own county of Guernsey which has as its objective the caring for indigent people was brought under the regimentation of our agricultural laws because it had raised too much wheat to feed to the livestock and other animals necessary to care for the indigent people of Guernsey County.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. OSTERTAG].

Mr. OSTERTAG. Mr. Chairman, I rise in support of this bill, H. R. 8456 to exempt certain wheat producers from liability where all of the farmer's wheat crop is fed or used for seed or feed on his own farm.

For some time, I have been urging exemption from liability of farmers who feed their own wheat to their own livestock and poultry. There is something obnoxious about this prohibition that has existed on the statute books for a number of years. I might say there is something un-American about it. This restriction is wrong in principle and I am happy to support this move on the part of the House to take this important step. As I understand it, this bill does not permit unlimited feeding or use of a farmer's wheat on his farm but rather permits such use where the total wheat acreage on the farm does not exceed 30 acres.

Mr. Chairman, I introduced a bill last year and again this year, to provide for exemptions of the use of wheat on the farm where grown without the 30-acre limitation. While I prefer such a change to the bill before us, I applaud this step and heartily concur in support of it. I hope it will pass without delay.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, I am glad to note the Agriculture Committee has recognized at last the inequity of penalizing a farmer for growing crops that he needs for himself and his stock.

I will support the pending bill, even though it is only a slight step in the right direction, because it will help those of my constituents who may satisfy their on-farm need of wheat with 30 acres.

For the past several years I have supported legislation to remove all penalties on wheat grown for use on the farm. Last year I offered an amendment to stop the prosecution of farmers who had been unjustly penalized. I believe with the Secretary of Agriculture that they should not be penalized if they need and grow any amount of wheat for their own use.

Mr. Chairman, I think that the entire farm program is being discredited by the controls, penalties, permits, and downright interference that is supposed to be required to carry out its purposes.

The light vote in the recent wheat referendum—only a handful voted in my district—can be interpreted as a combination of disgust, indifference, and outright opposition to the entire program. I had hoped that those opposed would vote in numbers sufficient to impress the Congress. But many of them tell me they prefer to have no part of the program. They will not participate even to the extent of voting against it.

The requirements imposed by this bill will be odious to many of these good Americans, but it may be helpful to those who can satisfy their needs for feed and seed with 30 acres of wheat.

I am glad that we are making at least this much progress.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LECOMPTE].

Mr. LECOMPTE. Mr. Chairman, I think there is no doubt this bill will result in increased production of feed grains. In Iowa, we are more of a corn producing State than a wheat State. There is not a big production of wheat in southern Iowa, the region I have the honor to represent at the present time. Yet, I do find there are a number of small farmers who would like to have the opportunity to raise and produce enough wheat on their own farms to satisfy their needs, especially for poultry, chickens, turkeys, and such as that. I am inclined to think that the danger which some Members feel with respect to this bill is greatly exaggerated. I do not believe the increase in the production of feed grain will be as great as some Members anticipate because the man who puts 30 acres in wheat has certainly got to take that acreage out of the production of corn or some other grain unless it was already lying idle, which is not the case very much of the time in my part of the country. For that reason, I am in favor of giving this bill a trial. I have had a great deal of correspondence with farmers and small farmers who want a chance to produce enough wheat for their own needs for their livestock and poultry. I wonder if there is any estimate on either side of the aisle as to how much the increase in feed grain will result from this bill.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. LECOMPTE. I yield.

Mr. ALBERT. We have not been able to get an estimate except that we have had statements from various sources on this subject. It is not believed that this will increase the supply of feed grains materially because the chicken and dairy farmers who will plant wheat for feed have heretofore been planting corn or oats or other grains for feed.

Mr. LECOMPTE. That is what I thought, Mr. Chairman.

I believe, in conclusion, we had better encourage the small farmers and give them a chance to stay on their farms and produce what little feed grain they need for their poultry.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. MCGREGOR].

Mr. MCGREGOR. Mr. Chairman, I first want to compliment the Committee on Agriculture for bringing this bill H. R. 8456 before us for consideration. Yet, I do feel that it does not go far enough to give material and necessary relief to the large segment of the farm group. Many of us in the House feel that possibly the Senate bill, S. 959, which has retroactive features is a much better bill—more equitable and really gives consideration to the one-crop farmers. It especially gives recognition to the unfair penalties that have been imposed upon farmers in various areas. Some of us feel very sincere about the argument that these penalties should not be absorbed by our farmers. I have discussed this subject at length with the leaders and those in charge of this legislation in an endeavor to get an amendment that might be considered to be germane, that would carry some of the provisions of the Senate bill and would cancel the penalties imposed and be retroactive. Our Ohio Members, Congressmen MCCULLOCH, BAUMHART, BETTS, BROWN, HENDERSON, BOW and others, however, recognize just exactly what we are up against as far as procedure is concerned, and we do not want to jeopardize this bill that is before us for consideration. It at least gives some relief and recognizes that the penalties as applied, are unfair. We sincerely hope that when the conferees go into session they will keep in mind the request of many of us from the Midwest where we have penalties established. We appreciate the intent of those handling this bill and we really hope we will get some definite relief. We certainly would like to see some retroactive features put in. So, reluctantly, we are going to vote favorably and hope that this bill will be passed and that the conferees will give serious consideration to the question of retroactive features and penalty repeals.

This is legislation long past due. We find many farmers who are charged with breaking the law. That certainly is very questionable and I am sure the courts will so hold.

Mr. Chairman, on January 3, 1957, over 7 months ago, I introduced H. R. 334, a bill to exempt certain wheat producers from liability, a copy of which I include in my remarks at this point:

H. R. 334

A bill to further amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed on the farm, and for other purposes

Be it enacted, etc., That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding a new subsection (f) after subsection (e),

to read as follows: "(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1955 or subsequent years on the following conditions:

"(1) That none of such crop of wheat is removed from such farm;

"(2) That such entire crop of wheat is used for seed on such farm, or is fed on such farm to livestock, including poultry, owned by any such producer, or a subsequent owner, or operator of the farm;

"(3) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm."

I also include, Mr. Chairman, a statement I made before the Agriculture Committee of the Congress on June 19, in behalf of my bill:

STATEMENT OF CONGRESSMAN J. HARRY MCGREGOR BEFORE THE HOUSE AGRICULTURE COMMITTEE RELATIVE TO H. R. 334, EXEMPTING CERTAIN PRODUCTS FROM LIABILITY UNDER THE AGRICULTURE ACT

Mr. Chairman, I am glad to have the opportunity of appearing before your committee, the Agriculture Committee of the House of Representatives, relative to a bill I have introduced, H. R. 334, which is to further amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop if fed or used for seed on the farm, and for other purposes.

First, may I say that I am not a farmer and I hope I am not one who tries to make people believe I am an expert in this field and one who knows all the answers concerning the agriculture program. I am somewhat like one of our colleagues, Mr. Chairman, who appeared before the Public Works Committee, of which I am a member, a few weeks ago relative to a flood control project. The witness asked permission of the chairman to read a prepared statement. It was granted and for about 15 minutes we listened to a very fine explanation of his particular project. Then without hesitating a moment after he had finished his prepared statement, he said, "Mr. Chairman, there is no use for you or any member of the committee to ask me any questions because this morning I do not have my hearing aid and I could not hear a word you say." I am not in that position but I do admit I cannot answer technical questions and that my views are those of a layman. I want to join with you in this committee in helping to solve a very difficult, and in my opinion, a very technical problem, namely, the agriculture problem.

Each year I make a tour of the seven counties in my district and hold meetings at the courthouses of the respective counties. I invite any and all to come in and give me their views. Last year great emphasis was placed on the subject that the farmers were not allowed to grow crops on their farm, which were essential and necessary for feed and seed. Mr. Chairman, in this great land of freedom, it seems to me that a farmer should be entitled to grow on his farm the crops which are necessary for feed and seed. As said above, I do not know of the technicalities involved but certainly the philosophy as set forth in this bill is the philosophy of all.

Mr. Chairman, in the legislation, I specifically stated that the crop isn't to be removed from such farm; that such entire crop is to be used for seed on such farm, or is fed on such farm to livestock, including poultry, owned by any such producer, or a subsequent owner, or operator of the farm. May I repeat, certainly the requests made in this legislation, H. R. 334, simply gives to the farmer some of the freedoms that many of us have fought for. I recognize that my recommendation as contained in the bill possibly would be an experiment; however, I am sure we all agree that the farm program that we have had for many years would come under the same category and may I say, I don't think the experiment is working out very well.

This legislation, I think, will give some relief to our rotation farmer and to those who do not come under the category of the "big one crop farmer." I honestly believe that this will be of some assistance to the farmer who finds that the price of the product he raises is going down, or at least it is not comparable with the increased costs of living or comparable with the costs of the products the farmers have to buy.

Mr. Chairman, I think this is one of the big problems and I hope you will agree with me that this little assistance given to the farm group will bring closer together the prices the farmers receive and the prices they have to pay. I appreciate your consideration and knowing you all as I do, I am sure that this recommendation will be given every consideration. Thank you.

Mr. Chairman, many of the farmers in our district have had penalties assessed against them because they have produced more than their allotted acreage. At this point I would like to include an editorial from the Plymouth Advertiser entitled "Wheat Controls" and what is being done to one of our farmers, Mr. John Donaldson:

WHEAT CONTROLS

It is rare that the farmer presents his case against governmental regulation with the erudition that characterizes the efforts of John Donaldson.

This Huron County farmer argues well and, we think, conclusively against the principle of crop controls. He lays his arguments upon what he believes to be abrogated in administrative enforcement of the law approved by the Congress.

In doing so, he has gathered the strong support of many groups of farmers and others interested in agriculture. And important editorial support has been given by metropolitan daily newspapers.

It is clear to us, at least, that Mr. Donaldson's arguments will fall upon deaf ears. He won't get anywhere in his fight to upset the Agricultural Adjustment Act, any more than the late Henry H. Fackler did.

A long time ago, we urged Representative J. HARRY MCGREGOR to use his influence to relieve Huron and Richland County farmers from the onerous provisions of the wheat and corn acreage control laws. Soft red winter wheat grown, for the most part, in this section of Ohio is not primarily a bread grain. It does not affect world markets to any serious extent. There is no reason, we think, why it shouldn't be removed from the wheat crop acreage controls.

Then Mr. Donaldson and other farmers like him could go back to farming their land, a job that's hard enough in these times. As it is, they've devolved into Philadelphia lawyers who don't stand a chance in a league that's anti-Philadelphia.

Mr. Chairman, the records will show that 209 farmers living in 47 of Ohio's 48 counties have been fined under the existing wheat penalty section of the Agricultural Adjustment Act. These fines were levied in 1954, 1955, and 1956, and totaled $59,263.97. Of that amount the Federal Government has collected $22,596.05, while $36,667 is pending in the form of liens. The report discloses that of the 209 farmers fined, 28 were penalized 2 of the 3 years, and 9 were penalized all 3 years.

Mr. Chairman, it certainly is the belief of many of us that we are living in a free country. All of us should be entitled to fair and equitable treatment. These farmers who have been penalized, in most of the cases, have accepted no Government benefits, either directly or indirectly. In several instances the farmer has refused to have any association whatsoever with the United States Department of Agriculture to the extent of posting his lands specifically against the entry of any representative of the Department. It certainly is no wonder that the farmer, or any other person for that matter, is outraged by the penalty provision on food, seed and feed wheat used on his farm. In my mind this raises the question as to the legality of the act; on June 8, the Canadian steamship, *Sir Thomas Shaughnessy*, unloaded at Huron, Ohio, 43,778 bushels of wheat imported for livestock and poultry feed purposes. Upon checking I learned from the Grain Division of the Department of Agriculture that no law, regulation or international agreement, outside the pure food laws, restrict the importation of feed wheat.

But I repeat, the provisions contained in S. 959 should be included so that these penalties can be canceled or adjusted in a fair and equitable manner.

Mr. ALBERT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, on this matter of retroactive penalties, men who have worked with the wheat program for years have told me that thousands of farmers have plowed up wheat, have foregone planting wheat to keep within the law. We in the committee feel that, first of all, we would be giving those who did not comply with the law an unfair advantage; and secondly, that we would be starting a precedent that might in the end cost the Government millions of dollars, because those who have overplanted deliberately and paid the penalties willingly, might come in for legislation or for court action for refunds.

We hope the House will support the committee on this proposal.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. BETTS].

Mr. BETTS. Mr. Chairman, I rise in support of this legislation. I am sure that the passage of this bill will be welcome news to all the farmers in the Eighth District as well as the whole State of Ohio. I had hoped, with others, that we might have some retroactive features in this bill. I regret the fact that there are not. I honestly believe there are many farmers in Ohio that have been

unjustly charged with these penalties. I share the same hope as the gentleman from Ohio [Mr. McGREGOR], that somewhere this retroactive feature may be added.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I have no further requests for time.

Mr. ALBERT. Mr. Chairman, I have no further requests.

The CHAIRMAN. The Clerk will read.

Mr. ALBERT. Mr. Chairman, I ask unanimous consent that the bill be considered as read, and printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

There was no objection.

The bill is as follows:

Be it enacted, etc., That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1958 or subsequent year on the following conditions:

"(1) That the total wheat acreage on the farm does not exceed 30 acres: *Provided, however*, That this condition shall not apply to farms operated by and as part of State institutions or religious or eleemosynary institutions;

"(2) That none of such crop of wheat is removed from such farm except to be processed for use as human food or livestock feed on such farm and none of such crop is sold or exchanged for goods or services;

"(3) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producer, or a subsequent owner or operator of the farm; and

"(4) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm. No producer exempted under this section shall be eligible to vote in the referendum under section 336 with respect to the next subsequent crop of wheat."

SEC. 2. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding any other provision of law, except as provided in section 335 (e) of this act, no acreage seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments and no wheat produced from such acreage shall be considered in establishing future National, State, county, and farm acreage allotments or marketing quotas and the production of wheat from such acreage shall not be considered in determining the level of price support. The planting on a farm of wheat of the 1958 or any subsequent crop for which no farm wheat acreage allotment was established shall not make the farm eligible for an allotment as an old farm pursuant to the first sentence of subsection (c) of this section nor shall such farm by reason of such planting be considered ineligible for an allotment as a new farm under the second sentence of such subsection."

SEC. 3. Section 335 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of the first sentence of subsection (e) and inserting a colon and the following: "*Provided, however*, That any State in which for three successive years the annual acreage planted to wheat for harvest as grain exceeds 35,000 acres, as determined by the Secretary, shall be deemed, beginning with the marketing year which begins in the second calendar year thereafter, to be within the commercial wheat producing area and the acreage planted to wheat for harvest as grain in such State in such three years shall be taken into consideration in establishing State, county, and farm acreage allotments: *Provided further*, That any State placed in the commercial wheat producing area under the foregoing proviso shall remain therein except that if thereafter the annual acreage planted to wheat for harvest as grain in such State is less than 25,000 acres for three consecutive years the Secretary may, at his discretion, designate such State as being outside the commercial wheat producing area if he determines that such designation would permit more efficient administration of this act and the Agricultural Act of 1949."

SEC. 4. Section 114 of the Soil Bank Act (70 Stat. 196) is amended by changing clause (2) in the first sentence thereof to read as follows: "(2) in the case of a farm which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, the wheat acreage on the farm exceeds the larger of the farm wheat acreage allotment under such title or 15 acres, or".

Mr. GRANT of Alabama. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GRANT: On page 4, beginning on line 4, strike out all of section 3 and renumber section 4 as "SEC. 3."

Mr. GRANT. Mr. Chairman, I feel that this amendment will not jeopardize the bill but will greatly improve it. It certainly will save a lot of misunderstanding. Many Members here have introduced bills to carry out the purpose of this bill, which is to exempt certain wheat producers from liability under the act, where all the wheat grown is used for seed or feed on the farm. Section 3 does not do that. This section is put in for other purposes, and this amendment, if adopted, will carry out the objective of the bill. My amendment affects the bill only to that extent. This has been discussed with a majority of the members of the Committee on Agriculture. Personally, I see no reason in the consideration of this bill to get into any misunderstanding about allotments or any other thing. We should devote ourselves to carrying out the objectives for which the bill was introduced.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. GRANT. I yield.

Mr. McGREGOR. I am wondering if the gentleman has any information as to what States are covered. Would it include Ohio?

Mr. GRANT. I do not have that. The chairman of the subcommittee, the gentleman from Oklahoma [Mr. ALBERT], does.

Mr. ALBERT. I will say to the gentleman that Ohio is a commercial State. The adoption or rejection of this amendment will have nothing whatever to do with the situation in Ohio.

Mr. McGREGOR. I thank the gentleman.

Mr. JENSEN. How about Iowa?

Mr. ALBERT. Iowa is also a commercial wheat State.

Mr. JENSEN. And this amendment would have no effect on Iowa; is that right?

Mr. ALBERT. The gentleman is correct.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. GRANT. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I may say to the gentleman, of course, that I am violently opposed to this spreadout of these various basic crops. We find the situation in almost every one of these crops where we curtail the operation in one State and it breaks out somewhere else. That is exactly what has happened in wheat; and in the State that the gentleman represents, Alabama, I see where they have jumped up about 120,000 acres the past year. Arizona has jumped up quite a ways. Louisiana has jumped up from 35,000 to 110,000; Mississippi from 17,000 to 164,000.

In that respect I agree with the gentleman that this portion of the bill is not completely germane to the rest of the bill. The rest of the bill attempted to correct an evil that has existed for a long time and while this also attempts to correct that evil it is not the same type of evil that was attempted to be corrected by the original bill.

Furthermore, if areas like Mississippi, Alabama, and these other States continue with this increased acreage it is only going to be a short period of time until they will become commercial States anyway. For that reason although I intended to oppose this amendment because I thought it was unfair to the commercial producing areas, I do not believe it is going to make enough difference for us to argue over and try to tie onto this bill, a very meritorious bill, and for that reason I shall not oppose the gentleman's amendment.

Mr. GRANT. I thank the gentleman.

Mr. ALBERT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Oklahoma, my colleague, comes from one of the great wheat-producing districts of the country. He has stated the case accurately as far as I am concerned. The wheat-producing States of this country, the commercial wheat-pro-

ducing States, have given up millions of acres trying to make a stabilization program work. Their allotments have been reduced year after year until they are down now to the statutory minimum. If these great wheat-producing States had not gone along with the farm program there is no telling what the price of wheat would be. By cutting their own production they have made it possible for the noncommercial States to get a good price, or a fairly good price, for their wheat.

We thought, and the Department agreed, that if we passed this bill we could stabilize these commercial areas and keep them from being commercial States one year and noncommercial the next, and that we might thereby aid in the effective administration of the program.

I agree with the gentleman from Oklahoma and with my colleague from Alabama that this is not material to the primary purpose of this legislation. It is not material to the basic purpose of exempting wheat producers from liability where wheat is consumed on the farm. For that reason I express my views and the views of others on the committee I believe when I say we will not oppose the amendment.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Oklahoma.

Mr. BELCHER. We have helped to correct one evil in that we do not permit this excess acreage to be granted on the allotment.

Mr. ALBERT. The gentleman is correct. It will only be a matter of time, either under this amendment or under the law as it now exists, when these States where a great increase in production is being experienced will also be brought into the commercial area.

Mr. BELCHER. The real thing that is causing all the trouble has been the 15-acre exemption. This bill does not touch that in any respect anyway.

Mr. ALBERT. This bill does help the commercial wheat producer as far as the 15-acre exemption is concerned because hereafter instead of counting the whole 15 acres for future allotment purposes the producer may count only that portion which constitutes his allotment.

Mr. BELCHER. That is correct. This bill does help correct some of the evils.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the statement of both the gentlemen from Oklahoma and share their concern with respect to what will happen if we keep breaking down the barriers to control the production of feed or feed grains.

Mr. ALBERT. I thank the gentleman.

Mr. BREEDING. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Kansas.

Mr. BREEDING. I join with the gentleman from Kansas as well as with the gentlemen from Oklahoma in their statements. Nobody realizes any more than I do, since I come from one of the largest wheat-producing areas in the United States, that the statements they made are pertinent to my district and I join the gentlemen and commend them for their remarks.

Mr. ALBERT. I thank the gentleman.

Mr. AVERY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to reemphasize to the House, and I will not infringe on the patience of the Members at this late hour, that there are two very definite subjects treated in this bill. They are related in that they both take something away from the historic wheat producing region of the United States. You cannot interpret it in any other way as far as section 3 is concerned. The amendment pending before the House to delete section 3 I am not going to oppose largely because of the legislative situation which I am convinced exists between this House and the other body.

The hypocrisy in the situation as far as the commercial wheat areas are concerned developed in the amendments to the 1938 act at which time it was written into the amendments to section 335 that any State with less than 25,000 acres of wheat production would not come under the act and not be subject to the marketing penalties, nor would they be subject to an acreage allotment. Look what has happened. The damage is already done. That is why I am a little unhappy about it. We are going to ride along with these States that have increased their wheat acreage. All we have left are the only ones it can hurt that are not commercial wheat States, and they are these: The State of New Hampshire, 160 acres of wheat in 1956. I am not much concerned about what the State of New Hampshire is going to do. The State of Rhode Island, not a very big threat in the situation to the commercial wheat States, produced 878 acres. But moving down to the Southern States and most of the Members from the Southern States that have created the biggest offense are on the floor, we have Alabama going from 15,000 acres in 1952 to 100,000 acres in 1956. Some of these figures have already been given. Mississippi 27,000 acres in 1952, 44,000 acres in 1956. I understand it is well over 100,000 acres in 1957. Louisiana 2,000 acres in 1952, 60,000 acres in 1956. And so on down the line.

That is the thing that makes me unhappy, coming from the greatest wheat-producing State in the Union. I wonder if these States would be willing to divide their tobacco allotment? Historically our tobacco allotment in Kansas is about the same proportion as the wheat allotment was, shall we say, of South Carolina. Or would the State of Mississippi be willing to give us as much sugar allotment as they have taken away from us in wheat? Those are questions that are posed to us in the Middle West. Of course, you would not want to give that up.

But, we are asked here today to concede two things. We are asked to concede an extra 15 acres of wheat for every small farmer in the United States. I represent a lot of small farmers. The other thing we are asked to do is to ride along for another year which will allow many of these people to build up to the maximum amount so that when the boom days come about everybody will have the maximum of 25,000 acres of wheat for their respective States.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Oklahoma.

Mr. ALBERT. We cannot disassociate the agricultural program from the general economy of the country, and we cannot disassociate the agricultural wheat program from the general economy of the country. There is growing opposition to the agricultural program because of these restrictions in the feed deficit areas, and we have brought this legislation out trying to help the overall agricultural picture by trying to show all sections that we are trying to solve or help solve their local problems along with our own.

Mr. AVERY. I think the gentleman is absolutely correct. I would like to ask the gentleman from Oklahoma if he does not agree with me that it was a tragic error some 15 or 20 years ago when there was a line drawn between a commercial producing area and a nonproducing area, be it wheat or corn, or what have you.

Mr. ALBERT. That was just a few years ago; 1954, I think it was.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Of course, it was just in recent years that the noncommercial wheat area was created. It was back in 1937 when they had a commercial and noncommercial corn program, and that went the same way. There were about 500 counties in the commercial corn program and now there are nearly 1,000 counties in the commercial program.

Mr. AVERY. I think that is correct.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I would like to make it clear that we in the wheat producing area are not giving up anything in the first section of this bill which provides for the 30 acres, because not one-fifth of a bushel of that will compete with commercial wheat. There is not a bushel goes into the market in any way to affect the price of commercial wheat. So, if we were yielding anything in that respect, I would certainly be against this bill, but I do not see that it will hurt any commodity, corn, feed grains, or wheat, or anything else, and that is why I think the 30-acre provision in the bill is a good one. But, I do not think that your problem is so much with the commercial and noncommercial States. It is the 15-acre limitation even in the commercial States that has produced these surpluses.

Mr. AVERY. I thank the gentleman.

Seeded wheat acres, 1952–56 for noncommercial wheat States

States	1952	1953	1954	1955	1956
Maine [1]	1,812	2,420	830	1,600	1,760
New Hampshire [1]	146	107	53	150	160
Vermont [1]	433	581	769	1,060	1,160
Massachusetts [1]	1,137	1,084	578	1,500	1,800
Rhode Island [1]	959	1,017	575	870	870
Connecticut [1]	1,132	950	576	2,300	2,150
Florida [1]	489	1,389	3,361	12,000	18,000
Alabama	15,000	26,000	30,000	88,000	100,000
Mississippi	27,000	66,000	45,000	32,000	44,000
Louisiana	2,242	7,948	3,856	35,000	60,000
Arizona	25,000	25,000	18,000	44,000	64,000
Nevada	20,000	19,000	14,000	9,000	14,000
Total	95,350	151,496	117,598	227,480	307,900

[1] Unofficial estimates for these States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. GRANT].

The amendment was agreed to.

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON: On page 2, line 6, after the word "State" insert "or county."

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Oklahoma.

Mr. ALBERT. In my statement on this bill I stated specifically that it was the intention of the committee to include counties, institutions, or institutions of any of the subdivisions of State governments, and I have no objection to the amendment. I assume there is no member of the committee that has any objection to the amendment.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

Mr. HENDERSON. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HENDERSON].

The amendment was agreed to.

Mr. EDMONDSON. Mr. Chairman, I am pleased to support this bill in support of wheat production for on-farm consumption, and feel this will be very helpful to the small farmers, in particular, in Oklahoma.

I want to commend the gentleman from Oklahoma [Mr. ALBERT] for his leadership in bringing this bill before the House, and to compliment the Committee on Agriculture for reporting this legislation.

Mr. RHODES of Pennsylvania. Mr. Chairman, it is my pleasure to support H. R. 8456, permitting farmers to grow up to 30 acres of wheat for use on the farm for feed, seed, or human food without being subject to penalty payments under the wheat acreage allotment program.

Like many of my colleagues, I have had a number of cases involving penalty payments called to my attention by farmers in my district. It is grossly unfair to deny farmers the right to grow enough wheat on their own farms to feed their livestock. As one Berks County farmer states in a letter:

It is against democratic principles to hamper such farm operations when the products does not directly affect public markets. It may even be compared to a monopoly since a farmer can raise grains cheaper than he can purchase them on a controlled market.

A Berks County official of the State grange writes:

If you can help us get a minimum 30-acre allotment for farmers in this State, you will have done us a good service. I have an allotment of 26½ acres on 290 acres in 2 farms which does not reach to feed my chickens.

Another farmer remarks:

I have heard discussion of this problem for a number of years. The answer has always been to permit a farmer to raise what he needs for seed, feed, or human use on his own farm without penalties. I think raising the acreage to 30 acres for above uses will remove any farmer in Berks County from penalties.

A farm organization official writes:

This bill is in line with the policies of the Pennsylvania Farmers' Association and also with the Berks County Farmers' Association; anything you could do to pass this bill would be greatly appreciated by the association.

A Berks County chicken farmer states:

I feed 2,000 layers and 2,400 replacement pullets every year. Since the wheat quota went into effect, I am only allowed to grow 15 acres of wheat on this 175-acre farm, so in order to get enough wheat to feed my poultry, I must go out and rent land from neighbors to raise wheat even though I would have enough land at home to raise my wheat if the quota system was raised, or still better abolished completely. Please support this bill H. R. 8456.

Mr. Chairman, while this legislation does not go as far as far as many of us feel is justified, I am convinced that it is an important step in the right direction. The objectives of this bill are sound and in the best interests of the farmers of my district and State. H. R. 8456 corrects an injustice in existing law which has cost many farmers hard-earned dollars in discriminatory penalty payments.

It is my hope that the section of S. 959, a similar bill on this subject passed by the Senate, providing retroactive cancellation of penalties imposed since 1954 may be included in the final version of the measure enacted into law.

I congratulate the sponsor of the bill, my friend, the gentleman from New York [Mr. ANFUSO] and the members of the House Committee on Agriculture for approving the measure and sending it to the House floor.

Mr. BREEDING. Mr. Chairman, this legislation which affects my area of the country very much, is not what I had hoped for.

While I have never been against a farmer growing wheat for feed or seed, I do object to the growing of wheat in new areas, without restrictions, where it seriously jeopardizes the economic stability of the wheat-producing areas which are under acreage controls and marketing penalties.

This is the effect it has had in recent years on the section of the country which I represent. Not only have we had to cope with the rising costs of production, reduced acreage, allotments, lower supports, and extremes of weather, but we have had to suffer from the ever-increasing production of wheat from the noncommercial areas as well as increased numbers of 15-acre farms in the commercial area.

Wheat growers have increased in numbers because of the acreage restrictions on some of our basic crops such as corn, cotton, tobacco, and so forth. Without exception this new producing area of wheat can and does grow other crops better suited to their climatic conditions.

Wheat is the only agricultural crop that is grown universally in all our 48 States.

When corn acres are controlled what does the corn farmer do—he plants 15 acres of wheat. When cotton acres are cut back they plant wheat.

Some Southern States that have no wheat allotment at all will rank at near the top of the list in numbers of wheat farms in the United States today. Even farmers in the corn country who grow not over 15 acres of wheat can do so without any penalties. All the wheat grown in the noncommercial area can be grown without any acreage controls or penalties, yet both of these classes of farmers can sell their production in direct competition with the wheat producers in the commercial area.

However, my people in the commercial area, and many others who must depend on wheat as our major farm income, are restricted in acreage plantings and must pay a heavy penalty if we overseed.

It is well known that the Great Plains area is best suited for wheat production. It is the one crop that they grow best. It is the crop that has built our communities, sent our children to school, and paid our taxes.

It is the one crop that supported our Nation so abundantly in two world wars and has helped so materially since the war in feeding many of our allies all over the world.

June 6, 1957, I introduced H. R. 7952 to put every acre of wheat grown in the United States under the same controls and restrictions. I thought that this would only be fair. I was encouraged by many from the real wheat-producing area of our country. However, I ran into objections from the more diversified areas.

Today we are debating the bill, H. R. 8456, which, as I understand it, will permit anyone to grow up to 30 acres of wheat providing it is used for feed and seed on the farm.

I hope that this legislation will benefit everyone who wants to produce some feed and seed, but also give some relief to the farmer producing wheat under controls and for sale.

I cannot emphasize too strongly my beliefs with respect to this matter.

Something must be done and soon to protect this great wheat-producing area by eliminating the inequalities that now exist.

Mr. BAUMHART. Mr. Chairman, we have taken a short but at least progressive step in approving H. R. 8456—S. 959—which will exempt certain wheat producers from liability under the Agricultural Adjustment Act where all their wheat crop is fed or used for seed or food on the farm.

This bill has special significance for many farmers within my own district. Like so many others, they have been se-

verely hampered over the years by their inability to grow in excess of 15 acres of wheat without penalty, even though every bushel of wheat produced has been consumed on the premises and has never been diverted to the open market.

If nothing else, our remedial bill is likely, in the words of Secretary Benson, to "remove the dissatisfaction of many small wheat producers with the program as it must be operated under present legislation."

However, the bill we have just passed is far from ideal. It gives the farmer only a fraction more of the operating freedom he should have. Regrettably, he has been given an exemption only up to 30 acres of wheat production and even so he must apply to his county ASC committee for the exemption or become subject to penalty.

Further, he cannot turn any portion of his grain over to a miller in exchange for milling services. Every grain of wheat sent off the farm for milling or other processing must be returned for consumption on the farm.

On top of this, no surplus wheat may be stored on the farm at the end of the crop year; every bit of it must be consumed on the farm if a penalty is to be avoided.

I feel, too, that there has been a grievous omission in our failure to adopt a retroactive forgiveness clause already approved by the Senate. In the words of Senate Report 458 on S. 959:

> If exemptions were obtained on the 1954, 1955, or 1956 crops, penalties paid on such crops would be refunded; wheat stored to avoid such penalties would be released from storage; and the Secretary would pay producers the value of any wheat delivered to him to avoid such penalties.

The Department of Agriculture has been subjected to much criticism for the way it has handled wheat penalty cases, but in fairness to that Agency we should not lose sight of the fact that it endorsed the principle of retroactive forgiveness at least as early as January 1956 and did so again in January of this year.

It is my personal hope—and I am sure it is shared by many of my colleagues—that retroactive wiping out of penalties will prevail in the final version of S. 959 which is to become public law.

Recognition and correction of the patent injustice which has been forced upon small wheat producers through the exactment of penalties, will go a long way toward making S. 959 a vastly more constructive piece of farm legislation.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MACK of Illinois, 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. 8456) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes, pursuant to House Resolution 363, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on 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 passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 959) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding a new subsection (f) after subsection (e) to read as follows:

"(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1954 or subsequent years on the following conditions:

"(1) That none of such crop of wheat is removed from such farm except to be processed for use as human food on such farm or with respect to wheat of the 1954, 1955, or 1956 crop to be placed in off-farm storage or delivered to the Secretary in accordance with applicable regulations in order to avoid or postpone the payment of any penalty due under the provisions of this act;

"(2) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producers, or a subsequent owner or operator of the farm; and

"(3) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions."

Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm-acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat-acreage allotment or marketing quota for such farm.

In accordance with regulations issued by the Secretary in the case of wheat of the 1954, 1955, or 1956 crop upon which the producer obtains an exemption as herein provided, such producer shall be entitled to a refund of any penalty paid by him under the act with respect to such wheat, or of the value, as determined by the Secretary, of any such wheat delivered to the Secretary in accordance with applicable regulations in order to avoid or postpone payment of the penalty, and shall be authorized to remove from storage any such wheat stored under applicable regulations to avoid or postpone payment of the penalty under this act for use on the farm for any purpose authorized by the exemption hereunder. There is hereby authorized to be appropriated sums necessary for the payment of the refunds provided for herein, and in addition sums collected as wheat penalties which are on special deposit for refund of excess collections, may be used to make the refunds provided for herein.

If any producer on the farm votes in any referendum under section 336, beginning with the referendum applicable to the 1959 crop, no producer on the farm shall be eligible for exemption under this section with respect to the crop to which such referendum is applicable.

SEC. 2. Section 114 of the Soil Bank Act (70 Stat. 196) is amended by changing clause (2) in the first sentence thereof to read as follows: "(2) in the case of a farm which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, the wheat acreage on the farm exceeds the larger of the farm wheat-acreage allotment under such title or 15 acres, or".

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT, of Oklahoma:

Strike out all after the enacting clause and insert "That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding at the end thereof the following new subsection:

"'(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1958 or subsequent year on the following conditions:

"'(1) That the total wheat acreage on the farm does not exceed 30 acres: *Provided, however,* That this condition shall not apply to farms operated by and as part of State or county institutions or religious or eleemosynary institutions;

"'(2) That none of such crop of wheat is removed from such farm except to be processed for use as human food or livestock feed on such farm and none of such crop is sold or exchanged for goods or services;

"'(3) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producer, or a subsequent owner or operator of the farm; and

"'(4) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"'Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm. No producer exempted under this section shall be eligible to vote in the referendum under section 336

with respect to the next subsequent crop of wheat.'

"SEC. 2. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"'(h) Notwithstanding any other provision of law, except as provided in section 335 (e) of this act, no acreage seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments and no wheat produced from such acreage shall be considered in establishing future national, State, county, and farm acreage allotments or marketing quotas and the production of wheat from such acreage shall not be considered in determining the level of price support. The planting on a farm of wheat of the 1958 or any subsequent crop for which no farm wheat acreage allotment was established shall not make the farm eligible for an allotment as an old farm pursuant to the first sentence of subsection (c) of this section nor shall such farm by reason of such planting be considered ineligible for an allotment as a new farm under the second sentence of such subsection.'

"SEC. 3. Section 114 of the Soil Bank Act (70 Stat. 196) is amended by changing clause (2) in the first sentence thereof to read as follows: '(2) in the case of a farm which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, the wheat acreage on the farm exceeds the larger of the farm wheat acreage allotment under such title or 15 acres, or' ".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

The proceedings whereby the House bill (H. R. 8456) was passed were vacated and that bill was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members who spoke on the bill just passed may revise and extend their remarks, and that all Members may have 5 legislative days in which to extend their remarks on the same bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON WAYS AND MEANS

Mr. COOPER. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Saturday, August 3, 1957, to file reports on the following bills:

H. R. 4952, to amend the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 with respect to foreign tax credit for United Kingdom income tax paid with respect to royalties;

H. R. 8887, to amend the Internal Revenue Code of 1939 to provide a credit against the estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947;

H. R. 8881, to amend section 812 of the Internal Revenue Code of 1939; and

H. R. 5938, to amend section 812 (e) (1) (D) of the Internal Revenue Code of 1939 with respect to certain decedents who were adjudged incompetent before April 2, 1948.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON PUBLIC WORKS

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight Saturday, August 3, to file a report on the bill H. R. 6535.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, what bill is that?

Mr. SMITH of Mississippi. It is a bill providing for the ceding of a dam in West Virginia to the State.

Mr. BROWN of Ohio. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MINIMUM-WAGE EXEMPTIONS

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include a resolution adopted by the Committee on Agriculture.

The SPEAKER. Is there objection?

There was no objection.

Mr. TEAGUE of California. The resolution is as follows:

Resolved, That the House Committee on Agriculture favors and recommends that farm workers engaged in the packing of fruits and vegetables in the field or orchard into shipping containers should continue to be exempt from the minimum-wage and hour provisions of sections 6 and 7 of the Fair Labor Standards Act.

The exemption from minimum wage and hour legislation intended to be provided for farmer employers in the Fair Labor Standards Act is all-inclusive. This exemption is set forth in section 13 (a) (6) of the act, which provides that "any employee employed in agriculture should not be subject to the minimum wage and overtime provisions of sections 6 and 7 of the act." "Agriculture" is defined in section 3 of the act in the following language: "Farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, furbearing animals, or poultry, and any practice (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

This language makes it quite clear that the exemption covers not only the production operations on the farm but also the performance on the farm of operations for the purpose of getting the product in such shape or condition as to be marketed.

Our concern in this respect arises from the report that the Labor Department may be giving consideration to classifying field packing of vegetables as a nonagricultural operation, and therefore subject to the Fair Labor Standards Act. We do not see how such a determination could be made in view of the clear and specific language of the statute defining "agriculture."

The consideration with respect to the classification of field packing of vegetables arises, we understand, out of the fact that in some areas and for some commodities a substantial portion of such commodities which was once placed in containers in packing sheds is now packed in the field as part of harvesting operations.

We submit that this is not a valid consideration and wish to point out in this connection two developments in agriculture that are constantly taking place.

The more common development is that an operation heretofore performed on the farm is transferred from the farm to a central processing or handling plant. For example, most potatoes are now graded and washed after harvest and commonly by someone other than the farmer. The bottling of milk is less commonly performed on the farm than heretofore. Very few farmers make butter or even separate out cream on the farm as compared with times past. The number of farmers who slaughter poultry or hogs or smoke hams on their farms is declining.

The other and opposite development is that occasionally some handling operation which was once performed in a nonfarm location is transferred to the farm.

Both of these changes may occur at the same time for the same commodity on different farms and areas, for a wide variety of reasons. In each instance the primary factor involved is the economy of performing the operation. The economics of doing things a particular way may change from time to time as a result of technological factors affecting production, processing, handling and marketing operations.

If in a particular instance an operation heretofore performed in a packing shed but now performed on a farm is to be classified as a nonagricultural operation because it was originally performed in a packing shed; it would follow with equal logic that in a particular instance an operation which was once performed on a farm, but which has been moved from the farm to a nonfarm location, should continue to be classified as an agricultural operation.

This, needless to say, would create an impossible and confused situation. We submit that the only fair test which can and should be applied in specific instances is the location in which the operation is now being performed; and that what has been done in the past in a particular instance, has no relationship to the classification which should be given to a particular operation; and that, in fact, the statute provides no basis for such consideration of prior conditions.

It is further submitted that it is not ordinarily practical to separate the labor performed on a farm into two categories—one covered by the exemption and one not. Most workers on a farm do a variety of things during the course of a day, or a week, or a year. It is impractical to separate these operations into two categories, one of which would be subject to the application of the Fair Labor Standards Act and the other not. The production, harvesting and preparation for market operations are all part and parcel of a total operation and should be so considered.

This resolution adopted by the House Committee on Agriculture in executive session August 2, 1957.

HAZARDOUS SUBSTANCES LABELING ACT

Mr. WILLIAMS of Mississippi. 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 Mississippi?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I have introduced a bill today which proposes the enactment of a new Federal Hazardous Substances Labeling Act. The purpose of this bill is to provide nationally uniform requirements for the adequate labeling of potentially hazardous substances which are sold in interstate commerce for household use.

In recent years rapid advances have been made in the field of applied chemistry, and these advances, although generally beneficial to the public at large, have posed new problems which can be adequately dealt with only through public education and Government regulation.

There is a need for better public understanding of the fact that many chemicals can be hazardous if not properly handled, and that therefore such substances must be handled with intelligence and care. Most of us possess great respect for sharp tools and electrical devices. Chemicals, however, usually are innocent-appearing substances, and their properties and potential dangers often cannot be recognized merely by visual inspection. On the other hand, even potentially dangerous chemicals may be used again and again without hazard if the prescribed safety precautions regarding their use are observed.

Modern developments have increased the possibilities of physical injury from the careless handling of household chemical compounds. At the time of passage of the Federal Caustic Poisons Act in 1927, for example, the number of household chemical compounds in use was extremely limited. That act called for the labeling of only 12 caustic and corrosive alkalis and acids. Other laws—the Federal Food, Drug and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act—include requirements for certain descriptive labeling; but, in the aggregate, the standards and scope of these acts do not appear sufficient today.

Voluntary agreements which were developed by the Surgeon General of the United States and a chemical industry committee in 1934, calling for the protective labeling of six chemicals, were very helpful in coping with the problems of that time. These agreements, however, were discontinued by the United States Public Health Service in 1952 because there were coming into existence many new chemical compounds for household use, and the Public Health Service had confidence in the voluntary labeling program being followed by chemical manufacturers. Expansion in the chemical industry has been even more accelerated since that time, and recently many additional useful household products have been formulated and manufactured. Today, there appears to be a need for supplementing the chemical industry's voluntary program by enacting new labeling legislation.

I believe that nationwide uniformity in the labeling of chemicals which can be hazardous would be advantageous to everybody. Such a labeling program would facilitate the education of the public in general. Informative, uniform labels would enable physicians to administer antidotes immediately, rather than waste precious time in determining the active ingredients of products. And, an enlightened labeling program would help to familiarize adults as well as children with the cautions which need to be observed in order to prevent the totally unnecessary and deplorable accidents which are reported so graphically in the public press from time to time.

In addition to other benefits to be derived from Federal legislation dealing with this subject, it is likely that its enactment would help toward the establishment of uniform, adequate, modern labeling requirements by the various States. Such uniformity now exists to a certain degree in some States which have labeling laws and regulations. Among these are California, Connecticut, Illinois, New Jersey, New York, Oregon, Texas, and the Territory of Hawaii. A few additional States have enacted enabling legislation but have not as yet issued regulations to supplement their statutes. There is a possibility that diverse labeling regulations will be enacted by the States, leading to a multiplicity of requirements and creating unnecessary confusion in labeling, to the detriment of the public.

While I am interested in adequate labeling, I also believe it is wise to avoid requirements for overlabeling—which can confuse rather than protect the consumers of beneficial products, as well as place an unnecessary burden on the manufacturers of such products.

The bill I have introduced today has been drafted in such a manner as to avoid requirements for overlabeling which serves no useful purpose. It provides for a reasonable gradation of descriptive words and phrases for adequately conveying the directions for proper handling and use, without exaggerations which could becloud the warning message on the label.

Indications are that most manufacturers of household chemical products are fully aware of the hazards inherent in the chemicals they make and sell. There are, however, some manufacturers and processors who do not have the resources to develop and maintain adequate labeling programs on their own. The legislation I am introducing would, I believe, remedy this situation by prescribing a program which could provide reasonable, safe guidance for all.

It is heartening to note that a number of chemical firms and professional organizations would welcome the prospect of Federal legislation in this relatively neglected field. The American Conference of Governmental Industrial Hygienists approved the principle of label uniformity at its 1952 meeting. The International Association of Governmental Labor Officials has proposed a set of model labeling requirements. It is my understanding that the Manufacturing Chemists' Association, a private organization which represents many of our leading chemical companies, has been working for years to establish fundamental concepts for adequate, safe labeling procedures and to encourage their use. The Chemical Specialties Manufacturers' Association has also done constructive work in this field. Also, I understand that the American Medical Association is interested in this subject.

The bill I have introduced is identical with H. R. 7388, introduced by the gentleman from Missouri [Mr. CURTIS], and S. 1900, now pending in the other body. It is doubtful that time will permit consideration of these bills prior to the adjournment of the present session of Congress. It is my hope, however, that all who have an interest in legislation of this type will review the pending bills, and be prepared to give the committee the benefit of their ideas at the next session of Congress, when I hope the Health and Science Subcommittee will have an opportunity to hold hearings on Federal labeling legislation.

PANAMA CANAL PROBLEM: MUST BE EVALUATED FROM ALL ANGLES

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, I have the honor of membership on the Committee on Appropirations with assignments to the subcommittee for the Departments of Defense, and also for the Department of Commerce and related agencies. Among the last are the Canal Zone Government and the Panama Canal Company.

During the latter part of April 1957, I visited the isthmus on official business and had the extraordinary experience of inspecting the Panama Canal from end to end from a helicopter in company with a canal engineer and an experienced canal pilot.

In the course of that stay on the isthmus, I also had the opportunity of discussing canal questions with many leaders in the Republic of Panama and the Canal Zone. The latter included Panama Canal, Army, Navy and Air Force officials, and experienced canal pilots and lock personnel.

After return to Washington, I summarized my views and observations in an address to the House on May 29, 1957. That, however, by no means exhausts the complex subject of the Panama Canal, which for a number of years has been featured by successive crises affecting its operations.

These include the threatened closure of the canal in 1954 by a serious movement of Contractors Hill, which required emergency action and expenditure of millions of dollars; an attempt on the part of Panama Canal officials and the treaty power of the government to liquidate the Panama Railroad, which was overruled by the Congress; a marked increase in the number of vessels requiring clear channel navigation in Gaillard cut, thereby reducing capacity or causing delays in transit; the

largest volume of traffic in canal history—8,579 transits in fiscal years 1956–57; and the current severe drought lowering the water level of Gatun Lake, thereby forcing restrictions on the draft of certain types of vessels—large tankers and ore carriers.

All of these facts together emphasize the point that I have repeatedly made that the time is rapidly approaching when major improvements in the Panama Canal will have to be made. Also, it has become abundantly clear that the canal question, despite the voluminous and expensive studies already made, has not been evaluated from all angles. The last official study made in 1946–47 under Public Law 280, 79th Congress, is patently out of date and outmoded. A realistic reappraisal of the problem in the light of the latest developments is urgently required.

It is thus with genuine interest that I have read an admirable editorial summary of the canal question in an issue of Marine Engineering Log, which obviously reflects the considered views of thoughtful merchant marine, engineering, and other leaders with special knowledge of the canal subject.

To make the indicated editorial available to the proper committees of the Congress and other agencies of Government, under leave granted to extend, I include its text:

[From Marine Engineering Log for May 1957]

THE "BATTLE OF THE LEVELS"—PANAMA CANAL

The Panama Canal was inaugurated to world shipping in August 1914. This event marked the culmination of an immense engineering-construction effort and vast expenditures of money covering a period of 30 years, representing both the work of the 2 French canal companies, 1880–1904, and the 10 years covering the American period, 1904–14. The money expenditures during these 3 decades were $700 million—a huge sum for the periods under review.

The Panamat Canal now has been efficiently and successfully operated for over 42 years. A great deal of study has been given in recent years to its enlargement and improvement, and there now has arisen the old and highly controversial issue which faced DeLesseps and the French in 1879 and again confronted the United States Government in 1905—sea-level or lock canal? Thus once again the "battle of the levels" has been joined.

Assistant Army Secretary George H. Roderick, who also is Chairman of the Board of Directors of the Panama Canal Company, recently ordered an immediate and extensive study of all proposals for increasing the capacity of the Panama Canal. The reason for this note of urgency is that the Board foresees the possibility that in 10 to 15 years a critical need for expanded canal facilities may arise.

The improvements, as Mr. Roderick sees them, may be effected a little at a time or, as the Board is thinking, in big figures, as any large changes in the present canal would be costly.

WHAT IS "COSTLY" AND WHAT DOES IT MEAN TO THE SHIP OPERATOR?

Any fundamental changes in the Panama Canal will cost a great deal of money. Of the two plans put forth for canal improvements one, the sea level plan, has been estimated at $4.875 billion. Using this as a base figure and history as a guide to costs of such projects (St. Lawrence Seaway project as the most recent), an estimate of $8 billion would be more realistic.

The Terminal Lake-Third Locks project has had a price tag of $1,125 million put on it as of 1946.

Keeping this relationship of costs in mind—7 to 1—the act of September 26, 1950, Public Law 841 of the 81st Congress states:

"The Panama Canal Company is required to be self-supporting, to reimburse the United States Treasury annually for the net cost of operation of the Canal Zone Government and the basic annuity payment to the Republic of Panama, and to pay interest to the Treasury on the net investment of the United States Government in the corporation."

At the end of fiscal year 1956 the net investment in the canal was $408,505,000. The Canal Company has to pay interest on this amount at 2.485 percent for the fiscal year 1957.

For the fiscal year 1956, approximately 78.6 percent of the total revenue of the Panama Canal was derived from tolls. The receipts from tolls from commercial vessels and credits from Government vessels for fiscal 1956 were $34,450,951. The amount paid the Treasury was $22,300,000 of which approximately $10,131,000 was for interest.

Thus by simple arithmetic it can be seen that any improvements will add to the ship operator's cost considerably. If only one-tenth of the cost of the sea-level project was charged against tolls, it would increase the present toll rate by 163 percent. The Terminal Lake-Third Locks plan would triple the toll rate if charged completely against tolls, while on a full-charge basis the sea-level plan would raise rates 20 times.

IMPROVEMENTS FOR NATIONAL DEFENSE OR COMMERCIAL TRAFFIC?

A natural assumption is that the Government would be improving the canal for reasons of national defense. But would this be the reason and so charged to the American taxpayer?

The 1956 report of the Panama Canal Company stated that the canal enterprise operates entirely from earnings, requiring no contribution from the American taxpayer. At present, the various steamship lines and associations are carrying on a legal battle to get tolls reduced so that the canal tolls do not pay for maintaining a defense establishment, steamship line, railroad, and related facilities. This attitude of the Canal Company may be altered by the courts.

The instructions under which the special canal committee that Mr. Roderick said was to investigate the projects was required to judge any improvements on expected traffic increase and the increasing size of ore ships and tankers. No mention was made of aircraft carriers and other large naval vessels. In fact, all planning of the Navy is based on a two-ocean Navy without thought of using the canal.

What has been the Government's attitude on the other projects that bear on national security—or that national security was used as a lever to get the projects approved? While tolls have not been set on the St. Lawrence seaway as yet, it has been definitely established that tolls must amortize the project. The national highway program is another and the possible users of these highways now are paying for them through higher gasoline taxes.

Learning from current history then, it must be assumed as a fact that the users of the canal will be required to pay most or all of the costs of improvements.

DOES THE CANAL NEED MAJOR IMPROVEMENTS?

Quoting from the paper Isthmian Canal Policy—An Evaluation by Capt. Miles P. DuVal, United States Navy (retired), former captain of the port, Balboa, in charge of marine operations in the Pacific sector of the canal given in the United States Naval Institute Proceedings of March 1955.

"The Panama Canal is now entering its 5th decade of operations. Its navigational inadequacies have been established. The canal as completed contains fundamental errors in operational design centered on the location of the Pedro Miguel locks. * * * Commercial traffic through the canal has reached the highest volume in history. The Navy has vessels that cannot transit. Issues raised by questions of security and national defense have been formally submitted but never accepted. The principle of economic operation of the canal has been embodied in law. Yet, in a physical sense, the shipway is still essentially what it was in 1914. Thus, the time has come to provide, without further delay, the additional interoceanic transit capacity and operational improvements to meet present and future needs."

The February 1, 1957, issue of the Panama Canal Review gives the viewpoint of the Panama Canal Company. It states: "The subject of increasing the capacity of the Panama Canal is no new one. Indeed, it was considered while the canal was under construction. It has been the subject of intensive studies from time to time since, notably during the late 1920's when traffic was increasing at a tremendous pace, again after the close of World War II, and during the past few years. The Board has had it under continuing study for the past 5 years since the canal operations were incorporated.

"Today, transit charts trace a rapidly climbing line while bigger and bigger ships are being built.

"Too much emphasis on these two factors leads to an unwarranted conclusion that the Panama Canal is outmoded and obsolete. Actually, its dependable capacity is greater today than ever before and the amount of traffic still leaves a comfortable margin under its capacity even without further improvements.

"If a 24-hour operating schedule were adopted, the canal could accommodate as many as 40 ships a day under optimum conditions. With additional crews and relay lockages, 50 ships could transit in 24 hours except during overhaul periods. No competent analyst has predicted such a high level of traffic for many decades. The 1947 report predicted an average of 46 ships a day in the year 2000, with daily peaks up to 90.

"These figures are all subject to drastic modification when the factor of clear-cut ships is brought into the picture. While the delays incident to clear-cut transits vary widely, the canal's capacity may be cut to 18 to 25 transits a day with 5 clear-cut ships. With 24-hour operation, this number of clear-cut ships would diminish capacity to about 30 transits a day, without giving considerations to fog, overhaul periods, or other limiting factors. These figures clearly indicate the importance of clear-cut ships in traffic capacity. * * *

"In a 4-month period in 1946 there were only 58 clear-cut transits, or 2 percent of the total ocean-going traffic. * * *

Using the 2-percent yardstick, there would have been only 165 clear-cut transits in the past fiscal year. Compare this figure with the actual 706 clear-cut transits. In the last 6 months of the calendar year 1956, there were 455 clear-cut transits more than the number estimated for the year 2000."

In the CONGRESSIONAL RECORD of January 17, 1957, appears a statement to the Senate by Senator T. E. MARTIN quoting an article by William R. McCann, E. Sydney Randolph, Edward C. Sherman, and William G. B. Thompson, engineers, all formerly with the Isthmian Canal Commission, which summarizes the marine operational problems as follows:

1. Bottleneck at Pedro Miguel and lack of a Pacific summit anchorage.

2. Double handling of vessels at separated Pacific locks.

3. Effect of fog in Culebra (Gaillard) Cut on canal capacity and operations.

4. Lockage surges in Culebra Cut caused by operation of the Pedro Miguel locks (3-foot maximum amplitude).

5. Limited operating range of Gatun Lake water level (87 to 82 feet).

6. Navigational hazards in the restricted channel of Culebra Cut (300-foot minimum width).

7. Inadequate dimensions of present locks (100 by 1,000 feet).

WHAT PROPOSALS HAVE BEEN MADE FOR CANAL IMPROVEMENTS?

As stated earlier in this article there are only two major proposals for improving the connection between the Atlantic and Pacific Oceans.

Sea level plan—This proposal is essentially for a ditch with its bottom 60 feet below mean sea level at the Atlantic end and 70 feet below mean sea level at the Pacific end. It would be 500 feet wide at a depth of 55 feet. For the regulation of currents at the Pacific end in order to promote the safety of navigation it is proposed to locate a tidal lock and a navigation pass, where the tidal action has a range of 22½ feet from extreme low to extreme high. The tidal range at the Atlantic entrance is 3 feet from extreme low to extreme high.

This canal would follow the general course of the present canal and would lie directly in the same location for 3½ miles and partly in for 2½ miles. Estimates, without taking into account unforeseen difficulties, state that the construction would take about 10 years.

Terminal lake-third locks plan: This plan covers several steps of improvement as follows:

1. Removal of the bottleneck Pedro Miguel locks.

2. Construction of all Pacific locks in continuous steps near Miraflores.

3 and 4. Elevation of the intermediate Miraflores Lake water level (54 feet) to that of Gatun Lake to serve as an anchorage during fog periods and to dampen surges.

5. Raising the summit water level to its optimum height (approximately 92 feet).

6. Widening Culebra cut.

7. Construction of a set of larger locks.

CLAIMED ADVANTAGES

Sea-level plan

1. Improved security. Locks and Gatun Dam are vulnerable to complete destruction by nuclear weapons or sabotage.

2. Faster passage for commercial ships of all sizes.

Terminal lake—third locks plan

1. Far less expensive than sea-level plan. Part of the improvements started during the war on third locks could be used.

2. No unknown geological problems.

3. Terminal lakes at each end would provide for maneuvering or anchoring, ameliorate the effects of fog, clear-cut operations on canal capacity, and easier navigation.

4. No diplomatic problems involved.

APPARENT DISADVANTAGES

Sea-level plan

1. Unknown geological problems of unpredictable consequences.

2. Tremendous first cost.

3. Most certain closure of canal for long periods during construction.

4. Requires new treaty with Panama.

5. Extreme limitation of navigation.

6. Heavy silting.

7. Is equally vulnerable with the lock canal to nuclear attack and partial destruction.

Terminal lake—third locks plan

1. Maintenance of locks and crew for operating 2 locks as compared to 1 for the sea-level project.

WHAT ARE THE ENGINEERING PROBLEMS?

The engineering problems at the isthmus are entirely different from those encountered anywhere else in the world where a canal is concerned. The Panama Canal involves a passage through the Continental Divide. There is an uncertainty created by the instability of the geologic strata extending for some miles in the vicinity of the divide.

This instability of the geologic strata is evidenced by slides during the construction period and at intervals during the operating period up to 1955. Contractor's Hill fissure, and the presently threatened Gold Hill slide, was created by the excavation of the present canal channel through the divide. The slides due to the instability thus created increased in number and volume as the cut was deepened.

The proposed sea-level project involves the deepening of the canal by from 100 feet at the Atlantic end to 110 feet at the Pacific end below the present canal bottom. It is impossible for engineers to predetermine what the results would be.

In constructing the sea-level canal as planned, it would be necessary to dredge in a depth of 155 feet of water. This would require an unprecedented dredge. It would stop all, or seriously interfere with, canal traffic. The design and successful operation of such a dredge is a matter of conjecture.

In order to maintain the present watershed it would be necessary to build dams along the sea-level canal between Gamboa and the Atlantic for a distance of 24 miles and 90 feet above the canal for the purpose of diversion of the Rio Chagres and other streams.

In other words, the sea-level plan offers many engineering problems only hinted at above and also diplomatic problems that could be explosive in nature. The terminal lake-third lock plan does not present these problems.

S. Sydney Randolph, the designing and building engineer of the Madden Dam project and for many years the leading civilian engineer of the Panama Canal, in the April 1956 issue of the United States Naval Institute Proceedings mentions the "relation between the depth of cut and security against refilling from the sliding of banks." He warned that the "insecurely poised banks of any economically feasible sea-level cut (at Panama) would be susceptible to atomic bombing so as to close the canal to traffic for an indefinite period, possibly years." In view of this, the sea-level canal would be more vulnerable to nuclear attack than the terminal lake-third locks design.

DOES EITHER PLAN PRESENT A SAFEGUARD AGAINST COMPLETE CLOSURE IN TIME OF WAR?

The argument for the sea-level canal is that it would not be permanently closed in case of a nuclear-bombing attack while any other type of canal would be.

The experts have wide and varying opinions on this problem. A special committee of the National Rivers and Harbors Congress which is not an official body but a registered lobby, reported that "It is an established fact that the existing Panama Canal, as a reasonably assured element in the defense of the Nation in any future war, ceased to exist when the first hydrogen bomb was exploded."

This same committee reporting on the sea-level plan stated: "Despite the radiation effects that may be expected from a nuclear burst, the essential damaging results of such would be to cast earth and rock into the channel. This would in all probability block the passage of vessels until it was removed. It is believed that this might require, at most, a matter of weeks, provided that proper emergency equipment were available. After-radiation would present problems in shielding of personnel. These do not appear as major difficulties."

The opponents of the sea-level plan, who include experienced engineers and nuclear-warfare experts, disagree with this contention. They contend that either type of canal is sufficiently vulnerable to be effectively put out of commission for the duration of such war. The general premise of this contention is that not only would its navigational service be blocked but also the supply and repair activities paralyzed and there would be neither personnel, equipment, nor material or supplies available.

The hydrogen bomb dropped at Bikini created a crater approximately 1 mile in diameter and of a depth far greater than the bottom of the proposed sea-level canal. The assertion that the closure of the canal by earth and rock resulting from an atomic explosion could be corrected in a matter of weeks is utterly fallacious to anyone familiar with the Panama Canal and the time required for such work. In 1915 the canal was blocked by a slide in the Culebra Cut, and traffic was not resumed until the expiration of months.

In contrast, advocates of the sea-level project never fail to stress the vulnerability of lock-and-dam structures of the existing high-level canal; they either ignore or minimize the vulnerability of Culebra Cut. This section of the canal, if lowered more than 100 feet as required in the sea-level project, would obviously offer a far more inviting target of far greater vulnerability than at present.

WHAT CAN AND SHOULD BE DONE TO GET THE BEST ANSWER?

A number of persons and organizations have contributed sound advice and timely comment on the canal matters, some in generalization and others in more detail. What appears to be essential now to prevent the launching of an extravagant program for increasing the capacity of the Panama Canal is an organized, fulltime, group of engineers, marinemen, and others, with some outside consultants where part-time services will be satisfactory.

Similar bills have been submitted to the Congress on this subject by Senator THOMAS E. MARTIN of Iowa, S. 611; Representative CLARK W. THOMPSON of Texas, H. R. 3258; Representative DANIEL J. FLOOD of Pennsylvania, H. R. 4774, and Representative FRANCIS E. DORN of New York, H. R. 6008.

They call for the creation of a broadly constituted and independent commission to be known as the Interoceanic Canals Commission, and to be composed of 11 members to be appointed by the President. The actual makeup of the Commission would be an officer, each, of the line of the Army, the Navy, and the Air Force and 8 members from civil life, with 1 of the civilians as chairman.

The bills specify the studying of both the terminal lake-third locks and sea-level plans, the construction of another canal, the operation and protection of the canal, treaty and territorial rights and estimates of the respective costs. Within 2 years such Commission must report its findings.

The passage of these bills will fill a need which has been called for many times without success.

RECORD OF THE EISENHOWER ADMINISTRATION

Mr. HILL. 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 Colorado?

There was no objection.

Mr. HILL. Mr. Speaker, I was very interested in yesterday's discussion by my colleagues across the aisle regarding the record of the Eisenhower Administration which was prepared by the Republican Congressional Committee. If my Democrat colleagues had done their homework on the prepared statements they read, they would not have gotten themselves out on a limb.

I refer in particular, Mr. Speaker, to comments about the present farm situation. To set the RECORD straight, the farm outlook at present shows great improvement and much evidence of progress.

Let me cite a few statistics.

Last year, net realized farm income was 4 percent above 1955—the first peacetime year in which such net farm income increased since 1947. Computed on a per farm basis, the increase amounts to 7 percent.

For the first half of this year, realized net farm income was at the rate of about $12.1 billion, 2½ percent higher than in the first half of 1956.

Prices farmers received for crops and livestock in the month ending July 15 rose 1 percent. At the same time, farmers' costs of production and living supplies fell one-third of 1 percent during the same month.

Market prices for cattle and hogs have been running $2 to $3 per 100 pounds above a year ago. Only yesterday, the Associated Press reported that butcher hogs advanced to the highest level in 3 years for the second consecutive day.

Meat consumption last year averaged 167 pounds per person, the highest in more than 50 years.

Milk prices received by farmers are averaging a little above a year earlier for the third consecutive year.

Exports of farm commodities in fiscal 1957 were an alltime high—estimated at $4.7 billion.

Government-owned surpluses are being reduced. Commodity Credit Corporation investments in price support were about $7.6 billion on May 31, 1957, a net reduction of about $900 million since May 31, 1956, and a reduction of about $1.3 billion below the peak holdings of February 1956.

An alltime high of $176 billion in total agricultural assets was again set January 1, 1957. Farmers have only about $12 in debts for each $100 of assets they own.

A new alltime high in farm values per acre was again set in March 1957, up 7 percent over the previous year.

Only about 1 farm of each 3 has a mortgage. Farm ownership is at an alltime high. There are fewer tenants as compared to owners than ever before.

Over 94 percent of farms have electricity.

Family farms continue to dominate. Large-scale farms are about 4 percent of all commercial farms—about the same as 30 years ago.

For the Nation as a whole the total of businesses and services pushed above the $400 billion mark during the latter part of 1955. It went on up to $424 billion in 1956 and is moving on up to even higher levels this year. This prosperity gives stronger markets for farm products.

In short, Mr. Speaker, strength in American agriculture is being developed throughout the country in an era of peace. The figures I have just cited are merely a few examples to offset the "doom and gloom" forecasts of my Democrat colleague.

COLE'S EXPRESS

Mr. McINTIRE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. McINTIRE. Mr. Speaker, I am including as a part of my remarks an article appearing in the Bangor, Maine, Daily News of August 1, 1957, which tells the story of the founding of Cole's Express. It is an outstanding example of human initiative and endeavor in the true American tradition. I am interested in placing this account in the RECORD to pay some measure of tribute to Allie Cole, the founder of Cole's Express and an outstanding Maine citizen, and also to make this story of typical Yankee ingenuity and determination a matter of record. It was my pleasure to know Allie Cole personally in his lifetime, as well as members of his family who are now carrying on the business. The article follows:

COLE'S FIRM GREW FROM MAN, TWO HORSES TO 185 VEHICLES, 125 PEOPLE IN 40 YEARS

Starting with one man and a pair of horses, Cole's Express, celebrating its 40th anniversary today, has grown to 125 employees and 185 vehicles in that time.

The company today operates the largest trucking terminal in the State in Bangor and in addition has terminals in Portland, Houlton, Presque Isle, and Fort Kent.

FOUNDER OF FIRM

The company's history and progress is tied up with the life of the founder, Albert J. Cole, a well-known citizen of Maine, who died in 1955. The business is now carried on by his four sons, Galen L., Gerald A., Chesley R., and Vaughn L. Cole.

Albert J. Cole had a colorful career and has become a legendery figure in the history of trucking, not only in Maine but in New England and the Nation.

Allie Cole, as he was better known, was orphaned at 8 and was bound out to a farmer in his hometown of Lowell. Allie didn't care for the arrangement and one night he ran away.

That night Allie walked 19 miles to the town of Enfield. Arriving just about midnight he stopped for water at the farmhouse of Willis Preble and stayed there for about 9 years.

STABLE JOB

Horses came first in Allie's life and so it was only natural that at 14 he got a job in a livery stable. Salaries were based on how many horses a man could drive—2 horses drew $20 a month and board, while 4 horses paid $22 plus board—Allie drove 4 horses. In the years that followed, Allie literally lived with the horses, he knew how much work they could do and he knew how to train them his way.

All the time he worked at the livery stable, he never drew a salary. He had a lot of good ideas and he knew it would take plenty of money to set them working. At the end of each year, the accumulated 12 months' salary was placed in the bank for him and, meantime, Allie lived on whatever tips he got at the stable.

His next job was at the Enfield railroad station as baggage master. Starting out in the morning at 4:45, Allie would work straight through until 7:45 o'clock and for this full day's work he received the large sum of $1.40. He also managed to keep his job at the livery stables which brought in that little extra cash to help pay for the horses he had started to purchase.

WORLD WAR I

As Allie went from baggage master to telegrapher and ticket agent, the rest of the country was thrust into World War I. Unable to enter the service because of deficient eyesight, Allie realized he had no future as a telegrapher if his eyesight was poor and consequently, he resigned.

It was then that he returned to his horses and with the aid of some friends went into teaming with a horse and wagon. Aroostook's forests were deep and plentiful, providing the much needed lumber that the war had created such a demand for. Allie hauled equipment and supplies deep into the lumber camps and in order to make the trip worthwhile, he would transport the lumbermen into town on his way back.

On August 1, 1917, Cole's Express started its highway service to the public, a horse-drawn pickup and delivery freight and passenger service between the Enfield railroad station and the towns of Lowell and Burlington, some 15 miles distant.

FIRST TRUCK

A year later the first truck was purchased and service expanded from Enfield to Bangor, picking up goods and passengers in both directions. Soon afterward, other trucks were added to carry the run through to Lincoln and eventually Houlton.

For many years it was necessary to abandon the north run to Houlton during the winter, because snow on the roads was packed by horse-drawn rollers for the convenience of sleighs, making truck traffic impossible.

In 1929, and again in 1930, Cole's Express experimented with plowing the roads in early March. Frequently it was necessary to use dynamite to loosen the winter accumulation and sometimes it took as many as six teams of horses to get the plows through the huge drifts.

ROADS OPEN

During the winter of 1931 and 1932, the company kept the roads open north of Lincoln for the first time in history. This snowplowing operation started out from Bangor with a load of freight behind 3 company plows and nearly a week later the freight was delivered in Houlton 115 miles away, a feat then thought impossible by the farmers along the route.

Since those days the company has continued its steady growth to the point of where the company proudly boasts that it serves more of Maine than any other common carrier.

ROLLCALLS AND VOTING RECORD

Mr. FULTON. 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 Pennsylvania?

There was no objection.

Mr. FULTON. Mr. Speaker, on rollcall No. 6 on February 5, 1957, which occurred when I was out of the city, I would have voted "no" if present. This vote was on the Lanham amendment to H. R. 4249 covering current funds appro-

priated to the Social Security Administration, which would reduce grants to States for the current fiscal year for public assistance from $17,728,000 to $15,728,000. This amendment in effect limits the States for the fiscal year 1957 to matching funds of $99 million, instead of the $101 million for State and local administration which is stated to be required to match the money which the States are spending for this purpose. I am against this cut of public assistance matching funds for the States who are spending an equal amount for this purpose. This is a blow to our older and dependent citizens whose welfare, and yes, very existence depends on these social security programs that they are entitled to, as a matter of payments under social security, and not as a matter of charity either from the Federal or the State Governments. I strongly oppose such a shortsighted economy move.

On rollcall No. 7 which occurred on February 6, 1957, when I was likewise out of the city, I would have voted yea on final passage. This was the final passage vote on the bill to establish a deferred grazing program as part of the relief available to drought-stricken areas under Public Law 875, 81st Congress. Our farmers need such sympathetic consideration by the Federal Government in the face of drought and catastrophe. These are real people, families and children in distress and this is no place for false and severe economy.

On rollcalls Nos. 37, 38, and 39 on April 4, 1957, the CONGRESSIONAL RECORD will show that I had live pairs against these amendments. Because of the air-traffic conditions at the Washington Airport, a plane which was duly scheduled to arrive on the morning of April 4, 1957, was subject to considerable unexpected delay. It should be noted I voted in person on rollcalls Nos. 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 on that day, and was returning from my Congressional district where I had official business.

On rollcall No. 52 on April 8, 1957, which was final passage of House Resolution 6306, a bill to construct modern 4-lane bridges in the District of Columbia, to replace the present inadequate Fourteenth Street Highway Bridge across the Potomac River, I would have voted yea if present. On August 1 and 2, 1957, I have voted for adequate funds for modern traffic access to Washington, D. C. in furthering the general purposes of this bill.

On rollcall No. 124 on June 26, 1957, on the motion to recommit House Resolution 6287, the bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1958, I would have voted nay. This was an unexpected legislative attempt to impair the Health, Education, and Welfare Department appropriation for the current fiscal year, which failed. Just a few minutes previously, I had answered rollcall No. 123 which was a quorum call of the House, but I was called from the floor for a conference on official business and could not be present for rollcall No. 124, which was almost uncontested. The motion to recommit was defeated by an overwhelming margin of nays 321 to yeas 73, and I would have assisted further in this strong support of the Health, Education, and Welfare Department to provide these necessary services to the workers and families of our good country.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SIGNING OF ENROLLED BILLS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LAFAYETTE PARK

The SPEAKER. Under previous order of the House, the gentleman from Montana [Mr. METCALF] is recognized for 30 minutes.

Mr. METCALF. Mr. Speaker, the New York Times of July 20, 1957, reported that Gov. Averell Harriman has proclaimed September 6 this year as Lafayette Day in the State of New York. The date marks the 200th anniversary of the birth of the Marquis de Lafayette, the great French general who fought with the American colonists against the British in the War of Independence.

Governor Harriman signed the proclamation in his office and presented the document to the French consul general in New York, Jacques Baeyens. In signing the proclamation Governor Harriman said that Americans would always remember Lafayette for the freedom he helped to bring to this country and that he would be revered wherever freedom was cherished.

Sometimes our fine words come easy. I remember reading the other day about a monument dedicated to the Czech patriots of World War II, which had to be reclaimed when the townspeople in Lidice, Ill., were using its site for a city dump.

This was after only a few years had passed.

Lafayette's birthday suggests to me that it now would be a fine time to pause for a while, and to rededicate ourselves to the cause for which he was willing to offer up his life if need be—the cause of American independence so imperishably written in the noble words of the Declaration of Independence.

These days, we seem often to be running behind in the struggle for men's minds, often running a poor second to the Communist bloc of nations.

What was it that inspired General Lafayette, Tom Paine, General Von Steuben, General Kosciusko to leave their homes in Europe and the comfortable life that was theirs and come to our shores to fight and die for our great cause?

Certainly we had less to offer such valiant fighters then we have now that we have enjoyed the blessings of liberty and prosperity for all these years.

In thinking of General Lafayette and those others who shared our cause and the crust of bread we had to offer at that time it occurred to me that perhaps we should do more than Governor Harriman has done.

It occurred to me that we might take this occasion of the 200th anniversary of the birth of General Lafayette to rededicate Lafayette Park, which was named in his honor.

With this thought in mind I am today introducing a bill to make the park named in honor of General Lafayette a national historical park.

My bill was drafted by the experts at the National Park Service, and draws its authority from the Historic Sites Act of 1935.

Among the historic areas of the National Park System established since January 1953 are the Edison Laboratory National Monument and the Edison Home Historic Site in New Jersey; Chimney Rock National Historic Site, Nebraska; Fort Union National Monument, New Mexico; Cumberland Gap National Historical Park, Kentucky-Tennessee-Virginia; Fort Vancouver National Monument, Washington; Golden Spike National Historic Site, Utah; and Independence National Historical Park, Pennsylvania.

I hope that on September 6, this year, we can have some appropriate ceremonies and festivities marking the 200th anniversary of General Lafayette's birth.

I would like to see leaders of our Government and representatives of the great French nation gather together for this occasion.

At that time I hope we will summon up those other memories of our great and historic past which are represented in Lafayette Park.

Commodore Stephen Decatur who fought against the barbary pirates, and whose home remains standing overlooking the Lafayette Park as it did in his day.

Dolly Madison whose house is across the park from the home of Commodore Decatur.

There are the statues to General Von Steuben, to General Kosciusko.

This should indeed be a great occasion for these great spirits summon up in all of us the sense of our living past, of our sacrifices, of our establishment as a Nation.

The need for the measure I am introducing today is a crying one.

The historic value of Lafayette Park has been forgotten by the very people who should be most zealous of defending those values and preserving the great park that marks them in our Nation's Capital.

The President and other officials of this purblind administration are actively pushing for the razing of what few great buildings front on Lafayette Park.

The need is for office space, and before this expansive growth of the Office of President all values must give way, our history must be defiled and forgotten.

The buildings on Jackson Place must come down.

We need space, the President tells us, so the buildings on the west side of Lafayette Park must be destroyed for a monster office building.

What about the east side of the park, where the Dolly Madison home, or what remains of it, stands today? Is the President thinking about restoration or reconstruction of that historic home which belonged to the fourth President, James Madison?

Indeed not. Congressman FRANK THOMPSON, JR., has made available to me a letter he received from Robert E. Merriam, Assistant Director, Bureau of the Budget which plainly shows that the Dolly Madison House and the Benjamin Tayloe House are scheduled to come down in 1960–65. Mr. Merriam writes: "Furthermore, we understand that the Treasury expansion for which the property was purchased is planned for 1960–65."

Many of the historic buildings which once stood on Jackson Place and Madison place from the earliest days have come down in recent years particularly in the 20th century.

The AFL–CIO had the good sense to turn the brownstone building on Lafayette Park over to parishioners of St. John's Church so that it will be maintained and they placed their new headquarters building down 16th Street and away from Lafayette Park.

Certainly historic preservation is not the field of the AFL–CIO, and they do not maintain a group of experts on historic preservation, yet they took this step.

It is too bad that the President and this administration which has such a group of experts, pays no attention to them and pushes plans which their experts on preservation oppose.

In his March 14 press conference President Eisenhower spoke of the vast staffs in the Congress and the Senate Office Building.

He conveniently forgot to mention that he is urging the destruction of the historic State, War, Navy Building and its replacement by a new, modern office building.

He also failed to mention that he is recommending to the Congress the razing of the buildings on the west side of Lafayette Park and their replacement with an office building for use of the expanded White House staff.

The Washington Star of May 27, 1957, reported that—

"I feel that at this time it is not economically feasible to tear the building (old State, War, Navy Building) down," Representative MCGREGOR said. He estimated razing costs at $6 million. Though he said he recognized the cramped quarters at the White House were deplorable, he also stressed that Congress must call a halt to expanding executive staffs.

"If we keep giving space to White House employees, I have the feeling that the executive branch will keep hunting people to fill it," he added.

The Star was reporting the comments of the gentleman from Ohio [Mr. MCGREGOR].

I include here an excerpt from the New York Times report of the President's March 14, 1957, press conference.

I include also an article by Drew Pearson from the Washington Post and Times Herald of May 31, 1957, concerning the expansion of the White House office staff since 1953 and despite the promises of economy in the campaign in 1952.

Also I include some information on General Lafayette and the park named in his honor which was furnished me by the Library of Congress.

[From the Washington Post and Times Herald of May 31, 1957]

BUDGET GREATER FOR WHITE HOUSE

(By Drew Pearson)

There's been a lot in the papers about different departmental budgets, not much about the President's own White House budget.

During the 1952 campaign, Ike used to stand on the rear platform of his special train and tell how, when he was a boy in Kansas, he and his brothers dropped a nickel. It slipped through the cracks of the porch, and they got down on hands and knees to fish it out.

General Eisenhower told the story over and over again—until newsmen knew it by heart—as an illustration of how he would save every nickel if elected.

The year that Ike was elected—1952, the last year under Truman—the cost of running the White House was $1,883,000. This year Ike is asking $2,051,000 for servants, gardeners, food, and other housekeeping expenses for the 1958 budget.

The cost of his office has increased even more.

The last year of Truman, the executive office cost $8,166,000. Eisenhower's first year it was $8,725,000. This year, 1957, it is $10,715,000, and for next year the President is asking $12,047,000.

This does not include his two helicopters which are charged to the Defense Department, his private plane which is charged to the Air Force, his military aides and staffs which are charged to the Pentagon, nor his chauffeurs which are charged to the Secret Service. The telegraphers and code room cryptographers were civilians under FDR and Truman but were put under the Army by Ike. It now takes double the number of Army personnel for the jobs civilians once held.

Figures on the total White House staff are not available, but it's estimated that the overall figure has about doubled, though this does not show in the budget, because so much personnel is borrowed from other departments.

The White House has grown under each succeeding President so that it now occupies the building which once housed the entire State, War, and Navy Departments, adjacent to the White House. Plans are even under discussion to tear this building down and replace it with a modern office building in order to house the ever-growing White House offices.

[From the New York Times of March 14, 1957]

PRESIDENT EISENHOWER'S NEWS CONFERENCE, MARCH 13, 1957

Mrs. May Craig of the Portland (Maine) Press Herald: "Sir, have you not by your own description of the complexity of the budget, of the way it is built up, made it clear that Congress, without a vast staff such as you have, cannot cut it?"

Answer: "Well, I think if you would take the sum total of the staffs of these committees, you would find that they have vast staffs in Congress. As a matter of fact, they are building a new building. What I am getting at is, each one of them has a special subject, and they develop quite effective staff on that line, and this is the first time that I have heard of such a thing as this being done, that is, that they ask the Executive to reexamine the budget. They have usually cut with great abandon and great, great liberality."

Question: "Sir, in my experience, it is the first time that the President, the Secretary of the Treasury ever asked the Congress to cut their budget."

Answer: "I didn't say, I didn't ask them to cut. I said if they could find places in that budget where their judgment disagreed with mine, and they were the final appropriating authority in this case, if they found such instances, to go ahead and cut, and I would do my very best to get along with it. I didn't say that I can find these—that I know where these places are except for the one I told you about, this budget deficit."

[From the Library of Congress Legislative Reference Service]

GENERAL LAFAYETTE: AWARD FROM CONGRESS IN 1824

Lafayette arrived in New York in August 1824 and President Monroe in his Eighth Annual Message, December 7, 1824, spoke at length about his visit to this country. Among other things, he said: "His high claims on our Union are felt, and the sentiment universal that they should be met in a generous spirit. Under these impressions I invite your attention to the subject, with a view that, regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments and be worthy of the character of the American people."

Brand Whitlock, in his life of Lafayette, states that "The propriety of such a gift had been discussed ever since his arrival," and adds, "Jefferson was in favor of the donation, and had urged it upon his friends in Congress" (vol. II, p. 246).

Gales and Seaton's Register of Debates in Congress for December 20 to 23, 1824, relates the discussion on the bill to reward Lafayette. Senator Hayne, from the committee to which was referred the subject of making provision for General Lafayette, reported to the Senate a bill providing for a grant of $200,000 and an entire township of land. This passed the Senate the next day, December 21. On December 22 a similar bill passed the House, but with minor differences on how the sum of $200,000 was to be paid to the general. On December 23 the Senate accepted the House version of the bill.

In a volume of Lafayette Letters, edited by Edward Everett Dale (Oklahoma City, 1925), the following footnote appears on pages 54–55:

"By a special act of Congress Lafayette was given a township of land to be selected by him from any part of the public domain. The lands chosen were in Florida. All were eventually sold, or otherwise disposed of, by Lafayette and his heirs.

"(Statement of the land commissioner of Florida.)"

[From the Dictionary of American Biography, vol. 10]

LAFAYETTE, MARIE JOSEPH PAUL YVES ROCH GILBERT DU MOTIER

Marquis de (September 6, 1757–May 20, 1834), French statesman and soldier, was

born in the chateau of Chavaniac, between Brionde and Le Puy, in Auvergne, France, the son of Gilbert, Marquis de Lafayette, colonel in the French grenadiers, and Marie Louise Julie de la Riviere, both of notable and ancient French families. His father was killed at the battle of Minden, August 1, 1759. The boy was brought to Paris in 1768 and entered the fourth form at the Collège du Plessis, where he remained 4 years. His mother died April 3, 1770, and his grandfather several weeks later. Lafayette inherited the fortune of the latter and found himself, at the age of 13, possessed of an income of 120,000 livres. He yearned for a military career, agreeable to the strong tradition in his family, and on April 9, 1771, he was entered in the second company of the King's Musketeers, from which he was transferred, April 7, 1773, to the regiment commanded by Noailles, where he became a second lieutenant. A marriage between Lafayette and Marie Adrienne Françoise de Noailles had already been arranged; this took place April 11, 1774, and henceforth the fortunes of the shy, awkward youth, not yet 17, were allied to those of one of the most powerful French families of the old regime. Shortly after his marriage he was promoted to a captaincy and joined his regiment at Metz, returning in September to participate in the court life at Versailles. Here he suffered considerable mortification, since he drank poorly and danced so badly that he provoked Marie Antoinette to laughter.

During the summer of 1775 he returned to barracks at Metz; on August 8 he attended a dinner given by the Comte de Broglie to the Duke of Gloucester. Here the Duke spoke freely and sympathetically of the American insurgents and Lafayette's enthusiasm and imagination were first stirred. During the weeks that followed, vague aspirations slowly crystallized. By aiding the insurgents he saw the possibility of crushing perfidious Albion and avenging the defeat of the Seven Years' War, in which his country had been humiliated and his father had lost his life. He partook of that current romantic enthusiasm for a regenerated world which had been engendered by the writings of Rousseau and Raynal, and saw himself in the garb of a modern Plutarch's hero, a role proper to satisfy his own love of la gloire. Thus motivated, he made the first and most important decision of his life, to aid the American colonists. Concealing his plans from his family, he confided in the Comte de Broglie, who tried to dissuade him, but who later introduced him to John Kalb [q. v.]. Lafayette withdrew from active service in the French Army, June 11, 1776, and after the announcement of the Declaration of Independence he entered into relations with Silas Deane and Arthur Lee [qq. v.]. Two agreements were signed, during December 1776 and February 1777, between them. Kalb and Lafayette were promised commissions, and the latter agreed to serve the Colonies with the greatest zeal without compensation, reserving only the right to return to France, if called by his King or family. He sent Du Boismartin, a friend, to purchase and fit out a vessel for the passage to America. To allay all suspicions Lafayette spent several weeks in London with the French Ambassador, the Marquis de Noailles, his uncle. Returning to Bordeaux he embarked with Kalb in *La Victoire*. The vessel put in at Los Pasajes, where Lafayette was ordered by Louis XVI to accompany the Duc d'Ayen on a tour in Italy. Lafayette hesitated and Kalb thought that the venture was given up. To satisfy the British Ambassador a lettre de cachet had been launched against Lafayette. News of this determined him and, having rejoined Kalb at Los Pasajes, he sailed for the United States, April 20, 1777. The commotion created by his departure was excellent publicity for the cause of the Americans.

On June 13 they disembarked near Georgetown, S. C., where they were entertained by Maj. Benjamin Huger. Within a week Lafayette wrote his wife a letter of boyish enthusiasm relating many impressions that he had already formed of men and affairs in America. After 6 weeks of arduous travel he and his companions arrived in Philadelphia, where he presented his credentials to a committee of Congress. Congress was weary of foreign adventurers and his first reception was more like a dismissal than a welcome. Undaunted, he wrote a petition requesting two things: to serve at his own expense, and to begin as a volunteer. This modest and unusual proposal secured attention; his credentials were examined, and on July 31 Congress voted him the rank and commission of major general, but gave him no active command. The situation was one that Lafayette never completely understood. On August 1 he met General Washington in Philadelphia. This was the beginning of a historic friendship. The young major general, not yet 20, was virtually adopted by Washington, whose staff he joined as a volunteer. He received his baptism of fire in the Battle of the Brandywine, September 11, when he was slightly wounded in the leg. Kalb called this an excellent bit of good fortune, for it established Lafayette in the eyes of his American comrades. He recuperated at the Moravian settlement at Bethlehem, Pa., and in October rejoined Washington in camp at Whitemarsh. At Gloucester he led a successful skirmishing party against the Hessians. Partly because of his personal qualities and partly from political considerations, Congress on December 1 voted him command of the division of Virginia light troops with full authority as major general. During the winter he remained at Valley Forge, sharing hardships and privations and earning the title of "the soldier's friend." He warned Washington of the Conway cabal and urged him to protect himself. At the end of January 1778, the Board of War placed Lafayette in command of the proposed irruption into Canada, a fantastic scheme to capture Canada with a handful of men in the dead of winter. He immediately had visions of restoring the lost provinces of France and wrote to his friends in Europe of his glorious anticipations. When, on February 19, he arrived at Albany and understood that nothing had been done he was humiliated and enraged. He wrote to Washington denouncing those who had led him astray, adding: "I well know that you, my dear general, will do everything possible to get me the one thing for which I thirst: glory" (Charaya, p. 29). Other letters to Washington and Laurens described his "painful and ridiculous situation" (Sedgwick, p. 61) in what Laurens called that indigested romantic scheme (E. C. Burnett, Letters of Members of the Continental Congress, III, 1926, p. 124). By April, Lafayette, chagrined and disappointed, was back at Valley Forge. Bitter memories were forgotten during the celebrations which followed the arrival, May 1, of the news of the French alliance; Lafayette was again a center of attention. On May 18 at Barren Hill, by skillful maneuvering, he escaped capture by a larger force commanded by Sir Henry Clinton. He participated in the Battle of Monmouth, June 28, with distinction but without success. He was active in preparations for the combined land and sea attack against Newport, R. I., to be carried out with the aid of the French fleet under D'Estaing. He was valuable as a liaison officer between the two armies, and, following the wretched failure of the expedition early in August, he did much to calm the jealousies and recriminations of both French and Americans.

In October 1778, Congress granted him a furlough that he might return to France, voted him an elegant sword, and wrote a letter to Louis XVI extolling his merits. He sailed January 11, 1779, in the *Alliance*, manned by British prisoners and deserters, whose mutiny he later subdued. In Paris and Versailles he was welcomed and acclaimed, received by the King and Queen, consulted by all the ministers, and kissed by all the ladies. He was discussed, toasted, entertained; meanwhile he proposed to Vergennes an invasion of Great Britain, a descent upon Ireland, a conquest of Canada, and other projects having a common end, for, he declared, "the thought of seeing England humiliated and crushed makes me tremble with joy" (Whitlock, I, 194). He advocated hiring part of the Swedish navy for service in America; tried to float an American loan in Holland; and urged a French army for expeditionary service in the United States, proposing himself as commander of it. He acquiesced in the appointment of the Comte de Rochambeau as commander and, early in March 1780, sailed on the *Hermione* to prepare for the arrival of the French army. Arriving at Boston, April 28, he was given a triumphal welcome at Governor Hancock's house. After considerable delay he found Washington at Morristown, in great need of troops and money. He visited Congress to discuss the necessary measures to be taken to cooperate with the French fleet, and was restored to his old command of the Virginia light troops. The French fleet arrived at Newport, R. I., during July, and Lafayette met Rochambeau July 25 to advocate an offensive campaign, which was declined by Rochambeau. When, during September, Washington first conferred with Rochambeau, Lafayette was invaluable as an intermediary. He returned with Washington to West Point, where they learned of Arnold's treason. As a member of the court-martial at Tappan he voted for the death penalty for André. Following this he went into winter headquarters at Philadelphia.

Meanwhile, Washington planned a combined land and sea attack to capture Gen. Benedict Arnold who was at Hampton Roads. For this purpose he entrusted 1,200 New England troops to Lafayette, who marched to Head of Elk, on Chesapeake Bay, where he arrived March 3, 1781. The French fleet did not arrive and the opportunity of capturing Arnold was lost. Early in April he received orders to join General Greene in the Carolinas. Rallying his men by a personal appeal, he marched southward, reaching Richmond on April 29, just in time to prevent its occupation and destruction by the British army under General Phillips. Lafayette now asked assistance from General Wayne and Pennsylvania troops. When Lord Cornwallis marched northward and was joined by the troops formerly under Phillips, Lafayette, with his thousand effective troops, slowly retreated before the advance of the superior forces of the British. "The boy cannot escape me," wrote Cornwallis (Whitlock, I, 236). Lafayette retired until he met Wayne at the Rapidan River, then returned to harass Cornwallis. The latter slowly retired to the sea, finally reaching Portsmouth, where he dispatched some of his troops to New York. Washington now told Lafayette of the proposed concerted action with De Grasse and the French fleet and ordered him to prevent the escape of Cornwallis to the southward. With the arrival of De Grasse, of Rochambeau's army, and Washington's Continental Army, Cornwallis was besieged at Yorktown, where he capitulated, October 19. "The play is over," Lafayette wrote the Comte de Maurepas, "the fifth act is just ended." (Ibid., I, 260). During all the Virginia campaign, Lafayette had demonstrated tact, caution, and a superior knowledge of military tactics.

Lafayette sailed for France in the *Alliance* in December. He was enthusiastically received by populace and court. Incessantly feted and consulted, he basked in the thunderous acclaim. Meanwhile, he aided the American agents in seeking supplies and a

loan. He was at Cadiz, ready to sail with a new expedition, when news of the signing of the preliminary articles of peace reached him. He now returned to his ancestral estates in Auvergne, where he won great popularity with the peasants by his distribution of grain. He then established himself at his hotel in Paris, rue de Bourbon, where he held salon and discoursed on American and republican principles. He was made a member of the Society of the Cincinnati. He returned to America in August 1784, arriving at New York, where he received a tremendous ovation. During the following 6 months he visited his old colleagues in arms and was affectionately welcomed from Mount Vernon to Boston. On December 8 Congress gave him a distinguished reception at Trenton and on the 21st he sailed from New York on *La Nymphe*.

Lafayette returned to France with a renewed enthusiasm and a new vision. He would give France her charter of liberties and would establish them. In his salon and his utterances his ardent republicanism asserted itself; he engaged in various philanthropic and humanitarian enterprises, for the manumission of Negro slaves and the abolition of slavery, and for the restoration of the civil rights of the French Protestants. With Jefferson [q. v.], now Minister to France, he labored for the readjustment of American frontiers with Spain. During 1785–89, his services to the United States, while not dramatic, were invaluable. He attacked the tobacco monopoly of the farmers-general in an effort to eliminate the middle profits of the British merchants; he sought to find a large French market for the New England fisheries, for the United States, a debtor nation, could pay the French debt only by building up credits from an excess of exports. Through the activity of Jefferson and Lafayette, the United States was gaining the position of the most favored nation in the French market. When Jefferson, in 1786, contemplated a combined blockade of the Barbary pirates, Lafayette at once offered his services as chief of operations. He urged upon the French Government the postponement of the first payments of the American debt that the United States might first care for its internal finances. Early in 1789, he was instrumental in securing the recall of De Moustier, who, although he had been sent to America as French Minister at Jefferson's request, had made himself obnoxious to the American Government. In 1787, Lafayette had been a member of the Assembly of Notables; his enthusiastic republicanism had alarmed Jefferson, who suggested the British constitution rather than the American as a model for the French. When Jefferson left France in October 1789, Lafayette was already well launched in that revolution in which he became a prominent figure.

His activities, his successes, and his blunders in that movement belong to French rather than to American history. In 1790 he was the most popular figure in France; from 1792 to 1797 he was incarcerated in foreign prisons, from which Congress, Washington, and Gouverneur Morris vainly sought to effect his release. Liberated at length through French influence, he and his family remained in exile until late in 1799, when they returned and settled at La Grange, about 40 miles from Paris. The Revolution had shattered his fortune. Congress had, in 1794, voted him $24,424, his emoluments as a brigadier general, which he had refused to accept during the American Revolution. It was estimated that he spent more than $200,000 of his private funds in assisting the Colonies; he never solicited repayment, but in 1803 Congress voted him a grant of 11,520 acres. These lands were eventually located in Louisiana, but it was a dozen years before he realized any financial assistance from them. Lafayette remained aloof from politics, cultivating his lands at La Grange. He acknowledged Napoleon, though he later broke with him; he remained a liberal, upheld by faith in the ultimate triumph of representative government. He never ceased to hold up the United States as an example and promise to mankind; he was a good friend and counselor of the American Legation in Paris.

In 1824 President Monroe invited him to visit the United States; he arrived at Staten Island August 15 and began an epochal tour which Charles Sumner said "belongs to the poetry of history." "The Marquis," "the soldiers' friend," had returned, the venerable symbol of a past heroic age. For more than a year his triumphal tour of the United States provoked demonstrations of frenzied enthusiasm without precedent or parallel in American history. This was one of the happiest years of his life, for he had never lost his one great foible, as Jefferson had described it, "a canine appetite for popularity and fame" (The Writings of Thomas Jefferson, 1903, VI, 70). On September 8, 1825, he sailed for France and on October 9 reached La Grange, where he was given a brilliant fete attended by 4,000 people. He reentered politics and played a conspicuous part in the July Revolution of 1830, but by his indecision lost the opportunity of establishing the republic of which he had long dreamed. One of his last speeches in the Chamber was in 1833, favoring ratification of the Franco-American treaty signed July 4, 1831. His last speech was one attacking the reactionary policies of Louis-Philippe, whom he had assisted to power. He died May 20, 1834, and was buried in Picpus Cemetery in Paris. His grave was covered with earth from Bunker Hill.

(For the extensive materials concerning Lafayette, consult Stuart W. Jackson, La Fayette; a Bibliography (1930), detailed but uncritical, and Louis R. Gottschalk's critical bibliographical article in Jour. of Mod. Hist., June 1930, pp. 281–287. The best source for his life is the Mémoires * * * du général La Fayette * * * (6 vols., Paris, 1837–38), of which the first 3 volumes have been translated into English (London, 1837), B. F. Stevens, Facsimiles * * * (25 vols., London, 1889–98), Henri Doniol, Histoire de la participation de la France à l'établissement des Etats-Unis d'Amerique (5 vols., Paris, 1886), and Charlemagne Tower, The Marquis de La Fayette in the Am. Revolution * * * (2 vols., 1895), are the best sources for his activities in the American Revolution. The Letters of Lafayette and Jefferson (1929), ed. by Gilbert Chinard, reveal his services to the United States after his return to France. Etienne Charavay, Le général Lafayette * * * (Paris, 1898), the best biography, has never been translated into English. Brand Whitlock, La Fayette (2 vols., 1929), is the most complete biography in English, but see Bernard Fay's review, Saturday Rev. of Lit., October 19, 1929. A. Levasseur, La Fayette in America in 1824 and 1825 (2 vols., 1829), is a detailed history of his last American visit. Lida Rose McCabe, Ardent Adrienne * * * (1930), is an interesting biography of Madame de Lafayette. Louis R. Gottschalk has in preparation a volume of unpublished letters of Lafayette.)

[From the Library of Congress, Legislative Reference Service]

IMPORTANT DATA IN THE LIFE OF LAFAYETTE RELATIVE TO AMERICAN HISTORY

Born: September 6, 1757, in Auvergne, France.

June 13, 1777: First visit to the United States. Landed near Georgetown, S. C.

July 31, 1777: Appointed a major-general in the Revolutionary Army by the Continental Congress.

September 11, 1777: Wounded at Battle of Brandywine.

June 28, 1778: Participated in the Battle of Monmouth.

January 11, 1779: Returned to France on furlough.

April 26, 1780: Second visit to the United States. Arrived at Boston.

October 1–19, 1781: The siege of Yorktown.

December 23, 1781: Sailed for France on board the *Alliance*.

August 4, 1784: The third visit to the United States. Arrived at New York.

December 21, 1784: Returned to France.

August 14, 1824[1]: Fourth visit to the United States. Arrived in New York.

September 8, 1825: Returned to France.

May 20, 1834: Died in Paris.

Sources: The Dictionary of American Biography, vol. 10, pp. 535–539 (Scribner's, New York, 1933. E176 .D56.) Nolan, J. Bennett, Lafayette in America Day by Day (The Johns Hopkins Press. Baltimore, 1934. E207 .L2N74). Tower, Charlemagne, The Marquis de LaFayette in the American Revolution, 2 vols. (J. B. Lippincott Co., Philadelphia, 1895).

[From Hans P. Caemmerer, A Manual on the Origin and Development of Washington, Washington, 1939]

LAFAYETTE PARK

The L'Enfant plan shows the ground now known as Lafayette Park, or Lafayette Square, comprising about 7 acres, to have been a part of the President's Park, extending on the north side from H Street southward to the Monument Grounds, between 15th and 17 Streets. Similarly, the subsequent Ellicott plan and the Dermott plan make provision for such a spacious park to surround the President's house. These plans show no street dividing Lafayette Park from the White House Grounds.

When L'Enfant prepared his plan this was a neglected area, a common without trees. A race course was laid out, in 1797, on the west side of the grounds, extending westward to 20th Street. Huts for workmen who helped build the President's House were erected on the grounds, and when these were removed a market was established there. This was later relocated farther to the center of the town, on Pennsylvania Avenue, between Seventh and Ninth Streets. Thomas Jefferson first undertook really to improve the grounds and marked the east and west limits as they are today, called Madison Place and Jackson Place, respectively.

Until 1816 the only important building that had been erected adjacent to Lafayette Park was St. John's Church. Then, in 1818, the Dolly Madison House was built, and in 1819 the Decatur House. From then on and for more than 50 years following Lafayette Park became the center of social life in Washington. Nearly every house surrounding it became noted for its historical associations. However, the park seems to have been neglected the greater part of this period. In 1840 there was an ordinary fence around it.

Just when this park area took the name of Lafayette Park is not definitely known. As has been said, originally this area was a part of the President's Park, and D. B. Warden, in his volume entitled "Description of the District of Columbia," published in 1816, refers to it as such by saying, in connection with rates of fare for hackney carriages:

"From the President's Square to Greenleaf's Point, and also to Hamburg Wharf, or to the western limits of the city, the rate is but 25 cents, and half the distance one-half that sum."

In his voluminous history of Lafayette Square, Gist Blair states:

"Its name has come from the people and arose after this visit of Lafayette to the city in 1824."

---

[1] The Dictionary of American Biography, vol. 10, p. 538 gives August 15, 1824. (M. H. Nipe, January 10, 1939.)

Again, speaking of the many social events held in Washington during this visit of Lafayette, Mr. Blair says:

"Socially, the season of 1824–25 was the most brilliant Washington had seen, so it is natural to understand how everyone at this time may have started to call this square Lafayette Square."

In the office of the National Park Service, Department of the Interior, there is a map dated 1852, on which Lafayette Park is shown to be separated from the White House Grounds. The first printed report of the Commissioner of Public Buildings, on file in that office, is of the year 1857. In that report there is a reference to Lafayette Square with an account of certain work being done there in that year.

During more than a quarter of a century past the grounds have been properly maintained as a park. Today there are five notable monuments in Lafayette Park; namely, the Jackson, Lafayette, Rochambeau, Von Steuben, and the Kosciuszko.

Mr. METCALF. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include an article from the Washington Post and various information compiled by the Library of Congress on the life of Lafayette.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOSMER, for 5 days, commencing August 3, 1957, on account of official business in constituency.

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. HOLIFIELD for 30 minutes on Monday next.

Mr. METCALF for 30 minutes today.

Mr. SHEEHAN for 30 minutes on August 5.

Mrs. ROGERS of Massachusetts for 5 minutes today.

Mrs. ROGERS of Massachusetts for 5 minutes on Monday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MACHROWICZ.

Mr. PELLY and to include extraneous matter.

Mr. MCGOVERN.

Mr. BOW and to include extraneous matter.

Mr. HILL, his remarks in Committee of the Whole today and to include extraneous matter.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2504. An act to amend and extend the Small Business Act of 1953, as amended.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 7441. An act making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958, and for other purposes; and

H. R. 7665. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.), under its previous order, the House adjourned until Monday, August 5, 1957, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1098. A letter from the Administrative Assistant, Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to authorize the training of employees of the United States Department of the Interior at public or private facilities"; to the Committee on Interior and Insular Affairs.

1099. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation entitled "A bill to provide a uniform premium-pay system for Federal employees engaged in inspectional services, to authorize a uniform system of fees and charges for such services, and for other purposes"; to the Committee on Post Office and Civil Service.

1100. A letter from the Acting Secretary of the Treasury, transmitting the annual report of the Federal Bureau of Narcotics, prepared by the Commissioner of Narcotics, for the calendar year ended December 31, 1956, pursuant to section I of the act of June 14, 1930; to the Committee on Ways and Means.

1101. A letter from the Acting Archivist of the United States, transmitting a report on lists or schedules covering records proposed for disposal by certain Government agencies, pursuant to the act approved July 6, 1945 (59 Stat. 434); to the Committee on House Administration.

1102. A letter from the Chairman, United States Civil Service Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Classification Act of 1949, as amended, to facilitate proper classification of positions in grades GS–16, GS–17, and GS–18, and for other purposes"; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H. R. 8825. A bill to revise the definition of contract carrier by motor vehicle as set forth in section 203 (a) (15) of the Interstate Commerce Act, and for other purposes; without amendment (Rept. No. 970). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. H. R. 3770. A bill to rename the Strawn Dam and Reservoir project in the State of Kansas, as the John Redmond Dam and Reservoir; without amendment (Rept. No. 971). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 5894. A bill to amend the laws relating to the endorsement of masters on vessel documents; with amendment (Rept. No. 972). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H. R. 6660. A bill to provide that the lock and dam referred to as the Tuscaloosa lock and dam on the Black Warrior River, Ala., shall hereafter be known and designated as the William Bacon Oliver lock and dam; without amedment (Rept. No. 973). Referred to the House Calendar.

Mr. COOPER: Committee on Ways and Means. H. R. 38. A bill to amend the Tariff Act of 1930 to provide for the temporary free importation of casein; without amendment (Rept. No. 974). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 5924. A bill relating to the International Convention To Facilitate the Importation of Commercial Samples and Advertising Matter; without amendment (Rept. No. 975). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 7096. A bill to amend paragraph 1684 of the Tariff Act of 1930 with respect to istle or Tampico fiber; with amendment (Rept. No. 976). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Joint Committee on Atomic Energy. H. R. 8994. A bill to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes; without amendment (Rept. No. 977). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Joint Committee on Atomic Energy. H. R. 8996. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 978). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 2842. A bill to amend the Tariff Act by including tanning material extracts on the duty-free list; with amendment (Rept. No. 979). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLYNT: Committee on Interstate and Foreign Commerce. H. R. 5822. A bill to amend section 406 (b) of the Civil Aeronautics Act of 1938 with respect to the reinvestment by air carriers of the proceeds from the sale or other disposition of certain operating property and equipment; with amendment (Rept. No. 980). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interstate and Foreign Commerce. H. R. 7993. A bill to provide for Government guaranty of private loans to certain air carriers for purchase of aircraft and equipment, and for other purposes; with amendment (Rept. No. 981). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H. R. 6535. A bill to amend an act entitled "An act to provide for the disposal of federally owned property at obsolescent canalized waterways, and for other purposes"; with amendment (Rept. No. 983). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAVIS of Tennessee: Committee on Public Works. H. R. 8576. A bill to authorize the conveyance of certain lands within the Old Hickory lock and dam project, Cumberland River, Tenn., to Middle Tennessee Council, Inc., Boy Scouts of America, for recreation and camping purposes; with amendment (Rept. No. 982). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Michigan:

H. R. 9048. A bill to amend the Tariff Act of 1930 by transferring wood charcoal from the free list to the dutiable list; to the Committee on Ways and Means.

By Mr. BOGGS:

H. R. 9049. A bill to amend section 503 of the Internal Revenue Code of 1954 with respect to certain loans made by employee trusts; to the Committee on Ways and Means.

By Mr. BOYLE:

H. R. 9050. A bill to provide for payment of pension to the widows and children of Spanish-American War veterans who served 70 days or more in the military service during that war; to the Committee on Veterans' Affairs.

By Mr. BURNS of Hawaii:

H. R. 9051. A bill to amend Public Law 874, 81st Congress, relating to Federal assistance for the operation of schools in federally affected areas, as such law affects the Territory of Hawaii; to the Committee on Education and Labor.

By Mr. DAWSON of Illinois (by request):

H. R. 9052. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to lease space for Federal agencies for periods not exceeding 15 years, and for other purposes; to the Committee on Government Operations.

By Mr. DIXON:

H. R. 9053. A bill to amend the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended, known as the Coordination Act; to the Committee on Merchant Marine and Fisheries.

H. R. 9054. A bill to amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes; to the Committee on Interior and Insular Affairs.

By Mr. ELLIOTT:

H. R. 9055. A bill to establish a temporary Presidential commission to study and report on the problems relating to blindness and the needs of blind persons, and for other purposes, to the Committee on Education and Labor.

By Mr. HAGEN:

H. R. 9056. A bill to amend section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to provide for the extension of the restrictions on imported commodities imposed by such section to all imported citrus fruits, and to sliced figs, dried figs, fig paste, and shelled walnuts; to the Committee on Agriculture.

By Mr. HERLONG:

H. R. 9057. A bill to amend the Internal Revenue Code of 1954 to provide for amortization deductions with respect to housing facilities for farmworkers; to the Committee on Ways and Means.

By Mr. HORAN:

H. R. 9058. A bill to amend the Internal Revenue Code of 1954 with respect to the income-tax treatment of dividends paid by certain corporations which hold the obligations of States and local governments; to the Committee on Ways and Means.

By Mr. MACDONALD:

H. R. 9059. A bill to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations; to the Committee on Government Operations.

By Mr. METCALF:

H. R. 9060. A bill to designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RABAUT:

H. R. 9061. A bill to amend the Internal Revenue Code of 1954 to provide that interest on series E United States savings bonds shall be excluded from gross income, and to amend the Second Liberty Bond Act to limit the amount of such bonds which may be purchased by an individual in any year; to the Committee on Ways and Means.

By Mr. THOMPSON of Louisiana:

H. R. 9062. A bill to amend the Annual and Sick Leave Act of 1951 to provide additional opportunity to employees to use their annual leave in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS of Mississippi:

H. R. 9063. A bill to regulate the interstate distribution and sale of packages of hazardous substances intended for household use; to the Committee on Interstate and Foreign Commerce.

By Mr. SADLAK:

H. R. 9064. A bill to amend paragraphs 1530 and 1537 of the Tariff Act of 1930 with respect to footwear; to the Committee on Ways and Means.

By Mr. FORAND:

H. R. 9065. A bill to amend paragraphs 1530 and 1537 of the Tariff Act of 1930 with respect to footwear; to the Committee on Ways and Means.

By Mr. MACK of Washington:

H. R. 9066. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. McGREGOR:

H. R. 9067. A bil to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. WESTLAND:

H. R. 9068. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. ADAIR:

H. R. 9069. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. AUGUST H. ANDRESEN:

H. R. 9070. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. BAUMHART:

H. R. 9071. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. BUDGE:

H. R. 9072. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. CHENOWETH:

H. R. 9073. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. COFFIN:

H. R. 9074. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. GROSS:

H. R. 9075. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. HALE:

H. R. 9076. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. HARVEY:

H. R. 9077. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. HOLMES:

H. R. 9078. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. HORAN:

H. R. 9079. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. JENSEN:

H. R. 9080. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. McCULLOCH:

H. R. 9081. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. McINTIRE:

H. R. 9082. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. MICHEL:

H. R. 9083. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. MILLER of New York:

H. R. 9084. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. NIMTZ:

H. R. 9085. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific

Congressional approval; to the Committee on Public Works.

By Mr. NORBLAD:

H. R. 9086. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site; to the Committee on Public Works.

By Mr. OSTERTAG:

H. R. 9087. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public works.

By Mr. PELLY:

H. R. 9088. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. RIEHLMAN:

H. R. 9089. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mrs. ST. GEORGE:

H. R. 9090. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. SCHWENGEL:

H. R. 9091. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. SCUDDER:

H. R. 9092. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. STAUFFER:

H. R. 9093. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. TEAGUE of California:

H. R. 9094. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. THOMSON of Wyoming:

H. R. 9095. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. TOLLEFSON:

H. R. 9096. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. TRIMBLE:

H. R. 9097. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. VAN ZANDT:

H. R. 9098. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. TALLE:

H. R. 9099. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. CRAMER:

H. R. 9100. A bill to establish rules of interpretation governing questions of the effect of acts of Congress on State laws; to the Committee on the Judiciary.

By Mr. GUBSER:

H. R. 9101. A bill to provide for the confirmation of conveyances made by railroads of lands located in right-of-way grants; to the Committee on Interior and Insular Affairs.

By Mr. JONES of Missouri:

H. R. 9102. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. GATHINGS:

H. R. 9103. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. ABERNETHY:

H. R. 9104. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. HAGEN:

H. R. 9105. A bill authorizing additional appropriations for the prosecution of projects in the Kaweah and Tule River Basins, Calif.; to the Committee on Public Works.

By Mr. BENNETT of Florida:

H. J. Res. 433. Joint resolution to authorize the President to proclaim annually the week including June 30 as Colonial Forefathers Week; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BETTS:

H. R. 9106. A bill for the relief of the estate of Cletus E. Lowery; to the Committee on the Judiciary.

By Mr. BOYLE:

H. R. 9107. A bill for the relief of Leonardo Anello; to the Committee on the Judiciary.

By Mr. BYRNE of Illinois:

H. R. 9108. A bill for the relief of Romke J. Sloot; to the Committee on the Judiciary.

By Mr. HYDE:

H. R. 9109. A bill for the relief of John A. Tierney; to the Committee on the Judiciary.

By Mr. McFALL:

H. R. 9110. A bill for the relief of Jose Mariscal Avina; to the Committee on the Judiciary.

By Mr. REUSS:

H. R. 9111. A bill for the relief of Adalbert Franz; to the Committee on the Judiciary.

By Mr. VANIK:

H. R. 9112. A bill for the relief of Dr. Ildefonzo M. De La Rosa; to the Committee on the Judiciary.

H. R. 9113. A bill for the relief of Dr. Conrado G. Paragas; to the Committee on the Judiciary.

H. R. 9114. A bill for the relief of Dr. Banyai M. Ramos; 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:

321. Mr. SMITH of Wisconsin presented a resolution adopted by the Common Council of the City of Milwaukee on July 23, 1957, memorializing Congress in the matter of naming a St. Lawrence Seaway lock after Senator ALEXANDER WILEY and former Congressman George A. Dondero, which was referred to the Committee on Public Works.

EXTENSIONS OF REMARKS

Status of Forces

EXTENSION OF REMARKS

OF

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1957

Mr. BOW. Mr. Speaker, in a hearing before the House Armed Services Committee recently, the legal adviser of the State Department appeared in opposition to a bill under consideration that sought to pinpoint the responsibility of the administration for any future decision made to surrender one of our servicemen to a foreign nation for prosecution for an alleged offense while on duty. Legal Adviser Becker said "even if you tell us that we will get a bill, we propose to go down fighting."

Such determination would be very laudable if it was directed toward seeking a modification of existing agreements with foreign nations that would restore to the United States criminal jurisdiction over our servicemen on duty abroad. It would have been even more laudable if the State Department had shown similar determination when the first status of forces agreements were being negotiated and had determined to adhere to the principle of international law which our Government had followed for 150 years and had expressed in other negotiations with foreign governments. When our Armed Forces entered another country and were stationed there with the consent of such country, we claimed complete jurisdiction over them for all purposes.

Characteristically, however, the State Department will not admit error, and the determination only goes to defending its actions rather than correcting them.

Mr. Becker's testimony, generally, follows the line of other witnesses appearing for the executive departments, which is the scare argument being employed by defenders of the status agreements. One would think that the only reason we are allowed to have troops in other countries is that those nations want to try our erring servicemen in their courts.

Do anything to deprive our friends of the right to prosecute our boys, they say, and all our foreign alliances will disintegrate. This is absurd, of course, but the defenders of the agreements do not care how contradictory their arguments may be. They will continue to repeat misrepresentations and half truths. They mean to go down fighting.

Fighting against a restoration of the rights of the United States. Fighting against restoring the rights of our servicemen and the protection of our Constitution.

New Legislation To Aid Industry in Obtaining a Larger Share of Foreign Business

EXTENSION OF REMARKS

OF

HON. THADDEUS M. MACHROWICZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1957

Mr. MACHROWICZ. Mr. Speaker, I have yesterday introduced H. R. 9029, as an amendment to section 313 (b) of the Tariff Act of 1930. The purpose of this bill is to make it possible for American industry and labor to obtain a larger share of foreign business.

For many years the Tariff Act has provided that duty paid upon imported merchandise used in the manufacture of articles in the United States may be refunded when such articles are exported. This makes it possible for American manufacturers and their employees to compete in foreign markets for business which they could not obtain if they were to be penalized by domestic duty on the imported material as well as by foreign duty on the exported product.

In many cases in which the same product is sold both domestically and abroad, of which the automobile industry furnishes numerous examples, it is impractical or even impossible under today's complicated industrial procedures to segregate imported materials in such a way as to be able to identify them positively in the finished product. The Congress recognized this in 1930 and provided in section 313 (b) of the Tariff Act that year that drawback would be available with respect to products of nonferrous metals or sugar, to the extent of duty paid upon importation of such materials for the account of the manufacturer, even though the materials used in the exported product were not the identical lots imported.

The restriction to nonferrous metals and sugar was stated at the time to be for test purposes, it being contemplated that the privilege would later be extended to other merchandise if the procedure proved feasible and advantageous. In 1949 ferrous metals, flaxseed, and linseed oil were added to the list, and in 1956 certain printing papers. These additions have caused no difficulties and have greatly benefited both employers and employees in the automobile and other steel-consuming industries, and in the paint manufacturing and magazine industries.

Accordingly it appears that the background of experience in the Bureau of Customs and among exporters has now developed to the point at which the privilege of substitution may be safely extended to all merchandise, thus broadening the benefits to manufacturers and workers in the industries already affected and opening the door to numerous other industrial groups heretofore excluded.

This is accomplished by substituting the single word merchandise for the enumeration of materials in the present statute.

The bill provides also three other minor amendments. One of these makes it clear that the duty to be drawn back is limited to a maximum of 99 percent of the duty actually paid. Another replaces the text of same kind and quality which has proven burdensome to exporters and the Bureau of Customs alike, with the simple and objective text that the materials must be interchangeable in the exporting manufacturer's operations, thus placing upon him the entire burden of establishing eligibility. Finally, to make it clear that the drawback merchandise must be used as a constituent of the product, and not merely consumed in its manufacture—as a tool or fuel—it is specified that it must become a part thereof. This, of course, does not, and is not intended to, exclude from eligibility volatile and similar materials, such as paints and paint thinners, which are applied to the product but may largely disappear in the process.

I seek the support of the Members of this House in this constructive effort to facilitate the exportation to foreign markets of the product of American labor.

Secretary Benson's Policies Are Hurting the American Farmer

EXTENSION OF REMARKS

OF

HON. GEORGE S. McGOVERN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1957

Mr. McGOVERN. Mr. Speaker, late this spring the Secretary of Agriculture Mr. Ezra Taft Benson, said in his annual report that the big news in farming during 1956 was that "Agriculture seems to have turned the corner." Presumably, this meant that the economic picture, which has grown darker with each passing year under Mr. Benson, would become brighter.

In light of this statement, I think it is well that we pause at this juncture in the year 1957, to note that the parity ratio on farm prices received in the month ending July 15, was still 1 percent under that of a year ago on the same date.

Mr. Speaker, the farmers of America have lost more than $4 billion in net farm income since 1952 as the result of Secretary Benson's policies. The rural areas have been deprived of less and less purchasing power and the Federal Treasury has received less and less tax revenue from our agriculturists.

In 1952 prices received by farmers averaged 100 percent of parity. And farm people on that year's income paid $1,365 million in personal income taxes to the Federal Government.

Farm prices in the year 1956 averaged 82 percent of parity and farm people will pay only $1,100 million in income tax. In other words, the economic hardship that has been forced on the people who till our land for their living, has brought about a reduction of $265 million in tax revenues that the Government receives from farmers, figuring it on an annual basis over that 4-year period. This is more than twice the Federal cost of the price support program in 1952.

The Issue of Civil-Rights Legislation

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1957

Mr. PELLY. Mr. Speaker, the civil-rights bill, as amended at the other end of the Capitol, has come back and is languishing on the Speaker's table.

This measure as it reads now is not just a watered-down version of the bill that passed the House some time ago. Instead, stripped of its confusing legal subtleties, it no longer provides for the needed protection of the right to vote of southern Negroes. And to accomplish this negative effect, it introduces a complete reversal of our system of jurisprudence, substituting a new and dangerous doctrine of government by men for our historic constitutional concept of government by law. That is the result of interposing a jury between the judge and the enforcement of his injunction.

I will not comment as to whether support of the jury-trial amendment in the other body was politically motivated. The press and the public are competent to decide that issue more effectively than the gentleman from Washington [Mr. PELLY].

But I will say I would respect the 18 Members of the other body who voted against final passage of this bill more than I would respect any who supported the bill knowing its enactment was sabotaging its objectives.

Also, Mr. Speaker, I can understand those who are against civil rights saying the bill in its present form is acceptable and therefore it should be considered now without an attempt to obtain a stronger bill. Certainly I can understand that attitude because, in effect, this measure as now written would afford no protection at all to those it seeks to protect. As written the bill would only serve to stir up racial animosity and create disturbances.

Having succeeded in the passage through both Houses of the first civil-rights bill in more than 80 years let us not capitulate. If need be we can stay and face a filibuster. A patient effort should be made to resolve the differences between the House and Senate. Even though the Democratic leadership says this is a satisfactory bill, let us acknowledge that acceptance of the jury-trial

amendment represents absolute defeat to the southern Democrats.

Not only the right of every citizen to vote is at stake, but now we must decide if, as our forefathers provided, we shall remain a Government of law or if we are to change to a system of government by men. With either issue there must be no compromise.

Competition Between Colorado Mountain Trout and Tennessee Catfish Luncheons

EXTENSION OF REMARKS

OF

HON. ESTES KEFAUVER

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Friday, August 2, 1957

Mr. KEFAUVER. Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD several items concerning an event that has aroused a great deal of anticipation, both here at the Capitol and in my home State of Tennessee. It is the much-heralded fried catfish luncheon which will feature Tennessee blue cats specially flown up from Savannah, Tenn., the catfish capital of the world. This will be the first round of a competition between this tasty delicacy and a later meal of Colorado mountain trout, to be hosted by my esteemed colleague from that State [Mr. CARROLL].

Mr. President, I ask unanimous consent that there be printed a memorandum to the press, a general invitation to all Members of the Senate, a personal invitation to the Vice President, and an editorial concerning the competition from the Chattanooga Times.

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

[From the office of Senator ESTES KEFAUVER, Democrat, of Tennessee, for release Friday, August 2]

Y'ALL COME TO A FISH FRY—WITH HUSHPUPPIES, YET

Senator ESTES KEFAUVER, Democrat, of Tennessee, announced today a bilateral agreement with Senator JOHN A. CARROLL, Democrat, of Colorado, to bring their long feud to an end. The Tennessee Senator revealed that he had made arrangements to end their battle in the Senate dining room, with Members of the Senate and the press corps acting as referees to pass on the relative merits of the Tennessee blue catfish and the Colorado mountain trout.

The month-long senatorial dispute stemmed from a challenge hurled by Senator KEFAUVER at his colleague from Colorado on the occasion last month of the National Catfish Derby at Savannah, Tenn. At that time Senator KEFAUVER expressed his disdain for the bragging claims of the trout proponents. "They make their unwarranted assertions sound," he said, "like a cigarette commercial."

On his return from the Savannah festival Senator KEFAUVER reiterated his claim that Tennessee blue cats outflavor mountain trout fins down.

"The only reason President Eisenhower occasionally fishes the Colorado streams," explained the Senator, "is that he hasn't yet been introduced to the catfish. One taste—and Denver will never see him again."

Due to the doctrine of the separation of powers, the President will not partake of the feast prepared for luncheon on August 6. But all Senators and Vice President NIXON have received copies of the attached letter inviting them to the senatorial dining room on that day. Senator KEFAUVER also extended his invitation to members of the nonpartisan Senate press corps.

"The decision of the Senate and the press will establish for all time the obvious superiority of the catfish over the trout. On Tuesday we will serve the blue cats, along with homemade southern hushpuppies. On the following Friday, Senator CARROLL will offer his trout. I am so confident of the outcome of the competition that I am willing to spot Senator CARROLL the vote of Senator ALLOTT."

The piscatorial tidbits will be shipped by air to Washington from the catfish capital of the world at Savannah, Tenn., courtesy of the Hardin County Boosters Club and the directors of the annual National Catfish Derby. Miss Linda Gail Stamps, newly crowned queen of the catfish derby, will bring along her own delicious recipe for homemade hushpuppies. She will supervise the preparation and serving of the delicacies in the Senate dining room.

The decision of the judges will be final unless it is obviously so prejudiced as to favor Colorado trout.

[From the office of Senator ESTES KEFAUVER, Democrat, of Tennessee]

AUGUST 1, 1957.

DEAR SENATOR: It is my distinct pleasure to invite you to take part in a competition which will determine the relative merits of the Colorado mountain trout and the Tennessee catfish.

Though I sincerely do not expect the culinary qualities of the trout to approach that of the catfish, Senator CARROLL of Colorado and I have reached unanimous agreement between us to hold a taste contest in which the Members of the Senate will be the final judges.

The first phase of this one-sided competition will begin at lunchtime on Tuesday, August 6, in the main dining room of the Capitol. There you will be served a succulent, meaty, and toothsome treat of deep-fried Tennessee catfish, provided by the Hardin County Boosters Club and the National Catfish Derby people. Miss Linda Gail Stamps, of Cookeville, Tenn., who was recently chosen Queen of the Catfish Derby at Savannah, Tenn., will be on hand to supervise personally the service of the tastiest entree you will ever have the pleasure of eating. Miss Stamps will also provide individual servings of those celebrated delicious homemade hushpuppies, a most necessary accessory to the complete enjoyment of this fabulous meal.

It is my understanding that on August 9 Senator CARROLL will apologetically undertake the obviously impossible task of equalling the feast offered by our delightful catfish with a few game trout, imported, no doubt, from Idaho.

You will be expected to form an impartial opinion from the evidence presented of the relative tastiness of the two dishes—though Heaven only know how you can remain impartial after assaying a sweet, delectable blue cat, accompanied by the delicacy of a hushpuppy or two.

Not the least of the merits of this contest lies in the fact that in this time of inflation it provides 2 free meals for you, although I must point out that only 1 of them will be truly worthy of its distinguished judges.

We shall await your attendance at this feast with great anticipation, although, of course, your decision will be a foregone conclusion.

Sincerely yours,

ESTES KEFAUVER.

UNITED STATES SENATE,
Washington, D. C., August 1, 1957.

The Honorable RICHARD M. NIXON,
Vice President of the United States,
Senate Office Building,
Washington, D. C.

DEAR DICK: We would very much like to have you present at this occasion. Aside from the free meal we are offering, there is a very remote possibility that a tie vote may result from the competition. In that event, your ballot as Presiding Officer of the Senate would be the deciding one.

I'm sure that you would not want to miss this rare opportunity—one that occurs most infrequently in the life of a Vice President.

We are looking forward to seeing you there and hearing your personal comment on the superiority of catfish over trout.

With warm regards,

Sincerely,

ESTES.

[From the Chattanooga Times of July 31, 1957]

UNEVEN "TASTE TEST"

The Colorado Senators have climbed out on a limb. They have consented to match Colorado trout against Tennessee blue catfish in a fishfry in the Senate dining room on August 6. The challenge was issued by Senator KEFAUVER.

Miss Linda Stamps, national catfish queen, of Cookeville, Tenn., will serve the fish in this "taste test."

The Colorado Senators do not know that the people who live on the shores of Reelfoot Lake, in Tennessee, will throw back trout and bass in order to save room for catfish. The Reelfoot people certainly ought to know and they say that hot cat is the best eating fish in the world.

A hundred and fifty blue catfish will be snared in Savannah's famous "catfish hole" at Pickwick Dam and Senator CARROLL, of Colorado, will provide 150 trout from Colorado's streams.

The catfish will be served with hushpuppies. The Chattanooga Times' seal has never been awarded hushpuppies, but we go, go, go for hot cat.

Lower Downpayments for Home Purchasers

EXTENSION OF REMARKS

OF

HON. JOHN J. SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Friday, August 2, 1957

Mr. SPARKMAN. Mr. President, recently Congress adopted amendments to the Housing Act, and in them it provided for lower downpayments in the purchase of homes built under the FHA homebuilding program. All through the debate in the Senate and in the House on the submission of the conference report, it was made quite apparent that it was the intent of Congress that lower downpayments should apply now because of the terribly depressed condition of home building in this country, when the need is as great as ever.

The administration has declined to put into effect lower downpayments. On yesterday a letter was sent to the President, signed by the following Senators: Mr. CLARK, of Pennsylvania; Mr. COOPER, of Kentucky; Mr. HUMPHREY of Minnesota; Mr. IVES, of New York; Mr. JAVITS,

of New York; Mr. MORTON, of Kentucky; Mr. NEUBERGER, of Oregon; Mr. SMATHERS, of Florida; Mr. YARBOROUGH, of Texas; and myself. In that letter we urged the President to put the lower downpayment schedule into effect immediately. I ask unanimous consent that the letter be printed in the CONGRESSIONAL RECORD.

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

DEAR MR. PRESIDENT: We respectfully call to your attention the importance of putting into effect without delay the lower downpayment provisions of the new housing law as a vital stimulus to a key American industry and an indispensable aid to millions of our citizens wishing to purchase homes.

The home building industry is one of the Nation's largest, both in terms of annual dollar volume and in the number of persons it employs. Its effects on other industries such as lumbering and manufacturing and on the whole economy of the country are vast. Yet this industry may now be permitted to sink deeper and deeper into a recession and perhaps a depression.

The alarm and consternation among builders seems to be fully warranted by the facts.

Last year home construction fell off more than 20 percent. This year so far it is off an additional 16 percent. The present figures indicate that home building is now proceeding at an annual rate of only 970,000 units. This is the first time in over 8 years that the production level fell below the million mark, and at the very time when home building should be expanded, not cut back, to meet the need.

When the Housing Act of 1957 was pending in the Congress, all the testimony and debate led to the conclusion that the level of home building activity would continue to decline even beyond the current low level unless some measure of relief was promptly granted; and that almost any action the Government took would require a year to have any practical effect, because the supply of housing can't be turned on and off like a faucet.

An adequate supply of new housing is a vital necessity to meet the needs of our growing population. But the restrictive pressures on the home building industry, which the new housing law was intended to relieve, raises again the spectre of a housing shortage which so unsettled the Nation a decade ago. A Washington newspaper reported last week, as a straw in the wind, official Government findings that fewer apartments are vacant now than at any time since the vacancy-rate studies were started in 1950.

We want to impress upon you our sincere belief of the need to put in the lower downpayments, not just as a measure to stimulate a vital but depressed segment of our economy, but as a means of affording home ownership to many thousands of American families.

The plight of the veteran is a vital element in this matter. The VA housing program is for practical purposes nonexistent, certainly impotent, from the point of view of a veteran who wants to buy a house. The law says he can get a loan at 4½ percent interest, but it is very difficult to obtain one. His only recourse is to buy under FHA and one major intent of the new housing law was to bring the FHA schedule of downpayments more in line with VA schedules to fill this need, an intent which now must be implemented by executive action to be made effective.

The lower downpayment schedule contemplated by Congress and written into the Housing Act of 1957 was also intended to make home buying easier for families in moderate circumstances who have not accumulated large amounts of cash. Under the new law, the cash downpayment on a $10,000 home would be $300 as against the $700 required now; on a $12,000 home, it would be $600 as against the $1,200 required now. Certainly, it is logical to pay proper attention to a family's earnings as a yardstick for home ownership, rather than savings alone.

To sum up, it is our belief that lowered downpayments on FHA-insured home building were contemplated by the Congress to revive the home-building industry, to help to prevent a more stringent new housing shortage, to prove of special benefit to veterans, and to make it more possible for families in moderate circumstances to enjoy the status of homeowners.

We sincerely believe that it was the expectation of Congress that the downpayment schedules of the Housing Act of 1957 would be put into effect as soon as possible, and we wish again, with all due respect, to urge that you undertake to put these provisions of the law into effect promptly.

Sincerely.

SENATE

MONDAY, AUGUST 5, 1957

(Legislative day of Monday, July 8, 1957)

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

Rabbi Manfred M. Rechtschaffen, spiritual leader, Congregation Degel Israel, Lancaster, Pa., offered the following prayer:

Creator of the universe, Thou who hast arranged the stars in their course in the heavens according to Thy will, Thou guidest the destiny of every creature.

Help us to be grateful for Thy many bounties that have made America great.

Help us to be able to acknowledge Thy presence in international affairs, local problems, and personal matters.

The Senators who assemble here are fully aware that the attention of the entire globe is focused on this Chamber.

Decisions made here resound from the mountains to the prairies. Friend and foe examine every word.

Support the hands of these men, so they may reach far-reaching conclusions.

Not easy is the task Thou hast appointed to them. Illuminate the path of these leaders of a nation. Assist the majority and minority of every discussion unanimously to seek Thy will.

Cause Thy wisdom to reign supremely in all their deliberations. Grant peace, happiness, blessing, wisdom, grace, kindness, and mercy to those who share and bear the hallowed trust of legislating.

Reward them with confidence in the faith placed in their keen judgment.

May their resolves inspired by Thee meet with the sincere approbation of a loyal, enlightened, and grateful constituency.

America has suffered the loss of a statesman. Walter Franklin George, of Georgia, is gone. He served his State and this Nation loyally. He was a southern gentleman. He had the respect and confidence of his colleagues in the Senate. His words and deeds inspired the confidence of nations. "Is it constitutional and wise?" were his criteria for legislation. Party lines fell away before this great American.

Father, full of compassion, grant rest beneath the wings of Thy presence among the holy and pure to Walter Franklin George.

May the Lord be his possession, and may his repose be peace. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Friday, August 2, 1957, was approved, and its reading was dispensed with.

WALTER F. GEORGE

Mr. JOHNSON of Texas. Mr. President, I understand that the senior Senator from Georgia [Mr. RUSSELL], and the junior Senator from Georgia [Mr. TALMADGE] have a resolution which they wish to offer at this time. I yield for that purpose.

Mr. RUSSELL. Mr. President, for myself and my distinguished colleague [Mr. TALMADGE], I send to the desk a privileged resolution, and request its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. Walter F. George, a Senator from the State of Georgia from November 22, 1922, until January 2, 1957, and a former President of the Senate pro tempore.

Resolved, That the Secretary communicate these resolutions to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate, at the conclusion of its business today, take a recess until 11 o'clock a. m. tomorrow.

The Senate, by unanimous consent, proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, for the information of the Senate, I should like to announce that at the conclusion of the morning hour, there will be a call of the Executive Calendar.

At the conclusion of the Executive Calendar, there will be a call of the bills and other measures on the Legislative Calendar to which there is no objection.

At the conclusion of the call of the Legislative Calendar, the conference report on Senate bill 1314, to amend Public Law 480, will be called up.

After action is taken on the conference report, any Senators who may care