In recent days we have witnessed the latest blunder.

Here, mind you, is what Mr. Dulles, this world figure, the symbol of American foreign policy, said recently:

"Not for one minute do I think the purpose of the State Department is to make friends. The purpose of the State Department is to look out for the interests of the United States. Whether we make friends, I do not care."

Is it any wonder that already the nations that do not like us are screaming these words around the world?

It is a good thing for Mr. Dulles' personal feelings that he does not care whether he makes friends. Because in the entire period since he has been Secretary of State he has not made one friend in all this world.

Joseph Alsop, writing from Paris the other day, said Mr. Dulles is now the most disliked man in Europe since Joseph Stalin.

I want to give this message to the other nations of the world tonight:

Mr. Dulles does not represent the attitude of the American people. We say this to our friends around the world. The people of America certainly do care about your friendship.

We Americans do not try to buy the friendship of people with money, with gifts, or loans. Such precious things of the spirit as friendship, are not commodities for sale, vended like loaves of bread in the market place.

The Book of Books teaches that of faith, hope, and charity, the greatest is charity. But the gift without the giver is bare and foreign aid without a true spirit of friendship is no aid at all.

We need friends and we want friends in all of the four corners of the earth. I believe that the future of the human race on this planet lies not in belligerency, not in combat, not in mutual misunderstanding and hatred, but in friendship between all peoples.

I think that we should cultivate friendship abroad with all the peoples who are friendly with us and with some who are not too friendly. Courtesy is its own reward and friendship begets friendship. Fair treatment may bring fair treatment in return, but a cold, heartless, unfriendly treatment is certain to breed resentment in any portion of the world.

As the Proverbs say, "Pride goeth before destruction and a haughty spirit before a fall."

The latest manifestation of the utter collapse of the Dulles' policy is Syria. The effects of this coup in Syria are tragic. The devilishly clever Communist policy of selling low-cost weapons to nations astride petroleum delivery routes—Egypt which controls cheap waterborne transit and Syria which controls overland pipelines—has completely outwitted Mr. Dulles.

Last Sunday, America received the word that the Communists have taken over the Syrian Army, which is the principal power in that Arab State.

It will be interesting to see how Life and the other Republican news magazines translate this crushing defeat into another smashing victory for Mr. Dulles' bold brand of diplomacy.

Syria's alliance with the Reds means the Communists now outflank Turkey and the Baghdad Pact.

Jordan is further endangered.

The oil supplies for the Western European defense are jeopardized.

The entire Middle East is in peril of falling to the Communists.

We Democrats have been gentle in our criticism of the foreign policy. Although we have been locked out of policy decisions by the Dulles refusal to reinstate bipartisan foreign policy, the Democrats have tried to cooperate where possible.

But with Syria's tragic fall, we have no choice but to call for the only reasonable step. America cannot afford to lose her friends across the world. America cannot afford the disintegration of NATO. America cannot afford loud but hollow bluffs followed by timid backdowns. America, my friends, cannot afford John Foster Dulles.

I demand, for the sake of the Nation and mankind, that Mr. Dulles resign.

We do not question, as the Republicans did, the loyalty or the desire for peace of a Secretary of State. Mr. Dulles is loyal but he is a bungler. He wants peace, but does not have a policy to achieve it. He is, in short, a tragic failure as Secretary of State.

We recall with sadness his empty and cynical campaign phrases. He would roll back the Iron Curtain. He would liberate the captive peoples. He would unleash Chiang Kai-shek; he would seize the initiative; he would agonizingly reappraise; he would instantly retaliate; he would have a dynamic, as opposed to static, policy.

The heroes of Hungary, crushed in blood, are mute testimony to the emptiness of Dulles' cynical, vote-getting boasts about liberating the captive peoples. Mr. Dulles insulted Israel and dissolved the grand alliance.

Mr. Dulles' timid, tiptoeing, retreating actions have proved the hollowness of every other slogan he has used.

The Communist menace is greater than ever today. The times call for greatness, not slogans.

We must get rid of this symbol of defeat, frustration, boastfulness, selfishness, and exasperation.

There stands here in New York Harbor the greatest beacon light to liberty in all this earth. The Statue of Liberty is a gift from the people of France to the people of the United States. We have fought four wars with the French people as our allies; our Revolutionary War, the War of 1812, and both World Wars. Does this ancient friendship mean nothing? Does the comradeship of Lafayette and Washington mean nothing? Do the French fleet and two French armies at Yorktown mean nothing? Do all the American boys sleeping on French soil mean nothing? No, Mr. Dulles, your formula of the unimportance of friendship is not the American formula. It is repugnant to our way of life. We are a friendly, gregarious people, liking each other and other people, and wanting them to like us in return.

We are a people of action, not vainglorious, not a boastful, arrogant people. The one word that characterizes an American above any other single word is "friendliness." Mr. Dulles' declaration would destroy our national character. We are not a sullen, surly, angry, unfriendly people.

Let us, then, extend anew the hand of genuine friendship and affection to all our old friends and allies, and to all our new friends, too. Let us make friendship the keystone of our foreign policy, as it is now of our national character.

Mr. Dulles is out of step with America; he must step out. Under new leadership, we will make American good will our frontline of defense. We will so treat our neighbors as to cause all the Free World to glow again with the old warmth; we will make American kindness and friendship the true mark of the new democracy. In that faith let us face the future unafraid. With love and hope and friendship in our hearts, the future is America's.

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# SENATE

## Tuesday, August 27, 1957

The Senate met at 11 o'clock a. m.

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

Eternal Father, strong to save, we lift our hearts to Thee in amazing wonder that Thou hast ordained for Thyself no completion without us, and for us no peace, no lasting joy, apart from Thee. In these convulsive days, when so many hopes are being dashed to the ground, so many dreams shattered, help us to rest our minds in Thee and in the strength of the everlasting values which nothing can destroy.

As we play our part in this age on ages telling, make us largehearted in helping and cautious in criticizing. Keep us from unkind words and from unkind silences, yet sure and strong in the faith that is in us, whenever and wherever we are called to stand. In this epic hour, may we strike our blow for the truth of God and the freedom of man. We ask it in the dear Redeemer's name. Amen.

### THE JOURNAL

On request of Mr. Johnson of Texas, and by unanimous consent, the Journal of the proceedings of Monday, August 26, 1957, was approved, and its reading was dispensed with.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 969) to prescribe the weight to be given to evidence of tests of alcohol in the blood or urine of persons tried in the District of Columbia for operating vehicles while under the influence of intoxicating liquor, with amendments, in which it requested the concurrence of the Senate.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Subcommittee on Postal Rates of the Committee on Post Office and Civil Service be permitted to sit during the session of the Senate today.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas?

Mr. McNAMARA. Mr. President, at the request of one of the members of the committee, who has a conflict because of other important matters, I have been asked to object. Therefore, I object.

The VICE PRESIDENT. Objection is heard.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Internal Security Subcommittee of the Committee on the Judiciary be permitted to sit during the session of the Senate today.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

## TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. Under the rule, the transaction of routine business in the morning hour is now in order. Under the order entered on yesterday, statements during the morning hour today are to be limited to 3 minutes.

## EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Salaries and expenses, Bureau of Old-Age and Survivors Insurance," for the fiscal year 1958, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON REAL AND PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Real and Personal Property of the Department of Defense," as of December 31, 1956 (with an accompanying report); to the Committee on Armed Services.

REPORT ON EDUCATIONAL EXCHANGE

A letter from the Chairman, United States Advisory Commission on Educational Exchange, Department of State, transmitting, pursuant to law, a report on Educational Exchange, for the period January 1 through June 30, 1957 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF COMMERCE

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report on tort claims paid by the Department of Commerce, during the fiscal year 1957 (with an accompanying report); to the Committee on the Judiciary.

## PETITION

The VICE PRESIDENT laid before the Senate the petition of William Dane, of Marrero, La., praying for an investigation of the United States Customs Service, relating to the alleged smuggling into the United States of certain cattle from Mexico, which was referred to the Committee on Finance.

## RESOLUTION OF ONEONTA AERIE, FRATERNAL ORDER OF EAGLES

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Oneonta Aerie, No. 1260, Fraternal Order of Eagles, supporting the efforts which I am making with relation to Senate bill 1073, to ban discrimination in employment based upon age, which effort I am very proud to say is receiving the national support and attention of the Fraternal Order of Eagles, as developed at its convention in New York.

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

ONEONTA AERIE, NO. 1260,
FRATERNAL ORDER OF EAGLES,
*Oneonta, N. Y., August 10, 1957.*

Hon. JACOB JAVITS,
*Congress of the United States,*
*Washington, D. C.*

DEAR SENATOR JAVITS: At the last regular meeting of Oneonta Aerie No. 1260 held at the aerie home on Thursday, August 1, 1957, the following resolution was made and passed:

*"Be it resolved,* That Oneonta Aerie No. 1260 of the Fraternal Order of Eagles goes on record in support of passage of bill, S. 1073, introduced by United States Senator JACOB JAVITS, of New York State, which would ban discrimination in employment based on age; and be it further

*"Resolved,* That Oneonta Aerie No. 1260 carry on a broad educational campaign to obtain the support of management, labor, and the general public for job opportunities for older workers; and be it further

*"Resolved,* That copies of this resolution be sent to our New York State Senators and Congressmen."

Very truly yours,
CHRIS C. KLEEMAN,
*Secretary, Oneonta Aerie No. 1260.*

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURRAY, from the Committee on Interior and Insular Affairs, with amendments:

S. 77. A bill to establish the Chesapeake and Ohio Canal National Historical Park and to provide for the administration and maintenance of a parkway, in the State of Maryland, and for other purposes (Rept. No. 1145).

By Mr. HUMPHREY, from the Committee on Government Operations, with amendments:

S. 2533. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to lease space for Federal agencies for periods not exceeding 15 years, and for other purposes (Rept. No. 1146).

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

H. R. 1315. An act for the relief of Mr. and Mrs. Charles H. Page (Rept. No. 1148); and

H. R. 4351. An act for the relief of G. H. Litts (Rept. No. 1149).

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

H. R. 1804. An act for the relief of Robert B. Cooper (Rept. No. 1151); and

S. J. Res. 80. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women (Rept. No. 1150).

## REPORT ENTITLED "PETROLEUM, THE ANTITRUST LAWS AND GOVERNMENT POLICIES" (S. REPT. NO. 1147)

Mr. O'MAHONEY, from the Committee on the Judiciary, pursuant to Senate Resolution 57, 85th Congress, submitted a report prepared by the Subcommittee on Antitrust and Monopoly, entitled "Petroleum, the Antitrust Laws and Government Policies," together with the minority views of Mr. DIRKSEN and Mr. WILEY, which was ordered to be printed.

## BILLS INTRODUCED

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

By Mr. BARRETT:

S. 2858. A bill for the relief of Joseph Chenchar; to the Committee on the Judiciary.

By Mr. CAPEHART:

S. 2859. A bill for the relief of Arie Abramovich and Rivka Popper Abramovich; to the Committee on the Judiciary.

By Mr. IVES:

S. 2860. A bill for the relief of Miss Susana Clara Magalona; to the Committee on the Judiciary.

By Mr. BARRETT (for himself, Mr. O'MAHONEY, Mr. AIKEN, Mr. ALLOTT, Mr. ANDERSON, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BRICKER, Mr. CARLSON, Mr. CARROLL, Mr. CASE of South Dakota, Mr. CHAVEZ, Mr. CHURCH, Mr. CURTIS, Mr. DWORSHAK, Mr. HRUSKA, Mr. HUMPHREY, Mr. JACKSON, Mr. KENNEDY, Mr. KNOWLAND, Mr. KUCHEL, Mr. LANGER, Mr. MAGNUSON, Mr. MALONE, Mr. MANSFIELD, Mr. MCNAMARA, Mr. MORSE, Mr. MUNDT, Mr. MURRAY, Mr. NEUBERGER, Mr. POTTER, Mr. SALTONSTALL, Mr. SCHOEPPEL, Mr. THYE, Mr. WATKINS, and Mr. YOUNG):

S. 2861. A bill to extend for an additional 4-year period the provisions of the National Wool Act of 1954; to the Committee on Agriculture and Forestry.

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

By Mr. POTTER (for himself and Mr. MCNAMARA):

S. 2862. A bill to exchange certain lands in the city of Detroit, State of Michigan; to the Committee on Public Works.

By Mr. JAVITS (for himself and Mr. IVES):

S. 2863. A bill to provide for the appointment of additional judges for the Court of Appeals for the Second Circuit and the district courts for the southern and eastern districts of New York; and

S. 2864. A bill to provide for the appointment of additional judges for the Court of Appeals for the Second Circuit and the district courts for the southern and eastern districts of New York; to the Committee on the Judiciary.

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

S. 2865. A bill to amend title I of the Housing Act of 1949 to authorize in certain cases financial assistance for community relocation; to the Committee on Banking and Currency.

By Mr. BRICKER:

S. 2866. A bill for the relief of the Cooper Tire & Rubber Co.; to the Committee on the Judiciary.

## EXTENSION OF WOOL ACT OF 1954

Mr. BARRETT. Mr. President, on behalf of myself, and Senators O'MAHONEY, AIKEN, ALLOTT, ANDERSON, BEALL, BENNETT, BIBLE, BRICKER, CARLSON, CARROLL, CASE of South Dakota, CHAVEZ, CHURCH, CURTIS, DWORSHAK, HRUSKA, HUMPHREY, JACKSON, KENNEDY, KNOWLAND, KUCHEL, LANGER, MAGNUSON, MALONE, MANSFIELD, MCNAMARA, MORSE, MUNDT, MURRAY, NEUBERGER, POTTER, SALTONSTALL, SCHOEPPEL, THYE, WATKINS, and YOUNG, I introduce, for appropriate reference, a bill to extend for an additional 4-year period the provisions of the National Wool Act of 1954. I ask unanimous consent that the bill lie on the desk until the close of business on Thursday,

August 29, 1957, to give other Senators an opportunity for cosponsoring it.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Wyoming.

The bill (S. 2861) to extend for an additional 4-year period the provisions of the National Wool Act of 1954, introduced by Mr. BARRETT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

## HOUSE BILL PLACED ON CALENDAR

The bill (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, was read twice by its title, and placed on the calendar.

## 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. YARBOROUGH:

Statement by him at hearing this morning at the Department of Commerce Auditorium, before the Alcohol and Tobacco Tax Unit of the Internal Revenue Service of the United States Treasury Department.

Editorial from the Jewish Times, of Massachusetts, and from the Pilot, the archdiocesean paper of Boston, regarding Senate bill 2792, the immigration bill.

## CHAMPION MEXICAN BASEBALL TEAM

Mr. JOHNSON of Texas. Mr. President, on Friday, August 24, the Jack-the-giant-killer team from Monterrey, Mexico, won the Little League world series.

Angel Macias, a star performer who throws with either hand, pitched a perfect no-hit, no-run game against La Mesa, Calif. I might add that Angel can play any position on his team.

The odds against Angel and his fellow ball players were terrific. They were outweighed 35 pounds per man, and their average height was 5 inches less per man. When they left Monterrey 4 weeks ago, they were not conceded a chance.

But in the wonderful world of sports, victory does not always go to strength and size. There are other factors, which cannot be measured—stamina, inspiration, and the will to win.

The victory was an honor to the team, to Monterrey, and to the Republic of Mexico. But it was also an honor to the ideal that sports transcend national boundaries.

The United States is as proud of the winners as are the citizens of our sister Republic of Mexico.

This fine group of young men are in Washington today. They are here—without even intending to fulfill that role—as ambassadors of mutual good will and understanding.

Our heartiest congratulations go to them, to their fine outstanding coach, Cesar Faz, a native of San Antonio, Tex., and to the people of their country. This is international understanding at its best.

To commemorate this occasion, I ask unanimous consent that an article in the New York Times by Michael Strauss be printed in the RECORD as part of my remarks.

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

MACIAS HURLS PERFECT NO HITTER AS MONTERREY CAPTURES SERIES—AMBIDEXTROUS MEXICAN STOPS LA MESA, 4–0, STRIKING OUT 11 BATTERS IN LITTLE LEAGUE TITLE GAME

(By Michael Strauss)

WILLIAMSPORT, PA., August 23.—The final episode of a story that has the earmarks of a fairy tale was enacted at Memorial Park today. Monterrey, of Mexico, the Jack-the-giant-killer team, captured the Little League world series.

Beaten in today's final, played before a crowd of 10,000 that included Rear Adm. William R. Smedburg, Superintendent of the United States Naval Academy, was the La Mesa (Calif.) nine. The final count for the 6-inning fray was 4–0.

Adding luster to the almost unbelievable finish by the pint-sized band of Mexican boys was a perfect no hitter pitched by Angel Macias. The 5-foot, 88-pounder, who is ambidextrous, has demonstrated prowess at all positions.

A shortstop yesterday as the Mexicans were easing past Bridgeport, Conn., 2–1, Macias was nominated as today's hurler by Coach Cesar Faz. Pitching with his right hand, Macias stopped the Californians cold.

BATTERS DWARF MACIAS

Faced by batters who dwarfed his teammates and himself by 35 pounds and 5 inches per man, Macias breezed through in amazing style. Not a single ball was hit out of the infield as the Monterrey star personally took care of 11 of the 18 putouts via strikeouts.

The Mexicans, who showed signs of uprisings in several earlier innings, finally broke through in the fifth. All four runs crossed the plate in this frame. A ringing single off Enreque Suarez' bat was the key blow.

Today's victory by the Mexicans was the Little League organization's greatest success story in its 11-year history. Four weeks ago, when the Monterrey players began the dusty, 150-mile trip by bus to McAllen, Tex., for the opening playoff game, they weren't conceded a chance.

But the Monterrey boys fooled everyone. Their triumphant tour covered stops for playoffs in Corpus Christi, Fort Worth, and Louisville. When they arrived here Monday, a weary lot, they boasted a string of 11 victories.

The Mexicans averaged 92 pounds and 4 feet 11 inches. One of their regulars, Gerardo Gonzales, a key batter during the two-game series here, scaled only 64 pounds. This was in contrast to the 5 feet 4 inches and 127 pounds averaged by the California team.

Today the victors' task was surprisingly simple. Macias stopped such California sluggers as Joe McKirhan, who blasted two homers yesterday, and Frank Vogel. He retired the side in the final inning on strikes.

The game's only rally was begun when Lew Riley walked Ricardo Trevino to open the bottom half of the fifth. Before Riley could retire the side, nine more batters had paraded to the plate.

In addition to Suarez' important single and the base on balls to Trevino, the Mexicans put together another walk, a bunt single, a sacrifice, and two fielder's choice. Two errors added to the damage.

To celebrate the start of the game, all work ceased in the City of Monterrey (population 500,000) at 1 p. m. Whistles blew, sirens screamed, and citizens paraded through the streets. Loud speakers installed in the public squares kept the crowds apprised of the game's progress via a play-by-play telephoned from here.

The pregame celebration, according to the telephone report here, was minor compared to the tumult that broke loose when the final out was made. Fire engines raced through the streets with sirens roaring while crowds milled about the squares singing exultantly. To cap it all, Mexico's president, Adolfo Ruiz Cortines, said he was going to receive the team in the national palace in Mexico City.

Bridgeport won the third-place playoff this morning by defeating Escanaba (Mich.), 4 to 3.

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| La Mesa | 000 | 000—0 | 0 | 3 |
| Monterrey | 000 | 040—5 | 3 | 0 |

Batteries—Riley and Vogel; Macias and Villarreal.

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

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

Mr. MANSFIELD. I should like to join the distinguished majority leader in extending congratulations to the Monterrey Little League baseball team. As the majority leader has pointed out, in the face of tremendous odds and great difficulties, the team was able to work its way into the finals, and then to defeat the La Mesa, Calif., team for the championship.

It is indeed heartening that we have such ambassadors in our midst today, and I express the hope that the good will these youngsters have emphasized in this country will be repeated many times over.

I express the further hope that because of the inspiration these courageous boys have given, it will not be too long before the major leagues in this country will consider extending into the Republic of Mexico.

As the majority leader has said, these youngsters are the best type of ambassadors, and what they have done has been to cement the good relations between the two sister republics, the United States of America and Mexico.

More power to them. To the Monterrey team and to their coach, Cesar Faz. I extend my best wishes and congratulations. I hope they come back again. I hope they win many, many more victories. We are proud of them.

Mr. JOHNSON of Texas. I thank my distinguished friend for his remarks.

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

Mr. JOHNSON of Texas. I yield to the able and beloved acting minority leader.

Mr. COTTON. I thank the Senator from Texas for yielding.

I merely wish to say that the distinguished minority leader, the senior Senator from California [Mr. KNOWLAND], has been delayed by necessary business, and cannot be in his seat at this time. Were he here, I know he would join most heartily with the distintinguished majority leader in congratulating and bidding welcome to the fine group from Mexico. On his behalf, as well as on behalf of all Members on this side of the aisle, I join the majority

leader in the congratulations and welcome. I understand that the distinguished Vice President, now presiding, is entertaining this outstanding group for lunch and they have already been received by the President.

Mr. JOHNSON of Texas. I thank my distinguished friend, the acting minority leader.

Mr. SMATHERS subsequently said:

Mr. President, I wish to join with the distinguished majority leader in congratulating the Little League baseball team, from Monterrey, Mexico, which recently won the world championship. I think the fact that they have taken what is essentially a North American game, one which used to be played almost exclusively by the people of the United States, and not only adopted it, but perfected it to such an extent that they could defeat our very best teams is a great accomplishment in itself. It demonstrates again that our Latin friends have great ability, not the least of which is athletic ability.

I think the fact that the Mexico Little Leaguers won the championship foretells great things for the Washington Senators baseball team. For many years the Washington Senators have relied on Latin ballplayers. The team obviously has not had as many as it has needed. The team this year has not done so well as we would have liked. The team has had many distinguished Latin American players, and today has such as Camilo Pascual, Washington's top pitcher from Cuba, Pedro Ramos, another fine pitcher from Cuba, and Julio Bequer, first-base man, who I believe is from Mexico. If all the Washington Senators' baseball players were as good as these Latins, the Washington Senators would not be in the cellar today. The fact that the Little League team from Mexico could someday be transported en toto to Washington to represent us in the American League, I think, holds great hope for us. It may be that, through this means the development of young Latin players, the Washington Senators baseball team can come out of the cellar and once again achieve the rarified atmosphere of a first-division team, and who knows if we could get all these Monterrey boys, we might even win the championship.

## THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, this can well be one of the most historic sessions of the Congress.

We anticipate that within a few hours the Senate will receive from the House of Representatives the compromise version of the civil-rights bill. Mr. President, it will be brought to the floor of the Senate with little delay.

The compromise which was reached in the House of Representatives is not completely satisfactory to anyone. It is a compromise which was reached because there had to be some give and take, and that is something which cannot be considered as just a one-way street.

Personally, Mr. President, I believe that the House version of the bill has less strength than the Senate version. The jury-trial version passed by this body was the product of great care and great precision. But it would be a great mistake to exaggerate the shortcomings of the House version of the bill. This is not the first time that I have agreed to accept proposed legislation less than completely satisfactory, and it will not be the last time. Every one of my colleagues has had that experience. We realize that none of us can pick up his marbles and walk away and expect to get exactly what he wants.

The House bill, in the form which I believe will finally be passed by both Houses, retains the Senate jury-trial provision intact, with a minor amendment. The allowable exceptions under the compromise would represent minor offenses, such as are handled without juries in local courts. It is my belief that under the provisions of the amendment no judge would lightly decide to hold a criminal-contempt trial without a jury. And, when we are dealing with realities, that is a factor of the greatest importance.

Mr. President, I believe it is of vital importance that a civil-rights bill be passed by the Congress this year. The Congress is acting in a mood of reason. But the atmosphere could easily be changed. If this bill dies, it is my firm belief and my deep-seated conviction that it will be many years before once again we can approach this question in a spirit of give and take. The result of superheated partisanship—and it would be inevitable, if this bill were killed—could be disastrous to this country and to every section of our beloved land.

Mr. President, all of us must realize that men have strong convictions on this issue. All of us must bow a bit if we are to have a reasonable solution, rather than a burning issue.

For that reason, I hope the House version of the bill will be considered intelligently and coolly, in the light of merit and justice to all.

Mr. SMITH of New Jersey. Mr. President, I wish to add a few words on my own to what the distinguished majority leader has just stated.

What appeals to me in the proposed civil-rights legislation which soon is to come before the Senate is that for the first time since I have been a Member of the Senate, and, in fact, for the first time since shortly after the Civil War, the Congress has been approaching the subject in a sincere attempt to find a way to cooperate in connection with one of the most important civil rights which exists, namely, the right to vote.

I believe that emphasis on the right to vote is the correct emphasis, instead of on the question of how to deal with those who interfere with the right to vote.

I was not in accord with the jury-trial amendment, but that aspect has now been worked out in a way that reflects an approach of friendly cooperation, in an effort to solve this problem, which for so long has divided our country, and this spirit of cooperation is the most encouraging sign we have had since my service in the Senate.

In the past endeavors have been made to do things by force. Mr. President, the attainment of ends of this type cannot be accomplished by force. It is essential to act through laws, but we cannot coerce a large section of the people to do that with which they do not thoroughly agree. The approach must be made from the point of view of give and take, and that is what I believe this bill involves.

From my own contacts with my distinguished friends who come from the South, I know they believe in the right to vote, and I know they believe this move is inevitable. I believe they will cooperate in seeing to it that the right to vote is possessed by all the American people.

I give great credit to the President of the United States for insisting from the beginning on the right to vote as the basic civil right. The Congress has heard arguments about other civil rights; but I was one of those who insisted upon having the bill limited to the right to vote. I think it is going to be one of the greatest accomplishments since the Civil War, for which credit is due to the leadership on both sides, in bringing about a new understanding and a new feeling of cooperation as between the two sections of the country affected by this issue.

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

Mr. SMITH of New Jersey. I yield.

Mr. JOHNSON of Texas. I would be less than human if I did not express to the Senator my deep gratitude and tell him how affected I am by his generous expressions and his constant understanding and tolerance, as well as recognition of the grave problems which confront all the people of this country, instead of just the people of the State he represents.

Mr. SMITH of New Jersey. I thank the Senator very much for his kind comments.

Mr. President——

The VICE PRESIDENT. The Senator from New Jersey.

## LOY HENDERSON AND PROBLEMS IN THE MIDDLE EAST

Mr. SMITH of New Jersey. Mr. President, when the present Syrian crisis arose some days ago and we were all concerned about possible repercussions throughout the Middle East, it was certainly a source of great gratification to us all that the State Department saw fit to send one of our most distinguished career men, Mr. Loy W. Henderson, to keep close watch of the situation in the area.

Mr. Loy Henderson, Deputy Under Secretary for Administration in the Department of State, is now in the Near East attending a series of conferences on the Syrian situation. Secretary Henderson is one of the most experienced members of the Department, and one whose friendship I have cherished for many years.

In the Evening Star of August 26, there appeared an excellent article about Secretary Henderson and the outstanding service which he has rendered to the Department and to his country. I wish

to add my own commendations and congratulations to others which Secretary Henderson has so richly merited.

I ask unanimous consent that the article from the Evening Star entitled "Loy Henderson Rates Toga of High Priest" be printed in the RECORD as a part of my remarks.

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

LOY HENDERSON RATES TOGA OF HIGH PRIEST

The high priest of the United States foreign service, Loy W. Henderson, is in Turkey today. His claque in Foggy Bottom and around the world is confident that the national interest is in good hands.

Mr. Henderson, whose foreign service status automatically expired when he became 65 last June 28, has remained on as Deputy Under Secretary of State for Administration by virtue of a Presidential appointment, another of an imposing list of honors.

For all his virtuosity in diplomacy, Mr. Henderson has managed to stay in the background for most of his career, while many men whom he launched on their careers have now come to be regarded as virtual patriarchs of the American diplomatic corps.

IN DEPARTMENT 35 YEARS

Experts on the Soviet Union, like George Kennan and Charles (Chip) Bohlen, for instance, are proteges of Mr. Henderson, who was Chargé d'Affaires in Moscow during much of World War II and also served on the policymaking level in Washington as Chief of the Office of East European Affairs during part of that period.

Mr. Henderson speaks Russian. He also is fluent in German.

He has been with the Department so long, 35 years last May, that he has had an opportunity to become truly expert in more than one general area. Assistant Secretaries now specializing in East European, Middle East, and Soviet affairs, are regular callers in Mr. Henderson's office, even though his job now concentrates on the administrative affairs of the State Department, the selection of personnel, the formation of budget requests for Congress, and other housekeeping chores.

TALENT FOR TRAINING MEN

Most Department men who know him attribute to Mr. Henderson an unobtrusive charm and a quality for getting the most and best out of other men, besides the capacity for prodigious work and long hours.

A great many of the United States ambassadors and Assistant Secretaries were brought up from obscurity by the Administrative Under Secretary. This is partly inescapable, because of Mr. Henderson's early ascendancy in the Department and his long service.

But those who know him best believe that he has a special talent for training new men of ability.

It is typical of his self-effacing nature—a deliberately cultivated quality which he thinks all Foreign Service officers serving the Secretary of State and President should develop, that newsmen did not even learn of his important trip to Istanbul last weekend until he had been out of the country more than 24 hours.

He eschews the flamboyant.

MENTOR TO TRUMAN

Ambassadors are the conductors for American policy, not its makers, be believes. And he has a pervading suspicion of ambassadors who project themselves into the limelight while they are negotiating in the United States interest abroad.

Mr. Henderson, for instance, is at least as much responsible for the Truman doctrine's formulation as any other American. He was in the top operating job which devised the American response when Great Britain decided it could no longer continue the burden. But he gets little of the credit today.

When Iran was torn by its difficulties with Britain over oil interests there, Mr. Henderson spent long, patient hours at the bedside of the then Premier Mohammed Mossadegh, the sick man of many tears, working out a formula to get Iran's oil flowing again—and to hold the Communist Tudeh party at arm's length.

With all his human traits Mr. Henderson is a formal type. He seldom calls people by their first name, even those many decades his junior. Others call him "Loy," to which he does not object.

FREQUENTLY CONSULTED

His associates do resent one of his most consistent habits. When they bring problems to him for decision after days and weeks of research, they have come almost to expect him to make suggestions for American action which often come closer to meeting all the demands of American policy than their own.

The administrative job he now holds restricts his effectiveness as a policymaker. But when trouble breaks—almost anywhere in the Eurasian land mass—Mr. Henderson is consulted at great length. If a special emissary is needed, the Assistant Secretaries bring up his name first, especially if the Middle East is involved.

Since becoming administrative chief he has represented President Eisenhower at two Baghdad pact conferences, at the Cairo conference following the Suez seizure, and now in the consultations on Syria.

Although he is past 65 and compulsorily retired from the foreign service, State Department officials expect the hardy Mr. Henderson to be available for special jobs for many years to come.

Mr. MANSFIELD. Mr. President, I should like to join in what the distinguished senior Senator from New Jersey has said about Loy Henderson. He is a great diplomat and certainly a credit to this country. If anyone is to find a solution to the situation in the Near East, especially as it appertains to the Arabic countries, that man is Loy Henderson. I think Secretary of State Dulles is to be commended for having the foresight to send Mr. Henderson to the Middle East to see what can be done to alleviate the situation as it exists at the present time. We know the Middle East is an area of great danger. We are extremely fortunate in having a man of Loy Henderson's ability looking into the situation at firsthand at this time and I commend the Senator from New Jersey for his remarks and the Secretary of State for his wisdom in dispatching this able diplomat to this particular hot spot.

Mr. SMITH of New Jersey. I thank the Senator for his kind remarks.

## DIPLOMATIC APPOINTMENT—CORRECTION OF STATEMENT REGARDING FORMER AMBASSADOR TO LUXEMBOURG

Mr. MANSFIELD. Mr. President, on yesterday I made a speech about ambassadorial appointments. In my remarks I said, in part:

The travail of Ambassador Gluck has also focused attention on the problem of absences from duty of our ambassadors. It took me several months this year to get from the Department of State figures on absences from posts. I became interested in this matter because a former Ambassador to Luxembourg spent 264 days away from his post over a period of 2 years, for reasons which had nothing to do with foreign relations or illness.

Mr. President, I was mistaken in my remarks. I find now on the basis of information I have just received, that nonduty time to be attributed to our former Ambassador to Luxembourg is only one-half of the period I referred to on yesterday. I find that Ambassador Buchanan did not use 41 days of this home leave in 1956, and that in 1955 he returned to the United States for 16 days because of the illness and death of his father-in-law.

I wish to take this means to apologize to Ambassador Buchanan for any hurt or inconvenience I may have caused him. I am glad, in fairness to Mr. Buchanan, to make this statement in the Senate and thus rectify the error I made on yesterday.

## INTERCONTINENTAL BALLISTIC MISSILE

Mr. JACKSON. Mr. President, I desire to comment briefly on the announcement by the Soviet Union that it has successfully tested an intercontinental ballistic missile. Regardless of how accurate the Soviet claim may be in detail, it should still cause us grave concern.

I would remind the Senate just why we cannot discount this latest revelation of Russian progress in weapons development. The simple fact is that similar announcements on the A-bomb and H-bomb were promptly confirmed in fact.

We know that the Soviets have made amazing progress in the ballistic missile field. Our own officials concede this. The statement yesterday by the Soviet Union confirms once again the warning some of us have been sounding for a long time—the Soviets are ahead of this country in the race for the intermediate range or 1,500-mile ballistic missile. At best, they are in a neck and neck race with us for the intercontinental ballistic or 5,500-mile missile.

Mr. President, this is a good time to bring home to the American people something they have a right to know. Despite the highest priority that has been given the ballistic missile program, the target dates for our achievement of operational missiles, both the 1,500 mile and the 5,500 mile, have been postponed. We will not be getting these weapons nearly as early as had been previously anticipated. There has been a substantial slippage in the progress of our research and development on these weapons.

As we all know, the Defense Department is now engaged in a general cutback of defense programs. In this cutback even the ballistic missile program—despite its priority—has not been spared. Whatever the accuracy of the Russian claim, I hope it will arouse the Defense Department to put the ballistic missile program back on the track and give it once again the all-out effort it demands.

Perhaps the Russians have rendered us something of a service—that is, if the Defense Department will take heed of the danger. The Soviet announcement should be the signal to the defense administrators to reverse the missile slowdown. It should spur the administration to maintain a resolute effort to win the races for discovery of vital new weapons.

## CHICAGO TO GET ENLARGED, MODERN PASSPORT OFFICE

Mr. DIRKSEN. Mr. President, I am delighted by the announcement there will be a new up-to-date passport office in Chicago, and in that connection I ask unanimous consent to have printed in the RECORD an article from the Chicago Sunday Tribune which relates to this matter.

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

[From the Chicago Sunday Tribune of August 25, 1957]

CHICAGO TO GET ENLARGED, MODERN PASSPORT OFFICE—NEW STREAMLINED QUARTERS TO BE READY BY OCTOBER 1

(By William W. Yates)

Chicagoans are in for a surprise come October 1. On that date a new passport office should be operating in the United States courthouse—an office as attractive and modern as an airline ticket office. Deep coral, rose, beige, warm gray and ciel blue will combine with natural blonde, platinum or gray driftwood to provide an atmosphere in sharp contrast to the rest of the Federal building, and start the traveler on his way in an atmosphere in keeping with modern transportation.

The present crowded quarters in room 252—tucked neatly away in a corridor extremely difficult to find—will be enlarged more than 100 percent. Of course, if you've been there before, you can always follow your nose, for the passport agency is directly beyond the lunchroom from which emanate the odors of cooking food throughout the day.

But once inside the new offices you'll forget about this, for they'll be air conditioned.

The present jampacked quarters will give way to a public area that will permit seating, provide writing tables and a modern, zigzag counter for applicants and witnesses, each space separated in such a way that privacy will be provided each applicant.

There will be a seating area for 20 persons and a sitdown writing area for 26 persons. Tables will be spotted between every third or fourth seat. A large world map and murals will be worked into the wall decorative scheme.

Upright columns will be of deep coral, walls tinted a rose beige, the floor tile a warm gray flecked with coral, ceilings a light tint of the basic color. Formica tops on the counters and tables will be blond or platinum. Upholstery will be coral and ciel blue plastics, replacing the traditional heavy and more expensive leather used in most Government offices. Adequate work areas for the agency staff will replace present crowded quarters that barely enable people to move around.

The force behind all this change is a chic, strawberry blond. She is Frances G. Knight, a career Government employee since 1936 who became chief of the State Department's passport division in 1955. She believes that Government should be as forward thinking as modern business—not wait until a crisis has developed—and that it should sell itself just as business does.

Things haven't been the same since she took over. First change came when this slender, blue-eyed miss succeeded in moving the Passport Office out of its dilapidated and antiquated Civil War Washington headquarters into a modern, streamlined department in new quarters. Then she streamlined and modernized the New York agency and moved on to Los Angeles, where now you might suspect you were in the office of a plush travel agency instead of a Government bureau. Chicago is now undergoing a transformation, and New Orleans and Boston are next on the list.

Lest you think this is all another burden on the taxpayer, dispel the idea at once. She's accomplishing the changes within her budget allotted by Congress. And in addition, her agency is one of the few that returns a profit to the Federal Government—about $2½ million annually.

"Every time you suggest something new in government it is like dropping a bomb," Miss Knight said in Chicago last week. "I've run into a lot of opposition but I've also had a lot of help. Many people regard Congress as an ogre which constantly opposes improvements. That isn't so. Congress has only to be shown a justified need and it will willingly provide money for the remedy."

It could be this pretty gal's appearance disarms the Budget Bureau and the Civil Service Commission, but her theories work out, for she's been given funds to get adequate new quarters, buy modern machinery, consolidate files into a modern system, and increase her working force.

A great deal of her present program springs from a woman's distaste for the drab and from outmoded systems. But more than that is her belief that the passport division must be ready for the jet age, a phrase which she didn't coin but which she popularized around Washington in her appearances before Congressional committees.

We're entering a new age of travel and speed which is going to make it possible for almost everyone in the country to visit places and see things never dreamed about. It won't be long before we will need a million passports a year to handle America's travel needs.

This year the passport agency has issued 560,000 of the little green books. Ten years ago the figure was 202,000. And concerning those little green books, she's even thinking now of a more attractive passport, done in plastic, where the glycerin in the ink won't rub off. But that is at least several hurdles and a couple of years ahead.

April was the heaviest month in the agency's history, with 82,000 applications filed. Despite widespread publicity on cases of persons whose passport rights were challenged on security grounds, this lady, who has virtually the final word on issuance or denial of passports, said there has been only one turndown for security reasons this year.

She said no place in the world will be more than 20 hours away with the new jet transports that will travel up to 600 miles an hour, expected in 1960. They will carry 150 passengers and will be able to make three transatlantic crossings in the time it now takes to make two.

Women are her best customers and biggest headaches, she admits wryly. They get 56 percent of all passports issued. They also nullify their passports with amazing regularity with nail polish, cigarette burns and mutilations, that lodge with amazing frequency across the year of their birth. Men aren't wholly innocent. "They keep copious notes including dress sizes, telephone numbers, and sure-fire systems for beating roulette in their passports," she added.

She gets many a chuckle out of her work. A young woman sent in a passport photo of herself in a WAC uniform. When it was returned with a request for a photograph out of uniform, she submitted a picture of herself in the nude.

Miss Knight is widely traveled. She has visited the 48 States and Hawaii and made business or pleasure trips to 34 foreign countries. She's a graduate of the New York University School of Journalism and speaks French, German, and Czechoslovakian in addition to English. She is married to Wayne W. Parrish, publisher of aviation magazines. Her Government career dates back to 1936 when she became a division chief of the old National Recovery Administration.

Despite the sweeping changes for good she has effected in her department, her most startling thinking to many was a comment some time ago that the law doesn't require that a passport picture make you look like a thug.

"I was well acquainted with the gag that if you looked like your passport picture you needed a trip, but I was unprepared for the preponderance of thug-like pictures I've had to process," she continued.

"People needn't smile or look slaphappy, but if they want to smile naturally, why not? A normal, relaxed photograph is a far better identification of a passport holder than a scowling mug shot."

Meanwhile, if you want to see what this energetic lady is doing, drop into the passport agency after October 1 and you'll find out.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). 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.

## EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

## EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. MURRAY, from the Committee on Interior and Insular Affairs:

William Francis Quinn, of Hawaii, to be Governor of the Territory of Hawaii; and

Farrant Lewis Turner, of Hawaii, to be Secretary of the Territory of Hawaii.

By Mr. BYRD, from the Committee on Finance:

Olivia C. Erpenbach, of Minnesota, to be collector of customs in customs collection district No. 35, with headquarters at Minneapolis, Minn.; and

John E. Paterson, of Alabama, to be collector of customs for customs collection district No. 19, with headquarters at Mobile, Ala.

Frank A. Thornton, of California, to be collector of customs in customs collection district No. 25, with headquarters at Mobile, Ala.

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

Roby C. Thompson, of Virginia, to be United States district judge for the western district of Virginia.

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

John A. Benning, for permanent appointment as ensign in the Coast and Geodetic Survey.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). If there be no further reports of committees, the nominations on the calendar will be stated.

## INTERNATIONAL MONETARY FUND AND INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The Chief Clerk read the nomination of Robert B. Anderson, of New York, to be United States Governor of the International Monetary Fund and the International Bank for Reconstruction and Development.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## UNITED STATES ATTORNEY

The Chief Clerk read the nomination of Peter Mills, of Maine, to be United States attorney for the district of Maine.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## UNITED STATES MARSHAL

The Chief Clerk read the nomination of Harry W. Pinkham, of Maine, to be United States marshal for the district of Maine.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## COAST AND GEODETIC SURVEY

The Chief Clerk proceeded to read sundry routine nominations for permanent appointment in the Coast and Geodetic Survey.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

## LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. JOHNSON of Texas. 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.

## POSTAL FIELD SERVICE EMPLOYEES PAY-INCREASE BILL—PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. JOHNSON of Texas. Mr. President, on behalf of the minority leader and myself, I propose the following agreement:

*Ordered*, That when the Senate proceeds to the consideration of H. R. 2474, the postal field service employees pay-increase bill, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment, motion, or appeal and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received, with the following exception, namely, that it may be in order to offer as an amendment to the said bill the language embraced in H. R. 2462, the Federal Employees Salary Increase Act of 1957, to which germane amendments may be offered under the same limitation of debate and control of time applicable in the case of H. R. 2474.

*Ordered further*, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

I should like to make it abundantly clear that if this is agreed to and unanimous consent is given, the order would take effect when and if we called up the postal pay increase bill.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and the agreement is entered.

## CRITICISM OF THE SUPREME COURT

Mr. WILEY. Mr. President, in these times, when, someone has said, there is a tendency for some people to become irrational and really fly off on a tangent, we have to remember that if history teaches us anything it is the need to have issues of political power settled by legal rather than physical coercion. By now we should surely be able to see that there can be no Constitution without law administered through the Highest Court. This necessarily presupposes respect for and compliance with the law declared by the Court. In a real controversy, an appeal is made to law, and the issue must be left entirely to the judgment of the High Tribunal, not to the personal judgments of those interested.

At the present time, Mr. President, the Damascus coup points clearly to the essence of Soviet policy in the Middle East. This is another reason why we should keep our balance. We know the Eisenhower doctrine was not made to fit into the facts as they exist in that situation. Nevertheless, the facts are clear that we are not surrendering our principles.

I shall place in the RECORD shortly a statement in relation to the new Russian development of the intercontinental missile, which also calls for us to think and think clearly on these matters.

Mr. President, I was very much interested in an article in the magazine of the New York Times entitled, "Is The Criticism of the High Court Valid?" written by Bernard Schwartz. I ask unanimous consent that the article be printed in the RECORD at this point.

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

IS THE CRITICISM OF THE HIGH COURT VALID?

(By Bernard Schwartz)

WASHINGTON.—During the past generation, there has been a profound change in the manner in which Americans have tended to regard the Supreme Court. Until recently, the attitude of most of us toward our highest judicial institution recalled with singular fidelity that with which, according to Burke, Englishmen of a century and a half ago should have looked upon the political system of their country: "We ought to understand it according to our measure; and to venerate where we are not able to understand."

Yet, if to our grandfathers and our fathers the functioning of the Supreme Court was a sacred mystery of American statesmanship, in our own day the pendulum has swung all the way to the opposite extreme. Veneration has, all too often, given way to vituperation, and the high tribunal has been subject to more than its share of purely partisan censure and attack.

In this current atmosphere of criticism, it should be noted that it is one thing to censure specific Court decisions as unduly extreme and quite another to denounce the Justices on purely personal grounds and to seek to destroy the effectiveness of the Court itself as an institution. To be sure, no governmental organ in a democratic society should be above and beyond criticism. Yet criticism to be fruitful should be based upon understanding. In the case of the Supreme Court, there has been all too little comprehension among its extreme critics of the vital role which the Court has to play in a constitutional system such as ours.

Bryce tells the story an intelligent Englishman, who, having heard that our Supreme Court was created to protect the Constitution, and had authority given it to annul unconstitutional laws, spent 2 days in hunting up and down our organic document for the provisions he had been told to admire. It is no wonder that he did not find them, for there is not a single word in the Constitution on the subject.

Yet, though the Founding Fathers did not speak specifically about the cardinal function of the High Court in guarding the ark of the Constitution, their intent is actually as clear as though they had such express provision. This results from the very theory of a written organic instrument.

The whole purpose of the Constitution, it should not be forgotten, is to establish limits which are not to be transcended by the departments of Government. Its restrictions

may often seem to many as undue restraints upon the popular will at a given time. But that is the very essence of constitutionalism. It is the peculiar purpose of a written constitution to classify certain things as legal fundamentals; these fundamentals may not be changed except by the slow and cumbersome process of constitutional amendment.

The people themselves have decided, in constitutional convention assembled, to limit themselves in the exercise of the complete sovereign power which they would otherwise possess in a representative democracy. And it is precisely these limitations that enable those subject to governmental authority to appeal from the people drunk to the people sober in periods of excitement and hysteria.

If the limitations contained in the Constitution are to be given full effect, their enforcement must not be controlled by every shift in popular whims. A system such as ours, based upon a written Constitution, can hardly be effective in practice without an authoritative judicial arbiter of constitutional issues.

Addressing the court in one of the great state trials of Stuart England, the attorney general of Charles I asked, "Shall any say, the King cannot do this? No, we may only say, he will not do this." It was precisely to insure that, in our system, we would be able to say, "The State cannot do this," that we enacted a written Constitution containing basic limitations upon the powers of government.

Of what avail would such limitations be, however, if there were no legal machinery to enforce them? Without such machinery, our present system would be no more effective than that set up under the Articles of Confederation adopted just after the Revolution. To avoid the weaknesses which had rendered the confederation futile, the Constitution had to incorporate, the men of 1787 well knew, a coercive principle. The only question, as one of the founders expressed it, was whether it should be a coercion of law, or a coercion of arms.

The provision of effective coercion of law for enforcement of the Constitution has been the uniquely American contribution to the science of government. For the ineffectiveness of other constitutions, whose violations could be censured only by the threat or exercise of revolutionary force, we have substituted the institution of review by the Supreme Court of the constitutionality of all exercises of governmental power.

Whatever one may think of the way in which their authority has been exercised by different courts, the securing of a sanction short of force for the safeguarding of our constitutional rights certainly represents a basic forward step in political theory. Struggles over power that in other countries call out regiments of troops, in this country call out only regiments of lawyers.

It is in recognition of this that, in the words of the most famous of "Commentaries" upon our Constitution (that of Joseph Story), "the universal sense of America has decided that in the last resort the judiciary must decide upon the constitutionality of the acts and laws of the General and State Governments, so far as they are capable of being made the subject of judicial controversy."

A constitution that cannot be enforced by the courts is but a paper instrument. It is judicial enforcement alone that makes the provisions of our Constitution more than mere maxims of political morality.

A generation ago, the need for the Highest Court to exercise its role effectively was taken for granted. It is true that there were many people at that time who criticized specific decisions as contrary to the essential needs of effective contemporary government. Yet no substantial sentiment existed in the country for any real curtailment of the court's powers. Even President Franklin D. Roosevelt, in his bitter strife with the Supreme Court, suggested only changes in that tribunal's composition, but none whatsoever in its constitutional prerogatives.

The Roosevelt conflict with the High Tribunal ended ultimately with the appointment by the President of a new Court majority which was far more sympathetic toward the New Deal position on the extent of governmental power. With the advent of the Roosevelt court, there were many who thought that the high bench would cease to be the vital center of our constitutional system. Yet the Supreme Court has been as much in the headlines and controversy as it has ever been, and, while this may hardly be a true criterion of its effectiveness, it surely shows the continued significance of the high tribunal in our constitutional scheme of things.

It is, in fact, difficult to see how the Court can cease to play a crucial part while our system remains true to its constitutional foundations. It is, in Justice Jackson's phrase, hard to comprehend how the provisions of a 150-year-old written document can have much vitality if there is not some permanent judicial institution to translate them into current commands and to see to their contemporary application.

Those who attack the Supreme Court's recent decisions on the ground that they constitute an unwarranted assumption by the Court of primacy over the other branches of government ignore constitutional realities in a system such as ours. Though particular decisions may be subject to legitimate criticism, the essential role of the Court must be accepted, if that tribunal is to continue to fulfill its vital task as guardian of the Constitution.

It should be emphasized that authority such as that exercised by our Supreme Court does not necessarily inhere in judicial power. The judiciary is normally the weakest of the branches of government. The execution of the High Court's will is almost entirely dependent upon the concurring will of the Executive; as Hamilton pointed out, it is the Executive which holds the sword of the community. The story is traditional that President Andrew Jackson once refused to enforce a Supreme Court decision with which he strongly disagreed, saying, "John Marshall has made his decision; now let him enforce it."

How then has the High Court, despite the inherent weakness of its position, managed successfully to assert its power as the authoritative expounder of the Constitution? For, though it possesses neither the sword of the Executive nor the purse of the legislature, the Court's judgments have normally come to be adhered to without question by those who do direct the strength and the wealth of the society.

The strength of the Supreme Court has lain in its acceptance by public opinion as the essential element of our constitutional structure. Acceptance of the court and its authority in the constitutional sphere has become as ingrained in the American consciousness as is acceptance of the competence of the umpire in a sporting event. Should the Court's place in public esteem really tend to go down, then there is genuine peril that it will ultimately lose its exalted constitutional status.

The Supreme Court itself has recognized the basic weakness of its position unless it is supported by public opinion. Opinion is stronger in this country than anywhere else in the world. To yield a little may be prudent, for the tree that cannot bend to the blast may be broken.

It is the real relationship that exists between the work of the Highest Tribunal and public opinion that makes criticism of specific Court decisions fruitful. Mr. Dooley notwithstanding, the High Bench may not immediately follow the election returns. Yet the Justices are extremely sensitive to informed criticism and normally seek to keep in tune with the common sentiment of the community.

Proper criticism of a particular decision is an appeal to the intelligence of a future day, when a later decision may correct the error into which the critic believes the Court has been betrayed. But proper criticism does not at all challenge the place of the Court in our constitutional scheme, or seek to undermine the public acceptance of the Court's role upon which that tribunal's authority ultimately rests.

Should extreme attacks upon the Court succeed, there will result a far more radical change in our constitutional system than even the most immoderate critics assert has been brought about by the Court's decisions of the past few years. A system such as ours, governed by a written organic instrument, must of necessity be a law state par excellence. That such a system can flourish only in a society imbued with a legal spirit and trained to reverence the law is as certain as any conclusion of political speculation can be.

For such a system properly to operate, there must be judicial machinery set up to insure that the provisions of the Constitution are adhered to. A constitution whose provisions are enforced only by the voluntary adherence of those subject to it can be of little practical effect. "To what purpose," as Chief Justice John Marshall said, "are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained?"

If history teaches us anything, it is the need to have issues of political power settled by legal rather than physical coercion. We should by now surely be able to see that there can be no Constitution without law administered through the Highest Court. But this necessarily presupposes respect for and compliance with the law declared by the Court. When, in a real controversy, an appeal is made to law, the issue must be left entirely to the judgment of the High Tribunal and not to personal judgments of those interested.

Respect for the Court's decisions is the sine qua non of our structure. Draw out this particular bolt and the whole machinery will fall to pieces. To make even one exception to the principle that the Supreme Court is the trustee of the law is to take the fatal first step toward abrogation of the rule of law itself. In Justice Frankfurter's apt words, "If one man can be allowed to determine for himself what is law, every man can. That means first chaos, then tyranny."

Covenants without the sword, says Hobbes in a famous passage, are but empty words. The same is true of a constitution that cannot be enforced by the courts. How vain are such words if they may be heeded or not at will! Of what importance is it to say that the political branches are prohibited from doing certain acts, if the branches recognize no legitimate authority to decide whether an act done is a prohibited act?

If the political branches alone have the right to decide on their own powers, does any Constitution remain? Does not the power of the branches become absolute and uncontrolled? Can anyone talk to them of transgressing their constitutional powers, when they deny that anyone has a right to judge of those powers but themselves?

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## THE HUNTING SEASON

Mr. HUMPHREY. Mr. President, as Congress comes to the end of this session, we are also approaching the start of the

hunting season in many areas of the country. Each year a terrific toll of death and injury is taken as a result of the careless few who mishandle firearms.

For that reason I want to call the attention of the Senate to the constructive project being sponsored by the Izaak Walton League across the Nation this fall. It is the league's red-cap program to encourage respect for legal and moral hunting laws; to foster safety in the use of firearms; to help promote respect for the rights of property owners by hunters; to help prevent range and forest fires; and to help perpetuate hunting as a national sport for ourselves and future generations.

Very simply the program is designed to focus attention on the responsibilities of sportsmen when they go afield. Those of us who have been brought up in the tradition of the outdoors accept these obligations as a matter of course and take them most seriously. Younger generations which have not had these opportunities must be properly indoctrinated, if we hope to perpetuate hunting as the great national sport it has always been.

The red-cap program has demonstrated that it will contribute to that desirable end.

Mr. President, I ask unanimous consent that a copy of the press statement from the Izaak Walton League of America, describing Red Cap Month be printed at this point in the RECORD.

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

AMERICA'S HUNTERS TAKE THE PLEDGE

If you're a hunter, you're going to be asked to "take the pledge" during the month of September.

In this case the pledge is the Red Cap Month pledge of the Izaak Walton League of America to encourage respect for legal and moral hunting laws, help foster safety in the use of firearms, help promote respect for the rights of property owners by hunters, to prevent range and forest fires, and to help perpetuate hunting as a national sport for ourselves and future generations.

During the month of September, the hundreds of local chapters of the Izaak Walton League of America will attempt to bring their story of the red hunting cap to every hunter in the country. Their goal: to have as many hunters as possible sign a Red Cap Month pledge card and then to go into the field on opening day and hunt by this code.

The red hunting cap, as the symbol of hunting safety and hunting manners, has been adopted by the league as the hallmark of this combination safety-conservation program.

Red Cap Month is an ambitious undertaking for the 35-year-old Izaak Walton League. Yet, it is only another in the many outstanding projects and programs which it has conducted over the years; all of which back up their avowed purpose of building a better outdoor America.

Mr. William H. Pringle, of Pierre, S. Dak., national president of the Izaak Walton League of America sums it up this way:

"A need for Red Cap Month? Just look at the figures on the number of hunters who this year will go after our wild game; consider the number of man-caused forest and range fires; think of the disrespect paid by these hunters for farmers' rights and property; add up the flagrant violations of laws of hunting and conservation.

"And, most alarming of all is the fact that, as each hunting season opens, forestry and conservation officials sit and wait for the first reports of hunting accidents and fatalities.

"Hunting, as a national sport and recreational activity could, if it continues to be conducted in this manner, be reduced to a mere memory for our future generations."

Mr. Pringle's story on Red Cap Month, and the need for such an educational program, has also caught the fancy of another President, this one himself an avid outdoorsman, Mr. Eisenhower.

In expressing his support for Red Cap Month, the President said:

"The work of the Izaak Walton League of America has long had my enthusiastic support. The objectives of Red Cap Month, therefore, found a most receptive audience here."

Mr. Eisenhower is not alone in his endorsement of Red Cap Month and the pledge of the league. Most of the State's governors have issued separate proclamations for their States declaring September as Red Cap Month in their individual States.

Why all the fuss? Why is the Izaak Walton League so concerned about the actions of America's hunters?

Well, much as the National Safety Council has attempted to educate the millions of American motorists with the rules of safe driving, so is the Izaak Walton League dramatically bringing to the attention of the millions of American hunters the simple rules of hunting safety and conservation.

To anyone who hunts, or who is connected with the sport of hunting, it will come as no surprise that according to the national survey of fishing and hunting conducted in 1955 for the United States Fish and Wildlife Service, one out of every six teen-age boys hunts. Of the 118 million people in the United States over 12 years of age, it is estimated that 12 million hunt. And this includes some half million feminine shooters.

These 12 million hunters spend right at $1 billion in the pursuit of their sport for equipment, lodging, transportation, etc.

Hunting, as a national sport, ranks shoulder to shoulder with such other giant individual participation sports as fishing, golf, boating, bowling, etc. Twelve million persons hunt, and remember, these 12 million are all equipped with either guns or bows and arrows.

And so the reason for the first point in the league's Red Cap Month pledge, "to help foster safety in the use of firearms."

Taking 1955 as an average year in 34 States and 2 Canadian provinces reporting to the National Rifle Association, there were a total of 1,561 hunting accidents involving gunshot wounds. Twenty percent of these were fatal.

The need for hunter education is shown by the fact that 42 percent of the people actually firing the fatal or injury-causing shots were between the ages of 11 and 19. All responsible safety authorities agree that this total, this maiming, suffering, and death can be cut in only one way—by determined, consistent education efforts.

The rules of hunting safety are simple. Encouraging their observance is the problem. With more hunters going into the field in 1957 that at any time in our history, the Izaak Walton League is working most vigorously to burn the need for hunting safety indelibly upon the minds of every hunter in the country.

A second important point of the Red Cap Month pledge is: "I pledge the prevention of range and forest fires."

To every Waltonian, and to every thinking hunter in America, range and forest fires mean only one thing, the destruction of the land and its capacity to produce water, food, fiber, and wild game. If Americans should somehow succeed in destroying most of the range and forest lands, there will some day be nothing at which to shoot.

That does seem far-fetched, but a quick look at a 1957 report of the United States Forest Service tells us that, difficult as it seems, Americans are managing to burn up the countryside at a fairly fantastic rate.

This report says that 1956 was a record low period for forest fires in the United States. Yet on Federal, State, and private lands, there were still 143,485 fires during the year, or an average of one fire every 3½ minutes. (At this rate, while you read this article, two fires will have started in this country.)

These fires burned and destroyed the appalling total of 6,605,894 acres.

Chief cause of these fires? The Izaak Walton League can but repeat the often-quoted figure of Smokey, the Bear: "9 out of 10 forest fires are mancaused. Only you can prevent forest fires."

Here again, there is no complicated formula for the prevention of these fires. Lighted cigarettes should not be thrown from automobile windows—use the ash tray. In the field, cigarettes should be crushed underfoot, picked up, and then stripped and scattered.

Camp fires should never be left untended. They should be extinguished with plenty of water, stirred well, and then liberally doused again.

Everyone who has ever gone into the outdoors has heard these rules time and time again. Yet there were 143,485 forest fires last year and 90 percent of these fires were started by people who knew the rules.

Fire, important as it is, is but one aim of Red Cap Month. Another point of the red cap program pledges hunters to "help promote respect for the rights of property owners."

In a good portion of our country, the farmer and the rancher own the land that supports wild game. These property owners are, for the most part, hunters themselves and have been most generous in opening their lands to other hunters.

But with each passing year, hunters are finding more posted fields, more lands closed to them. Here again, with allowance for the expansion of posting by private hunt clubs, the reasons are simple and direct—a minority of the hunters has shown complete disrespect for the property on which he hunts.

Hunters barge into fields without showing the courtesy to the property owner of asking his permission. Gates are left open and valuable livestock wanders away. Fences are damaged in crawling over, under, or through them. Newly sown fields, or fields not yet harvested, are trampled through as if they were public sidewalks. Horses and cows are mistaken for deer, chickens are mistaken for pheasants.

It is because of these practices of discourtesy that the Izaak Walton League has added this third part of its pledge. Their aim, "to make hunting courtesy contagious."

If the 12 million hunters who go into the field this fall will request permission to hunt on lands, will close gates, will ask where the livestock is located and then give it a wide berth; walk around sown or unharvested fields instead of through them, will treat property as if it were their own, property owners might be more inclined to permit hunting activity on their lands.

And the legal and moral laws of hunting and conservation?

In our democracy, we live by a fixed set of rules which act to the best interests of the majority. Without these rules, complete chaos would prevail and the strength of our system would deteriorate.

The laws of hunting are no exception. They are established and work for the best interests of the majority of hunters. And these laws are the basis for an important

part of the Izaak Walton League's Red Cap Month pledge.

When these laws say "the limit is 3," "shooting starts at noon," "you need a license or a stamp," "there is no open season," "no shooting of hens," "your gun can hold no more than 3 shells," they mean just that.

These laws are established for two basic reasons—first, to distribute the harvest of game equitably; second, to preserve the capacity of the species involved to produce hunting for the future. Continued violation of these rules can only mean one thing—future rules will be even more restrictive.

But what does all this mean to the hunting population of the United States?

The league wraps it up in the last line of the Red Cap Month pledge: "to help perpetuate hunting as a national sport for ourselves and future generations."

This is the end result of the Red Cap Month program. If every hunter will follow the simple rules of the Red Cap Month pledge; if he will think of the five points of the pledge every time he sees a red hunting cap, hunting can and will continue to grow as a satisfying and important outdoor recreational activity.

September is Red Cap Month. The President of the United States, many State governors, and the Izaak Walton League urge all hunters to take, and observe, the red cap pledge—to share the burden of "perpetuating hunting for ourselves and future generations."

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## SURVEY ON FARM INCOME

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point a survey which has been made by the Department of Commerce, analyzing sources of income. It is contained in the latest issue of the Survey of Current Business, published by the Department of Commerce.

The survey is discussed in an article written by Barrow Lyons and published in the Farmers Union Herald of August 5, 1957, and I ask unanimous consent that it be printed in the body of the RECORD.

The survey describes the sources of income for all persons in the United States, and notes that the American farmer is today the main victim of the Eisenhower inflation or, as we might technically call it, the price and cost squeeze. I feel that the survey will be most informative to Members of Congress.

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

UNITED STATES SURVEY SHOWS FARMERS MAIN VICTIMS OF SQUEEZE

(By Barrow Lyons)

WASHINGTON.—There is an excellent way of measuring how well labor, or farmers, or businessmen are faring in relation to the rest of society, although comparatively few people know about it. It is the breakdown of the sources of personal income published monthly by the Department of Commerce.

These figures show that in the last 18 years the men and women who work for salaries and wages have greatly increased the share they get of all goods and services produced in this country. In the last 4 years, however, they have made comparatively little progress in this respect.

The figures on personal income are shown in billions of dollars, not as percentages of the whole.

For instance, the latest issue of the Survey of Current Business published by the Department of Commerce, shows that for May the estimated annual rate of personal income in salaries and wages was $242.3 billion, as compared with an annual rate of $340.4 billion received in all forms of personal income for that month. In other words income in salaries and wages was 71.2 percent of all personal income received.

Other categories of personal income are given as: proprietors' income both (1) farm, and (2) business and professional; rental income of persons; dividends; personal interest income and transfer payments.

Transfer payments consist of money income of individuals for which no service is currently rendered. They include benefits under unemployment compensation and old-age insurance under provisions of the Social Security Act and Railroad Retirement Act. They also include Federal, State, and local relief, Government pensions for civilians and servicemen, and a number of other less important sources.

Transfer payments are almost certain to become a larger and larger part of the income stream as society assumes greater responsibility of those unable to earn a living. But there is another extremely important reason why this part of the money flow will increase. The effort to find ways to increase consumption of goods and services, so that our economy can operate on something like its fullest potential, is one of the great problems of the future. Here is a field in which income can be greatly expanded to provide new markets that will reduce the likelihood of widespread unemployment and depressions.

More and more economists and leaders in labor and farm organizations are coming to recognize, however, that in figuring real income the purchasing power of the dollar is equally as important as the number of dollars received.

Hence, there is a better guide to how well industrial workers, or farmers, or business and professional men, or landlords, or bankers are faring than the absolute number of dollars they are receiving. It is a calculation of what share of all personal income they are receiving—the size of the pie slice.

For instance, the figures produced by the Department of Commerce show that wages and salaries in 1939 amounted to $46.6 billion, $137.4 billion in 1949, $203.4 billion in 1953; and that last May they were being paid at an annual rate of $242.3 billion.

This appears to be very good, until these amounts are figured as a percentage of the whole. Even then they show that labor was making gains. In 1939 wages and salaries amounted to 64.1 percent of all personal income, in 1949 the share was 66.5 percent, in 1953, 71.1 percent. But there wasn't much gain percentagewise in the next 4 years. By May 1957, labor's share had arisen by one-tenth of 1 percent to 71.2 percent of all personal income.

Alongside of this comparison it is interesting to note that farm owners' income rose from 5.9 percent of all personal income in 1939 to 6.1 percent in 1949; but that it dropped to 4.6 percent in 1953, and to 3.4 percent in May.

Total income for business and professional people followed a somewhat similar course—10.1 percent of the total in 1937, 10.3 percent in 1949, 9.1 percent in 1953, and 8.9 percent last May. This overall figure broken down would show that the losses were taken principally by the hundreds of thousands of small-business men, while the big ones flourished like the green bay tree.

When 1939 is compared with May 1957, a period of 18 years, all other classifications, except transfer payments, show losses percentagewise. In this period personal income from rentals declined from 3.7 percent of the total to 2.8 percent; dividends to persons dropped from 5.2 percent of the total to 3.7 percent; interest income fell from 8 percent to 5.5 percent.

Dividend and interest payments, however, have made substantial gains during the last 4 years. So have transfer payments.

The latter amounted to 4.1 percent of the total in 1939, 6 percent in 1949, 5 percent in 1953, and 6.4 percent last May.

Labor income held its own percentagewise. Proprietors' income, farm, business, and professional, lost ground. Rental income also declined as a percentage of the total.

The foregoing data is loaded with political implications, but we believe it will not be difficult for you to draw your own conclusions from them. A study of the accompanying tables will be rewarding.

*Sources of personal income*

[In billions of dollars]

| | 1939 | 1949 | 1953 | May 1957 estimate annual rate |
|---|---|---|---|---|
| Labor income, salaries and wages | 46.6 | 137.4 | 203.4 | 242.3 |
| Proprietors' income: | | | | |
| Farm | 4.3 | 12.7 | 13.3 | 11.7 |
| Business and professional | 7.3 | 21.4 | 25.8 | 30.4 |
| Rental income of persons | 2.7 | 7.9 | 10.2 | 9.7 |
| Dividends | 3.9 | 7.5 | 9.3 | 12.7 |
| Personal interest income | 5.8 | 9.8 | 13.7 | 18.6 |
| Transfer payments | 3.0 | 12.4 | 14.3 | 21.8 |
| Less personal contributions for social security | .7 | 2.3 | 4.0 | 6.6 |
| Equals total personal income | 72.9 | 206.8 | 286.0 | 340.4 |

Source: Department of Commerce and Bureau of the Census.

*Sources of personal income as percentages of total*

[In percentages of total]

| | 1939 | 1949 | 1953 | May 1957 |
|---|---|---|---|---|
| Labor income, salaries and wages | 64.1 | 66.5 | 71.1 | 71.2 |
| Proprietors' income: | | | | |
| Farm | 5.9 | 6.1 | 4.6 | 3.4 |
| Business and professional | 10.1 | 10.3 | 9.1 | 8.9 |
| Rental income of persons | 3.7 | 3.8 | 3.5 | 2.8 |
| Dividends | 5.3 | 3.6 | 3.3 | 3.7 |
| Personal interest income | 8.0 | 4.8 | 4.7 | 5.5 |
| Transfer payments | 4.2 | 6.0 | 5.0 | 6.5 |
| Less personal contributions for social insurance | 1.3 | 1.1 | 1.3 | 2.0 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 |

## FOREIGN POLICY

Mr. FULBRIGHT. Mr. President, many Members have wondered, and are wondering today, why our country is so unsuccessful in its foreign policy. We spend enormous amounts of money helping people in many lands. We enlist the best efforts of thousands of honest and well-meaning people in our Foreign Service. Why, in spite of all those efforts, do we fail to inspire confidence and trust in the hearts and minds of the millions of people we help?

Mr. President, the answer to that question is complex. It is too involved to examine thoroughly at this time. However, the subject is discussed by two of the most intelligent and well-informed observers of our international and national affairs in two different morning newspapers today. One of the articles appears in this morning's New York Times; the other in the Washington Post. They indicate clearly the principal reason why our foreign policy is so ineffectual, and why there is grave question in the minds of many people about what our foreign policy really is.

I ask unanimous consent to have printed in the body of the RECORD, as a part of my remarks, an article entitled "Mr. Dulles and the Press," written by Walter Lippmann, and published in this morning's Washington Post; and an article entitled "Press Censorship as Foreign Policy," written by Arthur Krock and published in this morning's New York Times.

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

[From the Washington Post of August 27, 1957]

### MR. DULLES AND THE PRESS

(By Walter Lippmann)

It may be that Mr. Dulles is, as he says, now willing to let a limited group of American correspondents go to Red China for a trial period of 6 months. Yet, it is fair to say that he would not be inconsolable if they did not go. For in making his offer he attached to it the one condition most likely to provoke Red China into refusing to admit the American correspondents.

He will allow 24 American correspondents representing leading newspapers, news magazines, and broadcasting companies to go to Red China. But no Chinese newspapermen are to come to the United States. So unless Red China swallows her pride and acknowledges to the world that the United States is entitled to preferential treatment, the American correspondents will not be able to go to Red China. But then, as Mr. Dulles may conceivably have foreseen, he can argue that it is the Red Chinese and not he who prevent the American press from gathering news on the Chinese mainland. He can even be disappointed and indignant at these totalitarians who do not believe in freedom of the press.

Whether or not the Dulles proposal is actually put into effect, or was meant to be, the statement issued by the Department of State last Thursday must be challenged. The terms of this proposal affirm, and if acquiesced in, would establish as a precedent a new and hitherto entirely un-American conception of the right and duty of the press. Mr. Dulles is making the claim that outside the 3-mile limit he may treat the press as an instrument of foreign policy, and that the American press in foreign countries is subject to the paramount control of the Secretary of State.

This claim to power is contained in the text of the statement. Having reminded us that it has been the policy of the Secretary of State not to authorize—in fact, not to permit—American newspapermen to go, even at their own risk, to the Chinese mainland, Mr. Dulles goes on to say that he has changed his mind. He now finds it desirable that additional information be made available to the American people respecting current conditions in China.

Now, by what right, and on what principle, does he claim to have the power to decide how much information it is desirable for the American people to have? We have here the unprecedented and impertinent assertion that the right to turn off and the right to turn on the tap of news is one of the prerogatives of the Secretary of State.

This is followed by a truly remarkable declaration, one which will have to be examined thoroughly by all who are concerned with the security and the integrity of the American press.

The Secretary of State has accordingly determined that it may prove consistent with the foreign policy of the United States that there be travel by a limited number of American news reporters to the mainland of China. This is, I submit, a usurpation of power which has never before been vested in the Secretary of State—the power to determine whether, when, where, and under what conditions the American press may gather and report news in foreign countries.

Surely, in the American way of life it is for the editors to determine whether, when, and where news is available that should be reported, and it is entirely impossible to accept the principle that Mr. Dulles, Mr. Walter Robertson, and Mr. Andrew Berding have any right or power to regulate the reporting of news. They can warn newspapermen that it may be dangerous to go to a place like Red China, and that the Department of State cannot help them if they get into trouble. But if the editor and the reporter accept the risk, it is not for the Department of State to decide whether it likes or it does not like to have them go.

The essential difference between a free press and a totalitarian press lies exactly here: That in a free country the press is not an instrument of the government's policy. It is an independent instrument to enable the people to understand and to judge policy, to help them make or to help them unmake policy.

Last week's declaration from the State Department denies that in foreign affairs there is such a thing as an independent press. It claims a paramount right to decide whether there shall be more or less news reported from China. It asserts the right to decide what kind of correspondents may go to China—in this case, the correspondents must be resident, and not special correspondents on special assignments, as, for example Mr. Joseph Alsop or Mr. Edward Murrow. It asserts the right to judge experimentally the news reported from China during the trial period of 6 months. Thus an American correspondent who goes to the mainland is to have two bosses—his editor and Mr. Dulles.

All this, it may be said, discloses the fact that Mr. Dulles has an imperfect grasp of the principles of a free press in a free society.

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[From the New York Times of August 27, 1957]

### PRESS CENSORSHIP AS FOREIGN POLICY

(By Arthur Krock)

MIDDLETOWN, R. I. August 26.—Whether or not the State Department "planned it that way," and hence in the demand by the Peiping government for reciprocal news gathering finds a pleasing new pretext for keeping American reporters out of Communist China, the episode at every stage has demonstrated a strange deviation by Secretary Dulles from his long and able service to the American constitutional system. In relaxing certain details of his assertion of censorship over the press of the United States the Secretary has made even plainer than in his original position that either he opposes, or fails totally to comprehend, the function of a free press that is specifically recognized and protected in the first amendment.

In first refusing to allow American reporters to extend their professional activities to Communist China, and then in setting limits to these activities of the selected reporters whose passports he decided to validate for that country, the Secretary clearly revealed a concept of Government authority over the free press precisely that of the totalitarian regimes he has resisted throughout his distinguished public career.

This concept is:

#### MR. DULLES' CONCEPT

1. Whenever, in the opinion of the Secretary of State, his foreign policy is served by censorship of news gathering abroad by the American press, it shall be imposed by the Department. This shall be done whether or not actual hostilities or present threats of them exist between the United States and the restricted area.

2. This censorship may be total, as under Dulles' original Chinese exclusion act. Or it may be limited, by conditions on the tenure and content of the reporting that he prescribes in the role of nationwide publisher or managing editor.

This concept is implicit in the first and in the revised positions of the State Department toward the gathering of information in Communist China by the American press. In the first the Secretary, after Peiping had invited a group of American reporters to Communist China, forbade acceptance of the invitation on peril of passport withdrawal and prosecution under the Trading With the Enemy Act. In the second, forced by general protest from a public used to information wherever procurable, the Secretary assumed managerial authority over news gathering; what reporters should go to China, for how long, and only as an experiment—the usefulness of which, and whether the period should be extended, to be determined by the State Department.

#### AN ALIEN IMPLICATION

In his grudging surrender of the imposition of total press censorship, while very definitely maintaining it as within proper governmental authority, the Secretary also gave a reason that left an implication alien to the free press as an American institution. This reason was that new factors in China justified the modification—factors which a spokesman listed as reports of mounting internal and economic troubles. This leads to the reasonable conclusion that only when the news is bad in countries unfriendly to the United States will the State Department permit the press to report it and the American people to read it. That is the classic rule of governments which control the press in the interests of their policies.

Ever since the rise of totalitarian regimes that have threatened our institutions, American governments have denounced this press policy. None has thus inveighed more often and forcefully than the administration of which Dulles is the voice abroad. It has urged relaxation of press controls in the nations directly controlled by Moscow, made a worldwide free flow of information a cornerstone of policy, and gone to Geneva with a detailed program to that purpose. Until Communist China made its offer to admit a selected group of reporters it was standard

practice for the State Department to denounce Peiping for keeping out all observers save those it had reason to expect would be content with conclusions obtained in guided tours.

INCONSISTENT REASONING

But when for the first time Peiping afforded an opportunity for American reporters experienced in separating the real from the sham to make professional visits to Communist China, the State Department found a variety of reasons to refuse to validate their passports. Each reason was inconsistent with the next to last, one suggesting that such reporters might color their articles favorably to the Peiping regime. This censorship once asserted, the Secretary has inevitably proceeded from one unsound position to the next. And that will be true in the record whether or not he concludes that Peiping's demand for reciprocal reporting has given him an "out" that will be approved by the American public.

A Government press policy which makes a distinction, and with the instrument of censorship, between Soviet Russia and Communist China is made in fact ridiculous, as in concept it is alien, by every revelation of the acts of Moscow spies in the United States.

## DIPLOMATIC APPOINTMENTS

Mr. FULBRIGHT. Mr. President, I wish to take this occasion to congratulate the Senator from Montana [Mr. MANSFIELD] on the speech he made at the beginning of the session on yesterday. Unfortunately I was delayed and was not in the Chamber, and did not realize that he had made the speech until I read it in the RECORD this morning.

I believe that what he said with regard to the appointment of our ambassadors is absolutely correct. He outlined in a very clear manner what is one of the principal troubles with our present system of appointment. He pointed his finger at the true source of much of our difficulty; namely, the Committee on Appropriations of the House of Representatives, when they thwart the effort of the Senate to provide proper standards of compensation, especially in representation allowances for the major posts, such as at London, Paris, and Rome.

Until we do something about it—and that is certainly a part of our responsibility in the Senate—there is no way of improving that situation, and no improvement is likely to take place with regard to that difficulty. The Senator from Montana certainly deserves much credit for the statement he made yesterday.

## PROCEDURES FOR THE PRODUCTION OF GOVERNMENT RECORDS IN CRIMINAL CASES

Mr. CLARK. Mr. President, late yesterday afternoon, immediately before the passage of Senate bill 2377, my good and distinguished friend, the Senator from Wyoming [Mr. O'MAHONEY], who led with such distinction the forces which were desirous of having the bill meet the requirements of due process by being fair to the Government and also fair to defendants, accepted an amendment proposed by the distinguished Senator from Nebraska [Mr. HRUSKA]. By reason of the acceptance of that amendment by the Senator from Wyoming, those of us who would have opposed it had it come to a vote on its own merits were required either to take it and vote for the bill, or oppose it by voting against the bill. That I was not willing to do. Accordingly I held my peace, because I believe the bill as it finally passed was a far better bill than the one originally sponsored by the committee.

As a part of the legislative history of that bill I should like to point out the real need to leave in the hands of the trial judge a very wide discretion in determining what should be done in the event the Government refuses to produce, on order of the court, the statement of a Government witness who has already testified at the trial. Under the original substitute offered by the Senator from Wyoming, which was before the Senate before the Hruska amendment was offered, that discretion would have been very free, indeed. Read by itself, the language of the Hruska amendment might be thought to limit that discretion.

I should like to have the RECORD show that the majority opinion in the Jencks case stated:

> We now hold that the petitioner was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified at the trial. We hold, further, that the petitioner is entitled to inspect the reports to decide whether to use them in his defense. Because only the defense is adequately equipped to determine the effective use for purpose of discrediting the Government's witness and thereby furthering the accused's defense, the defense must initially be entitled to see them to determine what use may be made of them. Justice requires no less.

Skipping, the majority opinion further stated:

> But this Court has noticed, in *United States* v. *Reynolds* (345 U. S. 1) the holdings of the Court of Appeals for the Second Circuit that, "in criminal causes * * * the Government can invoke its evidentiary privileges only at the price of letting the defendant go free. The rationale of the criminal cases is that, since the Government which prosecutes an accused also has the duty to see that justice is done, it is unconscionable to allow it to undertake prosecution and then invoke its governmental privileges to deprive the accused of anything which might be material to his defense."

That I believe to be a sound and just rule of law. To eliminate all possibility of applying such a rule is, I think, to load the dice unfairly in favor of the Government and the prosecution.

Yesterday we discarded that sound rule, but we adopted in its place the views of the concurring opinion, written by Mr. Justice Burton, in which it was said:

> The trial judge exercises his discretion with knowledge of the issues involved in the case, the nature and importance of the Government's interest in maintaining secrecy, and the defendant's need for disclosure. By vesting this discretion in the trial judge, the conflicting interests are balanced, and a just decision is reached in the individual case without needless sacrifice of important public interests.

I was content to accept the concurring-opinion point of view, because I feared that if we did not pass this bill at this session of Congress, we might get some worse legislation, which would really be a violation of due process and of civil liberties.

However, I make the point that in my opinion the Hruska amendment—and I state this to be a part of the legislative history of the discussion yesterday—does not take away from the trial court the right to dismiss the indictment if the interests of justice require it, when the Government has failed to comply with an order of the trial court directing it to produce statements of witnesses who have already testified on behalf of the Government.

Because I am firmly convinced that the proper interpretation of the Hruska amendment will not deprive the trial judge of that discretion, to which even the concurring opinion said he was entitled. I raised no objection on the floor yesterday to the adoption of the amendment and its acceptance by the distinguished Senator from Wyoming.

I hope we will be able to persuade the House of Representatives to adopt the Senate bill. But if the House should pass a bill which loads the dice against the defense, which gives the Government an unfair advantage, I hope in conference we will stand by our guns and insist on the protection of those essential American liberties of due process which are deeply imbedded in our Constitution.

I would not want anything I say today to be construed as indicating that I do not believe that close scrutiny must be made of any request for the delivery of Government files and statements and records, and the like. Of course we must protect the Government. There has been some confusion about the interpretation of the Jencks case. Perhaps legislation is needed. The bill which passed the Senate meets those needs. I hope it will be sustained in the other body and will be sent to the President in a form which he can accept.

## THEY ARE AMERICA, DEPARTMENT OF LABOR BOOKLET

Mr. CASE of New Jersey. Mr. President, I am sure that all of us have experienced the frustration of trying to plow through a typical Government report with its dry text, its complex-compound sentences and columns of statistics, and, invariably its fine print that tires the mind as well as the eyes.

No doubt the great amount of information contained in these reports is useful and important to many people, but unfortunately, all too often the form in which they are presented results in consignment to the wastebasket, instead of the library shelf.

The new publication, however, the Labor Department's They Are America, has taken a leaf from the notebook of private industry, which learned a long time ago that financial statements and annual reports and notes to stockholders

and the like could and must be interesting as well as informative. Industry improved its reports to its stockholders, and I am pleased to call attention to a striking example of an important Government report to its stockholders, the citizens of the United States.

In They Are America the Department of Labor has taken the best from the experience of private industry and utilized the latest techniques of the art of layout and design combined with simple, clear text. It has also crammed much valuable information between its covers, interestingly illustrated with striking photographs donated by private industry.

This publication, produced by the Labor Department at a cost no greater than that of the usual stiff, dull, uninteresting Government report, will, I hope, encourage other Government agencies and departments to examine their publications and see if they couldn't be made more readable and acceptable to a wider audience than they now are.

The best testimony as to the quality and value of They Are America comes in the form of an unusual editorial about the book, which appeared in the New York Times of Monday, August 19, and which I would like to have printed in the RECORD at this point.

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

AMERICA'S LABOR FORCE

They Are America, an 83-page booklet put out by the United States Department of Labor, stands out in shiny contrast among the multitude of publications that pour from the Government Printing Office. It is packed, but not too heavily, with facts and statistics and is lightened by vivid photographs—mostly donated by private agencies—and by a simple and engaging use of words.

For the general reader They Are America gives a striking picture of the United States labor force—its makeup, its problems, its possibilities in the revolutionary changes of today and tomorrow, and the protection it receives from the Federal laws and their administration. Especially interesting is the chapter on the impact of modern technological changes on employment—changes which are not coming as swiftly as commonly supposed. None of the plants noted for installing new machines and methods which are covered by Labor Department surveys has laid off large groups of workers. "Management has sought to expand and diversify rather than to displace labor."

Other chapters deal with the increasing demand for skilled and service workers as the nature of work changes, the mounting proportion of older workers—their problems and possibilities, the urgent need for greater education of our youth, the growing security which is given labor through Federal laws and the Department's activities, and American cooperation with the International Labor Organization in raising living and working conditions everywhere.

Altogether this is a valuable and attractive package of information—cheap at the 60-cent price tag. Copies may be had from the Superintendent of Documents, Washington 25, D. C.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

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 (Mr. SMATHERS in the chair). Without objection, it is so ordered.

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## MUTUAL SECURITY APPROPRIATIONS, 1958

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1151, H. R. 9302.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 9302) making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. JOHNSON of Texas. Mr. President, we have before us a measure which represents one of the most thoroughly studied activities of our Government.

Mutual security has been under Congressional consideration since early last spring. Before that, it has been the target of searching legislative and executive investigations.

We have passed upon the basic principles. By our votes, we decided that there would be a mutual security bill this year. We also concluded it should take a new direction—greater emphasis on loans; less emphasis on gifts.

Only one question remains before us. It is simply how much of a program we will approve. The hows have been decided; but we must still determine the extent.

I know of no man who can reach up into thin air and pull out a magic figure. We cannot measure the exact amount which best serves the interests of our country with the same precision of an engineer measuring the stresses and strains in a beam.

We can only study the problem carefully; gather all available facts and figures and then exercise our collective judgment.

That is precisely what the Appropriations Committee did.

We tried to take into account many factors.

In the first place, we must allow for the uncertain international situation. It might get better—and we hope it will—but it might get worse. The only thing that is reasonably certain is that it will not remain the same.

We heard an announcement yesterday. The Soviets said they had fired successfully an intercontinental ballistics missile.

The announcement may be mere braggadocio. It might signify merely the firing of a test missile—exaggerated for propaganda purposes. Or it might be the precise, accurate truth.

We do not know. But we do know that the international situation is subject to change at any moment—and we cannot afford to take chances.

In the second place, we do not know for certain just how much is already in the pipeline from previous appropriations. We have heard estimates but the only safe statement is that it is in excess of $5 billion.

In addition, this country holds currencies of other countries in the amount of $2.5 billion resulting from sales of agricultural surpluses. We can draw from these so-called counterpart funds to further mutual security and its objectives.

The question still remains: How much?

The President originally asked for $4.4 billion. He then scaled that down to $3.8 billion.

The Senate voted an authorization of $3.6 billion and the House $3.1 billion. We settled on the compromise figure of $3.3 billion.

The President has told us that he can make out with this $3.3 billion, but no less. On the other hand, the House claims that $2.5 billion is sufficient to carry the program.

No useful purpose is served by claiming that one figure rather than another is the proper amount. We know only that if we are to approve the program we must allow a margin of safety.

The passage of this bill insures $3,025,660,000 of new money recommended by the Senate Appropriations Committee, and a reappropriation of $667,050,000 of unobligated balances, for a total appropriation of $3,692,710,000. This represents a margin of safety. I hope it will be approved by the Senate. I hope the President will find it acceptable.

That amount reflects a reasoned confidence in the President's judgment. It allows for some of the shifts and turns which may take place in the international situation.

It also reflects the views of Members of both branches of Congress that more could be done and should be done in the interests of economy.

This amount will continue necessary defense cooperation with friendly nations.

With this amount essential assistance in emergency situations can continue.

This amount enables us to switch from a giveaway program to a program of mutually beneficial and respectable loans.

This amount allows for intelligent pursuit of point 4, the technical cooperation program, which is one of the most useful we have developed.

Three billion dollars, in short, will be enough if the administration undertakes the necessary reforms. It will be enough if the economy that is preached is also practiced.

It will be enough if the administration makes progress in integrating ICA

within the Department of State and eliminates costly duplication and confusion.

I hope we can move promptly to close out this legislation for the current session and that the Senate will approve the committee's work.

The committee, by a substantial vote of two to one without regard to party lines, makes this recommendation. The recommendation does not go as far as many members would have liked it to go. It goes farther than some members were willing to go. However, it represents the reasoned judgment of reasonably prudent men. I hope it will reflect the judgment of a majority of the Senate.

Mr. KNOWLAND. Mr. President, at a subsequent time I shall discuss the bill in greater detail, but at this point I merely wish to say that I shall fully support the chairman of the Committee on Appropriations, the Senator from Arizona [Mr. HAYDEN] in reporting the bill to the Senate.

As the distinguished majority leader has said, the bill was reported by the committee with bipartisan support. That vote was 14 to 7. It comes to us after prolonged hearings before the Committee on Appropriations. As the majority leader has said, it was less than some members felt was wise, and more than others felt should be appropriated.

It is a reasonable compromise between the various points of view. I believe it represents the action of the two Houses in trying to meet the situation before us. Less than 10 days ago the 2 Houses approved an authorization bill of $3,386,860,000. While I recognize, as I am sure all other Members of the Senate do, that frequently in the Senate an authorization amount is not followed by an appropriation in precisely the same amount—and that happens in many cases, such as on public works and other authorization bills—I wish to say that we have a rather unusual situation inasmuch as the authorization bill was passed within 10 days after rather prolonged discussion in both Houses on a subject matter which is closely related to the national defense and the foreign policy of our country.

Within 10 days of that time we come forward with an appropriation bill. The bill, as has been pointed out, is $361,200,000 under the authorization bill and the estimates which accompanied that bill. It is under the appropriations for 1957 by $740,910,000. It is under the January budget estimate of the President by $1,374,340,000.

No man is wise enough to know what developments may take place between now and when Congress reconvenes in January. However, I believe, in view of world conditions, and in view of the developments which have recently taken place in the Mideast, it would not be prudent, under the circumstances, to cut the appropriation further.

For those reasons and for the reasons mentioned by the distinguished majority leader, I shall support the amount as reported by the Committee on Appropriations, and shall vote against all amendments.

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

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. I wish to associate myself with the last statement of the Senator from California. I shall support the action of the committee, and its distinguished chairman, and shall resist any increase in the amount or any decrease in the amount, as I understand the Senator from California will also. I hope we can pass the bill as quickly as possible.

Mr. KNOWLAND. I thank the Senator.

Mr. HAYDEN. Mr. President, the bill which the committee has reported to the Senate contains appropriations of new funds of $3,025,660,000. This is an increase of $500,900,000 over the amount provided by the House bill. The principal increase is in the military assistance program, for which the committee has added $225 million. For defense support, the committee has increased the House appropriation by $104 million. For the new development loan fund the committee has reported an appropriation of $400 million, which is an increase of $100 million over the amount provided by the House. For special assistance, general authorization, the committee has increased the appropriation contained in the House bill by $50 million, to a total of $225 million. For the Latin American development fund the committee has included $20 million, whereas the House had not recommended any appropriation for this item. The remaining increase recommended by the committee is in the technical assistance program for which the committee has added $1.9 million to the bill. The increases which I have mentioned total $500,900,000.

Mr. President, I ask unanimous consent that the committee amendments to the bill be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no points of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection?

Mr. ELLENDER. Reserving the right to object, I wonder whether the Senator from Arizona will be willing to have the proposed agreement apply to all the amendments with the exception of the one pertaining to the military assistance appropriation.

Mr. HAYDEN. Of course, even under the proposed agreement, any Senator would have the right to offer a further amendment.

However, I shall except from the agreement the military assistance amendment, which is the first committee amendment to the bill. Mr. President, I so modify my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request, as modified?

Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

Under the heading "Mutual Security—Funds Appropriated to the President", on page 2, line 5, after the numerals "1958", insert "and purchase of passenger motor vehicles for replacement only"; and in line 10, after the word "available", insert "until expended."

On page 2, line 13, after "131 (b)", strike out "$585,000,000" and insert "$689,000,000, to remain available until expended", and in line 17, after the word "than", strike out "$40,000,000" and insert "$35,000,000."

On page 3, line 1, after the numerals "203", strike out "$300,000,000" and insert "$400,000,000."

On page 3, line 4, after the numerals "304", strike out "$113,000,000" and insert "$114,900,000, to remain available until expended."

On page 3, line 11, after the figures "$15,500,000", strike out the colon and "*Provided*, That the United States contribution to the 1948 calendar year program shall not exceed 33.33 percent of the United Nations program."

On page 3, line 18, after "400 (a)", strike out "$175,000,000" and insert "$225,000,000."

On page 3, line 19, after the word "than", strike out "$10,000,000" and insert "$7,500,000."

On page 3, after line 20, insert:

"Special assistance, Latin America: For assistance authorized by section 400 (b), $20,000,000, to remain available until expended."

On page 4, line 1, after the figures "$11,500,000", insert "which shall remain available until September 30, 1958."

Under the subhead "Department of State", on page 6, line 4, after the figures "$4,577,000", insert a colon and "*Provided*, That the Secretary of State is authorized to transfer funds herein appropriated to any appropriation available for administrative expenses of the Department of State for the current fiscal year, and any funds so transferred shall be accounted for as part of the appropriations to which they are transferred."

Under the subhead "General Provisions", on page 6, line 13, after the word "purposes", strike out "not heretofore authorized by the Congress" and insert "within the United States."

On page 8, after line 3, strike out:

"SEC. 106. Except for the appropriations entitled 'Special assistance, general authorization' and 'Development loan fund', not more than 20 percent of any appropriation item made available by this act shall be obligated and/or reserved during the last 2 months of the fiscal year."

On page 8, after line 9, strike out:

"SEC. 107. None of the funds made available by this act shall be used to carry out the purposes of the first sentence of section 400 (c) of the Mutual Security Act of 1954, as amended."

On page 8, line 14, change the section number from "108" to "106."

On page 8, line 21, change the section number from "109" to "107."

On page 9, line 13, change the section number from "110" to "108."

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

Mr. HAYDEN. I yield.

Mr. SALTONSTALL. I wish to add a word, as the senior Republican member of the committee present at this time, in the absence of the senior Senator from New Hampshire [Mr. BRIDGES].

I agree with what the Senator from Arizona has said. The committee has worked hard on this measure. The bill has received bipartisan support. The amendments have been worked out in a way which is satisfactory to a great

majority of the committee. The amendments are not all that some of us want, and they are more than some others want. But as a whole, the bill is a good one, and it will be helpful to the security of the country.

Let me say, in addition to what the chairman of the committee and the two leaders have said, that the bill contains a number of language amendments which also are of importance, if the bill is to provide the greatest possible advantage in mutual security with other countries and in promoting our own national security.

Mr. President, I hope the bill will pass the Senate without floor amendment.

Mr. WILEY. Mr. President——

Mr. HAYDEN. I yield to the Senator from Wisconsin.

Mr. WILEY. Mr. President, the Syrian crisis sharpens the administration's fears of the effects of the cuts in the foreign aid appropriation bill.

I listened with interest to the colloquy between the majority leader and the minority leader this morning.

I wish to say, as I said the other day to a leader in Government, that we have done a poor job in selling to the people what we call mutual assistance. The phrase giveaway has been sold very aptly by those who are blind and who do not sense the world situation. Neither do they realize that the investment in much of this mutual assistance will save us 10 to 1. It has been stated before on the floor of the Senate that it is possible to provide 10 divisions of Turkish troops for the cost of one American division. That ratio is illustrative of the existing situation. And Turkey is on our first line of defense.

But the new situation which developed the other day, when Moscow announced what it has described as a successful testing of an intercontinental ballistic missile, requires the promptest reappraisal of America's total effort in weapons and defense development.

Of course the Soviet announcement will probably be reacted to by most persons in accordance with their individual opinions. Americans who have tended to take a gloomy outlook regarding American defense, now will feel doubly confirmed in their view, and no doubt will say, "We told you so." Other Americans, who have been prone to deride the Soviet effort, will tend to feel that Moscow has merely claimed something before she has actually achieved it.

Personally, I do not profess to have sufficient information to be able to state which view is the correct one, because we are still largely in the dark regarding Russia's scientific advances. No matter how much we perfect American intelligence-gathering operations, there remains an enormous amount of guesswork concerning Russia's actual strength.

Under these circumstances, we have no alternative but to make certain assumptions and take certain actions. These are, as follows:

First. Regardless of whether Russia has already developed the ICBM or not, the fact is that almost everyone predicts that, sooner or later, she will develop it.

The fact that she may have a working model in August 1957, or 1 month later, in September, or in December 1957, is not necessarily the crucial fact. What is crucial is that her all-out effort sooner or later will undoubtedly produce such a missile.

Second. A second assumption is that the intercontinental missile is not necessarily the so-called ultimate of all weapons. Admittedly, it poses defense problems which stagger the imagination. I mean defense in terms of the North American Continent, or for that matter, in terms of any other area of the world.

Nevertheless, the fact of the matter is that what the human mind has devised, the human mind can combat.

That is why I am glad President Eisenhower has already taken steps toward having America arrive at the defense answer to the ultimate weapon. If we develop a defense against this weapon, there will be other, newer weapons still to come. The race does not stop at any one point. Or, to put it another way, we are not in a nine-inning ball game with a specific time limit. Each side will go on, indefinitely, trying to surpass the other, even though each side already possesses the power almost to annihilate the other.

Third. This concept of an indefinite race is, of course, predicated on the assumption that there will be no sudden development which will end peaceful technical competition and will cause open warfare.

Many people will feel that, as Winston Churchill well stated:

> The two great adversaries may now have achieved a balance of mutual terror.

This is hardly a source of comfort to any thinking person.

In any event, under these circumstances, we must take a new look at the United Nations disarmament discussions in London. We must determine to what extent they may have become obsolescent because of this and many other technical developments. But we must definitely not lose heart and think that there is no solution to the disarmament problem.

Neither must we allow our zeal for some type of disarmament arrangement to blind our eyes. Unilateral disarmament, especially now, would be little short of suicide. A disarmament system not truly enforcible, not truly ironclad, would be the height of folly.

In summary, the Soviet announcement is neither cause for gloom nor cause for self-recrimination. It is a cause for much thought and much more constructive action on our part, along the lines I have mentioned.

The present Soviet announcement may be 10 percent propaganda and 90 percent fact. Whatever may be the ratio between propaganda and fact, the announcement constitutes a serious challenge to the Free World to look to further means to assure its own survival.

Mr. President, I have mentioned these points particularly in connection with the discussion of the pending mutual security appropriation bill. I believe the existing national and international situation makes it imperative that the bill, with the necessary amendments, be promptly enacted into law, and that then the Congress begin to consider what further action should be taken as regards strengthening our defenses through mutual security.

Mr. JOHNSTON of South Carolina obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator from South Carolina yield to me? I wish to ask a question of the Senator from Wisconsin.

Mr. JOHNSTON of South Carolina. I yield for that purpose.

Mr. O'MAHONEY. Mr. President, I should like to have the attention of the Senator from Wisconsin, if I may.

Mr. WILEY. I am always happy to reply to any questions the Senator from Wyoming may ask.

Mr. O'MAHONEY. The Senator from Wisconsin is very kind. I have always listened with much interest and much profit to what the Senator from Wisconsin has to say.

Mr. WILEY. I thank the Senator from Wyoming.

Mr. O'MAHONEY. I am particularly interested in the comments of the Senator from Wisconsin on mutual security, because the Senator from Wisconsin is the ranking Republican member of the Foreign Relations Committee.

This morning, if I understood him correctly, he referred to the report which has just come across the seas, by radio, to the effect that Soviet Russia has announced the completion of an intercontinental ballistic missile.

Mr. WILEY. That is correct.

Mr. O'MAHONEY. The comments from the United States are to the effect that the United States is only 90 percent on the way to accomplishing the construction of such a weapon of war.

Mr. WILEY. I would not admit that the United States is only 90 percent on the way.

Mr. O'MAHONEY. I have no knowledge about the matter, but one of the military experts was so quoted on the radio this morning. Whether he was right or wrong, I do not pretend to say.

But I should like to ask this question of the Senator from Wisconsin: In the light of the fact that we seem to be involved in an arms race with Soviet Russia, for the construction of nuclear weapons, is it wise for us to be appropriating funds, as we do under the pending appropriation bill, for military aid in ordinary and conventional weapons to be supplied to small nations? For example, on page 2 of the bill we find, under the heading "Military Assistance," that the Senate Appropriations Committee has voted to increase the House appropriation from $1,250,000,000 to $1,475,000,000, or an increase of $225 million. What is the purpose?

> To carry out the purposes of title I, chapter 1, including administrative expenses as authorized by section 103 (b), which shall not exceed $23,500,000 for the fiscal year 1958.

This, in other words, is military assistance to small nations which stand between us and Soviet Russia.

In line 12 we find another paragraph:

Defense support: For assistance authorized by section 131 (b).

For this item the House provided $585 million. The Senate committee has increased that appropriation to $689 million, and has made a further provision that this money shall remain available until expended. That phrase "to remain available until expended" means that if the money is not expended during the next fiscal year, the money will remain available without another appropriation or another examination by the Congress.

Elsewhere in the bill we find increased grants.

The question I should like to address to the Senator is this: In the light of the nuclear weapons race between Soviet Russia and the United States, is it wise for this country to spend hundreds of millions of dollars for supplying conventional weapons and other weapons to foreign nations?

Mr. WILEY. I am very happy to give the Senator from Wyoming the judgment of a Senator who is not a military man. I must say that the action taken results from testimony given by experts, military personnel. The way I analyze it the situation is very simple. We can get, for a cost of about $300 a year, one South Korean soldier with a rifle or one Chinese soldier on Formosa. We can get, for about the same cost, a fighting Turk, or we can get 10 divisions of Turks for the cost of one American division. It costs us to maintain an American soldier about $5,000 a year.

In the situation which now exists in the world, it is the consensus of the best minds that the Kremlin is not willing or ready to start what might be called the devastation of the world. Because the United States has strategically located airfields throughout the earth, where there are based bombers which can carry hydrogen and atomic bombs, Russia knows that if she started something, we would finish it; but the result would be that both of us would be more or less finished. However, we cannot lay down on the job of development of the intercontinental missile. In the meanwhile we have to be ready to put out "brush fires" wherever they may occur. At this time the Kremlin has taken over Syria without firing a shot. Until external warfare is started there, the Eisenhower doctrine does not come into play. Consequently we cannot go to their aid. But if a "brush fire" starts anywhere, we are ready to go to the aid of our allies, and by our allies I include Jordan, Turkey, Iraq, and so forth. I mean those loyal countries and allies to which we have given arms so that they may assist in putting out such "brush fires" and thus prevent a general conflagration. That is the theory of the necessity for giving aid. We invest $1 to get $10 worth. And what we furnish is not money but war material, which results from the labor of 400,000 Americans.

Mr. O'MAHONEY. The Senator from Wisconsin has referred to Syria. Does he entertain any fear that Soviet Russia, through infiltration in Syria, has actually finally succeeded in obtaining a port upon the Mediterranean Sea? Russia has been seeking to get a port upon the warm waters of the Persian Gulf and the Mediterranean Sea for centuries, I think. Now finally she has apparently succeeded in taking over Syria. Does that not mean that the possibility of a conflict between Soviet and the West is made greater?

Mr. WILEY. I am neither a prophet nor the son of a prophet, but I agree that all indications are that, because of internal economic situations, and so forth, the Kremlin is not ready to "pull the plug." What she is doing is using her customary means of taking over and penetrating and getting hold of things she wants.

So far as a port on the Mediterranean is concerned, we recognize the significance of what has happened. The Senator is aware of the fact that our fleet in the Mediterranean has been strengthened. In other words, we are calling Russia's bluff. Russia is not ready for an all-out war. She recognizes, as I have stated, that it would mean the devastation of Russia and probably much of the earth. What she is ready to do is take whatever steps she can—and seek to take over the oil resources in the Middle East. If Russia can get countries of the Middle East to fighting and then get the oil, she will have a clutchhold on Europe. Having a clutchhold on Europe, she may possibly want to proceed further. Not only that, but Russia wants a route to Africa so as to obtain raw materials, without which she and we cannot get along. Russia is a long-distance planner. We have to meet her plans by doing just what we have been doing. The Eisenhower doctrine was established to meet this threat of the Kremlin.

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

Mr. WILEY. I yield.

Mr. HUMPHREY. Is not what the Senator from Wisconsin is saying that Russia does not want to blow the world to pieces, but wants to pick it up piece by piece?

Mr. WILEY. Yes; that appears to be Russia's plan; nevertheless, we have to remain alert and adequate. I may say to the Senator from Minnesota that I do not have the floor. The Senator from Wyoming has the floor.

Mr. JOHNSTON of South Carolina. Mr. President, I have the floor. I have been kind enough to yield.

Mr. WILEY. The Senator from South Carolina has been doubly kind.

Mr. O'MAHONEY. Mr. President, I desire to make it clear that I am not at all satisfied with the appropriation for military aid to small nations which cannot defend themselves, when we are in the midst of a great arms race for nuclear weapons with the Communist leaders of the world.

Mr. JOHNSTON of South Carolina. Mr. President, the colloquy which has been proceeding shows to the whole world, I think, that the administration and its policies at the present time have absolutely forced Syria into the hands of Communist parties. That is what it means, so far as I can see. If one looks about, he will see how countries near her have been treated. They have been given money, and aid to Syria has been cut down. What could Syria do? That is the policy the administration is following, which has caused us to lose Syria—the policy of giving away our money.

Mr. WILEY. That conclusion, I cannot agree to.

Mr. JOHNSTON of South Carolina. Mr. President, on June 13 I spoke against the mutual-aid program for foreign governments. Since that time I have seen the President of the United States turn down aid for areas in the United States that have been hit by disaster. In one instance in South Carolina, a short time before the administration's program came before us, the President refused to grant emergency aid to an area in my State which had been struck by tornadic winds that destroyed livestock, barns, homes, and other property.

Since my address of June 13 we have seen the vast majority of Maryland and Virginia gripped in one of the worst droughts in history. I have ridden through the countryside and seen the desolate, bleak crops. Corn is no higher than my knee in some places, and pastures look like the fringe areas next to desert lands. But the President of the United States just last week refused to utilize his powers to invoke aid to the hard-pressed citizens of this area of our own Nation.

Over and over again the administration refused to help the people of our own country who are in need of assistance. He has cut back seed and feed loan programs for farmers; he has hiked interest rates; he has invoked a new program to hamper and curtail construction of rural electrification lines for the rural areas of America; he has fought at every hand programs for development of public power and to preserve our natural resources.

Now, while he still comes to us in Congress for more funds for foreign governments, his administration is in the midst of severe economic and manpower cuts in our own military defenses at home—cuts which may not only severely hamper our miiltary strength, but which may have severe repercussions against the economic health of vast areas of this Nation. All this the present administration is doing to our own people—the people who are paying the freight and carrying the tax load to pay for this administration's wild dollar-squandering foreign-aid policies.

Mr. President, if we pass this bill, which will appropriate another $3,692,710,000 on foreign giveaway programs, we will be literally slapping the drought-stricken farmers in the face. We will be telling the American taxpayers, in essence, that we care more about the problems of Europe and Asia and Africa than we do about our own people at home. This is true, for we will be giving blanket approval to a spending program for foreign countries while we

stand idly by allowing the President to invoke an attitude of "do-nothingism" for the American citizens.

Nearly 5 years ago the President campaigned around the country promising all kinds of tax cuts, and upbraiding the Democrats about the high cost of living and how the dollar is inflated. He promised to reduce living costs, bring back the value of the dollar, and reduce the national debt.

Did he reduce the debt? No. During the first 3 years of his administration he spent $45 billion more than had been spent in the last 3 years of the Truman administration, although at that time there was being carried on an active war—or a police action, whichever one may desire to call it.

But since being in office, instead of cutting taxes, reducing the cost of living, or stabilizing the value of the dollar, this administration has increased the cost of living and promoted inflation of the quantity of money by this wild overseas foreign-aid program, and has continued this giveaway nonsense, making it impossible to cut taxes.

In recent years we have spent more than $115 billion on foreign-aid programs. We owe every cent of that amount, and are going to pay taxes on it, I predict, for the next 100 years. At the present moment we have more than $7 billion in the so-called pipeline; that is, money for foreign aid which the administration has not been able to spend. Why, I will never know, for they throw it around like water. But despite the fact that they have $7 billion yet unspent, they want another three-billion-six-hundred-odd-million dollars to push farther down the drain. They call it the pipeline, but in my way of thinking, it is a drainpipe and there is no end to it.

We do not have this money to give away. It is all being borrowed by the Government and we will have to pay it back. The taxpayers are paying 3⅝ percent interest on this money and have very little hope of ever getting relief at the present rate we are going.

It is not being required that this money be matched by the foreign governments on any of these so-called mutual programs, and very little of it can be attributed to defense or mutual security. They hide behind that. I know when we construct a hospital in South Carolina or in any other State under the Hill-Burton Act, the money going to the particular State must be matched by that State, and then a swarm of Government people see to it that that money goes strictly for hospital work or whatever the case may be. But not so in the case of mutual-security appropriations. They do not have to be mutual and they do not have to relate to security.

The entire program is rather ridiculous. I know of one instance where they sent more than $1 million to a country, Pakistan, to promote the fishing industry of that nation. I do not know what kind of fish are involved, but if we have a similar industry in America, we can bet it will not be long before that industry comes seeking relief because of the Pakistan fishing industry, just as the American textile industry came for help after this Government had spent millions in Japan building up that country's textile industries. Of course, when our industries seek relief, then the administration tells them there is nothing that can be done, for it might impair our mutual security. Yes; it is anything but mutual. The other countries take our money, build their agriculture and industries, compete with our industries and farmers and workers, put our industries out of business, idle our workers and cause our farmers to be unemployed—but we can do nothing about it because it might impair our mutual security. What good is this kind of mutuality when all is lost in the process of accomplishment?

Do Senators know that under this so-called mutual-security program there were millions of dollars' worth of electronic equipment, including electronic microscopes, sent to the Philippines for location at places where there was not even electricity with which to operate them?

I do not know what happened to them finally, but I assume we undertook to construct a dam or a generating plant and electric lines to bring that underdeveloped area out of the mud. But I should not mention that, I suppose, because someone might ask "Why, then, is the present administration opposing rural electrification and hydroelectric projects at home, if it is doing the same thing for foreign countries?"

Then, Mr. President, there was the instance of our setting about to build a dam in the Middle East where the people did not even want it. I think the dam project was finally abandoned. I understand the administration did not think that was too great a loss since there were only a few million dollars involved. They were taxpayers' dollars. I wonder how many taxpayers' taxes it took to scrape up the few million involved in that deal.

Another time the mutual-security program resulted in the construction of a series of airports in Afghanistan. The fact that people travel by camel in that country and that no one had much use for the airports meant nothing to the project people. That money was in the pipeline and had to be spent. It is sort of an international PWA project to them.

This program is filled with stupid programs and projects, as I just mentioned. There is no end to the blunders and waste committed in this program of dollar diplomacy which apparently has no end. The tragedy of it all is that instead of promoting mutual security, as its name would imply, it is promoting inflation, destroying the hopes of taxpayers for any tax cuts, raising the national debt and seriously endangering our economy. The program has not developed one country into being a close friend of ours. That is a big statement to make. The program has, in fact, created a fantastic jealousy among the people of the countries affected for our unbearable—in their eyes—richness, and our foolishness. To them, we are the "flashy Americans" with more money to do with than we have sense. Senators would be surprised to know how many foreigners think that about us. They do not know we are struggling under mountainous debt and borrowing more to build the mountain higher. Little has been done to tell the true story of this so-called mutual-security program, either at home or abroad. At home we are told it is security. Abroad the people are told nothing except that it is a handout from Uncle Sam. There is no gratitude in their hearts, and no satisfaction in ours. It is mutual waste, mutual extravagance, mutual distrust, and mutually useless.

Mr. President, there is but one way to straighten this mess out. That one way is in our hands. We should do away with this ghostly program and replace it with one of good sense, and one that has realism and not fantasy. We need a big stick instead of international theory, and we need to replace food and guns for dollars and development.

We need to make sure that all these funds are going for mutual security, and insure that by insisting on some matching effort by the countries to whom we send this aid.

I see nothing in this bill but more waste, more taxes, more national debt, and more inflation. Certainly I see nothing mutual, nor do I see any security in this kind of legislation. I urge other Members of the Senate to vote against this international pork-barrel legislation.

It is called pork-barrel legislation when we get some project for our States, but this is international pork-barrel legislation, and I shall vote against the bill when it comes to a vote.

Mr. CLARK. Mr. President, I should like to state briefly for the RECORD why I shall support the majority position in respect to the mutual security bill.

In my judgment, the majority leader and the minority leader are to be congratulated for having come forth from the committee with approximately $500 million more than the amount provided in the House version. I might wish that they had been even more successful, because I stand prepared, if given the opportunity, to vote for the entire amount of mutual security funds recommended by the President and called for in the authorization bill which passed the Senate some weeks ago.

In my judgment, it is essential that the position of the United States as the leader of the Free World should be reinforced all around the perimeter of Soviet Russia and the satellite countries. To do so requires that we maintain our position in Formosa, Vietnam, South Korea, Pakistan, and Turkey. It requires that we gives those nations not only military aid, but defense support. A large part of the funds provided in the pending measure is to go to those five countries. In my judgment, it is essential that we should continue the aid presently being afforded in support of our position in the NATO countries, in Greece, and elsewhere. I believe that the President should have a substantial fund—even a larger fund than the bill provides—to take care of emergencies in the Middle East and elsewhere. I believe it is essen-

tial to continue at full strength the point 4 program first sponsored by President Harry S Truman and carried on by the present administration.

As one example of that program, I had the opportunity yesterday to talk with an old friend of mine from wartime days, Ray Davis, at present located in Formosa, where he is engaged in the work of a committee of 5, consisting of 2 Americans and 3 Chinese, to increase the productivity of Formosa, Matsu, and the Pescadores Islands. In 2 short years, the work being done there has resulted in the elimination of hog cholera. In 3 short years, the agricultural production of Quemoy and Matsu has been doubled, so that they are self-supporting, as they were not before.

Work of the type of the point 4 program in Formosa made it possible for Formosa to export last year $150 million of agricultural products. Those are real achievements in the fight for freedom.

I am fearful that our country is not aware of the very serious perils in which we all live. We are too much like the lotus eaters. We are sitting down and relaxing at a time when we should be alert and pressing forward in our defenses.

I regret that the leadership on the other side of the aisle has not seen fit to propose amendments which would restore the full amount of the recommendations of the President and of the authorization bill which we passed. Had such amendments been proposed, I would have supported them. Chipping away at the mutual security appropriations will result in the deterioration of the program. I am afraid we are sitting back and doing very little to prevent that process from continuing.

We must not lose our freedoms by default. Unless we pass the full amount of the recommendation of the committee, we shall be doing just that.

I suspect that when we return in January we shall be asked to appropriate more funds for the mutual-security program. If so, I shall support such request. This is one of the occasions when I believe we should uphold the President of the United States. I, for one on this side of the aisle, am prepared to do so.

Mr. FULBRIGHT. Mr. President, I wish to say a few words about the pending bill, H. R. 9302. I may say that I do not think very much is called for by way of comment. We debated the subject very thoroughly, and I spoke at length previously as most of us did, during the consideration of the authorization bill. Therefore there is no particular need to review all of the substantive matters involved in the pending bill.

I shall support the committee. I believe the committee did a very excellent job in reviewing the work of the House, and that its increases were made at the proper places.

I do not feel very strongly about the military aspect of the bill, because, as I have said on many other occasions, and as I said during the consideration of the authorization bill and in conference, that if there is one major fault with the program of mutual aid it is in the overemphasis upon military hardware, particularly in such countries as Pakistan and Turkey.

I do not pick out those countries because of any desire to reflect upon them. They have merely cooperated with our own policies, and they certainly should not in any way be criticized for that. We have, as a matter of emphasis, thought that military arms in those places answered the problems, rather than economic or—and I am trying to simplify the thought now—nonmilitary measures, which would include point 4 and economic development.

It is a matter of policy, and I believe our administration has been wrong in overemphasizing that aspect of the program. I would not hesitate to go along with a lower figure in those particular items, but the committee, in its wisdom, brought forth a balanced program, and I shall support the committee recommendations in that and in the other items of the bill.

I believe the committee has improved the bill. I still feel that the House, in its insistence upon changing the Senate revisions of the development loan fund proposal practically destroyed the effectiveness of that particular activity. I deeply regret it. I am not reconciled to accepting it. I voted against the authorization bill on that account, because it had destroyed the essence of the development loan fund program. The House itself, in its action on the appropriations, has given proof of the allegation which was made by me and other Senators that we cannot operate a long-term development loan fund by reliance upon annual authorizations.

By proof I mean that only a month ago the House of Representatives and the Senate agreed upon an authorization of $500 million for the first year for the development loan fund. Then, within a month, the House—both through the Committee on Appropriations and backed by the full House—has made that authorization $300 million. That is a 40-percent reduction in 1 year.

They have proved the point we made, that in order to establish a development loan fund upon which other countries and our own people administering the program could rely in making long-term plans, it was necessary to have a program such as was authorized by the Senate in the first place; namely, a 3-year program as a minimum, with borrowing authority for the second and third year; in other words, creating the belief on the part of other countries and on the part of our own administrators that this is a long-term program and that they could proceed to get the experts and develop planned programs and planned projects; such projects as have some prospect of really getting at the basic trouble of the recipient countries, like irrigation programs, transportation programs, the building of docks, and projects of that kind, rather than a short-term humanitarian program, as, for example, the eradication of mosquitoes, and the like. That sort of program is perfectly all right, but it is not intended to contribute really to the development of the wealth of a particular country.

I realize that our committee could not do much about that. I realize that it increased the item from $300 million to $400 million. That is a gesture in the proper direction, but it is still far short of giving assurance of a 3-year or a 4-year program, or that there will be anything on which a country can rely in developing its long-term program.

So I feel that the whole program is most defective and will not achieve the purpose, because the principle of the development of a loan program was destroyed in the authorization bill, and it is further weakened by means of the pending appropriation bill.

I desire to congratulate the committee on eliminating the provision, as contained in the House version of the bill, which directly destroys the assistance for American colleges abroad. I refer to section 107 of the House version of the bill. Our committee voted to eliminate section 107, and therefore the matter will be in conference. I certainly urge the conferees on the part of the Senate to stand firm on that item. Again, I wish to state for the RECORD that section 400 (c) provides the President with permissive authority to use $10 million—if he sees fit, of course—in the assistance of American institutions abroad. I have in mind particularly the American University in Beirut, Roberts College in Istanbul, the American University in Athens, and some others. I believe that some of the developments which recently have occurred in Syria, and which all of us know are in process in the Middle East, demonstrate to anyone who is at all observant that aid of this sort is most important.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS 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 following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1153. An act for the relief of Zdenka Sneler;

S. 1167. An act for the relief of John Nicholas Christodoulias;

S. 1175. An act for the relief of Helene Cordery Hall;

S. 1241. An act for the relief of Edward Martin Hinsberger;

S. 1290. An act for the relief of Lee-Ana Roberts;

S. 1293. An act for the relief of Eithaniahu (Eton) Yellin;

S. 1306. An act for the relief of Pao-Wei Yung;

S. 1307. An act for the relief of Toribia Basterrechea (Arrola);

S. 1308. An act for the relief of Carmen Jeanne Launois Johnson;

S. 1335. An act for the relief of Sandra Ann Scott;

S. 1370. An act for the relief of Wanda Wawrzyczek;

S. 1387. An act for the relief of Rebecca Jean Lundy (Helen Choy);

S. 1421. An act for the relief of Ansis Luiz Darzins;

S. 1496. An act for the relief of Nicoleta P. Pantelakis;

S. 1685. An act for the relief of Sic Gun Chau (Tse) and Hing Man Chau;

S. 1736. An act for the relief of Rosa Sigl;

S. 1767. An act for the relief of Eileen Sheila Dhanda;

S. 1783. An act for the relief of Randolph Stephan Walker;

S. 1804. An act for the relief of Marjeta Winkle Brown;

S. 1815. An act for the relief of Nicholas Dilles;

S. 1817. An act for the relief of John Panagiotou;

S. 1838. An act for the relief of Charles Douglas;

S. 1848. An act for the relief of Michelle Patricia Hill (Patricia Adachi);

S. 1896. An act for the relief of Maria West;

S. 1902. An act for the relief of Belia Rodriguez Ternoir;

S. 1910. An act for the relief of Salvatore Salerno;

S. 1962. An act to authorize the Secretary of Agriculture to convey a certain tract of land owned by the United States to the Perkins Chapel Methodist Church, Bowie, Md.;

S. 2003. An act for the relief of Jozice Matana Koulis and Davorko Matana Koulis;

S. 2063. An act for the relief of Guy H. Davant;

S. 2095. An act for the relief of Vaclav Uhlik, Marta Uhlik, Vaclav Uhlik, Jr., and Eva Uhlik;

S. 2165. An act for the relief of Gertrud Mezger;

S. 2229. An act to provide for Government guaranty of private loans to certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport by such carriers, and for other purposes;

S. 2434. An act to amend the act entitled "An act to provide books for the adult blind;

S. 2460. An act to authorize the transfer of certain housing projects to the city of Decatur, Ill., or to the Decatur Housing Authority;

H. R. 38. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of casein;

H. R. 110. An act to amend section 372 of title 28, United States Code;

H. R. 277. An act to amend title 17 of the United States Code entitled "Copyrights" to provide for a statute of limitations with respect to civil actions;

H. R. 499. An act to direct the Secretary of the Navy or his designee to convey a 2,477.43-acre tract of land, avigation and sewer easements in Tarrant and Wise Counties, Tex., situated about 20 miles northwest of the City of Fort Worth, Tex., to the State of Texas;

H. R. 896. An act to amend title 10, United States Code, to authorize the Secretary of the Army to furnish heraldic services;

H. R. 1214. An act to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Korean conflict;

H. R. 1318. An act for the relief of Thomas P. Quigley;

H. R. 1324. An act for the relief of Westfeldt Brothers;

H. R. 1591. An act for the relief of the Pacific Customs Brokerage Co., of Detroit, Mich.;

H. R. 1733. An act for the relief of Philip Cooperman, Aron Shriro, and Samuel Stackman;

H. R. 1937. An act to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of a stadium in the District of Columbia, and for other purposes;

H. R. 2136. An act to amend section 124 (c) of title 28 of the United States Code so as to transfer Shelby County from the Beaumont to the Tyler division of the eastern district of Texas;

H. R. 3367. An act to amend section 1867 of title 28 of the United States Code to authorize the use of certified mail in summoning jurors;

H. R. 3877. An act to validate a patent issued to Carl E. Robinson, of Anchor Point, Alaska, for certain land in Alaska, and for other purposes;

H. R. 4144. An act to provide that the commanding general of the militia of the District of Columbia shall hold the rank of brigadier general or major general;

H. R. 4191. An act to amend section 633 of title 25, United States Code, prescribing fees of United States commissioners;

H. R. 4193. An act to amend section 1716 of title 18, United States Code, so as to conform to the act of July 14, 1956 (70 Stat. 538–540);

H. R. 4609. An act to further amend the act entitled "An act to authorize the conveyance of a portion of the United States military reservation at Fort Schuyler, N. Y., to the State of New York for use as a maritime school, and for other purposes," approved September 5, 1950, as amended;

H. R. 4992. An act for the relief of Michael D. Ovens;

H. R. 5061. An act for the relief of Harry V. Shoop, Frederick J. Richardson, Joseph D. Rosenlieb, Joseph E. P. McCann, and Junior K. Schoolcraft;

H. R. 5810. An act to provide reimbursement to the tribal council of the Cheyenne River Sioux Reservation in accordance with the act of September 3, 1954;

H. R. 5811. An act to amend subdivision b of section 14—Discharges, when granted—of the Bankruptcy Act, as amended, and subdivision b of section 58—Notices—the Bankruptcy Act, as amended;

H. R. 5920. An act for the relief of Pedro Gonzales;

H. R. 6172. An act for the relief of Thomas F. Milton;

H. R. 6868. An act for the relief of the estate of Agnes Moulton Cannon and for the relief of Clifton L. Cannon, Sr.

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;

H. J. Res. 230. Joint resolution to suspend the application of certain Federal laws with respect to personnel employed by the House Committee on Ways and Means in connection with the investigations ordered by H. Res. 104, Eighty-fifth Congress;

H. J. Res. 313. Joint resolution designating the week of November 22–28, 1957, as National Farm-City Week;

H. J. Res. 351. Joint resolution to establish a Lincoln Sesquicentennial Commission; and

H. J. Res. 430. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

## TARIFF TREATMENT OF ISTLE OR TAMPICO FIBER

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 7096) to amend paragraph 1684 of the Tariff Act of 1930 with respect to istle or Tampico fiber.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the unfinished business be laid aside, and that the Senate proceed with consideration of the mutual security appropriation bill.

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

## MUTUAL SECURITY APPROPRIATIONS, 1958

The Senate resumed the consideration of the bill (H. R. 9302) making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes.

Mr. FULBRIGHT. Mr. President, I shall speak only a few minutes longer.

I wish to state that the developments in the Middle East, particularly in Syria, illustrate the weakness, I believe, of the so-called Eisenhower doctrine. Many of us who opposed that measure in the spring pointed out at the time that the greatest danger in this area of the world is not from overt aggression by Russia, but is from subversion, such as that which is taking place in Syria. Military preparations are no obstacle to such activities on the part of Russia. I think Russia intends to continue these activities. How is such a challenge to be met? It can be met in a number of ways. I believe one of them is the strengthening of American institutions in that area. I believe that is very important. The appropriation for that purpose is a small one, and its expenditure is not mandatory; if the President and his advisers do not believe it is necessary, or if they believe it would not serve the intended purpose, they will not have to spend the money, and no harm will be done.

But, on the other hand, the subversion of the local governments cannot be met, it seems to me, by military means. Instead, it must be met by economic and by cultural activities; in other words, by inspiring in the minds and hearts of the people who control the countries of the Middle East some confidence in the purposes and determination of the United States and other Western countries. They do not have any confidence that we are going to follow through and be of assistance to them.

Much can be said about this program, but I see no necessity to debate it further.

The Senate has already voted on the authorization bill, and I am sure that nothing more that I could say would enlighten the Members of this body on this subject.

I hope the Senate will soon vote on the bill and will dispose of the matter, I shall vote for the bill.

Mr. JAVITS. Mr. President, I wish to speak of two points which I believe are of importance in connection with consideration by the Senate of the pending appropriation bill and also in connection with consideration by the Senate of foreign-aid measures in the days ahead.

Preliminarily, I should like to express my agreement with the Senator from Arkansas [Mr. FULBRIGHT], who has just spoken. I also desire to express my disappointment because of the fact that we have fallen down on the job, in connection with the development loan

fund. For the first time it offered hope in terms of a policy on which other nations could depend; and which, I may say, was a loan program for which all my colleagues in the other body, when I was a Member of it, had been contending, and which I heard Senators speak of here, too. It was within our grasp and is now slipping away.

I believe, as does the Senator from Arkansas [Mr. FULBRIGHT], that it would be a mistake for us not to affirm our convictions on this subject.

Furthermore, I very much favor incorporating military aid appropriations in the military budget, where such items belong. We should not beg the question, Mr. President. I hope the Senator from Arkansas, who is in such a good position to wage this fight, will continue it. But I shall be one very active volunteer, along with other Senators.

Mr. President, the two points on foreign aid I wish to make relate to its effect on the United States economy and to the new competition in this field by the Soviet Union. I make the assertion that a fundamental reason—and it has not been sufficiently stressed during this debate, and it needs to be repeated frequently—for the enactment of the mutual aid appropriation bill is that the United States is not alone in this effort. The United States is facing massive competition from the Soviet Union. We would be making a great mistake if we tried to meet that competition case by case. The Soviets could beat us any day in that effort, because they have the initiative, and they could concentrate their efforts in a few particular countries.

Instead, we should meet their competition in our own way, which is the way of steady-going and assured support to certain countries of the world, where the support will do the Free World the most good.

The best demonstration of the effectiveness of that approach is the Marshall plan, which did Europe an enormous amount of good, because we gave the countries of Europe—and we managed to do it within our constitutional limitations—assurance that we would give aid for 4 years; and, indeed, we did that. I think it is very important, in answer to those who think we are not selfish enough in our foreign aid, to point out that foreign aid has proven an absolutely indispensable basis for the development of foreign trade and foreign investment. Once the basis is laid development can go on but the basis must be first established. Trade and investment are accomplishing far more in terms of money than the amount of money we are puting into foreign aid, which has so large a resultant beneficial impact upon the American people.

I should like to state, for a few minutes, for the record, some facts and figures on that subject.

In 1956, our foreign trade aggregated $43 billion, and it may well exceed that amount this year. Our imports were $19,800,000,000, and our exports were $23,500,000,000. An enormous bulk of our business was done with Europe.

Let us see what has happened in Europe. In Europe, the per capita gross national product has recently increased at approximately the same rate as has been the case in the United States. The total volume of imports into the Marshall plan area in 1956 was more than 80 percent above the total in 1948, and was 50 percent above the prewar total; and there was a tremendous corresponding increase in intra-European trade.

Mr. President, I make the flat assertion that without the prelude of the Marshall plan and all it meant to free Europe, there would not now be even the consideration of a common European market and of Euratom, which in my opinion is the most important advance toward peace which has occurred overseas in the economic field since World War II.

So it is most important for us to understand that these foreign-aid advances by our country have proven to be an essential basis of foreign trade and foreign investment. Without the roads and ports and other fixed installations which are not suitable for private investment, but which are made possible by our foreign-aid program, there could not be an accelerating volume of private investments overseas. Yet we know that that, too, is one of the most important ways by which to achieve peaceful development.

I am proud to report that the total United States private investment overseas is $33 billion—1956—with $22,100,000,000 in subsidiaries and branches of American concerns. That amount increased in the last year by $2.8 billion. Our direct investments overseas amounted to $10,900,000,000 in 1956, showing an increase of $1,100,000,000.

Again, by way of reflection as to what this means to our country, let me point out that these overseas private investments earned approximately 10 percent on the dollar. They earned $3,438,000,000 in 1956, or an increase of approximately $400 million over the $3,069,000,000 earned in 1955.

Mr. President, just a final word on this subject of trade and investment. We had a little recession in the United States in 1954. I believe it very important to note, from a bulletin issued by the International Chamber of Commerce on May 1, 1957, the following statement:

> The most notable case in which our foreign trade played an important part in bringing about a business recovery occurred in 1954. While the gross national product declined from 1953 to 1954 by 1 percent, and imports fell by 5 percent, exports rose by 2 percent.

Mr. President, let those who oppose foreign aid not forget that we may see the day, before too many years have passed, when foreign trade and foreign investment will be the mainstay of the American economy and will save the United States and the entire world from some very deep depression. That is point No. 1.

American trade and American overseas private investment are flourishing. When we compare the figures, we see that they completely overshadow, in terms of proportion, the amounts we are spending on foreign aid. In this connection we are talking about foreign trade aggregating $43 billion, whereas the amount of the pending bill is $3 billion. We are talking about $33 billion in overseas private investments, whereas the amount of the pending appropriation bill is $3 billion.

Mr. President, one other matter which I believe needs to be emphasized in connection with this debate is the competition from the Soviet Union. Since 1955 the Soviet Union has embarked on a brandnew policy of foreign aid. Its commitments in economic assistance essentially, and technical assistance, with some military and to nations outside the Soviet bloc now aggregate $1,600,000,000. This is aside from intra the Soviet bloc, and that, too, must be considered foreign aid to other nations by the Soviet Union. Such aid now is running at an estimated rate of about $1 billion plus a year.

So that we may keep the whole matter in focus, I should like to refer to those who think the Soviet Union cannot carry on this program of very active competition because of the pressure on the Soviet economy. In addition to India and Burma, Russia is competing with us in Turkey and Pakistan, two of our foremost allies. Let us keep that clearly in mind.

As to the capacity of Russia to carry on such a program for a considerable period of time, I should like to quote from a 1956 study entitled, "Ruble Diplomacy, Challenge to American Foreign Aid," written by Klaus E. Knorr, and published by the Center of International Studies, Princeton University.

From page 30 of that memorandum I read the following:

> The total amount so far offered by the Soviet Union alone comes to less than 1 percent of a national income which, at a stupendous rate of from 6 to 9 percent a year, is growing twice as fast as that of the United States. At present, with Soviet income estimated to run at the equivalent of about $150 billion a year, annual growth amounts to over $10 billion. By allocating a small fraction of this increment, the Soviet leaders could supply a billion dollars a year for aid without special difficulty.

When the bill before us is broken down and the technical and economic assistance portions extracted from it, it will be found that on that basis what we propose is just about even with what the Soviet Union can do. To which must be added the capability of the Soviet Union to concentrate on a very few areas, whereas we feel, and rightly so, that we have to devote our program to about 40 countries.

The study goes on to say:

> The bloc's capacity to supply technicians and educators for technical assistants compares favorably with that of the United States. In 1954, the Soviet output of graduates in pure science was only half of the American. But in the applied sciences, the comparative figures are 22,500 for the United States and 60,000 for the U. S. S. R. and the annual output of those receiving a research degree after 3 years of postgraduate work was 3,500 in the United States and 4,500 in Soviet Russia.

I do not think any of us doubt that statement, because that subject has been pretty much discussed in terms of the demands upon United States higher education.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks two tables, both obtained from the European Division of the Commerce Department, one headed "Foreign Aid and Credits of the U. S. S. R. to Underdeveloped Countries," and the other headed "Soviet Credits to Bloc Countries."

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

*Foreign aid and credits of the U. S. S. R. to underdeveloped countries*

| Country and project | Date of agreement | Amount (millions) | Interest rate | Duration of credit | Brief description of project |
|---|---|---|---|---|---|
| 1. Afghanistan: | | | *Percent* | | |
| (a) Grain elevators, flour-milling and baking plants. | Jan. 27, 1954 | $3.5 | 3.0 | 5 years | Credit to cover Soviet equipment and services of technicians. |
| (b) Oil storage tanks | July 1954 | 1.0 | | | Do. |
| (c) Asphalt plants and paving projects | Oct. 5, 1954 | 2.1 | | | Do. |
| (d) Economic development loan | Jan. 28, 1956 | 100.0 | 2.0 | 30 years | Credit to finance 14 industry and transport projects. |
| (e) Arms credit | December 1955 | 25.0 | | 8 years | Reported by Prime Minister Daud in his address of Aug. 25, 1956. |
| 2. India: | | | | | |
| (a) Steel mill project [1] | Feb. 2, 1955 | 115.0 | 2.5 | 12 years | Credit to pay for Soviet blueprint, equipment, and technicians used in the construction of the steel plant (1,000,000 tons). |
| (b) Industrial diamond mining project | June 19, 1955 | | | | Soviet machinery to be supplied on credit to private owners. |
| (c) Plant for files and rasps | Oct. 24, 1955 | | | | Contract with private firm for Soviet equipment. |
| (d) Commodity Credit | Nov. 15, 1956 | 126.0 | 2.5 | 12 years | To cover purchase of Soviet heavy industrial machinery. |
| 3. Finland: | | | | | |
| (a) Gold (or free exchange) | Feb. 7, 1954 | 10.0 | 2.5 | 10 years | To bolster foreign exchange resources of Finland. |
| (b) Gold (or free exchange loans) | Jan. 25, 1955 | 10.0 | 2.5 | do | Do. |
| 4. Yugoslavia: | | | | | |
| (a) Industrial development credit | Jan. 13, 1956 | 110.0 | 2.0 | do | First installment: Soviet equipment (on credit) for 2 fertilizer plants, 1 power station. |
| (b) Raw materials credit | Feb. 2, 1956 | 54.0 | 2.0 | do | Credit to cover Soviet shipments of raw materials during 1956-58. |
| (c) Gold (or free exchange) loan | do | 30.0 | 2.0 | do | For use during 1956-58 to be repaid in 10 years, beginning Jan. 1, 1959. |
| (d) Atomic energy reactor | Jan. 28, 1956 | | | | |
| (e) Industrial development [2] | Aug. 3, 1956 | 40.0 | 2.0 | Long term | For coal, shipbuilding, oil and gas, reclamation, agriculture. |
| (f) Aluminum combine [3] (50-000-100,000 tons) | do | 175.0 | 2.0 | do | Project to include aluminum plants, hydroelectric power stations, bauxite mines. |
| 5. Burma: | | | | | |
| (a) Technological Institute | Dec. 6, 1955 | | | | Soviet assistance in construction to be paid in rice. |
| (b) Hospital, theater, sports stadium | Apr. 1, 1956 | | | | Do. |
| (c) Industrial development credit | Dec. 6, 1955 | | | | Announced in general terms; agreement still to come. |
| (d) Construction project | Jan. 27, 1957 | | | | U. S. S. R. to build several public establishments as gift in exchange for equal gifts in rice and other products. To begin in 1957 and complete in 1963. |
| 6. Egypt: (a) Laboratory nuclear physics | Feb. 10, 1956 | | | | Covers Soviet equipment and exchange of technical personnel. |
| 7. Indonesia (industrial development credit) | Sept. 15, 1956 | 100.0 | 2.5 | 12 years | To cover several unspecified industrial projects. Indonesia given 8 years to spend credit on specific projects. |
| Turkey | July 31, 1957 | (10.0) | | | Agreement with banking group to construct a glass factory. |
| Do | do | (10.0) | | | Agreement with bank for construction of caustic soda plant. |

[1] Indian Government accepted Soviet project study on Mar. 8, 1956.
[2] Further utilization January 1956 industrial development credit.
[3] In conjunction with GDR; this credit covers 1st installment of deliveries to be made in 2 stages.

Source: U. S. Department of Commerce.

*Soviet credits to bloc countries*

| Country | Date of agreement | Amount (millions) | Duration | Brief description |
|---|---|---|---|---|
| I. Pre-February 1956: | | | | |
| Poland | Mar. 5, 1947 | $28.0 | | Short-term loan in gold and convertible currency. |
| Do | Jan. 26, 1948 | 450.0 | 1948-50 | Credit to cover Soviet equipment. |
| Czechoslovakia | December 1948 | 28.0 | | Short-term credit in gold and free exchange. |
| North Korea | March 1949 | 40.0 | 1949-51 | Short-term credit for Soviet raw materials. |
| Albania | April 1949 | | | Unspecified credit for Soviet equipment. |
| Poland | June 1949 | 100.0 | 1953-58 | Credit to cover Soviet industrial equipment. |
| China | Feb. 14, 1950 | 300.0 | 1950-54 | Credit to cover Soviet industrial equipment (interest rate, 1 percent). |
| East Germany | July 1953 | [1] 121.0 | 1953-54 | Short-term credit for excess Soviet exports. |
| North Korea | September 1953 | 250.0 | | Only known major grant; for postwar reconstruction. |
| Outer Mongolia | 1945-55 | 225.0 | | Total credits for industrial development. |
| China | Oct. 12, 1954 | 130.0 | | Long-term credit for industrial equipment. |
| Vietnam | | 100.0 | | Credit for economic development. |
| Bloc, total [2] | 1945-55 | 5,250.0 | | Total value of intrabloc long-term credits, since end of World War II. |
| II. Post-1956 (February): | | | | |
| Bulgaria | Feb. 3, 1956 | 92.5 | 10 years | Credit for agricultural and industrial equipment from U. S. S. R. |
| China | Apr. 7, 1956 | 625.0 | | Credit to equip 55 Chinese plants. |
| East Germany | July 1956 | 350.0 | | Reduced GDR share in occupation costs from $700 million to $350 million. Increased price paid for uranium. |
| Poland | Sept. 24, 1956 | 25.0 | 1957-60 | Partly in free exchange; partly in raw materials. |
| Hungary | Oct. 4, 1956 | 25.0 | 1960-65 | Free exchange, 40 percent; raw materials, 60 percent. |
| Poland, pt. I | Nov. 18, 1956 | 175.0 | 1963-65 | Credit for industrial equipment. |
| Poland, pt. II | do | 100.0 | 1961-62 | Credit for wheat (1.4 million tons). Also agreed to cancel Polish debt ($525 millions) in payment for full price on coal 1946-53. |
| Rumania | Dec. 3, 1956 | 67.5 | 10 years | Credit to cover Soviet machinery and grain. Also: canceled Rumanian debt for Soviet share in "joint" companies ($700 millions); 4-year moratorium on other debts. |
| East Germany | Jan. 7, 1957 | 85.0 | | Loan in free exchange to buy in world market. |
| Do | do | 20.0 | | Credit for Soviet equipment. |
| Bulgaria | Jan. 12, 1957 | 50.0 | 1957-59 | Credit to pay for Soviet wheat. |
| Czechoslovakia | Jan. 29, 1957 | | | Credit to cover expansion of uranium mines. |
| Hungary, I | Mar. 28, 1957 | [3] 187.5 | 1961-70 | Economic aid and payment assistance. Also agreed (1) to cancel debt in joint companies ($90 million) and (2) deter repayment on earlier loan ($37.5 million). |
| Hungary, II | do | 31.25 | Same | |
| Albania | Apr. 17, 1957 | 7.75 | | Credit to cover excess exports. Also canceled 2 debts: (1) For 14 industrial plants ($87 million), and (2) for other goods ($18.5 million). |
| Outer Mongolia | May 15, 1957 | 50.0 | | Credit for future Soviet deliveries of equipment, material, and service. |
| Bloc, total | 1956-57 | 1,750.0 | | |
| Do | Postwar period | 7,000.0 | | Source: Pravda, July 14, 1957. |

[1] Including $34 million in the form of gold and free exchange.
[2] Cited by Khrushchev (Pravda, Feb. 15, 1956); probably includes satellite debts to the U. S. S. R. incurred as a result of the liquidation of the "joint companies" in late 1954 (figure for China, $1.4 billion).
[3] Includes $50 million in free exchange.

Source: European Division, Department of Commerce, Aug. 26, 1957.

Mr. JAVITS. Also, to show the competition which we are meeting, I also ask unanimous consent to have printed an article entitled "The Soviet Venture in Foreign Aid," which was published in the Journal of the American Association of University Women for January 1957, written by Leon M. Herman, Chief of the U. S. S. R. Division of the Commerce Department.

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

THE SOVIET VENTURE IN FOREIGN AID

(By Leon M. Herman[1])

The current excursion of the U. S. S. R. into economic aid derives its chief dramatic impact from the novelty, rather than the magnitude, of the operation. Prior to its mid-1953 shift, Soviet foreign economic policy was far too intensely involved in the process of building an impregnable fortress around the U. S. S. R. to show any constructive interest in the economic ills of the less industrialized nations. At the borders of its own orbit, its main economic effort, until quite recently, has been directed toward assembling and erecting the barriers it has considered necessary for the consolidation of its new economic empire.

This empire was proudly hailed by Stalin in late 1952 as a parallel world market, immune to the influences of the non-Soviet world economy and strong enough to advance the doom of the industrial nations of the West. Within as well as outside the orbit, postwar Soviet economic foreign policy was marked by a vigorous pursuit of the rewards, rather than the responsibilities, of a great power in its relations with its weaker neighbors.

During the first 8 years of the postwar period, the Soviet Government was variously engaged, particularly in Eastern Europe, in gathering the fruits of its military victory. In this region, where the main objectives of the postwar policy were pursued with least restraint, the chief concern was to maintain a mighty flow of goods from the shattered economies of the satellite nations into the channels of Soviet domestic reconstruction. This inflow was facilitated by an ingenious mechanism of legal arrangements, including massive deliveries in the form of reparations, joint companies to operate promising satellite industries, and a vast network of Soviet properties abroad.

So long as it remained absorbed in the systematic acquisition of unrequited imports, the Soviet Government displayed little sympathy with the idea of economic assistance to weaker nations. Yet the fact that the Western nations were earnestly seeking ways to extend effective economic aid to less developed countries was not unnoticed. Far from perceiving any merit in these efforts, however, the leadership feigned to be gravely concerned over their effect on recipient countries. It repeatedly branded economic aid a threat to domestic industries, standards of living, and the independence of weaker nations .

This rigidly held position was wholly abandoned after the death of Stalin. As a first step, the Soviet Government moved quickly to scrap the machinery of exploitation he had erected in Eastern Europe. Outstanding reparations deliveries from East Germany were canceled in July 1953, following the riots in East Berlin. The joint companies, including four new enterprises established in China during 1950, were hurriedly dissolved during September–November 1954. Finally the network of properties acquired in Austria were ordered to be returned under the terms of the long-delayed treaty of peace, signed in May 1955.

MORE FLEXIBLE BEHAVIOR

The scrapping of the special apparatus in Eastern Europe cleared the way for more flexible Soviet behavior. In July 1953, the Soviet Government made its first annual contribution, 4 million rubles, to the United Nations Fund for Technical Assistance, which had been in existence since November 1949. In August 1953, a new type of trade agreement was concluded with the Argentine Government, amidst great publicity.

In another major commercial arrangement, with India in December 1953, the U. S. S. R. further committed itself to ship industrial equipment of the kind never before exported by the U. S. S. R. to non-Communist countries. The ambitious commercial arrangement was accompanied by an offer to extend technical assistance.

STALIN FORMULA SCRAPPED

The removal of the massive figure of Stalin in March 1953 opened a new perspective in the world outlook of his successors. The reaction came in two stages. The new line of action began almost immediately after Stalin's death, while the theory underlying the new practice was not revealed until the Twentieth Party Congress, in February 1956. Then it clearly emerged that in the sphere of foreign policy Stalin's successors fully shared his basic determination to undermine the power position of the Western nations. Stalin's analysis of world conditions, however, was adjudged too doctrinaire, too strongly influenced by Marxist optimism.

In Stalin's view, the future of the principal Western nations was thoroughly weakened by mutual economic rivalry on the one hand and by a shrunken market for their products on the other. The deterioration of their position was so serious, in his opinion, that a certain amount of promotion of this rivalry on the part of the Soviet Union, coupled with increased intra-bloc integration, would bring about irretrievable economic decline in the West and, eventually, an internecine war over markets.

Stalin's successors reject, above all, his argument that the economies of the Western nations have been fatally damaged and are doomed to decline. This sanguine premise they now consider inadequate for the understanding of the complex phenomenon of modern capitalism.

The present rules of Russia have based their latest line of action on the premise that new tensions would have to be injected nto the non-Communist world in the years ahead. They see their best opportunities for such additional tension in the complex area of relations between the industrialized countries of the West and the less developed regions around the world.

Before the Soviet Union itself could play an effective role in this theater of operations, it had to achieve some status in the less developed regions as a mature, surplus-producing industrial power. As a matter of record, however, the Soviet Union had deliberately circumscribed its contact with the world economy. Its trade activity outside the industrialized West was small and sporadic. Commercially, in effect, the U. S. S. R. had treated the less developed regions of the world in a spirit usually ascribed by Soviet writers to the imperialists, namely as a raw materials appendage to the industrialized West.

THE ECONOMIC SETTING

But with the steady increase in industrial production in the U. S. S. R., regular and direct contact with overseas sources of raw materials became imperative. The Soviet economic planning system had not produced the necessary operating balance between production and consumption even in domestically available industrial materials. Sizable periodic shortfalls in raw materials require a ready access to imports.

The introduction of the same type of state planning into the satellite nations had increased considerably the need, both actual and potential, for imported raw materials. From the standpoint of normal commodity exchange, too, the steady expansion of capacity for manufacturing by the U. S. S. R. and the satellites had increased the general pool from which goods could be drawn for export to the under-industrialized countries.

On economic grounds alone, the existence of a growing annual pool of industrial goods within the Soviet Union has not, by itself, produced a significant outflow of industrial exports. Internal need and demand from the other bloc countries easily consume the bulk of domestic machinery production. In Soviet practice, goods assigned for export do not necessarily stem from a net surplus. They are more often than not diversions from low-ranking domestic consumers. A larger scale of annual production, nevertheless, does provide a base for larger scale diversions to high-priority exports.

Against this setting of forced surpluses, the economic aid approach has a distinct advantage over normal trade. It commits the Soviet Government not so much to a large immediate export program as to a series of deferred annual shipments to the recipient countries, shipments from the industrial sector of the economy which is, of course, being expanded at a preferred rate.

SOVIET RESOURCES FOR AID

The Soviet economy produces machinery and other industrial products on a substantial scale and in variety. The domestic machine-building industry has for some time been the principal dynamic force pushing industrialization forward.

Were domestic economic considerations alone to prevail, this annual output could easily be absorbed at home. For reasons of foreign policy, however, a segment of the domestic volume of machinery production is now judiciously apportioned for export, first among the countries of the Soviet orbit and, for the past year or so, among a number of countries in the non-Soviet community. All the same, the U. S. S. R. continues to depend on the world market for additional imports of machinery. Its own export potential is still made up largely of raw materials, agricultural as well as industrial. What is more, imports of machinery from abroad continue to be acquired at an increasing rate. Exports in this category of goods are quite small.

The current attempt to enter into many markets at once as a potential exporter comes as a result of a deliberate decision rather than a natural development of economic relations outside the bloc. Many of the countries now high in the aid program, such as Burma, Indonesia, India, and Yugoslavia, have had little or virtually no trade relations with the U. S. S. R. previously, and certainly no experience in importing equipment from that source.

EXPERIMENTAL EXPORTS

The recent undertakings in exporting machinery are essentially experimental, in regard to both available quantities within the Soviet economy and acceptability of the Soviet product. Therefore a program of economic aid which would include the supply of equipment over a period of time recommends itself to the U. S. S. R. in preference to a straightforward, unadvertised expansion of commercial exports of machinery.

In the first place, it could be rather difficult for Soviet economic authorities to muster sizable quantities of equipment for immediate export. Within the economic aid setting, however, the government finds it less burdensome to set aside a modest part of its future production for deserving non-Communist countries. Given its present supply position, it is obviously more practical for

[1] Mr. Herman is Chief of the U. S. S. R. Section of the European Division, U. S. Department of Commerce.

the U. S. S. R. to delay, to string out, its export commitments involving industrial equipment. Second, deliveries made within the framework of a friendly arrangement for aid are less likely to be subjected to the rigorous test of quality and modernity applied to competitive commercial imports.

The Soviet entry into the field of economic aid has been marked by a characteristic approach, that of too much too soon. A whole host of underprivileged home industries are still muddling along as best they can with antiquated equipment. Even so modest an undertaking as building grain elevators for Afghanistan did not arise from a surplus position. It came before some of Russia's own Asian provinces saw their first grain elevator. Similarly technological institutes of the type promised to India and Burma are still admittedly scarce in Russia's industrial centers east of the Ural Mountains.

Even more critical at the moment is the fact that the Soviet bid for prestige abroad has added to the economic burdens of the satellite nations. The more industrialized members of the Soviet captive alliance have been directly pressed into the Soviet campaign to gain an economic foothold in less developed areas. Nor have the largely agricultural satellites been spared. There can be no doubt that their economic distress could have been alleviated by a generous Soviet contribution to intrabloc economic aid.

THE CONTENT OF THE SOVIET APPEAL

In proffering economic aid, Soviet spokesmen have tried to avoid the implication that they have been won over to the positive approach to the needs of less developed countries which the Western Powers have followed for nearly a decade. They are at great pains to claim a unique solution to an entirely new problem, based on motives of hitherto unknown purity. They present an image of themselves as historic bearers of the gift of industrialization to all duly qualified backward regions and nations. As a matter of historical record, the Soviet argument runs, the U. S. S. R. was itself a backward country only a few decades ago. Rapid industrialization is, so to speak, in its blood.

In practice, the Soviet Government has geared its offers to exploitation of some of the weaknesses of existing Western aid programs. This it has tried to accomplish, for example, by undercutting the interest rates at which industrialization credits are normally extended by Western governments and international banking institutions. Repayment in the form of local export goods is publicly invited. In addition, the Soviet Union disclaims any interest in deriving future economic gain, beyond nominal interest earnings, from installations it helps to build. Soviet aid is also tailored to suit the sensibilities of receiving nations, taking the form of loans rather than charity.

In the typical Soviet arrangement, provision is made to help the recipient countries to dispose of domestic surpluses, usually agricultural and often difficult to market. The Soviet Government also focuses its program on the support of projects that are high on the priority list of the local governments. It is, at the same time, notably more interested in strengthening the position of the government than in raising the level of welfare in the recipient country. Wherever possible the leaders direct Soviet economic contribution to expanding government ownership as a counterweight to private enterprise.

Above all, however, the lesson which the leaders of the U. S. S. R. are interested in driving home to less developed countries is that Soviet aid can reduce drastically the need for close economic intercourse with Western nations. As Moscow would like others to see it, Soviet aid is a contribution to the national independence of former colonial peoples.

Since the only bonds now linking most of the less developed areas with the West are economic, the Soviet drive is designed to loosen these ties. To accomplish this, the government must establish its qualifications as a mature industrial partner capable of displacing the West. Regardless of its real capacities, a good showing must be made. Nor is it entirely a matter of self-recommendation to overseas countries. In a very real way, the new Soviet activity in the less developed regions is intended to deliver an indirect blow in its longstanding economic dispute with the West.

By playing the role, however unnatural, of a surplus producer of equipment, the Soviet Union hopes to stimulate doubt among Western businessmen regarding strategic trade controls, doubt as to whether such controls could effectively deter the industrial expansion of a country that has reached a stage of export surpluses in equipment and technical personnel. In short, Soviet strategists are watching for the effect of their current aid program not so much upon the economies of the importing countries as upon the headlines in the commercial press of Western Europe, Canada, Japan, and the United States.

Soviet economic aid to independent countries has been essentially a gambit, a sacrifice move running counter to basic policy drive—the drive to amass overwhelming economic strength within its own orbit while promoting and exploiting weakness and distress in countries that have not accepted the Communist formula. Soviet economic aid is a negative operation designed to widen existing breaches among nations and fan the embers of national discontent. As such, the entire present effort could be easily upset by a shift in official risk calculation.

An enduring effort to assist less developed nations has to be founded upon more constructive expectations. Existing United States and Western programs of foreign aid hold out a real promise of lasting good results. The West's economic aid is guided by the practical, tested principle that industrially advanced neighbors make the most stable economic partners and that the prosperity of the more developed nations is rendered more secure by the raising of standards of well-being in all parts of the world.

Mr. JAVITS. Finally, Mr. President, I wish to read the conclusion of the Senate's Special Committee To Study the Foreign Air Program, which made a contract for project No. 3 with the Council for Economic and Industry Research, Inc., the project being foreign-assistance activities of the Communist bloc, and their implications for the United States.

At page 54 the concluding comments are:

The Soviet economic offensive is the newest development to face United States foreign-assistance policy. The future course of this economic offensive is, of course, a matter of uncertainty. Its future, whatever that turns out to be, is a matter to be decided by Soviet international political policy. The bloc offensive can grow. United States foreign policy must take heavy account of present Communist aid activity and be prepared for future growth in this direction. Being ready costs little if the threat fails. But not being ready would cost much if the threat grows.

In summary, Mr. President, I am for the foreign-aid program. I think the appropriation is too little. I hope very much it is not too late. We are fighting this battle every day. As the Senator from Wisconsin has said, it will go on into the indefinite future. But I deeply feel we must learn our lesson from Russian competition and we must learn our lesson from the indisputable proof of the great impact on the economy of the United States, as expressed in terms of foreign trade and overseas private investment. Our foreign trade is 10 percent of our gross national product, a very enormous factor, which could make for depression or prosperity in itself.

In my opinion, we should have given the President what he asked for. We should have provided more for the economic development loan fund, for I think that was the soundest kind of investment we could have made.

However, I favor this appropriation bill as the best that can be worked out in a practical world. I think we have to consider, in any discussion of foreign aid, the dependence of the American economy on our foreign trade, and the growing and real and vital competition in economic aid and technical assistance to Soviet bloc countries and other countries by the Soviet Union itself.

Mr. President, this may be a quiet debate, with relatively few Senators present in the Chamber, and this bill may be accepted as one that will pass, but it is very portentous to peace and war, the well being and, indeed, the survival of our people. If the lessons to which I have referred are not read correctly by the Senate, we shall be making disastrous mistakes, and the survival of the people and the freedom of the people of the United States and of the Free World may indeed be put in jeopardy. I hope I shall never be found derelict in having failed to lift my voice to help read those signs aright on the international scene.

Mr. NEUBERGER. Mr. President, an editorial in the Sunday Oregonian, of Portland, Oreg., of August 18, 1957, expresses my attitude that drastic cuts in foreign aid and mutual security are risking the solidarity of the Free World and the future of the United States.

I am supporting President Eisenhower on this issue, not because of any partisan affinity but because I happen to believe the President is essentially right. It is easy to attack foreign aid, difficult to defend such a program in the political arena. Yet, if our foreign aid were drastically curtailed, I fear we would be gravely set back and retarded in the cold war against the Soviet Union. Furthermore, I think that foreign aid helps to keep in uniform such staunch allies as Turkey, South Korea, Great Britain and other nations. If these countries were unable to defend vital areas of the globe, we either would have to surrender those realms to the aggressive Soviet orbit or else have young Americans stationed there in great numbers, risking their lives and forsaking their homes and firesides. That is something for us to think about when we hear rambunctious and sweeping political orations against foreign aid.

I ask unanimous consent that the editorial from the Oregonian of August 18, entitled "Politics Before Security," appear in the RECORD for the information

of my colleagues, who soon will vote on this vital question.

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

POLITICS BEFORE SECURITY

Those who profess to be experts on the mutual-security program—that 10-year-old plan for allied cooperation in strengthening the military defenses of the non-Communist world in which the United States has spent $17 billion and our allies $107 billion—are more or less agreed that it cannot be terminated. They are not all agreed on the amount of United States participation needed at this time.

The vote of Members of the House of Representatives in slashing $862 million from the budget of nearly $3,400,000,000 previously authorized by Congress is not, however, a reflection of the judgment of experts.

The vote represented politicking in the highest degree. All of this session, the House has been shouting "economy," and sending up smoke signals to the voters as if it were getting economy. It made a paper slash of the domestic budget, while cagily providing for the more rapid expenditure of previously appropriated funds. The result will be a greater actual expenditure in fiscal 1958 than the budget figure. This is justified on the basis that carryover funds should be reduced. But don't ever think the Government is spending less. It is spending more.

The foreign-aid budget, more properly called mutual security budget, was a sitting duck for the political economizers. Not many voters really understand the advantage to the United States in helping to strengthen the allied forces that are under the guns of the Communist empire. It is much less costly to help train and outfit these forces than it is to maintain comparable forces of Americans either abroad or in this country. The President is right in calling it "false economy" to undermine allied military strength before the first tottering steps toward disarmament have really accomplished anything.

In our opinion, the 83 Republicans and 181 Democrats who joined in crippling what was left of the foreign aid authorization are taking an unconscionable risk with the security of the United States, in the face of repeated and solemn warnings by President Eisenhower, backed by the real experts in world affairs.

Congress previously had reduced the administration's minimum foreign aid budget by $500,000,000, in the authorization bill. The additional cut by the House of $862,000,000 adds up to a total reduction of $1,362,000,000. This leaves only $2,500,000,000 in new funds.

President Eisenhower—supported by ex-President Truman—specifically pleaded for the full $500,000,000 provided in the authorization bill for a development fund. The President said this would allow the United States to transform our economic help largely from the grant basis to the loan basis, something which every committee that has studied this problem recommends strongly. The House voted, 149 to 101, to slash this fund to $300,000,000.

If the Senate goes along with the House in what the President calls this false economy. Mr. Eisenhower must face the decision of drastically reducing the foreign assistance program or calling Congress back into special session. In the present mood of Congress, the latter might not accomplish anything. But we do not think the President will hesitate to do this if necessary. He would be more inclined to do so if he felt the people of America actually understand the need for mutual security and the risks of economizing in that field.

## ATTACK UPON SENATOR NEUBERGER FOR HIS OPPOSITION TO BRUCES EDDY DAM PROJECT ON NORTH FORK OF CLEARWATER RIVER

Mr. NEUBERGER. Mr. President, on August 13, 1957, the senior Senator from Idaho [Mr. DWORSHAK] assailed me as a saboteur and as a hypocrite, because I was opposed to a proposed power and flood-control project in his State which, in my opinion, would damage wildlife, fisheries, and scenic outdoor values.

I did not reply in kind to these denunciations, and I do not intend to do so now, because I refuse to indulge in political abuse or character assassination. Such tactics only hurt those who rely upon them, and not the intended victims.

On August 26, yesterday, the Senator from Idaho continued his attack by including in the pages of the CONGRESSIONAL RECORD an editorial from an Idaho newspaper which, in essence, repeated some of those charges against me. I was presiding over the Senate at the time of the insertion and, in effect, granted the unanimous consent which placed the editorial in the RECORD. I would not have objected had I been on the floor, because if the Senator from Idaho wishes to use the pages of the RECORD to attack me further personally, I rather imagine he will net small gains from that, if any.

One sentence from the editorial, which was printed in the Boise, Idaho, Statesman of August 20, charged that I was "in collusion with hypocritical groups" in attempting to block authorization of the Bruces Eddy Dam on the North Fork of the Clearwater River. This description in the Idaho newspaper of organizations which have opposed construction of Bruces Eddy Dam reflects the statement made by the senior Senator from Idaho [Mr. DWORSHAK] on August 13 when he said:

Mr. President, the hypocritical groups which contend that efforts are being made to disregard fish and wildlife aspects of the project deliberately misrepresent and distort the facts.

These are the groups, Mr. President, which have been opposing construction of the Bruces Eddy project: Idaho Wildlife Federation, Idaho Outdoor Association, Oregon division of the Izaak Walton League of America, the Izaak Walton League of America, the National Wildlife Federation, the Wilderness Society, the Wildlife Management Institute, the National Parks Association, the Sierra Club, the National Hikers and Campers Association, the National Audubon Society, Citizens Committee on Natural Resources, Federation of Western Outdoor Clubs, Sport Fishing Institute, Outdoor Writers Association of America, General Federation of Women's Clubs, Commercial Fishermen's Association of Sandpoint, Idaho; Lewis-Clark Wildlife Club of Lewiston, Idaho; St. Joe Valley Fish and Game Association of St. Maries, Idaho; Palouse River Wildlife Federation of Potlatch, Idaho; White Pine Sportsman Association of Troy, Idaho.

Inasmuch as the Senator from Idaho has been contending—through his own voice and via his editorial outlets—that I am in alliance with hypocritical groups, I urge that he inform the Senate if he regards the above-listed organizations in that category.

When a man makes strong charges, he should be willing to back them up or apologize for them. According to the Senator from Idaho, I am a "saboteur" and a "hypocrite." I also am in "collusion with hyprocritical groups." Are the organizations which I have listed these "hypocritical groups"? They seem like very fine and reputable organizations to me. I belong to some of them. I wish I could belong to more. They are groups which have worked for a better America and for conservation of our natural resources. I believe the distinguished senior Senator from Idaho, this author of abusive political attacks, should explain to the Senate if these are the "hypocritical groups" with which the junior Senator from Oregon is allied in opposing the Bruces Eddy Dam project.

In conclusion, Mr. President, I should like to add that members and officials of the organizations opposed to blockading the Clearwater evidently have not felt that hypocrisy was involved in the action taken to bar its authorization by Congress. I ask unanimous consent to have printed in the RECORD a letter to me from the National Wildlife Federation, dated August 16, 1957; and letters to me and to the chairman of the Senate Public Works Committee from Mrs. Marion T. Weatherford, chairman of the conservation of natural resources department of the General Federation of Women's Clubs, dated February 18, 1957. I have high regard for the leadership which Mrs. Weatherford and her organization have contributed to the preservation of our Nation's outdoor and wildlife assets. Also, I ask unanimous consent to have printed in the RECORD with my remarks letters which were sent from Idaho citizens and groups to members of the Senate Public Works Committee and which were made a part of the subcommittee hearing record during consideration of S. 497, which included the Bruces Eddy Dam authorization.

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

NATIONAL WILDLIFE FEDERATION,
*Takoma Park, Washington, D. C.,*
*August 16, 1957.*

Hon. RICHARD L. NEUBERGER,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR NEUBERGER: Now that the immediate threat of premature authorization or appropriation for Bruces Eddy Dam on the Clearwater River in Idaho has been forestalled, I want to express the appreciation of the National Wildlife Federation for your able leadership and effective work in sustaining the position taken by conservationists. It is both strange and regrettable that the opponents of this reservoir should resort to such tactics in an effort to secure Congressional approval before the fish and wildlife studies, now in progress, can be completed.

Throughout the controversy, your able presentation of the concern of conservation-minded citizens regarding the probable destructive effects of Bruces Eddy Dam on the fisheries, the big-game herds, and the wilderness values of the Clearwater Basin has been most helpful. Your testimony before the House Flood Control Subcommittee was instrumental in persuading that unit to delete authorization for the project from the omnibus bill. And that event, of course, was what made possible the overwhelming rejection by the House of Senator DWORSHAK'S amendment that would have provided $500,000 for an unauthorized project. Opposition to the Dworshak amendment was led by members of the House Public Works Committee who had previously rejected the project.

Certain special interests, as you know, stand to reap a substantial windfall in cheap transportation costs for their timber operations in case Bruces Eddy is built. Therefore, we can expect the project to be brought before the Congress again in the next session despite the 363-to-23 defeat in the House.

Again thanks and best wishes for some genuine relaxation after the session adjourns.

Sincerely yours,

CHARLES H. CALLISON,
*Conservation Director.*

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GENERAL FEDERATION
OF WOMEN'S CLUBS,
*February 18, 1957.*

Hon. RICHARD E. NEUBERGER,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR NEUBERGER: May I take this opportunity to mention some legislation in which I am particularly interested as conservation chairman of the General Federation of Women's Clubs, and for which the GFWC has an established policy through resolution for support of or opposition to.

Enclosed is a copy of my letter to Senator CHAVEZ regarding the Bruces Eddy Dam authorization, which will interpret the thinking of the GFWC regarding it.

We are very concerned that proper appropriations be made so that the water pollution control program, Public Law 660, may be provided with funds to operate adequately. I have wired all members of the House Subcommittee on Appropriations asking that they support adequate appropriations for this program.

We are anxious that proper zoning regulations will be mandatory along the new Federal highway system. I should appreciate a copy of Senator NEUBERGER'S bill that sets up this fine regulation.

Operation Outdoors, the 5-year plan of the United States Forest Service affecting recreation is a program we will want to support when legislation and appropriations are being considered to implement this program.

The establishment of a wilderness preservation system is something in which we are interested, but for which we do not have a stated policy. The above-mentioned projects all have a GFWC resolution on which we may base our stand. Support by the GFWC for a wilderness preservation system is a matter of interpretation of several conservation resolutions.

The extension of the Termination Act as it affects the Klamath Indian Tribe is of great interest to me personally. I believe it imperative that the date of termination be postponed until proper arrangements are made for the best possible use of the valuable natural resource holdings of this tribe.

With all good wishes to you as you so ably represent us in Washington.

Cordially,

LEONA WEATHERFORD
Mrs. Marion T. Weatherford.

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ARLINGTON, OREG., *February 16, 1957.*

Hon. DENNIS CHAVEZ,
*Chairman, Senate Committee on Public Works, Washington, D. C.*

DEAR SIR: May I respectfully call to your attention a policy of the General Federation of Women's Clubs expressed through resolution adopted at the national convention of this organization in 1955. This resolution deals with the conservation of wildlife in the development of our natural resources, and we believe it is particularly applicable to the Bruces Eddy Dam proposal in the omnibus rivers and harbors flood control bill, S. 497.

"Whereas land and water that can be devoted to the conservation of wildlife in forest, field or stream is becoming increasingly important and increasingly limited, and

"Whereas the proper methods of land and water management must be practiced to create a favorable environment and habitat for wildlife, which is consistent with other purposes to which the land, and water must be devoted: Therefore be it

"*Resolved,* That the General Federation of Women's Clubs in convention assembled, May 1955, urges the consideration of and provision for adequate wildlife habitat in any program of development of our natural resources, consistent with all purposes to which land and water must be devoted, to the end that wildlife and wildlife habitat shall not needlessly suffer from resource management in our expanding nation."

Thank you for your consideration of this policy, particularly as it effects Bruces Eddy Dam in S. 497. We believe that all the facts concerning all natural resources, including recreation, fish, and wildlife, should be considered when development projects are proposed.

Respectfully,

Mrs. MARION T. WEATHERFORD,
*Chairman, conservation department, General Federation of Women's Clubs.*

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Messages from hearings before Senate Public Works Subcommittee, 85th Congress, 1st session, on S. 497:

POTLATCH, IDAHO, *January 31, 1957.*

Senator FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.:*

Please attend Senate Public Works Committee meeting Monday and request removal of Bruces Eddy Dam from omnibus harbors and rivers bill. Fish and wildlife surveys have not been completed as yet. We feel no action should be taken on Bruces Eddy Dam until such time as surveys have been completed.

DEFORREST JONES,
*Secretary, Palouse River Wildlife Federation.*

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LEWISTON, IDAHO, *February 1, 1957.*

Senator FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR CHURCH: We in northern Idaho would appreciate very much any effort you might make toward having Bruces Eddy stricken from the omnibus bill.

Sincerely,

E. M. WYGANT.

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POTLATCH, IDAHO, *January 31, 1957.*

Senator FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.:*

Since wildlife and fish surveys have not yet been completed by authorities we respectfully request your attendance at the Senate Public Works Committee, Monday, February 4, and request removal of Bruces Eddy Dam on the North Fork of the Clearwater River from the omnibus rivers and harbor bill.

GARY MORRIS,
*Chairman, District 2, Wildlife Federation.*

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TROY, IDAHO, *January 31, 1957.*

Senator FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.:*

We request you do all you can to have the authorization of Bruces Eddy Dam removed from omnibus rivers and harbors bill.

HAROLD MILTON,
*President, Troy Chamber of Commerce.*

ED HOLBERG,
*President, White Pine Sportsman Association.*

MAURICE HARLAND,
*Secretary, White Pine Sportsman Association.*

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COEUR D'ALENE, IDAHO, *February 1, 1957.*

Senator FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.:*

With human population increasing rapidly and more and more people turning to hunting and fishing as outdoor recreation with more and more waters being impounded both by Federal and private interests more waters being polluted or rechanneled by diversions the need to be alert is more evident than ever before. We urge you to do your best to delete Bruces Eddy Dam from S. 497 or omnibus bill.

ROBERT HOUGH,
*President, Coeur D'Alene Wildlife Fedation.*

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WALLACE, IDAHO, *February 1, 1957.*

Senator FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.:*

Eight hundred members of Shoshone County Sportsmen's Association urge use of your influence to remove Bruces Eddy Dam from omnibus bill, S. 497. Statewide and nationwide wildlife groups have opposed for years.

Dam would flood vital big-game winter range and stop steelhead and salmon runs in Clearwater River.

SHOSHONE COUNTY SPORTSMEN'S ASSOCIATION
KEN WHITESIDE, *President.*

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ST. MARIES, IDAHO, *February 2, 1957.*

Senator FRANK CHURCH,
*Senate Office Building:*

Urge you to do all within your power to delete Bruces Eddy Dam on North Fork of Clearwater from omnibus bill until such time as studies on impact on fish and wildlife have been completed.

CHARLES H. SCHRIBNER,
*Chairman, Legislative Committee, Idaho Wildlife Federation.*

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COEUR D'ALENE, IDAHO, *February 1, 1957.*

Senator FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.:*

The organized sportsmen of the five northern counties request you use your influence to delete Bruces Eddy Dam from S. 497 when you meet with Subcommittee on Public Works, Monday. We are taking you at your word after Ready, Dear Outdoorsman sent to us by your man Frank Burke dated October 17, 1956, impartial survey not completed by game department regarding fish and wildlife. The new Hells Canyon program will change Bruces Eddy project.

FRANK CULLEN,
*President, District No. 1, Idaho Wildlife Federation.*

ST. MARIES, IDAHO, *February 3, 1957.*
Senator FRANK CHURCH,
*Senate Office Building:*

This organization requests that you vote to delete the Bruces Eddy Dam from S. 497 until such time as all the surveys have been completed.

BEARL,
*President, St. Joe Valley Fish & Game Association.*

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LEWISTON, IDAHO, *February 2, 1957.*
Senator FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.:*

Request you protest inclusion of Bruces Eddy Dam in omnibus bill at subcommittee hearing beginning Monday. Incomplete studies of fish and wildlife still show serious losses of big game winter range and will shut off migratory salmon runs as well as damage to other fish.

DONALD L. SHOOK,
*Lewiston Motor Co.*

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SANDPOINT, IDAHO, *February 4, 1957.*
Senator FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.*

DEAR SIR: At a meeting held here by our membership it was unanimously decided to contact you urging you to do your utmost to remove the Bruces Eddy Dam from the omnibus bill.

Sincerely yours,
COMMERCIAL FISHERMEN'S ASSOCIATION OF SANDPOINT, IDAHO,
TROY J. MATHIAS, *President.*

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LEWISTON, IDAHO, *February 4, 1957.*
FRANK CHURCH,
*Senate Office Building,*
*Washington, D. C.:*

We respectfully request your appearance before the proper committee to renounce the Bruces Eddy Dam as contained in the omnibus bill. Studies made so far and data obtained show a very serious loss of one of Nation's finest elk herds, deer, and fishing scenic areas.

MORTON BRIGHAM, *Vice President,*
CLARENCE J. RUDD, *Club Secretary,*
*Lewis-Clark Wildlife Club.*

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PEND OREILLE SPORT SHOP,
*Sandpoint, Idaho, February 28, 1957.*
Senator PAT MCNAMARA,
*Senate Building.*

DEAR SIR: Recreation, fish, and wildlife are the second largest source of income for the State of Idaho. So I want to protest the authorization of any part of the Bruces Eddy Dam, here on the Clearwater River in Idaho.

Please obtain a full report on the Bruces Eddy project from the Fish and Wildlife Service.

Please remove the Bruces Eddy Dam project from the omnibus bill until these 3-year studies are completed.

Sincerely,
DON SAMUELSON.

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GENERAL FEDERATION OF WOMEN'S CLUBS, CONSERVATION OF NATURAL RESOURCES DEPARTMENT,
*Orlando, Fla., February 1, 1957.*
Senator PAT MCNAMARA,
*United States Senate, Washington, D. C.*

DEAR HONORABLE MCNAMARA: Just sent you the following telegram:

S. 497, omnibus rivers and harbors bill: Please delete Bruces Eddy Dam, as it would block salmon and steelhead trout runs and flood much vital big game wintering range, also seriously damage natural features and also unnecessary to overall planning of Columbia River Basin.

ETHEL L. LARSON,
*Consultant, Conservation Department, GFWC (10 million members), Legislation Committee, National Council of State Garden Clubs (400,000 Members).*

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DOVER, IDAHO.
Senator PAT MCNAMARA,
*Senate Office Building,*
*Washington, D. C.*

DEAR SIR: A card to let you know I am opposed to the Bruces Eddy project, or any project that will destroy so much to gain so little.

Very truly yours,
JAMES H. CROSS.

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

Mr. NEUBERGER. I am happy to yield to my senior colleague.

Mr. MORSE. I had not intended to make any comment on the subject which my colleague has raised, until I heard him speak. I answered these charges against my colleague the other night on the floor of the Senate, when they were first raised.

I wish to say today that in my State, I find that the attack which has been made on the junior Senator from Oregon [Mr. NEUBERGER] is really going to strengthen him rather than hurt him politically because the people of my State know how to judge sources of criticism. The sources of criticism of my colleague are going to reflect to his everlasting credit.

I wish to say, Mr. President, it grieves me to see the growing tendency in the Senate, particularly in the present session, to ignore the purposes of rule XIX. Too frequently, I feel, there has been inserted in the CONGRESSIONAL RECORD, as in this instance, subject matter which if stated vocally on the floor of the Senate would make the Senator inserting it out of order.

Without reference to any Senator, since we are talking about the rule, I think the time has come, Mr. President, when much greater care needs to be exercised in the Senate in regard to checking discussion and debate that is based upon personalities. Such procedure does not prove anything. Calling a colleague a name proves nothing for or against a proposition.

It was a matter of regret to me to learn this morning that such material had been printed in the RECORD. So far as the newspaper criticisms are concerned, I know my colleague well enough to be sure that he, along with his colleague, pays no attention to editorials of personal abuse, because we are used to them in our State. One cannot be a liberal and one cannot stand for promoting the general welfare of the people of this country and not expect the type of editorial against him that my colleague has quoted this morning, which was printed in the RECORD.

Mr. President, if, while present on the floor of the Senate, I observe any violation of rule XIX, either by way of insertions in the RECORD or by way of debate, I intend to exercise my rights under the rule. I hope we have not reached the point where we shall have to suspend the giving of unanimous consent for insertions in the RECORD until we read them first to ascertain whether they reflect upon a colleague or upon a State.

I desire to thank my colleague for yielding this time to me. I close by saying that the junior Senator from Oregon needs no defense in the State of Oregon. The people of Oregon are aware of the great record he has made. I think the people of Oregon are also aware of the close relationship which exists between the two Senators.

The type of personal attack which has been referred to is exactly the type of material I shall welcome for use in 1960, Mr. President, when I shall go up and down the State of Oregon in support of the reelection of the junior Senator from Oregon, because he has already demonstrated by his outstanding record in the Senate that it is very important in the interest of the State that he have a long-time service in the Senate of the United States.

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

Mr. NEUBERGER. I yield to my friend, the Senator from Tennessee.

Mr. KEFAUVER. I have not had the opportunity to read the editorial and the remarks in full, but I take this occasion to say that I have known the junior Senator from Oregon for many, many years, I believe ever since the time I became a Member of the House of Representatives in 1939. I have read his writings. I have followed his record. He is a great and good man, in the best sense of the words. He is a man who sees a great future for the Pacific Northwest and the people of our country. The junior Senator from Oregon is a loyal man, a good man and a sincere man. He is a credit to the United States Senate. He has made a substantial contribution toward good legislation, even though his position might not at times have been popular.

I certainly desire to join in condemning any remarks which have been put in the RECORD in derogation of one of the finest Americans I have ever known.

Mr. NEUBERGER. I thank both my senior colleague from Oregon and the senior Senator from Tennessee for the very generous remarks they have made. As the Senator from Tennessee, was speaking, my recollection went back to our first association. If I am not mistaken, I believe it was when a national magazine invited me to review the very able book, entitled "A 20th Century Congress," which the Senator from Tennessee wrote as a Member of the House of Representatives. That book still stands as a landmark in my own memory, and helped to acquaint me with the need for progressive new methods of administering the legislative arm of the United States Government. The Senator from Tennessee also had an able collaborator, Mr. Jack Levin, a graduate of Reed College in Portland, Oreg.

Mr. KEFAUVER. I appreciate the Senator's remarks in connection with the book, which has been long since forgotten by almost everyone who might be buying a book. I certainly hope the Senator's

reference to the book will renew some interest, and possibly increase sales of the book.

Mr. NEUBERGER. If such a result is achieved, it will be not only to the benefit of the Senator from Tennessee, but also to the benefit of good government in our entire country.

Of course, my friendship with my senior colleague from Oregon goes back to an even earlier period, when he was one of my teachers at the University of Oregon.

I am grateful that two men whom I esteem so highly as my own senior colleague and the senior Senator from Tennessee have spoken about me as they have.

I do not know whether the events which my colleague predicted will transpire 3 years from now, which is a long way off in terms of human existence, will ever occur, but he was very kind to say what he did. These matters, however, are uncertain.

Mr. KEFAUVER. Will the Senator yield, Mr. President, for one further point?

Mr. NEUBERGER. I am happy to yield.

Mr. KEFAUVER. The senior Senator from Oregon [Mr. MORSE] and I did have justifiably complimentary words to say as to the character, loyalty, and public service of the junior Senator from Oregon [Mr. NEUBERGER], but there is one point neither of us emphasized, which is of great importance, and which would make up for any deficiency the junior Senator from Oregon might have. That is the fact that his very wonderful wife, Mrs. Neuberger—Maurine, as we know her—who is a legislator in her own right, is one of the most outstanding and capable women I know. Whenever the junior Senator from Oregon may be tempted to get on the wrong side of some issue I know she sets him straight and keeps him on the right path.

Another very important thing concerning Mrs. Neuberger is that her parents came from Tennessee, which adds to her luster.

Mr. NEUBERGER. I thank the Senator from Tennessee not only for the deservedly kind things he has said about Mrs. Neuberger, but for the true words he has spoken about her father. Her father, Dr. Thomas Brown, who was a pioneer physician in the rural countryside of the State of Oregon, came to the Northwest from Tennessee. He was born in Tennessee. He was educated in Tennessee. If I am not mistaken in my memory, he received his medical degree from Vanderbilt University. He went to grade and elementary schools in the great State which is represented by the senior Senator from Tennessee [Mr. KEFAUVER] and by the able junior Senator from Tennessee [Mr. GORE] who sits next to me on the Senate floor.

I should like to add, in conclusion, Mr. President, with reference to the very generous—I should say overly generous—comments of my colleagues today, that I regret the Senator from Idaho in his disagreement with me over the Bruces Eddy project felt it was necessary to refer to me by names which might be characterized as abusive.

I regret, further, that he felt it was to his advantage to insert in the RECORD an editorial from an Idaho newspaper in Boise which likewise contained very unflattering personal references to me. I certainly would not reciprocate in kind concerning the senior Senator from Idaho.

Only the future can tell whether he is right in advocating this project or whether I am right in opposing it. I remember reading a long time ago a short story entitled, "The Other Fellow May Be Right," written by a great writer. We deal in this Chamber with many delicate issues, to which there are two sides—indeed, many sides. I think each one of us is equally sincere. Each one of us is equally dedicated to the point of view which he advocates. My only regret is that at times it seems necessary to certain Members of the Senate to indulge in personal abuse and denunciation.

I deplore the fact that the senior Senator from Idaho placed in the RECORD an editorial which referred to so-called hypocritical groups opposing the Bruces Eddy project. As I have demonstrated on the floor of the Senate, the groups opposing the Bruces Eddy project include such great and esteemed organizations in our country as the General Federation of Women's Clubs, the National Wildlife Federation, the National Audubon Society, the Izaak Walton League of America, the Wildlife Management Institute, and many other important groups which have contributed so vastly to good government and to the preservation of natural resources in our country.

I feel certain and hopeful that the Senator from Idaho did not intend to refer to them as "hypocritical groups" when he included this editorial in the RECORD.

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## MUTUAL SECURITY APPROPRIATIONS, 1958

The Senate resumed the consideration of the bill (H. R. 9302) making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes.

The PRESIDING OFFICER. The clerk will state the committee amendment excepted from the unanimous-consent agreement.

The LEGISLATIVE CLERK. On page 2, line 6, after the word "only," it is proposed to strike out "$1,250,000,000" and insert "$1,475,000,000, to remain available until expended."

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ELLENDER. As I understand, the question before the Senate at the moment is the first committee amendment on page 2 of the bill.

The PRESIDING OFFICER. The second committee amendment on page 2.

Mr. ELLENDER. The second committee amendment on page 2, to change the figure "$1,250,000,000" to "$1,475,000,000."

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the committee amendment on page 2, line 6.

Mr. McCLELLAN. 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. ELLENDER. 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. ELLENDER. Mr. President, before proceeding with the pending amendment; I wish to offer hearty congratulations to our distinguished majority leader—Mr. JOHNSON of Texas—on his 49th birthday. May he have many more happy birthdays.

Mr. President, the pending amendment, which is a committee amendment, seeks to increase the military assistance fund from $1,250,000,000 provided by the House to $1,475,000,000. My remarks will be directed toward the adoption of the House figures, thereby reducing the amount of military assistance by the sum of $225 million.

I have very good and potent reasons, in my humble judgment, for seeking to effect that reduction. I wish briefly to review the military assistance program, as well as other programs which have been on the statute books for the past 10 years.

We have already spent, through June 30, 1957, $45,486,470,000 on foreign-aid programs, both military and nonmilitary. Of that vast sum, we have already delivered military assistance to our allies, through June 30, 1957, the sum total of $17,219,959,000. There is presently in the pipeline $4,380,594,000. In other words, since the military program was inaugurated, we have made available to our friends $21,600,553,000.

The PRESIDING OFFICER (Mr. KEFAUVER in the chair). The Senator will suspend. The Senate will be in order. Visitors in the gallery will refrain from conversation. The Senator from Louisiana may proceed.

Mr. ELLENDER. That is a vast sum, and is represented by huge amounts of military hardware which we have made available to our friends overseas, particularly those in Western Europe. I voted for the Marshall plan, and I have no regrets for supporting that program. I thought then, as I think now, that we made a noble effort to place our allies on their feet, in the hope that they could at least assist themselves. When the program was first placed on the statute books, it was understood that as soon as the countries of Western Europe reached a 25-percent increase in their industrial production and as soon as they reached an increase of from 10 to 15 percent in their agricultural production, we would be able to cease with our aid to that area of the world.

Mr. President, those percentages were reached in from 3 to 4 years after the

program was inaugurated. It was then, and only then, that I began to oppose any further assistance to our allies across the seas. Since our allies in Western Europe have been restored to economic health I have tried to taper off the amount of aid flowing to countries who are well able to take care of themselves.

But, Mr. President, we are now in the 10th year, and we are still assisting our allies in many areas of the world—allies who are as able as we are to take care of themselves. As I have said on many occasions, why should we have a dime in this bill to assist a country such as Belgium, which is as able to take care of herself as we are.

We have funds in the pipeline aggregating $1,488,200,000 for the countries of Western Europe. There is in the bill before us in excess of $700 million for countries in Western Europe. And, Mr. President, these countries are well able to take care of themselves.

As I have stated on this floor on many occasions, the administrators of our programs abroad are "softies." They should make plans to encourage our allies in Western Europe to help us with this terrible burden that we now carry alone.

Not only must we carry our own military burden, but we contribute about 38 percent to the military budgets of the countries of Western Europe. We support entirely the military establishments in Formosa, Korea, South Vietnam, and Thailand, to mention a few of the countries in Asia wholly dependent upon us. Not one solitary dime is being spent by our Western European allies in that area of the world.

Mr. President, I have stated heretofore, and I will say it again, that I think it is a mistake for us to continue to make the countries of Western Europe and the countries of southeast Asia entirely dependent upon us for their military hardware. If a war should commence, those people will look to us for military hardware, at a time when we will probably have difficulty maintaining our own military forces.

About 3 or 4 years ago, the offshore procurement program was included in our foreign-aid program. At that time, the argument was advanced that this would afford the United States an opportunity to provide our friends in Western Europe with standby factories which would be available in the event that war should come.

But, Mr. President, although the program was sold on that basis, it did not operate that way. Most of the manufacturing which took place in Western Europe was done by private concerns. When their contracts were completed, they closed shop.

In the pending bill, as in the similar bill of last year, quite a few million of dollars have been included for the purpose of providing plants for standby purposes. This was supposed to be accomplished with the offshore procurement program, and I have already explained why that did not come to pass.

There is always a good reason for starting these programs. However, the objective never seems to be accomplished. With the prosperity—and I think I know what I am talking about—prevailing in Western Europe, why should there be in this bill more than $700 million to assist our friends in Western Europe?

How can we justify such an appropriation when we note that the United Kingdom is reducing her forces in Western Europe, and also reducing the tax burden her people must carry?

How can we justify an expenditure of new money in France when France weakens the NATO defenses by removing her army divisions to north Africa? Notwithstanding these facts, we should consider our own financial standing when we undertake these spending sprees. I am not going into that now, but I might point out that the debt of the United States today is almost $273 billion, and it is increasing rather than being on the decline.

Since we have helped our friends to the point where it now hurts, it strikes me there ought to be some insistence that our friends help themselves. Exclusive of the amount provided in this bill, there is in the pipeline for foreign aid a total of $6,195,610,000. This is composed of military assistance amounting to $4,380,594,000; defense support of $1,288,196,000; development assistance of $317,851,000; and technical assistance of $174 million.

Under the technical assistance program, we provide technicians for the underdeveloped countries of the world. I wish to say that I am wholeheartedly in favor of this program. I voted for it, and I am still in favor of it. But the great difficulty with the program is that our big-eyed advisers abroad, our big spenders abroad, are trying to carry out the programs too rapidly. They are presenting programs which are far beyond the ability of the peoples, and they cannot get technicians from the United States to fill the vacant positions. Thus there exists the pipeline of $174 million for technical assistance and if not another dime was appropriated the program could be carried on through fiscal year 1958.

Mr. President, when it is said that the new money provided by this bill amounts to only $3 billion, it is in error. The reappropriations of $667,050,000 should be added to that amount in order to obtain the total new obligational authority provided by Congress, and if the Senate version of the bill is enacted into law, there will be, in new money and in the pipeline, a total of $9,329,444,000.

Mr. President, at this time let me refer to what happened last year when this same bill was considered by Congress. Senators will remember that I made an effort to have the military assistance program reduced. Last year there was provided, in the Senate version of the bill, $2,300 million in new money, and a reappropriation of $195,500,000. for a total military-assistance appropriation of $2,495,500,000. The House provided, in new money and reappropriations a total of $1,930,500,000. As a result of the Senate-House conference, $2,213 million was finally appropriated.

When the bill was considered by the Senate, I made an effort to reduce the amount reported to the Senate. After a lengthy debate, the Senate voted against my proposal; however, it lost by only four votes. The passage of time, Mr. President, has made me appear to be a piker, for the simple reason that of the $2,213 million which was actually appropriated in fiscal year 1957, it was only possible for ICA to obligate and/or reserve a total of $1,674,200,000, leaving $538,800,000 unobligated and unused. In other words, Congress appropriated in excess of one-half billion dollars more than could be used.

Mr. President, it is my considered judgment that if the Senate votes for the amount, provided by the House of Representatives, we shall not only save $225 million, but we shall have a program which will be $114,600,000 more than was programed for use last year.

Mr. President, last year when the House had voted for amounts which were below the authorization, Admiral Radford, Secretary Dulles, and Mr. McGuire came before the Senate Appropriations Committee and, in an almost tearful voice stated in effect, "If you do not increase the House figures it will hurt our program terribly, and we shall be held in disgrace throughout the world."

Last year Admiral Radford stated before the Senate Appropriations Committee:

> I do not know how the Joint Chiefs of Staff can divide up a total of $1,735,000,000—

That was the amount of money voted by the House of Representatives in connection with last year's bill—

> when the program originally submitted was for $3 billion.

Admiral Radford also stated:

> We are going to have a great deal of difficulty, and it will take us probably in the neighborhood of 6 months, to finalize the new program; and that, in itself, will have an impact all around the world.

As I have just indicated, the House figures were not adopted last year, but Congress provided $2,213 million, and notwithstanding the testimony of Admiral Radford, a total of $538,800,000 was unobligated at the end of fiscal year 1957. Thus, the Joint Chiefs were able to get by which $1,674,200,000, which amount was $256,300,000 less than was voted by the House.

Let me read, Mr. President, what Mr. McGuire said last year, when he appeared before the Senate Appropriations Committee as Assistant Secretary of Defense for International Affairs:

> Could I add to what the admiral has said, sir, that as I pointed out to you on the basis of $1,735 million, and deducting the administrative expenses of the program, you have left to distribute around the world approximately $1,480 million. What I call the big five, that is, Taiwan, Pakistan, Korea, and those countries, total $1,200 million. * * * That leaves you a balance of $280 million. Let us presume for the moment that we could find some justification for going forward and funding $280

million of advanced weapons. * * * That would mean that you would have nothing left for any other country in the world except that increment which they would not get until 1959, or 1958.

With all due respect to the chairman of our Appropriations Committee, he used the identical argument on the Senate floor last year. It may be well to again state at this point, that the amount appropriated by the House was $256,300,000 more than could be used in the military-assistance program for fiscal year 1957.

In the light of the fact that there is so much money on hand, in the light of past performance, and in view of the fact that our allies in Western Europe should try to help themselves, I urge the Senate to accept the amount appropriated by the House for military assistance, and that the amendment offered by the Senate Appropriations Committee be defeated.

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

Mr. ELLENDER. I yield.

Mr. ROBERTSON. The distinguished Senator from Louisiana will recall that the junior Senator from Virginia supported the position he took on this matter in committee, and he is supporting it now on the floor. The junior Senator from Virginia would like to ask the distinguished Senator from Louisiana if he recalls this testimony, which appears on page 666 of the printed hearings:

Senator ROBERTSON. The obligated and reserve carryover for 1958 is $3,723,200,000. The House bill appropriated $1,250,000,000 for new assistance, and reappropriates an unobligated carryover of $538,800,000, making a total of $1,788,800,000. Therefore, he says the total military assistance funds available for 1958 under the bill will be $5,512,000,000 as against the estimated expenditure in that year of $2.2 billion. Is there anything wrong with those figures?

Colonel CRITZ. Those figures are correct, Senator.

Mr. ELLENDER. I recall those figures very well.

Mr. ROBERTSON. Those are the stupendous amounts estimated by those on the House side, amounting to a 2½ years' supply. Yet we were told the amount is wholly inadequate. I do not agree with that position. I support the position taken by the Senator from Louisiana.

Mr. ELLENDER. I wish to say further that of the huge sum now in the pipeline, $2½ billion will be used to buy equipment from our own armed services, the Army, Navy, and Air Force. This $2.5 billion has been reserved for reimbursement to our Armed Forces when they fill MDAP orders. The hardware to be delivered in the future, covered by the amount of funds placed in reserve, cannot and will not be delivered until our own Armed Forces are able to get replacements for their own stocks. Since our own Department of Defense is lengthening the lead time in its procurement program, then it follows that there will be a slowdown in deliveries to countries receiving military aid. Therefore, to appropriate more than the amount allowed by the House will merely result in the augmentation of a pipeline that is already bulging at the seams.

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

Mr. ELLENDER. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I think the Senator has just about answered the question I had had in mind to ask him. Is it not true that, while many citizens do not realize it, Congress first has to pass authorization bills, and then appropriation bills? The authorization acts have been passed, and appropriations have been made, and there is in the pipeline unused money. If we did not appropriate any money this year, those concerned could still get along very well in providing for what they say they are going to do.

Mr. ELLENDER. For at least 2 years, it is probably longer.

Mr. JOHNSTON of South Carolina. I do not see why Congress should appropriate money away into the future, unless it is meant to make this program a permanent proposition, giving away the money of American taxpayers to people who live in foreign countries.

Mr. ELLENDER. I agree thoroughly with my good friend from South Carolina. I covered that subject to a certain extent.

Mr. JOHNSTON of South Carolina. I know the Senator did.

Mr. ELLENDER. But the point is that if the House figures are adopted, $1,788,800,000 will be provided for militry assistance.

Mr. JOHNSTON of South Carolina. If it is not possible to use more money than was used in the past, there will be a larger backlog next year than there now is.

Mr. ELLENDER. There is no doubt about that, but the point I tried to emphasize was that the more money we provide, the less effort there will be on the part of our allies across the seas. They are not going to build new factories with their own money, they are not going to provide airplanes and hardware, if we are willing to give it to them.

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

Mr. ELLENDER. I yield to the Senator from Virginia.

Mr. ROBERTSON. Mr. President, has our distinguished colleague, the Senator from Louisiana, heard that next year the American people would like very much to have a tax cut?

Mr. ELLENDER. Yes, there has been talk about that for a long time.

I want to be frank in saying to my good friend, the Senator from Virginia, that I am in favor of a tax cut if we do not have to borrow money in order to replenish the money which is lost by the tax cut. If we can balance the budget and save enough money to give relief to the people, I will vote for a tax cut. However, we shall never get a tax cut if we continue to spend the taxpayers' money as we are doing, without calling upon our allies to give more assistance than they are now providing.

Mr. ROBERTSON. The Senator from Virginia does not mean to imply that he would put a tax cut ahead of our national security, and he does not question the value which will come to us from the mutual military assistance program, but he does want to point out that this morning he made a check as to how much Congress has been able to cut the President's revised budget, and discovered that we have cut it about $4.6 billion, if we include this bill at the present figure, which makes an increase of $500,900,000 over the amount of the bill as it passed the House. I do not think, if we pass a bill providing that amount, it will stay that way in conference. I use that figure for the sake of obtaining a quick picture.

Of the reduction, in the President's budget nearly one-half is represented by a cut we made in our own military appropriations, which does not necessarily reduce the spending one red cent.

Mr. ELLENDER. It represents a slowing down of deliveries.

Mr. ROBERTSON. The next largest cut was in the independent offices bill, in the estimate for pensions under the Veterans' Administration. The Veterans' Administrator testified that the pensions paid in fiscal year 1958 will be above those paid in fiscal year 1957, though Congress appropriated less than it appropriated for 1957. The result will be, of course, that the pensions will have to be paid and the money will have to be provided by a deficiency appropriation bill.

As the figures now appear, even if we have no recession from the present boom—and that is by no means assured—we will be lucky if we wind up next year, on the present basis, with a surplus of a billion dollars.

On yesterday our distinguished majority leader said that before adjournment this week the Senate would complete action on pay raises for postal workers and classified civil-service employees, and that will cost a billion dollars, which is not estimated in the budget.

When suggestions are made that we must not challenge the figures as to what can be given to foreign nations, we might as well recognize that we are scraping the bottom of the American tax barrel.

Mr. ELLENDER. I agree with the Senator.

Mr. President, in conclusion, I simply wish to state that if my proposal, which opposes the committee amendment, shall be adopted by the Senate, ICA will have $114,600,000 more to carry on its 1958 military-assistance program than it had to finance the 1957 program.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, line 6.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the committee amendment, to which the Senator from Louisiana has addressed himself. If the yeas and nays can be ordered on the committee amendment, we can notify all Senators that there will be a yea-and-nay vote.

The yeas and nays were ordered.

## A LOOK AHEAD AT WHAT IS INVOLVED IN THE WORK OF THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN LABOR OR MANAGEMENT FIELD

Mr. MUNDT. Mr. President, last night the Senate adopted a resolution providing $150,000 to continue the operation of the Select Committee on Improper Activities in the Labor or Management Field.

Inasmuch as we are soon to adjourn, and since I have now been serving as a member of the Select Committee on Improper Activities in Labor or Management Field for some 5 months, I take this occasion to record some of the observations and tentative conclusions which have come to me during this period. These are also based upon the fact that as ranking member of the Senate Permanent Subcommittee on Investigations of the Senate Committee on Government Operations I have had occasion for well over a year to devote a part of my time and attention to the type of labor-management situations which are now the subject matter of investigation by our select committee.

Let me say first of all that I entered on my arduous duties as a member of the select committee with complete objectivity. I have heretofore had no occasion, as a Senator from South Dakota, to concern myself especially with problems in the labor-management field inasmuch as ours is not primarily an industrial State. We have no large influential organizations of employers and labor is not a major political or economic factor in our State; labor disturbances of any kind are a rarity; our unions appear to be well led; and we have had no charges of corruption, collusion, or coercion emanating from South Dakota employers or employees. I am neither beholden to organized labor for any political support or contributions nor am I resentful against organized labor for any political opposition. Thus, I have had every reason to approach this difficult assignment with complete objectivity and I shall endeavor to retain that objective viewpoint during the next 15 or 16 months which appear to be the minimum life span of our committee. I hope to retain that same judicial attitude, in fact, in all the years ahead.

Because of the importance of these responsibilities thrust upon me in the labor field, Mr. President, I have endeavored insofar as time permits to make a special study of the history, development, activities, and continuing problems of the labor movement in this country to the end that I might be as helpful as possible in contributing to the solution of whatever problems now need to be corrected.

Out of the hearings already held and the investigations already publicized or considered in executive sessions of our committee, I feel that certain facts have thus far been clearly established from the work of our committee. I believe Congress should—in 1958—enact corrective legislation on the basis of these facts and others certain to be developed in later hearings and by later investigations. Our committee, in fact, expects to recommend such corrective legislation to the Senate early in 1958. My own observations and outside studies and explorations indicate to me that in some areas of activity nothing short of new Federal legislation will provide the needed remedies.

It is now too early to predict the precise nature of the essential legislation which will be required, but it is not too early for Senators, for the general public, and, especially, for the responsible leaders of organized labor, to begin formulating and crystallizing their ideas of what legislation is required and how it should be implemented. I sincerely invite the heads of labor unions and labor leaders, generally, to communicate to our committee their constructive thinking on how best to provide against the type of unsavory conditions which are being disclosed by our committee. What we hope to recommend, Mr. President, is not punitive legislation against organized labor but constructive legislation which will be clearly in the best interests of the working men and women of America and the labor organizations to which they belong.

We seek not to punish anybody, but it is our aim to protect everybody inside and outside of the unions against corruption, collusion, coercion, and the class of conditions and dishonest characters which can jeopardize the best interests and the financial security of the honest, patriotic, decent men and women who comprise by far the great bulk of the American employment rolls.

Mr. President, let us first of all examine some of the facts which have been brought before our committee and which our hearings and investigations have thus far verified.

Fact 1: It seems clear from the record that since the central treasuries of many large labor unions have developed such significant size not only in the areas of health, welfare, pension, and strike benefits but in their general funds, the responsible labor officials should be required to assume a well-regulated and protected trusteeship over all such funds to the end that the laboring men and women who pay the dues and fees making these funds possible will be completely safeguarded against the misuse and the dissipation of these assets. Some unions have done very well in this connection; others have been inexcusably lax. Some are a real credit to the union members and their officials. Some are a public disgrace. I feel the Government has a definite responsibility to enact legislation which will protect all dues-paying members in all unions—completely and effectively—so that the money the workers pay in shall be available in full exclusively for the purposes for which it was collected from the workers.

Fact 2: Trade unionism in America operates within the world's greatest pattern of political self-government. The democratic processes which have made America great and kept it strong are the same processes which can build and retain strength and respectability for organized labor. Since the days of Samuel Gompers that has been the procedure prescribed for developing the labor movement. Some unions have adhered to that great tradition admirably; others have violated it shamefully. In some unions dues-paying union members are given a free choice in electing their officials by secret ballot in the American tradition with appropriate procedures for nominating opposing candidates and providing the union members a free, open, and effective choice. In other unions the one-party concept which has brought so much bloodshed, heartache, and disasters to Communist and Fascist countries is the order of the day, and opposition to existing union leadership is either impossible, dangerous, or ineffective. In too many instances self-government within the union movement has given way to dictatorship from the top. The leadership oligarchy once it has entrenched itself in the best paying and most powerful top positions operates a monolithic political structure which it is as difficult to unseat or upset as it is for unhappy Russian peasants to change their form of government or their group of Communist leaders.

Such denial of free self-determination by the workers of America, who frequently must belong to labor unions and pay whatever dues and fees that are assessed as a prerequisite for holding a job and earning a living for their families, is repugnant and out of keeping with American concepts of freedom and self-respect. I believe that the Government has a definite responsibility to enact legislation designed to strengthen the democratic procedures and processes of labor unions desiring to utilize the functions of the National Labor Relations Board. In this connection, Mr. President, I call attention to certain pertinent passages from the pen of Reinhold Niebuhr as they appear in the August 26 issue of the New Leader. I am sure that neither Mr. Niebuhr nor the New Leader could even remotely be considered antilabor.

I ask unanimous consent that this statement be 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:

> The liberal devotion to labor ought not to obscure the fact that even the best unions are defective in the constitutional safeguards against the misuse of power. They have no independent judiciary for one thing, no court to which a member may appeal which is completely independent of the current union leadership.
>
> A more important defect is that there is no separation of powers. In theory, the only legislative power rests in the annual convention. There is no representative legislature. But an even more significant defect is that in many unions the executive committee is composed of members who are dependent for their own positions upon the president of the union. There is, in short, no balance of power in many unions. The late J. B. S. Hardman, who made this problem a lifelong concern, reported how in the days of the late Sidney Hillman his proposal to make an alliance with the Communists in the now defunct American Labor Party, though Communists were rigorously excluded in his own

union, was secretly opposed but openly supported by many members of the union oligarchy who did not dare show open opposition.

The problem of any democracy is how to make the oligarchy responsible to the democracy. For, contrary to the old liberal theory, democracies must and do have oligarchies which wield actual power and whose power must be made responsible. In the case of the teamsters, we do not know what the members think of Hoffa. We only know that a powerful portion of the oligarchy has declared for him and that, consequently, his election is almost a foregone conclusion.

The enemies of labor will try to make the teamsters' picture appear typical for unionism as a whole, and that would obscure the virtues, the honesty, and the devotion to the general welfare which characterize union leadership as a whole. But the friends of labor cannot deny that the trade-union movement faces a more general problem than the venality of particular leaders when the federation, under George Meany's leadership, failed to win over the corrupt longshoremen's union which it had ousted but which was still able to win elections against the federation-sponsored union. It may even face the defiance of a Hoffa who not only promises to take over the teamsters but to make industrial union raids upon the old craft unions and thus enlarge his dominion either inside or outside the federation.

One additional problem of union democracy must be mentioned, which cannot be solved by a constitutional separation of powers. It is a problem created by the peculiar conditions of union democracy. It is the problem of one-party government. This problem is created by the fact that the means of communication in a union are all controlled by the official leadership of the union. There is no room for a "loyal opposition" because there is no economic base for an opposition press. Unions are not totalitarian in intent; but they approach the totalitarian status because of the peculiar difficulties in organizing parties which will appeal to the general membership rather than to a section of the oligarchy. This matter is important, because in western democracy many nations have not benefited from the explicit separation of powers of our Constitution. But no democracy has maintained its vitality if only one party could function and if the wielders of power were not under the constant scrutiny of an alternative government.

I am not wise enough to suggest even a tentative answer to these problems. But I think I know enough, as an outside but friendly observer of trade unionism, to say that they are problems which must be solved before one of the great subordinate sovereignties of modern life can approach the standards of the ultimate sovereignty in our scheme of government. It is worth observing that the constitutional safeguards in the trade-union movement are not strong enough to have guaranteed the relative probity of the leadership which the unions have enjoyed. Inner restraints must have operated in maintaining these relatively high standards. But ultimately all government, including the subgovernment of business and labor, cannot rely too much on human nature. It must guard against the abuse of power by proper checks and balances. The Dave Becks, Jimmy Hoffas, and their like may have performed a negative function in proving that the labor movement may have to reexamine its constitutional checks upon human nature.

Mr. MUNDT. Fact 3: By and large, labor unions in compliance with provisions of the Taft-Hartley law have done a good job in ridding themselves of Communists in positions of leadership. Unhappily, there are some notorious and alarming exceptions to this statement and public attention should be devoted to the correction required by these disturbing exceptions.

Mr. President, a number of fifth-amendment witnesses have appeared recently before the Select Committee on Improper Practices in the Labor-Management Field. I call attention to the point that such testimony, in turn, should be considered by the Senate in meeting its legislative responsibility.

Our hearings have disclosed, however, a collateral evil influence in the leadership echelons of the labor movement which is exemplified by certain unions whereby underworld characters and criminals of the worst type have imposed themselves as the dictatorial leaders of honest working men and women who are powerless to rid themselves of these social barnacles. Where joint labor councils in a city or area are able to paralyze the economy of an entire community or district the dangers involved in having criminal characters in charge of the labor movement are a matter of vital concern which even supersedes the injustice perpetuated upon the dues-paying members as a national menace. This is especially true in today's evil world in which Russian Communists would be willing to pay the rich rewards which criminals seek to secure from their control of labor in order to place their own foreign agents in the control positions which crooks and criminals might thus be able to sell to foreign agents.

I believe that the Federal Government thus has a definite responsibility to enact legislation protecting both laborers and the innocent citizens of all America against the efforts of the criminal element to expand their controls and influence in certain labor unions. I feel that most responsible labor leaders will applaud and support such legislation if it is properly drawn and perhaps placed within the acceptable framework of providing that criminals whose records are such as to deprive them of voting rights after their conviction shall, by law, be ineligible to hold positions of union leadership in unions recognized by the NLRB.

Fact 4: The loose fiscal practices and recordkeeping habits of certain unions make it virtually impossible to ascertain from their books whether Federal laws against direct participation in political campaigns are being violated or obeyed. When labor leaders make their major transactions in cash from money concealed in office desks or strongboxes, even Scotland Yard or the FBI might find it impossible to verify or disprove charges of political bribery, corruption, or collusion in Federal elections. In addition, many dues-paying members have complained about the un-American practice of employing force, coercion, or social ostracism to compel union members to contribute from their tight family budgets funds to be used in political campaigns to support causes and/or candidates that the individual workingman might prefer to oppose. This comes so close to a denial of free franchise—a violation of the civil rights of the working men and women of America, as it were—that it is incompatible with our American traditions of self-determination and free choice.

I feel that Congress has a definite responsibility, therefore, to enact legislation protecting the individual working man and woman against political assessments—or the use of his union funds however raised by compulsion—made by his union leaders for Federal elections and that State legislatures and governors have a similar responsibility to enact State laws safeguarding the franchise and free choice of the free working men and women of America in State and local elections. Such legislation, in both instances, should of course protect the rights of working men and women voluntarily to band together for political activity and voluntarily to contribute to whatever candidates or to whatever causes they individually decide to support.

Fact 5: The Taft-Hartley law fails to deal adequately with the pernicious problem of secondary boycotts. Our investigations repeatedly reveal instances whereby unions by remote control seek to paralyze and stalemate the economic activities of a community or a company far removed from the scene of labor strife and entirely outside of the disputed conditions. Thus, one union may take so-called sympathetic action against a completely innocent company, individual, or employer in order to compel him to support the position of some other union against some other individual or company employer who is involved in an entirely unrelated labor dispute. At times, these secondary boycotts take the nature of coercing timid city councils or mayors to blacklist certain products, and at times they directly disrupt the delivery or other services of a company whose labor relations are sound and satisfactory but whose support is sought in pressuring a different employer, in some other community and in some other line of economic activity, to knuckle under to the demands of the union with which he is having difficulty. Thus, innocent Americans in and out of labor are discriminated against in remote communities or in unrelated industries by use of the secondary boycott by irresponsible union leaders. Such a menace to our economic equilibrium and our national well-being is of grave concern. I believe the Federal Government has a definite and direct responsibility to enact reasonable and rational legislation in this area of activity which will be fair to labor, but which will also protect those who can now be made innocent victims of the secondary boycott.

Mr. President, I have listed the foregoing five facts which have been demonstrated and dramatized by our committee activities thus far not as a complete or exclusive list but as illustrative of the type of evidence we are adducing and the type of legislation I feel Congress has a responsibility to enact during our session in 1958. Other facts will develop out of our ensuing hearings. Other problems will be explored. We have in fact dedicated ourselves and re-

solved by committee action—unanimously agreed upon—to explore as fully as we can the following 11 specific problems coming within the purview of our committee:

First. Labor and management collusion.

Second. Undemocratic processes within labor unions.

Third. Misuse of union funds, including welfare and pension funds.

Fourth. Racketeer control and Communist infiltration.

Fifth. Secondary boycotts.

Sixth. Extortion, robbery, and bribery.

Seventh. Organizational picketing.

Eighth. Paper locals—better called phony locals.

Ninth. Political activities.

Tenth. Violence to life or property.

Eleventh. Improper activities by management to prevent organization.

Mr. CURTIS. Mr. President, will the distinguished Senator from South Dakota yield to me?

Mr. MUNDT. I am happy to yield.

Mr. CURTIS. The distinguished and able Senator is making a very fine statement concerning the investigations being conducted by our committee, under the chairmanship of the distinguished Senator from Arkansas [Mr. McCLELLAN].

Attention to this field has been delayed for a long time. Our investigation deals with facts which few people knew, but heretofore there was no opportunity to air them.

I know the distinguished Senator from South Dakota shares my view and the view of other Senators with respect to the profound honesty, integrity, and good intentions of the rank and file of union members.

Mr. MUNDT. The Senator is exactly correct. I shall cover that point a little later in my remarks. However, I suggest that good citizenship on the part of union membership, and the fine realization of their responsibilities have failed to manifest themselves at times in the selection of the proper type of union leadership.

Mr. CURTIS. The question I wish to ask goes to the very point of the responsibility which rests upon the Congress to see this job through and to enact appropriate legislation.

My question is this: Can these fine American working men and women, unaided by some corrective legislation, solve their own problems and right all the wrongs in their unions, in the light of the disclosure of the prevailing practices and the hold which a few powerful leaders maintain over their organizations?

Mr. MUNDT. I do not think they can, without some kind of enabling Federal legislation which will restore to the individual working man and woman effective democratic procedures whereby they can bring about the necessary reforms.

Mr. CURTIS. While turning the spotlight of public opinion on this subject is important, as an aid to driving out of places of control and office men who are corrupt, our responsibility does not end there, does it?

Mr. MUNDT. Our responsibility is primarily in a field beyond that, and involves establishing the necessary preventive and protective legislative features, so that the laboring people of America, within their unions, can correct those situations when they occur and prevent them from occurring in the future.

Even this list, Mr. President, is not final and it is not intended to exclude other possible problems which may be brought to our attention either in the field of labor or in the field of managerial activities.

Mr. President, let me add, we now have some evidence of misuse of stockholder's funds by corporate officials to secure for themselves plush benefits and special privileges by virtue of their positions and to the financial detriment of ill-informed stockholders. I personally believe our committee should explore any such firm evidence as vigorously as we shall investigate similar self-serving practices by union officials. In my opinion the ethics of one is as bad as the other where such misuse of funds is involved. Neither the corporations nor the unions belong to their officers.

Now, Mr. President, permit me to discuss briefly some of the reasons why in my personal opinion—based on my own studies and exploration of the history and development of trade unionism in America—we have reached a point where a committee like ours had to be created by the United States Senate and why new corrective measures by Federal legislation are required.

The basic difficulty we confront in this area, it seems to me, was tersely and concisely defined in one pregnant sentence by George W. Brooks, research director of the AFL-CIO Pulp, Sulfite, and Paper Mill Workers who is quoted as saying:

> The great change in American labor unions during the last 20 years has been a general shift in power and control from the members to the leaders.

That highlights one of the difficulties which has been brought out in the colloquy between the Senator from Nebraska and myself. The Senator from Nebraska, of course, is a very valuable member of our select committee.

While the foregoing is a remarkably candid and a completely correct observation by a modern labor leader, it is also a simple statement of observable fact that any student of current trade unionism in America is certain to discover. For whatever the reason and whether for good or evil, it is a fact today that labor leaders are attaining more and more control over the actual laborers and that the men and women who pay the dues to support the unions are steadily losing more and more of their power to select these leaders or to determine the policies to be followed by the union. As a collateral fact, it is also true that freedom of action by union members is moving in the direction of forced compliance on their part to the decisions made at the top by the leadership oligarchy.

What has brought this about? Why is it in a great democratic country like ours that there tends to arise these islands of undemocratic institutions which deny or circumscribe the rights and opportunities of those who finance the unions to control their policies? A quick review of how the labor movement in America has moved through various stages may help to throw some light upon the answers to these questions.

Originally, we had a system of voluntary unionism. Set up to safeguard and promote the interests of the working men and women of the country, these voluntary unions appealed to workers to become members and by their service to workers these unions demonstrated their value and enhanced their appeal for members. Since workers could join or refuse to join these voluntary unions, the union leaders were compelled to serve the interests of the workers who paid the dues in order to attract the necessary members to operate an effective union. Union leaders had to sell and serve their membership constantly or in this free country those who voluntarily joined the unions would exercise their freedom voluntarily to withdraw from the union.

The great Samuel Gompers, the father of modern American unionism, urged upon the workers of America, "devotion to the fundamentals of human liberty—the principles of voluntarism." He went on to warn, "No lasting gain has ever come from compulsion. If we seek to force, we tear apart that which, united, is invincible." More recently Guy L. Brown, grand chief of the Brotherhood of Locomotive Engineers, said:

> We still think that labor in the long run has a good enough product that you won't have to force men to join.

Few labor leaders in our major unions, however, are today urging the concept of voluntary unionism. Once men are compelled to join a union in order to hold a job to earn the money to support their families, the union leader is automatically relieved of the necessity of serving the interests of his members or selling them on the desirability of trade unionism in order to preserve the union's membership strength and financial standing. Federal legislation has come along to legalize compulsory membership in unions and the check-off system of collecting dues. Thus, union chieftains can concentrate on perpetuating themselves in office and serving their own selfish interests rather than constantly being under pressure to do something useful for the dues-paying members in order to attract and hold the membership and in order to retain the respect and support required for reelection. Thus, many union leaders have become disciplinarians wielding the club of authority over their members rather than disciples of democratic procedures within the unions that compel the leaders to be the servants rather than the bosses of the dues-paying members.

With the decline of voluntary unionism in this country has come the associated decrease in competitive unionism. Voluntary unionism gave employees the choice to join up or stay out, whereas competitive unionism gave employees the choice as to which union, if any, they

individually preferred to join. By expanding the number of choices employees had with respect to their union affiliations, competitive unionism strengthened the control of the union members over their unions. Either the leaders had to serve the members or the members could and would switch their union affiliation to a union where the leaders did produce what the workers wanted. Competitive unionism prevented union leaders from becoming union bosses—no dictator can dominate a group when members of that group are free of their own accord to withdraw to become members of a different group. Passage of the Clayton Act, which exempted union activities from antitrust regulations, and adoption of the Norris-La Guardia Act which virtually divested the Federal Government of injunctive authority in union affairs, however, brought about the doom of competitive unionism. Entire industries, trades, areas, and communities quickly came to be dominated and even monopolized by a single union. To attain work and earn a livelihood, men and women had not only to join a union but they had to join the specific union which union leaders determined at the top should have jurisdiction and monopoly in a particular area, trade, or industry.

Union membership was compulsory and workers had no choice but to join the specific union prescribed for him. He joined that union or he did not work. He worked or starved. Hence, he had no freedom of choice—his traditionally American voluntarism was ended—and union leaders were entirely free from the constructive influences and the membership pressures provided by either voluntary unionism or competitive unionism. With the merger of the AFL and CIO, the union leaders had taken a great and almost final and complete step toward erasing the last vestiges of both competitive and voluntary unionism in many of the most important segments of our entire nationwide economy.

Inevitably, the deterioration and in some areas the disappearance of both voluntary unionism and competitive unionism has brought about the decay of a third great institution in American trade unionism which did much to protect the dignity and the self-determination of the individual dues-paying worker—democratic unionism. Many unions have already moved so far toward denying the individual worker an effective voice in controlling the union which controls him that the essential parliamentary procedures and machinery necessary for democratic self-determinations are either entirely absent or are so involved and complicated that they are operated from the top rather than from the rank and file. In the statement by Reinhold Niebuhr which I incorporated earlier in these remarks he calls attention specifically to this disturbing fact. In some unions even so important a decision as whether to strike or not to strike is made without benefit of secret ballots by the workers whose futures, fortunes, and families are directly involved.

Standing votes or verbal votes where dissidents or insurgents can be quickly identified and subjected to pressures or punishment prevail in many union decisions and the physical abuse of those who dare to differ have been frequently reported to our select committee. In addition, union officials have come into control of huge welfare, health, benefit, and pension funds and individual members are understandably loath to jeopardize their claims upon these funds by openly opposing the existing leadership regardless of the justification or the cause. Thus, democratic control of the unions by the members who finance and support them has been seriously weakened and in some unions it has today virtually disappeared. Little areas of tyranny in the labor movement thus functioning today within the boundaries of the world's greatest system of self-government and freedom of choice, and the laws passed by this democracy have thus far done more to encourage these tyrannical operations than they have to curtail and eliminate them.

Mr. President, there is one salient, significant fact which we should all remember and which quite apparently some of the arrogant leaders of labor who have been before our committee have entirely forgotten. I refer to the fact that when we refer to American labor it is important that we give due emphasis to the word "American."

There is no laboring class in America. Our workers are not ignorant, backward people incapable of making their own decisions. They are not part of a loincloth economy. They cannot be herded and driven as though they were ill-informed Asiatics or Africans living in undeveloped countries or remote parts of the world. They cannot be typed as members of a permanent working class after the manner of European society. These men and women who are laborers and dues-paying union members today will in many instances become members of the management and ownership groups tomorrow. They are ambitious, able Americans.

Union members in this country are in the vast majority the same type of good Americans as those with whom we associate in our daily lives. Their children attend the same schools as your children attend. They attend the same churches. They read the same books, newspapers, and magazines as you and I. They enjoy the same entertainment and share the same joys and sorrows as the rest of us. They chew gum, eat pumpkin pie, cheer at the baseball and football games, hunt, fish, swim, and live as Americans should. They are free men and women who love that freedom and desire to exercise it. They vote in our political elections—local, State, and National. They abhor communism and fascism and dictatorship. They do not like to be pushed around by self-seeking bosses or arrogant leaders any more than you and I like to be pushed around. Americans as a group are folks who do not push easily—or happily. What is needed, therefore, is not a new type of American working man and woman, but a new type of labor-union constitution which will enable every dues-paying member to exercise his American free choice in determining who shall head his union, what his dues shall be, what policies the union shall follow, and what happens to the vast cash union reserves being built up from the toil of his labor.

Give working men and women of this country whose wages support the unions and their leaders the effective power and right to determine union decisions, and they will clean out the racketeers, the hoodlums, the Communists, the dishonest pretenders, the self-seekers, and self-promoters just as voters invariably catch up with and throw out of office unfaithful or dishonest officeholders everywhere. Once our American trade unions can enjoy the same degree of democratic control and impartial supervision that Americans generally enjoy as they elect their mayors, governors, Congressmen, and other public officials, I am confident that the good sense and the sound Americanism of American working men and women will correct most of the shameful and destructive practices which have come to the attention of our select committee.

Mr. President, the foregoing is intended rather to describe the stages through which American trade unionism has gone than to prescribe the remedies. Our hearings and our current investigations will, I hope, produce some salutary and constructive remedial legislation in these areas. At the moment, I am here neither to commend nor to condemn what has transpired to change the character and nature of organized labor in this country. Perhaps some of these changes were inevitable and perhaps some were necessary but I am frankly concerned at the loss of control, at the decrease of authority, and at the absence of freedom of determination that has come to the dues-paying members of our unions as a consequence of what has happened. I recognize that the parade of history marches on whether those in the reviewing stands cheer or jeer at what they observe. But having watched it march, certainly those of us who are reviewing what we have seen also have a responsibility to remedy what needs remedying and to give what protections seem required to our fellow citizens who must work and pay union dues to live, and consequently should have authority to decide what they are buying with their dues. To provide union members these democratic safeguards, Congress must enact new legislation.

Congress has recognized its responsibilities to the working men and women of this country in this area of activity and to the general public by passing in 1947 the Taft-Hartley Act over the politically inspired veto of President Truman. The new law was designed to protect the employees, the employers, and the general public. It has been helpful toward achieving all three goals. However, most of the excesses and difficulties now being presented to our Select Investigating Committee of the Senate, it should be remembered, have occurred since the passage of the Taft-Hartley

Act. Obviously, therefore, the act as it now stands is inadequate and insufficient to do the job at hand. Further legislation is urgently required, if the dues-paying members of the unions of this country are to be served by, rather than to be the servants of, their labor leaders. The wolf cry of "slave labor," raised by certain labor leaders against the Taft-Hartley Act, appears from the evidence now before our committee to come directly from the fact that these self-perpetuating leaders fear they will lose their control over the union members they have done so much to enslave insofar as the exercise of their free controls over their own unions and their own leaders is concerned.

Mr. President, American labor unions are here to stay. They serve a necessary function. They must retain the right to strike, as a weapon in their arsenal, to produce collective bargaining which will place them at the bargaining table and put them in the conference room with authority commensurate with that of the employers with whom they must negotiate. I am not antilabor. But, Mr. President, I am anticorruption and I am antitotalitarian. I am antipower bloc, whether it be an unjustifiable built-in or stepped-up authority for management, ownership, union leadership, or political authority. I dislike one-party rule abroad and at home. Leadership oligarchies are the halfway houses between dictatorship and democracy and they are undemocratic, whether in industry, labor, or politics. To the extent that labor leaders have tended to become union bosses and that dues-paying members have lost their freedom of choice and their powers of self-determination, I believe it to be a matter of public concern and a responsibility of the Federal Government, to provide remedial measures.

Actually, Mr. President, we face this question: Do we want to make the employees' freedom secure from union leadership, or do we want to make the power of union leadership secure from the freedom of choice exercised by the employees.

Where there is great power, there must be direct responsibility. To the extent that union power has run ahead of union responsibility, we in Congress have our responsibility, in turn, to provide the remedy. Power without responsibility in any area of human activity is the prelude to disaster and the entry room to dictatorship. To the extent that free unionism in theory has become forced unionism in practice, coupled with a corresponding centralization of power in an oligarchy of union leaders who refuse to accept responsibilities equivalent to their authority, this situation provides a pattern which requires the constructive attention of the Federal Government, both at the executive and at the legislative levels.

In all of the testimony before our Select Committee to Investigate Improper Practices in the Labor-Management Field, it appears that the forgotten man of 1957 is the tragic figure of the dues-paying members who must join a union and pay its assessments and fees to earn a livelihood, but who have lost control of what happens in or to or by their union. They are compelled to buy a ticket to ride on a specific vehicle toward a destination which they have no effective voice in determining. I believe that most Americans—in or out of the labor movement—will agree there is something un-American, undemocratic, and unwholesome about a situation of this kind. What began in the Clayton Act, with lawmakers placing the union oligarchy above the antitrust laws of the country, may well end up, Mr. President, unless some constructive legislation is now passed, by placing the union oligarchy itself above the lawmakers and the laws of the country. This America cannot have and does not want.

Mr. President, all this becomes a matter of greater concern to the general public when we realize that during the last quarter of a century of American history no change is more important than the simple, but incontrovertible, fact that 25 years ago economics was the controlling factor of our political life, whereas today political determinations have become the controlling factor of our economic life. This is, indeed, a most significant change. What we do or fail to do to meet the problems which our select committee is now disclosing may very well determine the economic security and the future happiness of all Americans in every walk of life during the remainder of this last half of the 20th century.

I hope the Congress in 1958 will face its responsibilities in this field. Let us approach our challenge in a constructive fashion. We want legislation which is not punitive in design and is not conceived to punish people; but we need legislation—which I am confident the rank and file of labor will enthusiastically support, along with the responsible leaders of labor—which will restore the balance of power between the dues-paying member and his labor leaders and between the employer and the employee, as equally important segments of our great and growing industrial economy.

Let me say in conclusion, Mr. President, that this proposed legislation may well become a second American Bill of Rights which will provide for all labor-union men and women who pay organizational dues for the right to work the same complete freedoms of choice and determination that our constitutional Bill of Rights provides for all Americans who enjoy the benefits provided by the greatest union of them all—the Union of the United States.

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## MUTUAL SECURITY APPROPRIATIONS, 1958

The Senate resumed the consideration of the bill (H. R. 9302) making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on agreeing to the committee amendment on page 2, in lines 6 and 7.

### FOREIGN AID WILL NEVER STOP COMMUNISM

Mr. JENNER. Mr. President, the Communists have just established full control of the armed forces of Syria, right in the middle of the Middle East.

When we look at the map, we see that a Communist Syria is a dagger plunged into the vitals of the Middle East. Communist-controlled troops are now in the rear of Turkey, Iraq, Jordan, Israel, and Lebanon. Soviet submarines have a base in the eastern Mediterranean. Our Greek-Turkish policy and our Middle East policy are checkmated.

In the light of this unexpected development, let us look at the President's first report on the Middle East program. The report says that since March 1957, we have made agreements to give $174.2 million in that area. More than half of this is apparently for economic aid.

Let me read the list of Middle East countries to which we are giving economic assistance, either directly or through regional pacts. They are Afghanistan, Pakistan, Iran, Iraq, Saudi Arabia, Lebanon, Libya, Ethiopia, and Turkey.

I have no wish to criticize any of these countries. Some of them are among our firmest friends in this disjointed world. But I call attention to the fact that several of them are very rich.

Now let me read the list of our economic projects, as included in the Middle East report. They include low-cost housing and slum clearance, municipal water supplies, rural electrification, irrigation, road construction, railroads, air transportation, schools, broadcasting, telecommunications, resource development, industrial projects, and economic surveys to draw up plans for more economic aid.

I have two questions to ask about this report:

The first you probably have already guessed, Mr. President. It is this: What about American need for new roads, improvements of our railroads, air traffic, municipal water supplies, slum clearance, low-cost housing, schools, rural electrification, irrigation, telecommunications, and economic surveys to prepare for what else we need?

Of course, the proponents will quote me beautiful figures about the gross national product, and they will say, "the United States is rich. We have plenty of money to spend at home and abroad."

So I reply: "Do any of you believe that the American people can pay, today, for their own schools and water systems, irrigation and air-traffic improvements, slum clearance and low-cost housing, without a most painful pressure on our family budgets? Does anyone think we can pay for these things without increasing pressure on the markets in which we sell our Government bonds?"

We have already had to raise Government interest rates, again and again, to get enough bidders for the bonds we have had to refinance.

We are facing an increase of billions of dollars in the annual cost of carrying our debt, even if we do not increase our total debt by $1.

We are facing an increase in spending, due to higher prices, even if we do not add one item to our present spending.

The problem is not whether we can cut taxes but whether we can avoid imposing higher taxes, unless we cut spending.

How, then, I ask, are we going to finance water supply systems and broadcasting stations, low-cost housing, modern roads and airfields, for up to 15 countries in the Middle East while we carry the rest of Asia, Africa, and Europe on our backs, and also reduce our debt, and ease the pressure on the budgets of our families here at home?

That is only one question.

I have a second question. I ask, "Why should we do it? What good will it accomplish? What has happened to the boasted intelligence of the American people, their moral influence, their economic leadership, their political wisdom? Why do we, the strongest Nation in the world, find ourselves with no way to influence the world situation, except by a gigantic program of welfare spending, with a little military hardware thrown in?"

It is obviously impossible to accept the repeated statement that economic aid is, in some mysterious fashion, a barrier to Communist advance.

Were the Communists held back in Syria?

It is time we had some fundamental analysis of where we are going in foreign aid, not an analysis of the details, but of the direction. It is in our navigation, not our operations, that the error lies. The time for such analysis is now, when we are asked to borrow three or four billion dollars, at rising interest rates, to provide foreign aid for fiscal 1958.

Our foreign aid spending falls into many categories, but only two are important, military assistance and economic assistance. Since the end of the war we have spent sixty-nine billions on foreign grants and credits, most of which was for economic aid. Contrary to most comments, military aid has been only a small part of the program, except for very recent years.

In the beginning we were given the most solemn promises that economic aid was temporary. It is now frankly proposed to make economic aid a permanent American policy, to center it on the neutralist nations of Asia and Africa, and taper off military aid to our former allies. Military aid to anti-Communist nations is on the way out, and a permanent program of soft loans to 1 billion people in Asia and Africa will take its place.

The proposed International Development Fund is the instrument devised to set future policy in the direction the planners desire. If the Congress wishes to abandon our policy of strengthening the anti-Communist nations, and instead to embark on a project of raising the economic level of a billion people in the underdeveloped nations, it should, by all means, inaugurate the development loan fund. That is the overriding issue in our vote on this bill.

First, let us look at the technical side of this development loan fund, and then at its political implications.

Point 1: This fund is called a loan program, but that pretty name does not apply to its status in our budget. Repayments under this program go to the foreign-aid fund, not to the Treasury. The minority views of the House Foreign Affairs Committee say with finality this sum will be added to our public debt. In other words, we are to borrow, at ever-increasing interest rates, any money we vote to give these nations. The interest cost will be paid by our people, year after year.

Point 2: Under this bill, Congress surrenders all authority over this money.

The House minority views say:

> The proposed development loan fund is not subject to any effective Congressional or other control.

They add:

> The powers and authorities of this formless entity are extremely broad in their application and vague in their limitations.

There is a loan committee of officials with other jobs, but the manager's powers are practically unlimited.

In the debate on the authorization in the House, Representative HARDY said:

> If the manager sees fit, under the language you have written into this bill, he can disregard every single principle that has been set out by the committee. * * *
>
> It is the most loosely drawn thing I have ever seen.

Now, this fund is ostensibly to make possible the lending of money to undeveloped areas, but those in charge can deal with any public or private entities they care to. There is nothing in the bill to prevent any individual in this country, or anywhere else, from setting himself up as a corporation, getting a loan, and going into business far off in Asia and Africa. Once the loan is made, Congress loses its last chance to supervise the transaction.

The ICA is already deep in the business of development loans. It does not need this new legal instrument if its purpose is to make loans. I fear it needs the new setup only to remove itself further from Congressional scrutiny.

A most interesting report on economic development through private investment activities of the mutual security program was put into the CONGRESSIONAL RECORD by a Member of the House. It was, apparently, the handiwork of ICA.

The ICA, says the report, is already giving investment services to private borrowers, including:

First. Exploration, mapping, aerial surveys of mineral and other resources.

Second. Study missions to advise on the economic, technical, and financial feasability of projects.

Third. Loans from counterpart and other funds.

Fourth. Investment guaranties.

Fifth. Private, governmental, and mixed development banks.

Sixth. Investment advice.

Seventh. Loans from Public Law 480 funds.

I should like to ask, Mr. President, first, who are the private individuals, including Americans, who get these services and these loans; second, why does the United States Government use tax funds to pay development costs for private investors?

This is a clear financial subsidy, lowering the costs and increasing the profits of private borrowers. Our Government has not used tax funds to pay preparatory costs for our oil, sugar refining, and other vast American enterprises abroad. Why do so now? Why do it far from Congressional supervision?

Let me give the Senate some of the beneficiaries, from this progress report.

ICA used tax funds to prospect for a new rubber plantation in Liberia for the Goodrich Tire & Rubber Co.

We made geological surveys in Brazil for Bethlehem Steel and United States Steel and Harbison-Walker.

We made oil explorations in Jordan which led to a contract for Edwin Pauley and the Phillips Oil Co.

In Guatemala, the ICA industrial adviser is helping General Tire & Rubber to establish a plant.

These corporations operate in the public view.

How many fly-by-night operators are also going to get into this picture, start a business on a shoestring, and then sell out to credulous investors?

Now I ask Senators to listen carefully to one development project which is most curious. Every detail is fascinating. The ICA apparently sent a study mission, including several American corporation presidents, to the Belgian Congo, for the Belgian Government, to report on the feasibility of a giant hydroelectric plant on the Congo River.

Now listen carefully. The proposal was to build a plant 75 miles up the Congo, producing up to 20 million kilowatts of electric power.

Of course—

Says the report—

> in an undeveloped country, such a large amount of power could not be used.

Now hear this. The Belgian Government hired 6 engineering firms: 2 American, 2 Belgian, 1 Swedish, and 1 Swiss, to study the size and design of the plant. The decision is tentatively for a first-stage project of 3 million kilowatts.

The report says:

> The entire project would equal the power capacity of 10 Bonneville projects, while the proposed first phase only, is one-half again as large (as Bonneville) and the estimates are that the power would be the cheapest in the world.

This is all going to be financed on the private investment market in the United States and Europe.

Industries contemplated, include aluminum reduction, fertilizer and chemicals, woodpulp and paper products.

The ICA contribution to this project was less than $15,000.

The Belgian Government has already paid out over $750,000.

What kind of business is this?

If the ICA spent only $15,000, against a first expenditure of $750,000 by the Belgian Government, for a project to be privately financed, why was ICA involved at all?

Could it possibly be that it thereby got inside information which it could give to a favored few, who want to set up businesses in the shadow of this hydroelectric project built where there was no demand for electricity?

In passing, I mention that Belgium is a rich, industrial nation. It has been operating in the Congo for 50 years or more. Some of the richest and most powerful corporations in the world operate in, or in connection with, the Congo. What goes on here?

Now hear ICA's conclusion from this experience:

> Surely there are many other projects of this scope in the Free World in which our Government can be helpful by advice and assistance to construct and develop, where private American and other investors would be anxious to locate foreign operations.

This is what our Government has been doing with our money in the partial obscurity of ICA.

Now we are urged to put all these loans behind a paper curtain, through which Congress will never be permitted to peer.

How is this going to smell a few years from now?

Some unpleasant odors are already rising in various countries from profits made from our overvaluation of local currencies, from offshore procurement, and other foreign aid transactions.

Even if we put the best men we can find into such offices, how long will it be before the fast money boys have found their hidden way to these gold mines and are disgracing the name of our country by their greed and chicanery?

How long will it be before the money-hungry speculators find the weak places in the agency personnel, and discover how to get the inside dope before their rivals?

How long before the few officials who are willing to make deals take over from the honest men, by Gresham's inescapable law?

This will be the shipping scandal, Teapot Dome, the Insull story, and Johnny Dio, rolled into one, if we go down this road.

By a curious coincidence, the total of such development loans, under the present program, is estimated at at least $300 million, the amount recommended by the House for the development fund's first year.

We are already operating development loan funds in Taiwan, the Philippines, Jordan, Israel and elsewhere.

There is a series of clues to indicate how important it is to the Communists to have the United States engage in a long-term program of industrializing the undeveloped areas.

Lenin and Stalin both held that the world could not be communized until American capital had been put to work to industrialize Asia and Africa.

This long-range plan was stepped up during the war, when we heard many variations of how American capital should be applied to restoration of war-ravaged Russia and central Europe.

It will be remembered that at the urging of Harry White, Secretary of the Treasury Morgenthau urged a $2 billion rehabilitation fund for the Soviet Union.

The doctrine is set forth in the writing of Gunnar Myrdal, who said in An International Economy that—

> * * * An integrated international society requires a * * * redistribution of wealth and income and of economic opportunity between the rich and economically developed economies of the West, and the so-called undeveloped areas of the world.
>
> There is substantial evidence of a spread of the ideas and values necessary to bring this about.

Again and again, proposals have been made by American officials reflecting—probably quite unconsciously—the Soviet plan to dismantle our Armed Forces and apply the savings to a point 4 program for the earth.

This plan is important to the Communists for two reasons.

It is a way to reduce the economic surplus which makes possible America's gigantic war strength.

It is a way to turn the rural population of Asia and Africa into a rootless proletariat who will be more readily responsive to Communist wiles.

I have already referred to the innate resemblances between the new development loan fund and SUNFED.

Do not be misled because some of these plans call for private enterprise.

They are the most dangerous.

The Communists now have fully matured plans for using private capital, private banks, and private investors to build up communism as easily as they use Socialist state enterprises.

You will remember, Mr. President, that in the Sobel case, it was reported that the Soviet Union had more than 50 private enterprises working as covers for its espionage.

I am not asking anyone to take my judgment as final.

I am urging that we stop and assay the full danger before we take this fateful vote to use American money, to establish an agency to do anything it likes, in our name, from the western coast of Africa to the eastern outposts of Asia.

It is now almost Labor Day.

We shall be back here in 4 months, if not sooner.

This development loan fund is a new departure at best.

What harm can come from delay?

The loans are, admittedly, soft loans, and upset the careful work of banking agencies like the Export-Import Bank and the International Bank, which are trying to stay on solid ground in helping unindustrialized areas.

The proposal for a development fund is supported by a very specious appeal to ignorance in the statement that backward areas cannot finance waterworks, irrigation, and port improvement, without gifts from us.

That is the sheerest nonsense.

Probably all the railroads in the world, except those of England, were built with capital borrowed in the international market.

In general, money for railroads had to be borrowed before heavy industrialization started in any country.

Investment capital has moved quickly from country to country, and project to project, wherever it could find a job that promised to pay its costs.

The argument that undeveloped countries cannot borrow for their capital needs is so stupid or so dishonest, it is embarrassing to see able people support it.

There is a certain grim humor in the fact that those who have most violently denounced the colonialism of private investment are bringing to the colonial areas the far greater cruelty of state-controlled investment.

When the government controls investment, it has de facto control of all economic, cultural, and political activities in the country.

National communism is at hand.

In the House debate on the authorization bill, Representative SMITH of Wisconsin said:

> Is it not strange, Mr. Chairman, that the program of foreign aid which is designed to combat the advance of communism throughout the world in effect applies socialistic or communistic techniques to achieve its ends?
>
> The program that has been in effect and which is proposed for the indefinite future is one of crass materialism based upon the socialistic principle that economics is the controlling factor in life.

As Representative SMITH put it, the development fund takes away a crutch and substitutes a wheelchair.

It does nothing, whatever, to strengthen free institutions in the receiving countries.

Another specious line of argument is the listing of imaginary benefits to the United States.

One ardent supporter of the ICA position, speaking of our dependence on these areas for raw materials, stressed the rubber of Southeast Asia.

But one of the most brilliant achievements of World War II was the speed and effectiveness with which the United States Government developed a synthetic substitute for rubber.

Our real dependence for raw materials, outside our country, should encourage us to step up the proportion of help we give Latin Ameria.

But Latin America has been the stepchild of foreign aid since it was started.

Representative WALTER told the story of how Congress appropriated money to help Latin American countries receive some of the Italians and others, who wished to emigrate from Europe.

But Representative WALTER said the State Department spent only $1 million out of the $15 million Congress appropriated.

Equally specious is the argument that foreign aid spending helps business and makes jobs.

Let us make it clear.

When we give money to Europe to buy coal from us, that makes jobs in the coal mines, but they are jobs without pay.

The coal miners are paid out of the windfall from inflation, but the rest of us pay a hidden tax, in the fall of the dollar.

There seems to be a spate of unwritten hints that if foreign aid spending were

cut off, business in this country would crash.

That is true only if the American people all have everything they need and have no unsatisfied wants.

If we do not need any more roads or schools or irrigation projects, if we do not need better airfields, jet planes, improvements in railroads and urban transportation, then the drying up of orders for three or four billion dollars worth of foreign aid orders will cause a drop in our economy, but not till then.

On the contrary, the papers now tell us that parts of the roadbuilding program, which has been passed by Congress, will have to be held up because of rising costs.

Our own military is making drastic cutbacks at the moment we are voting to pay for low-cost housing and public power in all quarters of the earth.

I think the value of this argument, that we need foreign spending for prosperity, is well measured by the fact that it is kept so secret, and apparently spread by whispers.

If we are talking about foreign aid and American prosperity, I invite the attention of the Senate to the fact that the foreign aid officials have some $8 billion of spending in the pipelines, a large part of which has not yet been billed to the American Treasury.

They are asking for an additional billion and a half dollars for the development loan fund, and promising that this money will be spent slowly.

I ask, when will these bills be presented to the Treasury and add to the money our Government has to get from the bond market?

We have no certainty that these unpaid bills will not reach their peak at the very moment when we are suffering from an economic recession.

Remember that now, because of the Ruml plan for current payment of taxes, our tax income will turn down the moment business begins to recede.

Someone wants foreign aid very badly for some quite different reason than to bolster our economy.

There are quite a few additional programs in this bill, but they are all really foreign aid.

Congress was determined that point 4 should be technical assistance only, and that we should not supply the capital needed for these projects.

But we have come full circle, and are now supplying the capital through ICA.

There is no longer any reason for keeping point 4 as a separate program.

The same is true on U. N. technical assistance.

Why should we contribute anything to the United Nations to duplicate what we are doing?

All this splitting up of programs merely wastes the time of Congress.

It is time the Members of Congress decided not to waste time we need for more serious problems.

This year, Members of Congress have been proffered thousands and thousands of pages of testimony on foreign aid, to digest before they voted.

The Senate Special Committee on Foreign Aid published 1,580 pages of reports and 785 pages of hearings.

The House Foreign Affairs Committee published 1,394 pages of hearings.

The Senate Foreign Relations Committee hearings were 828 pages.

The House Appropriations Committee hearings ran to 1,159 pages.

The Senate Appropriations hearings will be, perhaps, a thousand pages more.

This adds up to more than 6,000 pages of printed hearings, the equivalent of 30 books printed in almost illegible fine print.

This total does not include committee reports, floor debates in the House and Senate, the House Government Operations Committee's reports on Guam and on budget presentation, and a multitude of other documents from both the Senate and the House, which contain important information Congress needs to know.

I do not even mention the river of words from the executive branch itself.

As the Senator from Arkansas [Mr. FULBRIGHT] learned recently, the truth can be obscured by giving no information at all, or by giving so much information that no one could possibly read or understand it.

It is time for Congress to end this nonsense.

It is time for Congress to divide foreign aid into two clear programs, military and economic.

Then we should hold up all appropriations for economic aid for the remaining 4 months.

They have money enough to run for months, or years—I believe the Senator from Louisiana said for more than 2 years—without an additional penny being granted.

Mr. ELLENDER. The Senator is correct.

Mr. JENNER. That will give us time to consider a much more serious matter: what is happening to our military assistance to firm anti-Communist nations?

We are helping to maintain a million Koreans and Chinese and Vietnamese, under arms, but where are the anti-Communist legions of free Asia?

I will tell the Senate where they are.

They have quietly been converted into internal security forces, that is, police forces.

Meanwhile, our foreign policy seems to be changing from anticommunism to support of neutralism.

Who wants it changed? Who decided we were to disengage ourselves from free Asia, and forget our ties to Europe, while we try to remake the lives of a billion people in neutralist Asia and Africa?

I spoke a few months ago of the curious way in which our military aid programs each had a mysterious weak link which prevented their use to deter the Communists.

Now I find increasing reference to these armed forces, as forces to deal with internal threat only. Who decided they were to be changed from military to internal security forces?

Several years ago, I said that free Asians could save Asia. They could fight for Asia better than we could, if we gave them the best training and weapons.

Of course, America cannot man all outposts which guard the Free World from Communist assault. But we should not need to man them all.

There is nothing better known in war than the problem of encircling the enemy. Every foot of the circle must be watched and guarded. Free Asians can guard most of the line in Asia. Free Europeans could—without our help—guard most of the line in Europe. Greece and Turkey and Iraq and their friends could guard the Near East, if they had military forces.

But if they are converted to security forces dealing only with internal threat, then no one is telling the Soviet Union to desist from aggression.

If we are turning the armed forces we assist into police forces, then we are saying to the Soviet Union, "You are in no danger from the anti-Communist nations of Europe and Asia."

Perhaps our planners intend to incorporate these men into an international police force, under the security council, including the Soviet Union.

We have just seen the departure from the Defense Department of the Secretary and the Chairman of the Joint Chiefs of Staff. The Department of Defense is, momentarily, in a state of flux, and the power of the permanent nonmilitary staff is at its height.

Recently, I discussed the provision in the foreign-aid authorization giving the State Department final decision on who shall get our military aid—instead of leaving the decision to Congress and the President after they had weighed the advice of both diplomatic and military experts.

This is the moment when Congress should do nothing at all about economic aid, but come back in January prepared to find out what is happening to our military policymaking.

After we have settled that question, we can turn to foreign policy and decide at leisure what we need for a truly American foreign policy.

I am not willing to believe that gifts from the American Government to foreign governments are the noblest expression of the American spirit, the highest use of American intelligence, American political wisdom, and economic progress. No, indeed. The American Nation had a more powerful influence on Europe and Asia when it was a new Republic of about 5 million people. We had a more salutary influence in Russia and Siam when we freed the slaves, in the midst of a civil war which consumed all our material resources.

We had a more inspiring influence on Europe and Asia at the turn of the century, when we forbade the dividing up of China by the great powers, and promised freedom to the Philippines.

I believe those earlier efforts of ours, to do the right thing, and let world opinion follow, carried us to far greater heights of influence over the world than our present undignified race to give away vast sums of American capital to foreign countries to stimulated economic growth

for which these nations are quite unprepared.

What is wrong with our foreign-aid program is simply this: it is wrong from top to bottom. It starts from the wrong place, and travels rapidly in the wrong direction.

It is not only wasting billions of the national wealth, wrung by our labor from the farms and factories and railroads and offices of our country. We could endure that economic drain, however much it cost. But this emphasis on the great giveaway closes the door on every bit of talent for sound leadership that the American people have exhibited in other crises of world history.

Foreign aid spending puts a damper on every kind of program to contain the Communists, to weaken them internally, to encourage free nations, and help them by far sounder methods which the American people have practiced since the founding of our Republic.

How can we explain the astounding fact that all our efforts, backed by over $60 billion, have not delayed or disturbed the Communists one iota?

Today every honest American admits their success is greater than ever.

Our foreign aid spending does not hurt the Communists.

It does not spread the influence of American ideals.

It does not help other nations to keep free of government control of their own lives.

Two political groups must unite their forces to put an end to foreign aid spending.

One is the people interested in the health of American economy—businessmen, householders, true union leaders, economists.

The other is the people interested in a genuine American foreign policy, resting on American intelligence, American morality, American economic leadership, and respect for the free people living in the shadow of Communist power.

How must the people of north Africa feel toward Americans when they are being killed with American ammunition and guns sent to them by the American taxpayers for the purpose of NATO, but used by France, who pulls her divisions out of NATO, and sends weapons to north Africa to kill the natives?

We know what is the matter with the foreign policy. We know we are not hurting communism that way.

I have said again and again I am not opposed to an America helpful to other nations, especially those who believe in liberty.

But I want the America of today to make a foreign policy which brings light and hope to the world, as we did in the days of Washington, as we did in the days of Monroe, as we did in the days of Abraham Lincoln, as we did in the days of McKinley, John Hay, William Howard Taft, and Charles Evans Hughes, when America stood for national security for a China threatened by the great powers, and national independence for an undeveloped people newly freed from rule of a dying empire.

I am suggesting we bring about a major turn in American foreign policy, from reliance on American money to American intelligence, courage, moral principles and economic leadership.

But I know that change cannot be made with an ax.

We must be as careful as the surgeon in cutting off foreign spending which has grown up under 17 years of bureaucratic nurturing.

We must cut off this parasitic growth without injuring the economies of other countries, or the political stability of the leaders who have been our friends.

I suggest a simple formula.

Military aid goes to our friends; let us revamp our military aid which keeps under arms hundreds of thousands of troops in free countries which could not be supported locally.

Let us combine both direct assistance to the Armed Forces and financial assistance for other military necessities, like roads, port facilities and airfields, and let the Defense Department make the decisions.

Let us take the American Government out of economic aid, either loans or grants, to foreign governments.

We shall never see the problem of communism clearly till we end all economic aid.

Let us resolutely refuse to appropriate one single dollar to the development loan fund, which will be the biggest giveaway of all.

Let us put the ICA on notice that they must live on the 2 years' income now in their hands.

Let us close out the agency as of June, 1958, transferring all its functions and its funds to the Treasury.

Let us abolish the spending bureaucracy in the United States Government, and the political machine it has built up, to keep itself in power.

Grants for military assistance will hold the line against communism, while the Congress of the United States, with the advice of its citizens, sets to work to construct a genuine American foreign policy, resting on our idealistic achievements in politics and industry, which the American people have always generously shared with people of all nations.

Mr. BUSH. Mr. President, I rise to speak in support of the committee report, although with considerable regret, because it is some $300 million less than the amount in the authorization bill, which the Senate passed some time ago. I agree with those who deplore the fact that foreign policy is being made in the bill and sometimes elsewhere by the Appropriations Committees of the House and Senate.

I believe that, especially in the field of foreign policy, the authorization bill is the important bill, and that, once the authorizations are established by the Congress, the Appropriations Committees of both Houses—unless they have new facts and some important new information to consider in connection with the appropriation bill—should abide by the authorizations.

We are considering the pending legislation at a very fateful time, for only yesterday we heard the announcement by the Soviet Union that they have launched successfully an intercontinental ballistic missile; that it traveled a long distance, at a very great height, and hit the target. It is a very vague announcement, of course, but we hardly dare dismiss it entirely, because we know that the Soviet Union has been working on that type of missile. It points up, therefore, more than ever, the need for a mutual security program which will enable the United States to maintain in the various free countries bases from which we may deal with the Communist threat, if it should be necessary to do so, in or about the lands in which the free people live.

I have tried to examine the bill from the standpoint of my own State of Connecticut, as well as from the standpoint of the United States. I find that, if the United States tried to create by itself the defense forces being established on a partnership basis, the United States ground forces alone would have to be increased from less than 1 million men in uniform today to almost 6 million men; the Navy would have to be increased to three times its present size; the Air Force double its present size.

We can imagine what this would do to United States families in the way of draft calls and what it would do to the United States taxpayers in the way of increased expenses.

The State of Connecticut has approximately 2,241,000 citizens, who pay about $1,156,072,000 in United States Federal taxes, or $516 per citizen .

Connecticut has approximately 3,100 citizens drafted each year for military training.

The cost per United States citizen for all domestic defense is approximately $220. The cost per United States citizen for all mutual-security programs is an additional 10 percent, or $22, of which $10 is for economic aid and $12 for weapons and training aids.

What protection do the people of my State derive from the expenditures of these billions of dollars, and what protection do the citizens of other States obtain from such expenditures?

They get the protection of allied and United States defense forces all over the world. This kind of protection has kept the Soviet forces behind the Iron Curtain. The outward march of Communist armies has been stopped dead in its tracks. The Free World is still free and able to work out problems in an atmosphere of hope and confidence, instead of fear.

We get the protection of greatly increased world defense strength.

We get the protection of United States air and naval bases of the greatest strategic importance at many spots around the world.

Mr. President, with our partners, we have put together a security system which is far more than simply pieces of paper. The mutual-security pacts are backed by defense strength actually in being, and these forces are in process of becoming equipped with the most modern weapons available, weapons which are needed in order to counteract the increased firepower of the forces of the Soviet bloc.

Furthermore, the people of my State and the people of the other States of the Nation have received the protection which comes to the entire United States when countries and areas important to us are kept out of unfriendly hands. One has only to look at the map of the world, to imagine what would be the position of the Free World today if there had been no mutual-security program and if Greece, Iran, the Philippines, and Vietnam, to name only a few countries, had been taken behind the Iron Curtain or had come under the domination and control of the Soviets or the Communist Chinese.

Mr. President, there was published this morning in the Wall Street Journal an editorial entitled "Charity and Security." The editorial reads in part as follows:

> Admiral Radford the other day offered the country grim alternatives if foreign aid is substantially curtailed: Either we would have to expand our own Armed Forces greatly, with nearly every able-bodied man of military age spending several years in service abroad, or we would have to withdraw into a fortress America.

The editorial further states:

> This newspaper does not accept the validity of these alternatives. There is another one, and the only correct one. That is that our allies, in their own self-interest, make the necessary contribution to the joint defense out of their own resources. If they are economically incapable of making a sufficient effort, then their military value is diminished in any case. If they are unwilling to do so, then their reliability as anti-Communist allies must be gravely questioned.

Mr. President, I question very much the third alternative as being at all practical. Are these allies able to maintain and equip the vast ring of airbases which constitute one of the primary elements of defense in the NATO organization? Can they provide the necessary implements of war? The evidence indicates that they cannot. If they had not received our aid, which will continue to come to them under this military-assistance program, many of them would, of necessity, have fallen long ago; and heaven only knows where that would have left the United States and the other nations of the Free World.

One wonders how long Korea could have opposed the Communist forces without the aid provided by means of this program. One wonders what would have happened to Formosa, Vietnam, and the Philippines, in the absence of this program.

What would be the defense costs to the United States if the mutual security program were eliminated? One cannot answer this question directly. Who can say precisely what it would cost the United States to have in its Armed Forces 6 million men, instead of 1 million men, or to have 2,500 combatant naval vessels, rather than the 1,000 we now have; or to double the number of the aircraft of our Air Force? Should such vast United States forces be scattered all over the world, as would have to be done in order to provide the same protection we are receiving now, enormous expense to us would be involved. No one can predict the cost of such an operation; but it seems safe to say that the cost would be at least three or four times the present cost of the domestic defense of the United States. With our defense expenditures today running approximately $40 billion a year overall, the cost of defense to the United States would thus jump from approximately 10 percent of our gross national product to 30 or 40 percent, and Federal Government taxation and borrowing would have to rise accordingly. In such a situation, virtually full mobilization and control of the country's economic life would be necessary. Neither my State of Connecticut nor any other State of the United States could escape those circumstances.

Mr. President, in recent years the United States has spent a little more than $4 billion annually on aid to our allies and other friendly nations, chiefly under the mutual security program. This has amounted to somewhat more than 1 percent of the gross national product, approximately 6.5 percent of the total United States Government expenditures, or approximately 10 percent of the expenditures for national security. It has been estimated that in recent years approximately 600,000 jobs in the United States have been directly attributable to the expenditure of foreign-aid funds, and it is estimated that approximately 10,000 of those have been in Connecticut.

The burden of the mutual security program on the United States taxpayer is an alternative to the much greater cost of providing our military protection entirely from United States resources and United States bases.

Mr. President, in conclusion, I should like to say that I think when one reads the evidence in connection with this bill, one must give weight to the opinions of such men as Admiral Radford, who recently retired as Chairman of the Joint Chiefs of Staff, who already today has been quoted on this floor. He is one of the great citizens of the world. He knows the world and world conditions and world personalities perhaps as well as does any other living American. He says that if this bill is not kept intact, the results for the United States and for the rest of the Free World might be catastrophic. He is deeply distressed that the bill has been cut below the authorization figures previously approved by the Congress.

The President of the United States considers this bill as being one of the most vital, if not the most vital, of all the bills which have come before the Congress this year.

Furthermore, in the remarkably fine Foreign Service of the United States, where we have many able career diplomats, we find that, almost to a man, they favor this program.

So, Mr. President, I hope that all amendments to cut mutual security appropriations below what already is too small a minimum will be defeated, and that the bill will be passed.

I yield the floor.

Mr. GREEN. Mr. President, I rise to express my disappointment in the mutual security appropriations bill which has been reported to the Senate by its Committee on Appropriations.

Only 3 weeks ago the Senate agreed to the conference report on the bill authorizing mutual-security appropriations. That bill authorized a total of $3,367,083,000 in new appropriations for the mutual security program. At that time I expressed my regret that the conference figure was not higher; but I urged passage of the bill as being, in the circumstances, the best the Senate could hope to obtain.

Mr. President, today we have before us a mutual security appropriation bill which makes available $3,025,660,000 in new funds for the mutual security program. This sum is $308,750,000 less than the President requested, pursuant to the authorization bill to which I have just referred.

It is true that the pending appropriations bill provides $500,900,000 more than was provided in the House version of the bill. That is something to be grateful for. Nevertheless, in my judgment, the total appropriations provided in this bill are still too low for safety. I believe the Senate would be taking an unwise step if further reductions were made.

In my opinion, Mr. President, the Congress is acting emotionally, rather than intelligently, on the question of foreign-aid appropriations. Let me give two reasons for holding this opinion. My first reason is that the Congress is not doing what our careful studies of foreign aid led us to conclude we should do. Senators will recall that last year we were concerned about whether we were following the right policies with respect to foreign aid. For that reason, the Senate established the Special Committee To Study the Foreign Aid Program. That group was composed of the entire membership of the Committee on Foreign Relations, plus the two ranking members of the Appropriations Committee and the two ranking members of the Committee on Armed Services. As is well known, this group, of which I had the honor to act as chairman, conducted extensive studies and surveys of the foreign-aid program. The unanimous conclusion of the special committee was that the mutual-security program had served the United States well in the past, and that in the national interest it was necessary to continue the program. Although other countries benefit from the program, the United States itself also benefits, both directly and indirectly. The committee especially recommended that the United States embark on a long-range program of furnishing economic development assistance to underdeveloped areas of the world on a loan basis.

The special Senate committee was not alone in reaching these conclusions about the future course which our foreign-aid policy should take. Several other important qualified groups, both inside and outside the Government, came to the same general conclusions.

On the basis of intelligent action, then, the Congress knows what it should do. Unfortunately, we have not followed through. Consider the development loan fund, for example. The committee recommended—and the Senate approved—establishing on a 3-year basis, a development loan fund having a total capitalization of $2 billion, to be built up gradually over a 3-year period. However, in the authorization bill which has just become law, this development loan fund was severely cut; and an appropriation of $500 million was authorized for the first year, with an appropriation of $625 million authorized for the second year. But what appropriations are now proposed? The House version of the bill would appropriate, not $500 million, but only $300 million for the first year's increment of the development loan fund. The bill as reported from the Senate committee raises that figure to $400 million, but that is still $100 million below what is authorized. In short, although we have decided in the Senate that it would be wise to establish a development loan fund with adequate capital, our emotional reaction to the world situation will not permit us to appropriate more than $400 million, and even that figure will probably be compromised and reduced in the House.

Mr. President, my second reason for saying that the Congress is acting emotionally on this issue is that the Congress lags behind the country in its estimate of what is wise policy. The Congress is more isolationist than is the country. All the public-opinion polls, all the studies, all the surveys, are uniform in their conclusions that a substantial majority of the voters fully support the mutual security program. This solid factual information, however, is insufficient to prevent many Members of the Congress from picking up the first hostile letter about foreign aid and rushing forth and saying that the voters will not stand for any more of it. The voters will stand for it, Mr. President. Most voters are more mature on this issue than most Members of the Congress give them credit for being.

As we look back through the history of the rise and fall of great civilizations, we find many reasons why civilizations fall. We find time after time, however, that when countries grow rich and powerful they also grow fat and lazy. Countries tend to become fond of their comforts and indifferent to suffering and dissatisfaction around them in the world. They become complacent and unwilling to make sacrifices. Countries tend to let down their defenses. They tend to drop their guard.

I do not say, Mr. President, that America has reached this unhappy state as yet. But it seems to me that the action which the Congress is now asked to take on this mutual-security appropriation bill is a bad sign. In spite of the fact that we know in our minds that we should appropriate more for the mutual-security program, and in spite of the fact that all of our careful studies tell us this, we cannot quite bring ourselves to appropriate the amount of funds which will make the program really effective.

Mr. President, I shall vote for H. R. 9302 as it has been reported to the Senate from the Committee on Appropriations. I am disappointed in the bill, but I regret to say that it is probably the best we can hope for now.

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

Mr. GREEN. I yield.

Mr. HUMPHREY. First of all, I wish to say to the distinguished chairman of the Foreign Relations Committee that the statement he has made relating to his support of the bill is one which, as one member of the committee, and one who is devoted to the chairman, I fully support. I recognize that the appropriation does not go as far as the authorization does. As the Senator well knows, we on the Senate side were somewhat disappointed with some of the compromises we had to make in order to get an authorization bill, but we did what we thought was best under the circumstances.

One part of the bill to which I wish to call the attention of the Senator from Rhode Island relates to the malaria-eradication program. As I understand, the Appropriations Committee view on the malaria-eradication program appears on page 6 of the report, which reads:

> The authorizing legislation provided that not to exceed $23,300,000 of the funds authorized could be used during the fiscal year 1958 for malaria eradication. The President's program submitted to the Congress provided $19,400,000 under the head, "Special assistance, general" for malaria eradication and $3,900,000 under the head of "Technical cooperation" for the total of $23,300,000.
>
> The committee recommends that within the sums allowed a total of $23,300,000 be used for malaria eradication.

With that statement as the background, I should like to inquire of the distinguished chairman of the committee, first, whether the language of the authorization act excludes the granting of loans from the development loan fund for malaria-eradication purposes, and, secondly, whether such loans, if it is legislatively permissible to grant them, must be within the $23,300,000 ceiling for this item.

I have discussed this matter privately with the Senator. I was hopeful the Senator might be able to give us a definitive statement as he sees it, as chairman of the committee.

Mr. GREEN. I have thought this matter over, as my distinguished colleague has suggested. My answer is this: The present language of section 420 may indeed be subject to more than one interpretation. I believe it was not the sense of the Foreign Relations Committee nor, I believe, of the conferees, to exclude consideration of sound requests for loans for malaria eradication purposes under title II of the act. I interpret the last sentence of section 420 to place a ceiling of $23.3 million on the funds to be expended for this purpose from all portions of the act other than from title I, chapter 1 and title II. It is, of course, hardly likely that title I, chapter 1 funds, which are military funds, would be used for this purpose.

Mr. HUMPHREY. To summarize the matter as we see it, title I, chapter 1 funds, as the chairman has said, are military funds, so obviously they would not be available for the malaria eradication program. Title II funds are loan development funds, and therefore it may be possible, within the legislative intent of the Congress, under title II, if additional funds are needed on a loan basis—not on a grant basis, but on a loan basis—to obtain such funds.

Mr. GREEN. There is involved the construction of ambiguous phraseology. With that statement in mind I think the funds could be obtained.

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

Mr. GREEN. I yield for a question.

Mr. AIKEN. I should like to say to the chairman of the committee that I have devoted much thought to the proposal which has been made to add to the malaria control funds. It seems to me that is one of the most worthwhile projects in which we can engage. However, with this program, and with the appropriation of $23.5 million, which it is estimated is required to meet the rock-bottom needs, it seems to me that the program could be put into effect. Then if it should develop that the money was not sufficient to meet the needs, I, for one, would be in favor of making foreign currency available to supplement the appropriation in those countries whose currency could be used for that purpose. I think we should watch this program carefully and review it the early part of next session, because we certainly want to do all we can to stamp out malaria.

Mr. GREEN. I thank the Senator. I think he has made a very valuable suggestion.

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

Mr. GREEN. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. As a member of the Appropriations Committee, I may say to the Senator from Minnesota that when the subject was before the Appropriations Committee in connection with the appropriations bill, but not the authorization bill, it was my belief that not only could defense support funds and technical assistance funds be used, but also special assistance funds, which the President may use for any purpose he desires. It is my understanding—and the junior Senator from Rhode Island is on his feet and is familiar with this subject—that some of the $100 million of the President's special assistance fund was planned to be used for this purpose. So, regardless of what the authorization bill provides, it would not, in my opinion, cover the special assistance fund, which can be spent completely at the President's discretion.

Mr. HUMPHREY. I wish to thank the Senator from Massachusetts for that observation, and I concur in it. As the Senator from Vermont has said, there are substantial amounts of foreign currency available which would be eligible

for loan purposes, as well as funds under the loan development fund, to fight a battle for the health of the world by eradicating malaria, which is one of the great scourges of mankind. It seems to me we ought to have the broadest construction of the authorization language—that it means what the Senator from Massachusetts and the Senator from Vermont have indicated by their questions and comments.

Mr. SALTONSTALL. I do not want to mislead the Senator from Minnesota or the Senator from Rhode Island; but, from the discussions in the committee, I had pretty much the opinion that counterpart funds which were available and free were planned to be used in the program. Whether some of those currencies have been planned for use in malaria-eradication work I cannot say. That subject did not come up in detail, except that it was pointed out the foreign currencies which were available had been pretty well programed.

Mr. AIKEN. If the Senator from Rhode Island will yield further, I should like to state it is my feeling that after the program is put into effect if it should develop it is inadequate and that title I funds are not available, then when the next session convenes we should take steps to make the foreign currency available in those countries where we have the use of such currency, to insure the adequacy of the antimalaria program.

Mr. GREEN. That effort might be made.

Mr. AIKEN. Yes. If the law is not interpreted as some think it should be interpreted, to permit the use of title I funds, then we should make the foreign currencies available.

Mr. STENNIS obtained the floor.

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

Mr. STENNIS. Mr. President, I yield to the Senator from Minnesota.

Mr. HUMPHREY. I am very grateful to the Senator from Mississippi for yielding, because this relates to the item under discussion.

MALARIA ERADICATION AUTHORIZATION AND APPROPRIATIONS

In connection with the item on malaria eradication, a legal question has arisen since the enactment of the Mutual Security Authorizing Act, too late for interpretation in the House or in the Senate Appropriations Committee. I am informed that it is very vital that the proper interpretation of the language of the last sentence in section 420 be established on the floor of the Senate to make clear what was apparently a unanimous intention of the conferees on the authorizing bill: That the $23,300,000 mentioned would be a limitation upon the grants that might be made under the act from defense support, bilateral technical assistance, and special assistance, general.

As proposed by the executive branch, the last sentence read "Funds made available pursuant to authorizations contained in this act," and so forth. The Senate Foreign Relations Committee, feeling this language was too broad, asked ICA to provide a definite, illustrative figure. It was pointed out that the $23.3 million was the amount programed, and the Foreign Relations Committee inserted the words "not to exceed" at the beginning of the sentence.

When the House Foreign Affairs Committee realized the legal implications of this language, which, because this was not a separately authorized item, would not permit its augmentation by 20 percent, if necessary, as other separately authorized items are permitted to benefit from section 501, they sought to insert substitute language for this sentence; but by an inadvertent error on the part of the committee staff the whole sentence was stricken. The committee made no effort to correct the language on the floor of the House, with the intention of correcting it in conference. The question was raised in conference by Representative JUDD, the Senator from Alabama [Mr. SPARKMAN], and others, and in spite of the unanimous sentiment of the conferees that the language be improved, the conference committee was faced with a possible point of order on the House floor against the entire conference report, if substitute language were adopted, since the House rules do not permit a third alternative in language in addition to the alternatives of the House and Senate language.

The existing language can be interpreted in either of two ways:

First. That the limitation "not to exceed" would apply to all portions of the act other than title I, chapter I, and title II; or

Second. The limitation of $23.3 million would represent a ceiling for all expenditure of mutual security funds from any source within the mutual-security program.

I submit it was the general understanding of the Congress that the ceiling imposed was a ceiling on grants and not intended to exclude the use of title II for supplementing this illustrative figure, if, upon application by a foreign government, the ICA found it desirable to grant loan requests for this purpose.

It is most important to the program to establish the sense of the Congress along the lines of alternative one, namely, that the malaria-eradication program can be expanded or developed over and beyond the $23,300,000 by the use of loans under title II, or from the President's special fund. Also funds in the form of local currencies, resulting from sale of agricultural commodities under the terms of Public Law 480, shall be available for use to implement the malaria-eradication program. The figure of $23,300,000 refers to dollars grants—not loans under title II or Public Law 480 currencies.

I ask unanimous consent, Mr. President, to have printed in the RECORD a statement by Dr. Eugene P. Campbell, Acting Chief, Public Health Division of the International Cooperation Administration on Malaria Eradication, along with excerpts from the statement of Charles L. Williams, Jr., made at the time of presentation of this particular budget item on malaria eradication, setting forth the malaria-eradication program as presented by the International Cooperation Administration to the Senate Committee on Foreign Relations, as well as a summary of the malaria-eradication program.

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

STATEMENT BY EUGENE P. CAMPBELL, M. D., ACTING CHIEF, PUBLIC HEALTH DIVISION, INTERNATIONAL COOPERATION ADMINISTRATION, ON MALARIA ERADICATION, BEFORE THE SENATE APPROPRIATIONS COMMITTEE

Senator CARL HAYDEN posed the following question, and asked Dr. Campbell to prepare an answer, and to testify before the committee:

"What is the possibility of using counterpart funds, especially Public Law 480 funds, in the prosecution of the malaria eradication project?

"Mr. Chairman, the answer is the Public Law 480 funds can be used and to the best of our judgment we have planned for their use to the maximum extent.

"There remains, however, the need for the use of $23.3 million for insecticides, house spraying equipment, some automobile equipment and some expert technical advice, items which cannot be purchased with local currency.

"To give a more complete answer to this question, we should like to insert into the record a full description of this project, as well as a short summary statement prepared for this committee by Dr. Charles L. Williams, Jr., in my absence.

"The studies for this project necessitated making contact with the proper authorities in more than 60 countries, as well as the staffs of such international organizations as the Pan-American Sanitary Bureau, World Health Organization, and the United Nations Children's Fund. These contacts have been maintained throughout this study period, in order to make certain the nature and amounts of the resources needed to achieve success in this project.

"It quickly became evident that, although 88 member nations of the WHO ratified the resolution of 1955 to eradicate malaria, success cannot be achieved unless this Government makes a substantial and effective contribution.

"We find in the lesser developed countries, where malaria is most prevalent, that the governments of these countries are able to contribute local funds to cover the cost of labor, local administration, and other miscellaneous costs.

"These same lesser developed countries do not manufacture insecticides, house spraying equipment nor automotive machinery, and are not able to supply the dollars to procure these manufactured products, which one finds mainly produced in this country. They cannot be purchased with Public Law 480 currency, it takes dollars. Our contribution of these dollars is extremely important and essential to success. Making available larger amounts of local currency will not decrease the need for dollars. A few illustrative examples of unit cost data are given in exhibit I of Dr. Williams' summary statement.

"There are a few countries, such as Bolivia, Pakistan, Laos, and India where there will be a need for additional local currency. This local currency can be provided and we have planned for some to be provided through the operations of Public Law 480. You will see in the full description of this project, beginning on page 123 of the presentation book with the heading "The Fiscal Year 1958 Program," a statement regarding the financial aspects of this project. In addition, in table 2, on page 132, under "Loan Capital," you will note that $12.9 million equivalents, or approximately 10 percent of

the first year's worldwide needs, would come from Public Law 480 loan capital.

"The $23.3 million is a bedrock figure for the dollar needs of the program. From a total of more than $44.0 million in valid requests for the first year of operations, we have sheared the amount down to $23.3 million for a variety of reasons; such as: Inadequate local administrative machinery to carry out the program; first-year limitations on the availability of trained personnel; tolling-up time; the ability of our own manufacturers to meet peak requests, etc.

"We are confident that we have presented a solid rock-bottom proposal which makes sense administratively, technically and financially. There is an element of urgency in this matter due to the fact that mosquitoes are developing resistance to insecticides in some areas. If, through lack of dollar funds, we are required to move too slowly with this project, a serious resistance problem is certain to develop and eradication may become economically impossible. As a public health physician, I should like to express my feelings and those of my colleagues that it will cause us deep and serious concern and possibly may cause irreparable damage to this great project if sufficient funds are not provided under special assistance so that the full amount of $23.3 million can be made available to carry out this most important program."

EXCERPTS FROM A STATEMENT BY CHARLES L. WILLIAMS, JR., M. D., ACTING CHIEF, PUBLIC HEALTH DIVISION, INTERNATIONAL COOPERATION ADMINISTRATION, ON MALARIA ERADICATION, BEFORE THE SENATE APPROPRIATIONS COMMITTEE

Malaria is the world's greatest health problem, attacking more than 200 million persons a year in some 60 countries and territories of the world, and is responsible for killing more than 2 million people—equivalent to destroying a city the size of San Francisco yearly. It is a main cause of chronic anemia, physical disability, and mental lethargy, resulting in low productive capacity of labor and retarded economic development.

The United States, through the bilateral programs of the International Cooperation Administration and its predecessor organizations, has been engaged in an attempt to control and minimize this disease in some areas of the world for 14 years. Now, for the first time, with the discovery of insecticides such as DDT and dieldrin and the perfection in house spraying in malarious areas, the opportunity presents itself of eradicating rather than merely controlling this disease. The feasibility of eradication has been definitely established by the success of the programs to eradicate malaria which have been carried out in the United States, Venezuela, Puerto Rico, Italy, and other countries.

As long ago as 1955, a proposal to attack and eradicate the disease on a worldwide basis was advanced in the World Health Organization Assembly in Mexico City and was subscribed to by all the member nations, including the United States. During the last 2 years, however, studies have indicated an increasing resistance of the malaria-carrying mosquitoes to the new insecticides which means that we must move immediately in a major effort if the opportunity is not to be lost. Active research is under way by many interested manufacturers to discover new and more efficient insecticides, but the results of this research are little more than hopes at this time.

In 1956, a detailed study and analysis of eradication was made by the International Development Advisory Board, utilizing the services of America's top malariologists. The recommendations contained in their report are in essence that the United States Government through the ICA embark on an expanded program of malaria eradication over the next 5 years in collaboration with the various international organizations already engaged in this activity.

The International Cooperation Administration has made an intensive and extensive study of malaria eradication and finds that it is technically and administratively feasible to achieve this goal. A proposal has been developed which outlines the salient technical features, points out the legal necessities and estimates the funds needed over a 5-year period of United States participation. If there is no objection, we should like to include in the record the full description of this program as it appears in the nonregional presentation volume, pages 119–132.

Aside from purely technical considerations, three important conditions must be met if success is to be achieved:

1. The program must be truly interregional as well as intraregional for the malaria-carrying mosquito recognizes no political boundaries. Fortunately, the international organizations such as the World Health Organization and the Pan American Sanitary Organization have effective collaboration with governments in areas where ICA programs do not exist.

2. The program once begun must be carried through to its completion. Eradication is an all-or-nothing matter.

3. The program will succeed only through a major concentrated effort within the minimum time limit in which the United States joins its resources and technical competence with other nations and international organizations in a carefully coordinated single and, at the same time, joint attack on this scourge.

For practical purposes, the 5-year target for malaria eradication is sound and, on the basis of our best estimates, the total cost—excluding Africa south of the Sahara and 1 or 2 other inaccessible places—will be approximately $515 million over a 5-year period.

It is anticipated that the governments of the malarious countries will spend the equivalent of approximately $364 million from their own resources. The World Health Organization, the United Nations Children's Fund, and the Pan American Sanitary Organization will be able to spend approximately $42 million. We are proposing that the United States be prepared to provide the balance of up to $108 million which will be required to do the job and which must be forthcoming from other than the above listed sources. (See table 1.)

For fiscal year 1958, the first year of the 5-year program, we are requesting $23.3 million for malaria eradication purposes including the conversion of present control programs to eradication, the institution of new bilateral programs, and appropriate contributions to the eradication activities of the international organizations, WHO and PASO.

The specific amounts to be requested in future years will depend in each instance on annual assessments of accomplishments to date. It should be noted at this point that malaria eradication is more costly in the short run than malaria-control programs which have averaged something over $10 million annually for the last several years. In the long run, however, the advantages of eradication from a financial point of view are obvious when compared with the indefinitely continuing cost of control. Some illustrative unit cost information is attached as exhibit I.

Personal requirements for this program have been carefully studied. We now have 19 trained technicians working in 13 countries and 1 working in Washington. We estimate it will be necessary to increase this number to approximately 40 to work in 24 countries during the peak year of activity, 1960 or 1961. It will also be necessary to employ four persons in Washington.

As we achieve eradication in various countries and the host country nationals can assume all the continuing responsibilities, certain of the Americans will either be moved to other areas or be returned to the United States and to their former occupations. The grades for these technicians will range between FSR-7 through FSR-2 with the greatest need at the FSR-5 level.

This is a completely unique moment in the history of man's attack on one of his oldest and most powerful disease enemies. Failure to proceed energetically might postpone malaria eradication indefinitely. A strong push now would undoubtedly be an excellent investment for all concerned, including the United States. We, therefore, are requesting in the Mutual Security Act for fiscal year 1958 the authority to utilize funds available in the act in such amounts and through such means as may be required to move forward energetically with this program in fiscal year 1958.

MALARIA ERADICATION PROGRAM

I. SUMMARY

*Funding*

[In millions of dollars]

SPECIAL ASSISTANCE (TITLE IV, SEC. 420)

| | |
|---|---|
| Bilateral programs: | |
| India | 5.0 |
| Indonesia | 3.0 |
| Undistributed by country: | |
| Near East and South Asia | 2.1 |
| Far East | .2 |
| Latin America | 2.1 |
| Contributions to multilateral organizations: | |
| World Health Organization | 5.0 |
| Pan American Sanitary Organization | 2.0 |
| Subtotal | 19.4 |
| OTHER PROGRAMED SOURCES | |
| Near East and South Asia | 1.8 |
| Far East | 1.8 |
| Latin America | .3 |
| Subtotal | 3.9 |
| Total request | 23.3 |

The program in brief: The following is a proposal that the United States Government, through the International Cooperation Administration, participate in a 5-year worldwide program to eradicate malaria in collaboration with the nations of the free world and the World Health Organization, the Pan American Sanitary Organization, and the United Nations Children's Fund.

Economic aspects: Malaria is one of the greatest deterrents to economic progress, being responsive for low labor efficiency, high absentee rates, low rate of capital investment, low learning capacity, and neglect of natural resources.

The conversion of present malaria "control" programs to malaria "eradication" will increase the per capital costs during a 5-year period, but the savings after this period will more than pay for the increase by making continued control expenditures unnecessary.

Technical feasibility: The technical practicality of malaria eradication is attested to by the Public Health Division of ICA, the United States Public Health Service, the International Development Advisory Board, the World Health Organization, the Pan American Sanitary Organization, and the United Nations Children's Fund. Furthermore, unless this unique opportunity is exploited without delay it may be lost due to development by mosquitoes of resistance to the insecticides that now make eradication technically and economically possible.

Political value: Antimalaria work has repeatedly proved to be one of the most highly welcomed and appreciated activities by the large numbers of people benefited. This program would be certain to win tremendous numbers of friends for the United States at all levels.

Program participation: The actual participation of more than 60 free nations to date and the declared intentions of most nations at the 1955 World Health Assembly meeting justifies the anticipation that other countries will participate in the funding of this program on a basis of 3 to 1 or better in the next 5 years. (See table 2.)

II. NEED FOR THE PROGRAM

*Malaria—Its widespread distribution and incidence*

Malaria is the world's greatest health problem, attacking some 200 million persons in 1955 in 135 countries and territories of the world and directly killing some 2 million people. More important than its relatively low death rate, malaria tends to cause chronic anemia, physical disability, and mental lethargy.

Malaria is primarily, but not exclusively, a rural disease occurring throughout the tropical and subtropical areas of the world with varying intensity. Excluding tropical Africa (except Liberia and Ethiopia) 618 million people in 60 countries of the Free World are presently living in malaria-infested areas.

Malaria is an acute parasitic disease spread by certain species of mosquitoes and characterized by intermittent episodes of incapacitating chills and fever due to the simultaneous rupture of large numbers of red-blood cells. Untreated, the initial attack will burn itself out in a few weeks, but may leave a nest of parasites in the body, giving rise to recurrent acute attacks over a period of years. Except among primitive peoples subjected to repeated infections from birth, no substantial immunity is produced. Consequently, over the years there may be a piling up of new infections upon old, producing progressive anemia and disability.

Significant characteristics of the disease, therefore, are (1) that it is easily spread from infected persons to large numbers of others by the bite of particular types of mosquito, (2) that it has an incapacitating acute phase sometimes spread over a period of weeks, and (3) that it produces progressive anemia and debility through recurrences and reinfection.

The economic significance of malaria: Malaria has an adverse effect on industry, agriculture, education, economic development, private investment and, indeed, on almost every type of human activity. No aspect of the economic and social life of a malarious community is immune to the effects of this disease. It is a major cause of high medical costs, low labor efficiency, low learning capacity, high absentee rate, low rate of capital investment, neglect of natural resources. For example, the Creole Petroleum Corp. in Venezuela estimates that the cost to the company in the period 1940–46 from malaria in a camp employing 1,400 was over $400,000 a year. In 1947, a DDT-spraying program costing approximately $50,000 a year was started and within 2 years malaria virtually disappeared, at a net saving of $350,000 a year.

Prior to malaria eradication in the United States in 1946, it was conservatively estimated that this disease cost the United States economy $500 million a year. We have now been free from the economic drain for a decade resulting in a saving of some $5 billion. However, malaria is still costly to the United States and other nonmalarious countries. For example, the United States draws 60 percent of its imports from, and sends 40 percent of its exports to countries where malaria is prevalent. Malaria control among laborers who produce the goods purchased by the United States requires on the average at least 5 percent of the annual production budgets. This constitutes a hidden malaria tax of more than one-third billion dollars paid annually by the United States on its imports. The total value of the business lost to American exporters because of the poverty directly due to malaria is certainly huge.

Antimalarial progress to date: There is evidence of the existence of malaria since earliest recorded history, and it is very possible that this was a major cause in the obliteration of such civilizations as the Mayan (Yucatan) and that of Angkor Wat (Cambodia). Similarly, there is substantial evidence that malaria was an outstanding factor in the fall of ancient Greek and Roman civilizations. It was one of the principal reasons for the failure of the French attempt to build a canal across Panama; it immoblized whole armies in Macedonia in World War I; and it reduced the fighting forces in New Guinea for a few months early in World War II to 10 percent of their strength.

With the discovery, 1897–98, of the role of the anopheline mosquito as an essential link in the transmission of malaria, a way was opened to control the disease. This was at first based on (1) preventing the adult mosquito from biting man, and (2) interrupting the growth of the mosquito by eliminating, modifying, or poisoning its breeding waters. Through these means, malaria was eradicated in the more temperate areas of the United States and northern Europe, and brought under partial control in the southern part of the United States, in Italy, and in many localized areas. Although these measures were applied intensively, malaria remained an important cause of illness and disability even in the United States and northern Europe up until World War II.

During World War II, it was discovered that the chemical dichlordiphenyl trichlorethane (DDT) possesses a remarkable ability to kill insects on short contact, and that when sprayed on surfaces such as walls, the killing power of its residue is often sustained for many months.

The discovery of this highly potent, relatively inexpensive, and easily handled insecticide, and other closely related compounds, opened a new era in malaria control. These toxicants have been the chief agents in the eradication and mass control of malaria over a rapidly widening area. Indeed, it is now possible to eradicate the disease from entire continents.

Control against eradication: DDT residual spraying is a simplified and highly effective method of dealing with malaria and it makes feasible the extension of control to the point of eradication.

From the technical standpoint, control involves the reduction of the number of cases in an area to a point at which they no longer create a severe health problem. But ordinary control permits the disease to persist within the area, necessitating continuous activity and expenditures and allowing the chance of occasional sharp epidemics. There is usually only partial and spotty coverage and there is no foreseeable end to control activity.

In 1955 the governments of 58 countries appropriated funds for malaria control activities totaling $41 million. Plans calling for increases in appropriations to $44 million n 1956 attesting to the concern with which these countries, for the most part the poorer underdeveloped countries least able to afford such an economic drain, view this problem. The United States has been active in malaria control demonstration operations and training for as long as 14 years in the case of some Latin American countries. The ICA in fiscal year 1956 assisted malaria control activities in 21 countries. The assistance takes the form of provision of various types of experts, training of nationals in their own country or in the United States, surveys and necessary materials and equipment. The total amount budgeted by ICA for fiscal year 1956 was approximately $12 million; it is estimated that $8.7 million will be obligated in fiscal year 1957.

In spite of these efforts and those of international organizations (the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the Pan American Sanitary Organization (PASO), and the United Nations Technical Assistance Fund (UNTA)), there are still 289 million people living in malarious areas of the free world (other than central Africa) who will not be receiving protection.

Malaria eradication, as opposed to control, means the planned progressive elimination of the disease. For the first time, this has become possible through the use of DDT and other new insecticides. Sprayed once or twice a year on surfaces where malaria-carrying mosquitoes rest before and after feeding, these insecticides will destroy the infected insects and completely stop malaria transmission. When transmission has been prevented for three consecutive years in a country, most of the malaria parasites will die off or be killed by therapy, and so few will be left in the blood of the people that the disease can no longer maintain itself. Generally, it takes 4 years of spraying and 4 years of surveillance to make sure that transmission has not occurred in three consecutive years in an area. After that, normal health department activities can be depended upon to deal with occasional introduced cases just as they now remain on guard against smallpox, cholera, and other diseases formerly so common. Therefore, to eradicate malaria there must be an attack so effective that no mosquito transmission occurs for three consecutive years. This has been proved to be possible in many areas. For example, malaria is being eradicated in large parts of the Philippines, Thailand, Formosa, Ceylon, Greece, India, and in many Latin American countries. Nationwide eradication has been almost completely accomplished in the United States, Puerto Rico, Chile, British and French Guiana, Mauritius, Cyprus, Italy, and Venezuela.

Recent annual average costs of malaria control by residual spraying measures, estimated by WHO as per capita of those protected, have been as follows:

| Region: | *Cost, United States currency* |
|---|---|
| African | $0.41 |
| American | .455 |
| Eastern Mediterranean | .20 |
| Southeast Asian | .11 |
| Western Pacific | .175 |
| European | .20 |

To these figures, 10 percent should be added for increased costs of total eradication. It should also be noted that surveillance costs, during the last phase of an eradication project, are less than the costs during the residual spraying phase.

Before DDT, rural malaria control cost over 75 cents per capita per year. The expensive control did not eradicate but merely reduced the numbers of cases to bearable levels. Therefore, most underdeveloped countries could not afford widespread malaria control and none could plan for eradication. Now, despite increased labor and other costs, the use of DDT and related poisons requires only about 25 cents per capita per year to eradicate malaria completely. The economy of a project of 4 years of residual spraying plus 4 years of surveillance as contrasted with old methods of control is obvious.

Today with these new insecticides the choice, as pointed out earlier, is between control and eradication. Eradication involves heavier initial expense than does control. But control not only has no foreseeable end; it also introduces the risk of mosquito resistance, the development of which would force a return to prewar methods that are too

expensive for underdeveloped nations to use in their extensive rural areas.

Urgency of undertaking program: Eradication is economically practicable today only because of the remarkable effectiveness of DDT and related poisons such as dieldrin. This dependency on the chlorinated hydrocarbons introduces a note of relative urgency because the mosquito carriers of malaria are beginning to develop resistance to these insectiicdes in some areas. Of the more than 50 species that transmit malaria, 7 now show such resistance in some parts of their range and others will undoubtedly develop resistance within a year. DDT resistance has appeared after 6 or 7 years of continuous exposure and dieldrin resistance has now appeared in 1 case after only 18 months' exposure. In numerous cases no resistance has appeared in 11 years of exposure. But if countries, due to lack of funds, have to proceed slowly, resistance is almost certain to appear and eradication may become economically impossible unless substitute insecticides are found. Time is of the essence.

This is a unique moment in the history of man's attack on one of his oldest and most powerful disease enemies. Failure to proceed energetically might postpone malaria eradication indefinitely. A strong financial push now would undoubtedly be an excellent investment for all concerned, including the United States itself.

III. THE PROGRAM

The 5-year concept: In 1955, the World Health Assembly unanimously adopted a resolution giving top priority to the support of malaria eradication. More than 60 Free World nations have malaria within their borders. Although nearly all of these nations have embarked on eradication programs, they are, for the most part, not economically able to wage an effective war against this ancient enemy.

Since the World Health Assembly action in 1955, pressure and enthusiasm in the underdeveloped countries has continued to mount. This pressure has reflected itself in the increased antimalaria activities of the international organizations, notably the WHO, UNICEF, and the PASO.

However, it is clear that in order for this great goal to be realized, the United States must spark an all-out effort, utilizing all available resources, national and international. The proposed program provides for such an effort and, if adequately supported and energetically prosecuted by all elements, should result in the eradication of this dread disease in many areas within 5 years' time.

For practical purposes, the 5-year target appears sound providing it is understood that there will be a tooling-up period followed by a peak of activity and then a tapering off into surveillance. This may require less than 5 years in some areas and more than 5 years in others. For example, eradication will be accomplished most readily in the Western Hemisphere and more slowly in the Eastern Hemisphere. Eradication programs in a few countries may require United States support beyond the 5-year period. However, maximum participation by the United States will be concentrated in the period from fiscal year 1958 through fiscal year 1962.

In a very rough way, the program might be conceived as first bringing about a series of islands of eradication, the borders of which are gradually pushed back and enlarged until they come together and give full protection. These islands of eradication will at first be more numerous in the Western Hemisphere because the United States is the largest land mass where eradication has been achieved.

Achievement of eradication within the time limit will require maximum support from national and from international sources. It is neither necessary nor possible for any one or even two of the above sources to supply all the resources—technical, financial, and otherwise—to carry out the program. Eradication will be achieved through the implementation of a carefully programed and carefully coordinated single plan for each country involving maximum contributions from bilateral and multilateral sources. Specifically, as seen in table 2, the 5-year program will require $515.2 million from all sources; $364.8 million (including Public Law 480 local currencies) to be supplied by the beneficiary governments; $108 million to come from the United States through bilateral programs and in the form of grants to the international organizations; and the remaining $42 million from WHO, PASO, and UNICEF.

The fiscal year 1958 program: For fiscal year 1958, as the first year of the 5-year program, the following participation is anticipated by Free World nations and international organizations and proposed for the United States.

Unilateral: In fiscal year 1956 the 60 nations of the Free World in which malaria is a problem expended approximately $44 million in antimalaria activities. In fiscal year 1958 it is anticipated that this amount will increase to approximately $61 million. In the first year almost 60 percent of the malaria-eradication program will be funded by the local governments affected.

Bilateral: United States participation proposed for fiscal year 1958, the first year of the 5-year eradication program, totals $23.3 million. Of the total of $23.3 million, we are requesting $3.9 million within individual country programs justified in the regional sections of this presentation. The balance of $19.4 million is requested as a special item for malaria eradication within the special-assistance category. This compares with $10.2 million of MSP funds programed in fiscal year 1957 of which $8.7 million was for going programs in malaria control and $1.5 million was for a special grant to the special malaria fund of the Pan American Sanitary Organization (PASO). In fiscal year 1956 a total of $11.9 million was programed for going programs of malaria control.

For maximum flexibility in continuing the proposed program it is most important that not only the $3.9 million justified in country program presentations but also the $19.4 million of specal assistance funds be available for use in approved programs without reference to the limitations inherent by virtue of their being technical cooperation, defense support, or special assistance. The executive branch is requesting language in the authorizing act to accomplish this.

The previous training and demonstration aspects of technical cooperation in many of the going programs has now progressed into the beginnings of malaria eradication with its greatly increased funding requirements for bulk amounts of insecticides, spraying equipment, vehicles, etc. It should be noted, however, that the elements of training and demonstration will continue to be involved in malaria eradication programs so that some of the funds requested are retained in the technical cooperation category.

Within the $19.4 million item, $4.4 million will be used to convert the present going control programs mentioned above to eradication programs. (See illustrative distribution by country in table 1.) $7.0 million will be used for contributions to those multilateral eradication programs described in succeeding paragraphs. The balance of $8 million will be used for bilateral programs in India and Indonesia.

It should be emphasized that bilateral assistance is provided only on request of the host governments. It takes the form of provision of various types of experts, training of nationals both in their own country and in the United States, surveys, and necessary materials and equipment. It should be noted that more than 50 percent of the cost of malaria eradication is for insecticides, material and equipment, most of which comes from the United States.

Multilateral: The goal of malaria eradication will require maximum effort on the part of international as well as national agencies. Even if it were not necessary to do so, there are definite advantages to the United States in supporting the multilateral agencies' programs in malaria eradication. The multilateral programs offer the advantage to be gained from clear demonstration of the United States desire to assist and participate without dominating. Furthermore, it makes possible desirable results in areas and nations with which the United States is not directly working through the ICA. As a side effect, international programs offer the opportunity to utilize needed technical skills possessed by nationals of other countries which are not available to bilateral programs. Thus active participation in multilateral programs can have real benefits supplementing the more direct bilateral assistance, and the need for proper balance between the two approaches becomes clear.

WHO: The WHO has endorsed the concept of eradication and is providing coordination to the eradication activities of the governments and the several agencies concerned. The nucleus of personnel required is available and is being rapidly expanded through active training programs conducted under a variety of auspices. In order to facilitate the work in malaria eradication, the WHO has established a special malaria fund to which any of the 88 member nations may contribute. It is proposed that ICA make available to the World Health Organization's Special Account for Malaria Eradication a total of $5 million in fiscal year 1958 with a tentative nonobligational agreement for additional funds up to $12 million divided on the basis of an annual assessment of results and needs during the subsequent fiscal years. (See table 2.)

The United States is proposing to make funds available to the WHO and the PASO in return for a specific service to be rendered, a service that the agency involved alone could render, or could render better than anyone else. It is not proposed that these grants be made available on a matching basis. Payments to WHO and PASO will be made for specific purposes. As such they do not represent the type of contributions to the organization which logically would be made against matching contributions of other Governments. Funds expended for the malaria eradication program through multilateral channels would represent more a payment for a service than a contribution.

Money contributed to the WHO special fund may be used in malarious areas where ICA does not have bilateral programs; success in such a large project requires our participation in the fund; United States participation can be expected to precipitate increased interest and participation on the part of other governments; some of the money will go for top non-American sources of advice and experience which will significantly contribute to the success of the whole program. As stated in the Report on Malaria Eradication by the International Development Advisory Board, such a contribution would be a "clear demonstration of the United States desire to assist and participate without dominating."

PASO: A special problem exists in the Western Hemisphere due to the maturity of our bilateral programs. Stimulated by the desire to place responsibility in local hands, ICA has turned over all bilateral antimalaria programs except one (Honduras) to the local governments. Whereas most of the turned-over programs have been achieving a measure of control, the goal of eradication requires a degree of absoluteness which makes it essential that many of the countries receive outside help.

Six million dollars will be needed in fiscal year 1958 in addition to host country contributions and multilateral agency participation. It is proposed that the United States support malaria eradication programs in this hemisphere by meeting two-thirds of the $6 million shortfall in dollars and agreeing to the use of up to the equivalent of $2 million from local currency sources.

(a) Two million dollars to be granted to the PASO's special malaria fund to be used without restrictions within this field of activity. (The United States pledged and contributed $1.5 million to this fund in fiscal year 1957. On the basis of present estimates and subject to annual assessment of results and needs it is expected that $6 million additional will be required during the subsequent 4 years of the program.)

(b) It is recommended that $2 million of the $4.4 requested for bilateral programs be used in this area, to be divided according to the population at risk from malaria in the several countries. These sums are to be administered, accounted for and results assessed by ICA Operations Missions in collaboration with PASO and host government officials.

(c) The balance of the shortfall, the equivalent of approximately $2 million, can be secured through available local currency sources such as Public Law 480, private contributions or other local government budgets.

Other international organizations: The UNICEF is devoting a large segment of its funds to the provision of supplies and equipment to governments in connection with WHO-approved antimalaria programs. It has adopted a policy under which it will provide supplies only to programs where eradication is the objective. In 1955, UNICEF allocated $3 million and, in 1956, $7 million to the malaria eradication program.

The United States is a member of all the intergovernmental organizations listed above and in each of them has officially supported the concept of eradication and supported the allocation of funds for this purpose.

Other agencies, both governmental (Colombo plan) and private (Rockefeller Foundation) are assisting in malaria projects in amounts that are not known but are relatively small.

The employment of loan capital: In fiscal year 1958, it is expected that local currency from Public Law 480 transactions and other loan capital in the amount of $12.9 million will be available to the program.

Feasibility of program: Within certain technical limitations discussed below, the eradication of malaria is possible through the use of tried methods, personnel, equipment, and supplies which are now available or could be made available. The only exceptions to this conclusion are certain areas of the world known or suspected to harbor malaria which are relatively inaccessible; for example, tropical Africa and Ethiopia, Borneo, New Guinea, and the Amazon Valley. The situation in tropical Africa is such that eradication cannot be visualized in the immediate future. The other areas are isolated and are not a significant threat to neighboring areas. They present no barrier to undertaking eradication elsewhere. No doubt malaria can and will be eradicated in these areas in due time.

Fourteen years of ICA experience in malaria control demonstration, operations, and training has developed United States technical ability, and even more trained host country technicians. ICA now has 20 trained technicians in antimalarial field positions and 1 financed by ICA/Washington in the United States Public Health Service. Within 2 years of implementation of the eradication program we should have at least double this number of professional personnel on duty in the field and 4 more in Washington. This may require the initiation of training courses for United States technicians, either in this country or in other countries having adequate facilities.

Unforeseen technical problems always arise when new insecticides and new equipment are placed in operation. Through collaboration with the Public Health Service, ICA supports a small but active and effective testing unit at the Public Health Service Communicable Disease Center to study problems of entomology and testing of insecticides and equipment. This unit already has saved the United States Government several hundreds of thousands of dollars. Funds would be provided to expand this project. The problem of insecticide resistance testing also is currently receiving much attention as a part of this project.

The recent studies of the use of chemotherapeutic agents in combination with insecticide house spraying reveals possibilities for the future which must be taken into account through the appropriate research channels.

It is believed that United States industrial resources can be expanded to supply the necessary quantities of insecticides, materials, and equipment for the entire malaria eradication program. Considering that other industrialized nations are also capable of providing insecticides, materials, and equipment, there is a considerable margin of safety.

The proposed program is also administratively feasible. The internal organizational structures of ICA in Washington and the United States operations missions abroad are able in their present form to support malaria eradication programs in those countries having ICA missions. Working through the multilateral agencies will relieve the necessity of instituting new ICA programs in all but a very few countries.

IV. RESULTS OF ERADICATION

Benefits: The benefits to be gained from the proposed program are intensely practical and will advance the general welfare of the United States as well as that of the nations immediately affected. A worldwide program to eliminate the world's greatest single cause of sickness and death will:

1. Help countries and peoples to become stronger, economically as well as physically, through the release of additional effective human energy.

2. Make possible the opening up of additional arable land for economic development—thus reducing, in some nations, the imbalance between population growth and productive resources.

3. Improve the environment for more production of goods and services and for investment of capital, both local and foreign.

4. Encourage political stability by enhancing confidence that progress can be made through existing governmental institutions.

5. Assist in progress toward the worldwide political objectives of the United States by alleviating the distress of many thousands of people.

6. Demonstrate our deep interest in the welfare and human dignity of individual men and women throughout the world.

Examples: The following examples bear witness to the benefits listed above:

Ceylon: The malaria eradication project in Ceylon has opened a wide area of land to economic use. In 1946, the annual malaria incidence was 41.2 percent (2,750,000 cases in a population of 6,700,000). The malaria eradication campaign now covering the affected two-thirds of the island began in 1947. By 1954, the incidence had been reduced to 0.45 percent (37,500 cases in a population of 8,385,000) and over 200 square miles of jungle land has been brought under irrigation, and settled by 91,000 previously landless people.

India (the Terai): Until 1949, attempts to settle and develop parts of the Terai region in northern India were fruitless, owing to the high incidence of malaria. At that time malaria control was begun. As malaria disappeared in the area under control over a 4-year period, new settlement increased the population by 73 percent (from 167,000 to 284,000); the area of cultivated land increased by 400 percent (from 38,000 acres to 162,000 acres), with the value of land rising from nil to between 200 and 300 rupees per acre; production of food grains rose by 130 percent (from 1,551,000 maunds to 2,094,000 maunds); industrial undertakings (especially sugar and vegetable oil mills) rose in number from 11 to 29; construction of a hydroelectric plant brought electric power to villages; and many new homes and schools were built.

Greece: In Greece, the nationwide malaria control program conducted between 1946 and 1951, reduced malaria incidence from an annual average of about 2 million cases (30 percent of total population) to an estimated 10,000 cases in 1950, adding at least 30 million man-days a year to the economy. Due in large part to the opening of new land, through malaria control, annual rice production rose from 5,000 tons to 15,000 tons between 1948 and 1955.

Before the malaria control campaign, Greece spent $1,200,000 annually (85 percent from scarce foreign exchange) to buy one-fifth of the world's quinine supply. After control, this medical care expenditure was no longer necessary, and the Greek Government disbanded its quinine purchasing unit.

The Philippines: In the Philippines during 1945 and 1946, malaria incapacitated approximately 25 percent of the total national labor force of 8,200,000 for five to ten days per year, and in many instances for longer periods, resulting in an estimated loss of 20,000,000 man-days of labor annually. During 1946–50, the joint United States Public Health Service-Philippines Public Health rehabilitation program undertook malaria control throughout the island of Negros (population 1,500,000) and in selected areas elsewhere. On Negros, there was, by 1949, an 85 percent drop in the incidence of malaria, i. e., from 26.47 percent of the population to 3.75 percent; a reduction in daily absenteeism among grade school children from 50 percent to 3 percent; a reduction in estimated man-days lost in industries on Negros from 33 percent of industrial labor force daily to between 2 percent and 4 percent daily; and an estimated increase in the work capacity of labor to the point where a 70-man output per day in 1949 was equal to a 100-man day output in 1946.

The Government of the Philippines is now opening up new areas on the island of Mindanao for settlement. Firms making bids to build highways on the island reduced their bids by one-third after assurance that their workers would be protected by effective malaria control measures. By the end of 1954, 4,600 families had been settled and the program is continuing.

In summary, malaria eradication would be a concrete, relatively inexpensive means of implementing the high goals announced by the President in a speech given in 1953:

"The fruit of success in all these tasks would present the world with the greatest task—and the greatest opportunity—of all. It is this: the dedication of the energies, the resources, and the imaginations of all peaceful nations to a new kind of war. This would be a declared, total war, not upon any human enemy, but upon the brute forces of poverty and need."

Resultant increase in population: The argument of population increase has been advanced against initiation of such programs as the one herewith proposed to eradicate malaria. Briefly stated, the proponents of this view would argue that malaria eradication should not be undertaken since it will result in larger populations in many areas assumed to be already overpopulated.

It should be realized that "overpopulation" is a relative term—relative in relation to the ability of an area to sustain the population. It has been amply and repeatedly demon-

strated that the existence of widespread preventable debilitating disease represents one of the most significant deterrents to the increase in the ability of a people and an area to sustain and improve itself—in terms of adequate food production, economic development, or trade. In other words, a "well" area can support many more people than a "sick" area. In addition, the people of a sick area are a dependent people in contrast to people of a well area who become a nondependent and usually an independent people. Finally, it must be recognized that the present existence of overpopulation of dependent sick areas in the absence of public-health measures is one of the best evidence of the falsity of the concept that overpopulation is merely due to public-health activities such as malaria eradication.

The following excerpt from the report of the WHO Malaria Conference for the western Pacific and southeast Asia regions which was held in the Philippines in 1953 is believed to be particularly illuminating:

"The Conference noted that the question of population pressure is exceedingly involved and that its equation with the three main variables of people, energy, and food, is vastly more complex than any present formulation. The Conference agreed that no one knows or can accurately predict what total population the world can support if potential supplies of energy are utilized properly. Moreover, no one can have the necessary prescience or moral authority to decide from which area malaria control should be withheld for the sake of a presumed benefit that a higher death rate might bring to a community. The Conference emphasized that malaria control is not an end in itself but is to be integrated with other public activities designed to foster community welfare. The Conference believed that where the disease is prevalent, a most important first step toward a sound population policy, a more adequate food supply, and a balanced human ecology, is the elimination of malaria."

TABLE 1.—*ICA bilateral antimalaria programs*

[Thousands of dollars]

| | To convert control programs to eradication, fiscal year 1958 | | | Malaria eradication estimates beyond fiscal year 1958 | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | Control programs | Needed to convert | Total, fiscal year 1958 | 1959 | 1960 | 1961 | 1962 | |
| Far East | 4,820 | 179 | 4,999 | 3,669 | 2,856 | 2,501 | 2,586 | 16,611 |
| Cambodia | 50 | 15 | 65 | 155 | 221 | 221 | 306 | 968 |
| Indonesia [1] | 3,160 | 0 | 3,160 | 2,500 | 1,605 | 1,000 | 1,000 | 9,265 |
| Laos | 250 | 50 | 300 | 225 | 30 | 30 | 30 | 615 |
| Philippines | 515 | 0 | 515 | 0 | 0 | 0 | 0 | 515 |
| Taiwan | 0 | 114 | 114 | 89 | 0 | 0 | 0 | 203 |
| Thailand | 15 | 0 | 15 | 0 | 0 | 0 | 0 | 15 |
| Vietnam | 830 | 0 | 830 | 700 | 1,000 | 1,250 | 1,250 | 5,030 |
| NESA | 6,833 | 2,113 | 8,946 | 13,713 | 13,156 | 11,158 | 7,814 | 54,787 |
| Afghanistan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Egypt | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ethiopia | 850 | 0 | 850 | 500 | 1,000 | 1,000 | 1,000 | 4,350 |
| India [1] | 5,035 | 1,465 | 6,500 | 11,000 | 9,000 | 5,000 | 0 | 31,500 |
| Iran | 0 | 400 | 400 | 400 | 200 | 100 | 0 | 1,100 |
| Iraq | 14 | 0 | 14 | 35 | 75 | 100 | 100 | 324 |
| Israel | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jordan | 0 | 0 | 0 | 100 | 100 | 150 | 50 | 400 |
| Liberia | 77 | 85 | 162 | 143 | 141 | 168 | 134 | 748 |
| Libya | 35 | 0 | 35 | 35 | 40 | 40 | 30 | 180 |
| Nepal | 322 | 163 | 485 | 500 | 600 | 600 | 500 | 2,685 |
| Pakistan | 500 | 0 | 500 | 1,000 | 2,000 | 4,000 | 6,000 | 13,500 |
| Latin America | 236 | 2,139 | 2,375 | 2,375 | 2,375 | 2,400 | 2,400 | 11,925 |
| Special grant [2] | | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 10,000 |
| Bolivia | 100 | | 100 | 100 | 125 | 150 | 150 | 625 |
| Brazil | | | | | | | | |
| British Guiana | | | | | | | | |
| Chile | | | | | | | | |
| Colombia | | | | | | | | |
| Costa Rica | | | | | | | | |
| Cuba | | | | | | | | |
| Dominican Republic | | | | | | | | |
| Ecuador | | | | | | | | |
| El Salvador | | | | | | | | |
| Guatemala | | | | | | | | |
| Haiti | 75 | | 75 | 75 | 50 | 50 | 50 | 300 |
| Honduras | 11 | 139 | 150 | 150 | 150 | 150 | 150 | 750 |
| Jamaica | | | | | | | | |
| Mexico | | | | | | | | |
| Panama | | | | | | | | |
| Paraguay | 50 | | 50 | 50 | 50 | 50 | 50 | 250 |
| Peru | | | | | | | | |
| Surinam | | | | | | | | |
| Uruguay | | | | | | | | |
| Venezuela | | | | | | | | |
| Total bilateral | [1] 11,889 | 4,431 | 16,320 | 19,757 | 18,387 | 16,059 | 12,800 | 83,323 |

[1] Due to the complexity of these programs conversion to eradication may extend beyond fiscal year 1958 thus 5,000,000 for India and 3,000,000 for Indonesia have been justified under special assistance (title IV, sec. 420), the balance of 3,900,000 is justified in other programs.

[2] Grant funds to be made through the existing bilateral programs. Not to be confused with the grant to PASO.

TABLE 2.—*Estimated funding all sources for malaria eradication, by fiscal year*

[In millions of dollars]

| | Fiscal year 1956 programs | Fiscal year 1957 programs | Future requirements | | | | | | Average annual rate 1958–62 |
|---|---|---|---|---|---|---|---|---|---|
| | | | 1958 | 1959 | 1960 | 1961 | 1962 | Total | |
| 60 nations of Free World (exclusive of United States) [1] | 44.0 | | 61.0 | 69.0 | 72.0 | 76.0 | 47.2 | 325.2 | 65.0 |
| WHO | 1.1 | 1.2 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 10.0 | 2.0 |
| UNICEF | 6.6 | 8.0 | 8.0 | 8.0 | 8.0 | 4.0 | 4.0 | 32.0 | 6.4 |
| ICA: | | | | | | | | | |
| Bilateral programs | 11.9 | 8.7 | 16.3 | 19.8 | 18.4 | 16.1 | 12.8 | 83.4 | 16.7 |
| Special grant to WHO | | | 5.0 | 2.0 | 3.0 | 4.0 | 3.0 | 17.0 | 3.5 |
| Special grant to PSAO | | 1.5 | 2.0 | 3.0 | 2.0 | 1.0 | | 8.0 | 1.6 |
| Total | | | 23.3 | 24.8 | 23.4 | 21.1 | 15.8 | 108.4 | |
| Loan capital: Public Law 480 and/or other sources | | | 12.9 | 8.9 | 5.8 | 7.0 | 5.0 | 39.6 | 7.5 |
| Grand total | 63.6 | | 107.2 | 112.7 | 111.2 | 110.1 | 74.0 | 515.2 | |

[1] Figures do not in all cases coincide with United States fiscal years.

Mr. HUMPHREY. I conclude by saying that when those statements are read I believe the interpretation made this afternoon, for legislative history purposes, will be found to be accurate and conclusive.

I thank the Senator from Mississippi [Mr. STENNIS] and the Senator from Rhode Island [Mr. GREEN].

Mr. STENNIS. Mr. President, I shall not detain the Senate at length, but I think there are a few further points which should be made concerning this bill.

I regret, that such a far-reaching bill, involving so much money, carrying with it such serious policy questions, is not debated somewhat more at length on the Senate floor, although the membership I am sure is generally familiar with the subject matter.

I wish to express my special appreciation to those who have worked on this bill and on similar bills in prior years, including the Senate Committee on Foreign Relations, which has made a special study of the question during the past year.

Without excluding others or detracting from what others have done, I wish especially to mention the senior Senator from Louisiana [Mr. ELLENDER], whose tireless and far-reaching efforts for the past several years have really given the legislative branch of the Government its first thorough, extensive look at this bill and the ICA operations all around the world, not only with regard to technical assistance but with regard to economic assistance, the military aspects, and all related phases of this vast program.

Regardless of what the vote may have been on any amendment in which the Senator may have been interested, either in the committee or on the floor of the Senate, I can certainly assure the Senator, as a close observer of his work, that I know he has made his ideas felt and that his work has been productive. He has been very, very effective in this effort. The entire Congress owes the Senator from Louisiana a special debt of gratitude for his very exhaustive work and very fine, impartial, nonpartisan, impersonal manner in going about it. I think the influence of the Senator from Louisiana has been felt in the executive branch with regard to this vast program. I commend him highly for his work.

Mr. President, one of the best statements I have seen with reference to the pending bill was made by Representative PASSMAN and is to be found at page 14917 of the CONGRESSIONAL RECORD for August 15, 1957. The statement is certainly worth reading, and I commend it to the intelligent consideration of any Member interested in the subject matter.

I include in my commendation a splendid statement by Representative GARY, of Virginia, which is to be found beginning on page 14935 of the same issue of the CONGRESSIONAL RECORD.

Mr. President, I shall support the House figure on the military assistance phase of the bill, because I feel certain in my own mind that that is sufficient money to support a reasonable rate of expenditure under the world circumstances now existing.

There has been no occasion for and no argument for a "crash" program. I believe, on the basis of the evidence I have heard and the observations which have been made, that we are feeding these military supplies into the other countries just about as rapidly as they are able to absorb and properly to train their men in their use.

I think the contention which has been made that there has been a lack of money or a lack of appropriated funds or available funds in times past, and therefore the ICA has been unable to supply adequate military assistance where it was actually needed, is not borne out by the facts. For instance, last year, as already brought out by the Senator from Louisiana [Mr. ELLENDER], there was a surplus of the military funds at the end of the fiscal year of $518 million. That is to be commended, and we are in favor of having a surplus. I commend the administration of the program in that respect. However, it certainly cannot be said at the same time that with that much money left over there was a pinch in the program or an inadequacy of funds to provide a military assistance program of military hardware.

Mr. President, I regret that the Defense Department was not put in charge of the military program as originally outlined in the authorization bill. I think certainly that should be done at an early date. Then the Committee on Armed Services and the subcommittees of the Committee on Appropriations which handle such matters could look at the entire world program together. I believe that is the only way this military program can possibly be brought into sharp focus. Certainly the parts all make up one pattern. It is very regrettable that this matter continues to be considered as a "crash" program to that extent, and the pieces have never been put together in such a way that the Congress or one committee of the Congress could really take an overall look at the entire military program needs, worldwide. I hope that there will be a chance yet to remedy that situation.

I wish also to express an interest in the loan authorization of the bill, which, properly administered, I believe represents a fine step forward. I hope it will be given a trial. There are funds in the bill to cover that phase of the program. It represents a great improvement, which I believe has been brought about largely through a stiffening of legislative opposition to the mutual aid appropriation and authorization bills, which opposition is reflected more and more on the floor of the Senate. I believe the loan development fund feature constituted a direct contribution to the entire program. I also believe that the opposition by the legislative branch, which has not been an opposition to the entire program, but to certain phases of it and to the "crash" program of too much and too fast, has been of great value, and that it can be safely reflected here today in a slowed down and more conservative program by sustaining the House figure in the appropriation bill.

That is what the next amendment on which we shall vote would do. That is the question before the Senate.

Let me mention one phase, to show how far we have gone. The other day I read an article to the effect that the German mark was either already selling, or would soon sell in the markets of the world, at a higher value than the American dollar. I could hardly believe the article was correct, but upon checking into it I found that it was.

Let me repeat, the German mark is so sound from a financial standpoint worldwide, and so much in demand, that it is bringing more in foreign exchange in the money markets of the world than is the American dollar.

Moreover, there are many hundreds of millions of American dollars in the pipeline now for German military aid. I could give the exact figures, but I understand they are classified. There are many hundreds of millions of dollars in the pipeline now for military assistance to Germany, a country whose money is selling at a higher value in world markets of exchange than is the American dollar.

If that money is in the pipeline in accordance with a promise, agreement, or understanding which was made at some time, I am not suggesting that it be taken out. However, it is a definite, concrete illustration of the fact that we have been going too fast. Someone's judgment was not good when we obligated all those funds to that great country—and it is truly great; I am not anti-German. But someone was going too fast, with too much easy money, which was voted on the floor of the Senate, when the appropriation of this enormous sum was made. Before it can be gotten through the pipeline, the German mark is outselling our dollar, which is a classic illustration of what I said awhile ago—too much, too fast, and too recklessly.

Getting down to figures—and I shall not detain the Senate much longer in connection with military aid, which is the only thing involved in this amendment—in the House bill as it came to us there was $114 million more than was appropriated for the same purpose last year. Of the sum appropriated last year, $538 million was left over, unused. Those figures were brought out in the Appropriations Committee room; and in my opinion, with due respect to everyone else, they have not yet been answered.

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

Mr. STENNIS. Let me complete this thought.

That is why I am supporting the House figure in the bill. Let me repeat, that in the House bill there is $114 million more than was appropriated for this purpose last year; and of the appropriation last year for this purpose $538 millon was left over and unused. That makes a total of more than $650 million.

I now yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I merely wished to bring out one point in connection with what the Senator has said in relation to the $538 million. The evidence submitted to our committee—and the figures were verified—showed that the unexpended balances in connection with the military assistance program alone, which is what we are discussing, were,

on June 30, 1956, $4,563,000,000; on June 30, 1957, $4,261,000,000, or a reduction of $300 million in unexpended balances as compared with the previous year.

We must remember that, as the Senator knows, the lead time required is 2 years. It must be 2 years because of the planning of agreements with the other countries, the building of the equipment, and getting it over there. So when we talk about large unexpended balances we must remember that we have a smaller appropriation of new money this year, and the unexpended balances have come down about $800 million.

Mr. STENNIS. I thank the Senator, but I answer briefly in this way:

Taking first the figure he gave, of more than $4 billion in the pipeline at the present time, that means that if we should not appropriate a single dollar this year for military assistance there would be enough in the pipeline to carry on the program at the present rate for approximately 2 full years. I am not advocating, of course, that we eliminate all the present appropriations.

It is undisputed that there was $538 million left over from the appropriation last year, and the House figure would increase that amount by $114 million.

The pipeline argument, with respect to how long a time is required to deliver the goods, is highly controversial. One responsible Member of Congress, Representative PASSMAN, chairman of the House Appropriations Subcommittee, made the flat statement that 77 percent of military assistance items, instead of requiring a 2-year pipeline time, require only 90 days. His figure may be a trifle short. However, a great deal of this equipment is equipment which had already been manufactured for our use, which certainly greatly reduces the lead time.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT TO LIMIT DEBATE

During the delivery of Mr. STENNIS' speech,

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

Mr. STENNIS. I am glad to yield to the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Mississippi [Mr. STENNIS] may be permitted to yield to me for the purpose of proposing a unanimous-consent agreement, with the understanding that the Senator from Mississippi will not lose the floor, that he will not be limited in his statement, and that this colloquy will appear at the close of the Senator's remarks.

Mr. STENNIS. I am glad to yield to the majority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none.

Mr. JOHNSON of Texas. Mr. President, I should like to propose the agreement that at the conclusion of the remarks of the Senator from Mississippi—may I have the attention of the Senator from Mississippi? I wish to be sure he is protected.

Mr. STENNIS. I thank the Senator.

Mr. JOHNSON of Texas. That at the conclusion of the remarks of the Senator from Mississippi the Senator from Illinois [Mr. DIRKSEN] be recognized for 5 minutes, and that then the Senate proceed to vote on the committee amendment on page 2, line 6.

The PRESIDING OFFICER. 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 thank the Senator.

Mr. STENNIS. I thank the Senator from Texas.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Illinois [Mr. DIRKSEN] is recognized for 5 minutes.

Mr. DIRKSEN. Mr. President, this may seem like the 5-minute rule in the House of Representatives; but the time allotted will be adequate.

First, I wish to compliment the majority leader for the fine cooperative spirit he has exhibited, and for his effort in bringing to the floor a satisfactory bill.

I congratulate him also on his 49th birthday. I wish for him length of days, and every one of life's richest and best blessings.

I wish also to compliment those who work in the International Cooperation Administration and the military, who so ably demonstrated their capacity and their knowledge of the job before us. That list includes particularly Colonel Critz, Leonard Saccio, General Counsel of the ICA; John Murphy, Comptroller; John Holcombe, Mansfield Sprague, of the Defense Department, and others. I thought they gave a fine exposition of the bill, and demonstrated to the committee how thoroughly they understood the operation of this program.

It is not necessary for me to speak of the program. I think the program, the efforts of the committee, and the results which came from the committee speak for themselves.

There are only two things I should like to say for the RECORD. First, in connection with the pipeline, it seems to be easily forgotten that those sums represent obligations and commitments made long ago, and that foreign forces are based upon those obligations, quite aside from the new money which is appropriated by the bill. It is sometimes rather distressing that the whole pipeline situation is not adequately ventilated on the floor.

The second thing I should like to say is in response to a statement made by the Senator from Louisiana [Mr. ELLENDER]. He spoke about the complete dependence of other countries on the United States. I remind him that in the 6 years of this program, from 1950 to 1956, whereas the United States spent $12.3 billion, the NATO countries spent $78 billion. That is a ratio of $6 of expenditure by the NATO countries for every dollar expended by the United States.

With respect to the $500 million-odd left over, somehow it seems to be forgotten that that $500 million was generated through rescreening the program over a long period of time. It is testimony, I think, to the efficiency of the operation, and the careful analysis which has been made, not only by our military leaders, but by the ICA as well.

I think Admiral Radford stated the whole case thoroughly, and I am content to make a part of my remarks the last two statements Admiral Radford made before the committee on Monday, August 19. One is in some detail; the other is general, relating to policy. I ask unanimous consent, therefore, that they be printed in the RECORD as a part of my remarks.

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

STATEMENT BY ADM. ARTHUR RADFORD BEFORE THE SENATE APPROPRIATIONS COMMITTEE ON THE MUTUAL SECURITY PROGRAM, MONDAY, AUGUST 19, 1957

There are several other points which I believe need clarification inasmuch as I am fearful that they have been misunderstood during the course of our hearings on the mutual security program. First among these is the matter of the pipeline or, if you prefer to call it, unliquidated obligations. I would like to discuss this in three parts: first, what the amount is and the efforts we have been making to get it down; second, what the items are that are included in this pipeline and where they are going; and third, to discuss briefly the slightly over $500 million unobligated balance which has been reported to the Congress.

With respect to the amount of pipeline, or unliquidated obligations, as of the 30th of June the total in the military part of the program was $4.3 billion. Of this amount, $538 million was unobligated, therefore leaving under $3.8 billion as our pipeline of materials and equipment. I would like to call your attention to the fact that this pipeline of slightly less than $3.8 billion has been steadily decreasing since the peak was reached in 1953, when it was more than double this amount. We have been making great strides in reducing this unobligated balance by making more rapid deliveries and by shortening our administrative and production lead time. In the light of the present world situation, we are approaching what we consider to be an appropriate operating level. Of course, this could be changed by either an increase or a decrease in world tensions.

During the period that we have been providing military assistance to our allies, it has been necessary to procure items of equipment which have varying lead times for production and delivery. The accumulation in the programs of long lead time items has caused the creation of a pipeline. The content of the pipeline varies from missiles and their associated equipment to the more conventional items, such as vehicles and spare parts. The pipeline appears in the presentation which has been made to you by the Department of Defense as unliquidated obligations, but I am sure that you gentlemen realize that this money is all committed for the procurement of specific items of equipment. Too many people misunderstand this point and are prone to believe that the pipeline is simply money in the bank not matched by corresponding debts. This isn't the case. Not only have contracts been let which would be expensive and wasteful to terminate, but prospective recipients of this equipment have commenced personnel training, the acquisition of real estate if necessary, the reorganization of their forces, and the adaptation of their logistics systems. I am sure that you can see that tampering with equipment now represented by unliquidated obligations would be difficult, uneconomical, and frustrating to our allies.

I would like to give you some of the major items that are in this pipeline at this time. There are over $1¼ billion worth of aircraft, one-quarter billion dollars' worth of ships, one-quarter billion dollars' worth of guided missiles and rockets, and almost $400 million worth of electronics and radar. This type of equipment takes a long time to produce, most of it averaging out about 2 years; and even though in some instances we take items out of the inventories of our military departments to fulfill these requirements, the military departments are not willing to release the item until they have a replacement off the production line. Of the money we are asking you for today, a relatively small portion will be spent in this fiscal year. The major part of it will be for the delivery of this heavy equipment next year and the year after. We must plan ahead and we must be realistic in that planning.

The $500 million unobligated balance which the President reported to this Congress about 6 months ago resulted from a thorough analysis of the contents of the military-assistance program as it related to the operating requirements of the allied forces which we are assisting. I am sure that I do not have to remind this committee that changes in the political, military, and economic atmosphere anywhere in the world cause adjustments to this program. There are also the adjustments necessitated by changes in weapons systems. We keep this program under continuous review, and as political balances shift and technological advances occur, the necessary corrections are made.

I should like to also address myself to the reduction in the funds requested for defense support. Although administered by the Department of State and the International Cooperation Administration, these funds are vital to the existence of the military forces of those of our allies who, by virtue of their geographical position with respect to the Communists, must maintain forces far above their economic capabilities. The funds in this program provide that additional assistance which these nations must have if they are to maintain adequate forces without serious damage to their economies. The program which we had originally planned for Korea, Taiwan, Vietnam, Turkey, and Pakistan totals $700 million or over 78 percent of the total proposed defense support program. The ability of these countries to maintain these large forces is entirely dependent upon United States assistance. The reductions to this program which have been proposed by the House will necessarily affect either their economy or they must reduce their military effort. The present world situation does not justify a reduction in forces, and I'm sure that we would not desire to destroy their economies.

In concluding my remarks, I think I should give you an indication of just what will be the effect on our military assistance program if the full amount of the reduction made by the House is confirmed by this body. The President asked for over $2.4 billion. This amount was composed of $1.9 billion of new appropriations and the reappropriation of $500 million of the funds not obligated in 1957. This amount was requested for the following:

(a) $345 million to pay the routine costs of operating the program. This amount covers the costs of shipping the material and equipment which will be ready for delivery during the year, our part of the costs involved in the operations of the international military organizations in which we are members, and other administrative costs.

(b) $980 million for the costs of maintaining the forces which have already been created. This is nothing more than the spare parts, training, repairs and replacement items necessary to help these "in being" forces maintain their present state of effectiveness.

(c) $175 million to finance credit sales. This money will be returned to the United States—it is not for grant aid. Many of our allies have the ability to finance their own defense needs. However, some are not in a position to meet all these foreign exchange transactions on a cash basis within a single year. The funds would be used to finance these sales and thus permit the countries to repay us over a period of about 3 years.

(d) $900 million for that new and more modern equipment which is essential to helping our allies in their efforts to keep pace with the technological advancement being made in the Communist forces. Examples of the weapons included are over 400 aircraft, 17 destroyers and minesweepers with the latest electronics and weapons, over 350 tanks, and equipment for 16 battalions of guided missiles and rockets.

The over $600 million reduction in military assistance cannot be spread out over all the four parts of the program which were outlined above. First, we must continue to operate the program. Since most of the equipment that will be delivered during the year will result from appropriations of prior years, the fixed costs of operations will not change materially. Second, the $980 million required for the maintenance of "in being" forces must remain intact—it would indeed be false economy to jeopardize the readiness of forces which have already been created. Third, we have been pressing our allies to share more of the burden of defense costs. Many of these indicated a willingness to help, but they do not have the dollars to pay cash. To reduce the amount earmarked for financing military sales would mean that the allies would not get the needed weapons or that we would have to provide them on a grant basis.

Any reduction, therefore, if the program is to remain effective, must come from the $900 million intended to assist our allies to improve their forces to meet the Communist threat. Such improvement is in consonance with, and necessary to, our defense plans. This means that our allies, to a large extent, must be satisfied with what they have. And facing these same allies are the Communists who are continuously modernizing and improving their forces. To be more specific, it means that—

1. The Baghdad Pact countries, literally bordering on Russia and having little or no industrial capability, will have to get along with some equipment which was on hand before World War II.

2. Korea and Taiwan must face the Russian equipped Chinese and North Koreans without equal weapons.

3. The great deterrent power of NATO will be weakened. To a considerable extent, the European forces are equipped with World War II equipment. Although their economy has made a rapid recovery, they have not been able to keep up with the United States in the technological advances being made in modern weapons. They look to us for assistance. With the limited funds remaining for this modernization, it will be necessary to drastically reduce the aircraft, guided missiles, and other weapons in the program.

The modernization program should follow an evolutionary process similar to that of our own United States forces. This reduction in military assistance funds precludes the orderly implementation of such a process.

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STATEMENT BY ADM. ARTHUR RADFORD BEFORE THE SENATE APPROPRIATIONS COMMITTEE ON THE MUTUAL SECURITY PROGRAM, MONDAY, AUGUST 19, 1957

I welcome this opportunity to again appear before your committee in support of this year's mutual-security program. Exactly 1 month ago, in my then official capacity as Chairman of the Joint Chiefs of Staff, I appeared before you and stated unequivocally that I thought this program was both necessary and modest and that it was an essential part of our own national security program. I still think so.

Reading the record of the debate on this program which took place last week in the House of Representatives, I am appalled at the fact that we have not been able to put this program in its proper perspective before the American people. I say this because those Members of Congress who argued against the program—or for a greatly reduced program—for the most part sincerely and undoubtedly reflected the views of their constituents. This opposition generally presented the program as a vast boondoggle—poorly managed—a giveaway program reminiscent of the WPA era. When I hear statements like that made by sincere Americans, it worries me. They are just not compatible with the military facts of life as they exist today. The time is past when we could depend on our vast industrial capacity to build a war machine that would pull us through—after an emergency occurred. The time is past when we would be given time to train our reserves of manpower, equip them, and transport them overseas to meet an enemy.

In the next war, whether it be of the global or limited variety, we are going to depend almost entirely on trained forces in being and already in place in the danger spots around the world. That is where our mutual-security program comes in. For the past 9 years, we have been developing a national defense posture which is integrated with, and depends upon—let me repeat that—depends upon—indigenous forces and bases around the world. There are two alternatives to such strategy:

First, United States forces in much larger numbers could take the place of these indigenous forces. In most allied countries, they would be welcomed as visible evidence of our determination to stand with them against the Communist menace; but it would require a major mobilization effort on our part, and nearly every able-bodied young man of military age would spend several years of his life in military service overseas. The cost would be staggering.

Or, second, we could adopt a fortress America concept. In the world we live in today, such a concept is entirely negative and would merely mean that we postponed an ultimate and violent showdown with international communism or, in the long run, would capitulate.

The program of national security which has been followed for the last 9 years is a positive program and has had bipartisan support. It is, in my opinion, the only program which offers us the hope of avoiding global war, and without such a war, of ultimately prevailing over Communist enemies who are still determined to destroy our way of life if they can.

If our national security program is to be changed, let us make the change advisedly and not cover up the facts of life with arguments which avoid or hide the real issues.

I am sure that the mothers—the fathers—the wives—in our country would vote for an adequate mutual security program if they understood it. Our mutual security program is not foreign aid—it is not a giveaway program—it is a program which is in the best interests of the people of the United States and their friends and allies of the Free World who want to stay free. It does not mean that we hire our friends to do our fighting for us, as the Communists so often charge. It means that each country in the Free World is prepared to do what it can to defend itself and counts on the great reserve

of power in the United States to come to its assistance when trouble starts.

I do not maintain that our handling of the military aid program has been perfect. As I have traveled around the world in the last 4 years, I have found evidence of mistakes in judgment and in administration. Whenever this happened, I took immediate corrective action if within my field of authority or dispatched recommendations for changes to higher authority.

Let me point out that this mutual security program in its magnitude and complexity is probably without precedent in history. Certainly, it is much more difficult to handle than the lend-lease program of World War II. The personnel of the Defense Department—civilian and military—in Washington and abroad are doing their best to administer the program efficiently. We have made great progress in the last 9 years—and admit there is still room for improvement.

What we cannot admit is that this program can be materially reduced without endangering the entire foundation of the collective security policy the United States has been following for the last 9 years. As I said earlier, if this policy is to be changed, let us make that change the issue straightforwardly.

I am certain there is not one citizen in the United States who wants war. Therefore, I am equally certain that if all our citizens understood the mutual security program for what it is—an important part of our national program to prevent war—they would unanimously vote for it.

Mr. DIRKSEN. I have only one other thing to say. I am delighted that in the military program there was included the sum of $175 million, which will be used to pay for hardware and military equipment for countries such as Saudi Arabia, Venezuela, and others. All of that money will be repaid to the United States in due course. They do not have the credit or the cash to pay for that equipment, so we must stake them for a while; but that money, which is represented in the military estimate before us, will be repaid in due course to the Treasury of the United States.

If we cut the appropriation for military assistance any further, it will perforce have to come out of the weapons modernization program. There are countries which have no better than World War II weapons, and, I apprehend, there are some countries which have weapons that even antedate World War II. If they are to reduce their forces, then, of course, they must be equipped with the best weapons we can supply as a part of the mutual-security program, which directs itself to the security and to the survival and to the well-being of the United States of America. That is the justification for it.

I trust that the Senate will support the committee position, which was taken by a vote of 14 to 7. If my time has been exhausted, in accordance with my understanding with the majority leader I am ready to sit down and let the vote be taken.

The PRESIDING OFFICER (Mr. MORTON in the chair). All time for debate has expired. The question is on the committee amendment on page 2, lines 6 and 7.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary 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. The question is on agreeing to the committee amendment on page 2, lines 6 and 7. On this question the yeas and nays have been ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

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

Mr. JOHNSON of Texas. The vote now is on the committee amendment on page 2, line 6. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. A yea vote is a vote for the committee amendment; a nay vote is a vote for the House figure.

The PRESIDING OFFICER. The Senator is correct. A yea vote is for the Senate Appropriations Committee's figure of $1,475,000,000; a vote of "nay" is a vote to sustain the House figure of $1,250,000,000.

The yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I further announce that if present and voting, the Senator from West Virginia [Mr. NEELY] and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

On this vote, the Senator from New Mexico [Mr. ANDERSON] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from Alabama would vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Maryland [Mr. BUTLER], the Senator from South Dakota [Mr. CASE], and the Senator from Indiana [Mr. CAPEHART] are absent on official business.

On this vote, the Senator from Maryland [Mr. BUTLER] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from Maryland would vote "nay," and the Senator from Indiana would vote "yea."

The result was announced—yeas 59, nays 28, as follows:

YEAS—59

| | | |
|---|---|---|
| Aiken | Douglas | Johnson, Tex. |
| Allott | Flanders | Kefauver |
| Barrett | Fulbright | Kennedy |
| Beall | Goldwater | Knowland |
| Bennett | Gore | Kuchel |
| Bush | Green | Magnuson |
| Carlson | Hayden | Martin, Iowa |
| Carroll | Hennings | Martin, Pa. |
| Case, N. J. | Hickenlooper | McNamara |
| Chavez | Hill | Monroney |
| Church | Holland | Morton |
| Clark | Humphrey | Mundt |
| Cooper | Ives | Neuberger |
| Cotton | Jackson | Pastore |
| Dirksen | Javits | Payne |
| Potter | Scott | Thye |
| Purtell | Smathers | Watkins |
| Revercomb | Smith, Maine | Wiley |
| Saltonstall | Smith, N. J. | Williams |
| Schoeppel | Symington | |

NAYS—28

| | | |
|---|---|---|
| Bible | Jenner | Murray |
| Bricker | Johnston, S. C. | Robertson |
| Byrd | Kerr | Russell |
| Curtis | Langer | Stennis |
| Dworshak | Lausche | Talmadge |
| Eastland | Long | Thurmond |
| Ellender | Malone | Yarborough |
| Ervin | Mansfield | Young |
| Frear | McClellan | |
| Hruska | Morse | |

NOT VOTING—8

| | | |
|---|---|---|
| Anderson | Capehart | O'Mahoney |
| Bridges | Case, S. Dak. | Sparkman |
| Butler | Neely | |

So the committee amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the committee amendment was agreed to be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

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 a third time.

The bill was read the third time.

Mr. CLARK. Mr. President, I should like to detain my colleague for only approximately a minute and a half, in order that I may ask the distinguished Senator from Arizona [Mr. HAYDEN], the chairman of the committee, whether he will be willing to answer a question in regard to section 102 of the bill.

That section now reads as follows:

SEC. 102. No part of any appropriation contained in this act shall be used for publicity or propaganda purposes within the United States.

I have been concerned as to whether that language might be construed as preventing the Government agency from giving information to nationwide agencies which are interested in learning about the program, and thus might prevent the American people from knowing what is going on in this Agency.

As I read the provision, however, I do not believe that is the intent.

Will the Senator from Arizona state the intent?

Mr. HAYDEN. First of all, this section came into the bill as the result of an amendment offered on the floor of the House of Representatives. As agreed to by the House, the amendment read as follows:

No part of any appropriation contained in this act shall be used for publicity or propaganda purposes not heretofore authorized by the Congress.

Our committee voted to amend that language by striking out the words "not heretofore authorized by the Congress"

and by inserting the words "within the United States."

The committee did so for the reason that it is obvious that this Agency must have the right to engage in some propaganda activities in foreign countries.

I think the statement by Mr. Hollister, which appears on pages 582 and 583 of the hearings, probably answers the question the Senator from Pennsylvania has asked. Included in the hearings is the following statement by Mr. Hollister:

We have, of course, regularly been providing information, as distinguished from propaganda and publicity, to the Congress and the American public with regard to the mutual-security program. This is in accord with the responsibility of Government agencies to keep the public informed of their operations and of the way in which they are using the public funds entrusted to them. The conference committee which adopted the Dworshak amendment explicitly stated (H. Rept. 2031, 82d Cong., p. 18) that "there should not be any interference with the supplying of full information to the Congress and to the public concerning the operations of the mutual security program." Recently there have been several expressions of Congressional view that a more thorough job should be done of informing the American public of what is being done with foreign-aid appropriations and what results are being achieved.

Also, activities are being carried out to disseminate in other countries information and publicity on the mutual security program. Congress has often made clear its intention that the peoples of other countries should be kept fully aware of the assistance being furnished to them by the United States.

These types of activity which are now being carried on for supplying information to the American people and for furnishing information and publicity in foreign countries could, it seems clear, continue to be conducted without change under the language of the House provision.

Mr. CLARK. I thank the Senator from Arizona.

Mr. SYMINGTON. Mr. President, there are aspects of this military security bill which appear inconsistent with the rest of administration policy.

On May 14 last, the President went before the American people on a national telecast and urged with all the authority of his office that the Senate restore reductions made by the House of Representatives in the national defense budget.

At that time he said:

I earnestly believe that this defense budget represents, in today's world, the proper dividing line between national danger on the one hand and excessive expenditures on the other. If it is materially cut, I believe the country would be taking a fearful gamble.

For myself, I have seen unwise military cuts before. I have seen their terrible consequences. I am determined to do all I can to see that we do not follow that foolhardy road again.

In this position he was supported, later on, before a Senate subcommittee, by every civilian and military leader in the Pentagon.

Accordingly, the Senate restored most of the money he requested.

But only a few weeks later the administration said, "Never mind"—that the money was not really needed—thereby implying that the President had made a mistake.

Was this decision to reduce our military strength made because of any improvement in world conditions?

Was it made because of the steadily deteriorating position of the Free World in the Middle East?

In that the Eisenhower Middle East doctrine is getting steadily closer to practical application—which would mean the participation of American forces in that part of the world—did it mean we do not now intend to live up to that doctrine?

Was it because the administration felt that more unilateral disarmament would help our bilateral disarmament negotiations which now are going on in London with the Communists?

No; it was not any of these.

Because of fiscal and budgetary reasons, the administration decided the United States could no longer afford to maintain its current military strength.

In other words, the richest Nation in world history and the only real remaining power against the steady growth of Communist aggression cannot afford to keep pace with the Communists in defense preparation.

So now, we plan, with calculation, to pass over to the Communists superiority in all defense fields except our surface Navy.

How many Americans realize that in 1953, when this country in effect had an atomic monopoly, we were spending nearly 14 percent of our gross national product—our wealth—on national defense?

But today, when most assuredly we no longer have that monopoly, we are spending less than 10 percent of our wealth for security; and this administration now plans to spend even less than that.

These were the conditions as we found them yesterday morning.

Now a new and important development has just occurred—announcement by the Soviet of their successful firing of an intercontinental ballistic missile.

Many people will say this is just propaganda—and no one could ever dispute the merit of that observation. To the best of our knowledge, however, the Soviets have never yet announced the achievement of a weapon which they did not later produce in quantity.

Mr. President, for months a great newspaper, the New York Herald Tribune, has been pointing out the danger incident to the growing relative military strength of the Communists.

In this connection, a front-page editorial heading a story, "Moscow Reports Intercontinental Missile Success—Test Rocket Said To Hit Target Area—Russians Talk of World Range," is pertinent, and I ask unanimous consent that it be included at this point in the RECORD.

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

MOSCOW REPORTS INTERCONTINENTAL MISSILE SUCCESS—TEST ROCKET SAID TO HIT TARGET AREA—RUSSIANS TALK OF WORLD RANGE

Russian success in building an intercontinental missile before the United States significantly alters the world power situation. Not since the explosion of the first Soviet H-bomb in August 1953 has Russian military power taken such a giant step forward. At present there is no defense against the intercontinental ballistic missile with an H-bomb in its nose. If the Soviets beat the United States into mass production with these missiles—an event still several years off—the Russians will be able to use atomic blackmail on the Free World almost at will. The balance of terror is shifting to the East.

Mr. SYMINGTON. For years many of us have been noting that the Soviets, under the experience, knowledge, and drive of such leaders as Blagonravov, Groettrup, and Kapitsa, have been moving ahead in the intermediate range ballistic missile field. Now it would appear that they may well be leading in the intercontinental ballistic missile field.

And what is our answer? Because of budget and fiscal considerations, the administration recognizes this, the gravest threat ever faced by the United States, by slowing down our activities in the ICBM field.

Why? Because we cannot afford to do otherwise.

This is the background against which we are now being asked to vote foreign military aid.

In January of this year the President requested $4.4 billion of new obligational authority for the mutual security program—$2.450 billion for military aid and $1.950 billion for economic aid.

This at that time he called part of a "carefully balanced budget, adapted to the needs of the present and the future."

For reasons which are not clear, the $4.4 billion was later reduced to $4 billion.

Then on a nationwide telecast last May 21, the President made a special plea to the American people in support of his foreign aid budget. At that time he said:

In my judgment these programs do more than any other—dollar for dollar—in securing the safety of our country.

And also asserted that to cut foreign aid would be a "gamble with peace."

But on May 14 the President, just a week before, had said it would be a "fearful gamble" to cut any of the defense budget which later, in July, he said had to be cut because we could not afford it.

As his fiscal problems mount, will he use this money if the Congress appropriates it?

Only time can tell.

The bookkeeping on foreign aid could not be in more confusion.

In any case, much of the money cannot even be accounted for.

Relying upon the data furnished by the administration, Members of the Congress have come up with figures which vary tremendously with respect to 1957 carryover and the availability of funds for fiscal year 1958. In fact, they vary from $93.7 million of unobligated and unspent funds, to as high as $10 billion to $12 billion of money which will be available in the fiscal year 1958.

Just how mixed up and unbusinesslike can one get?

The confusion is further compounded by various contradictory assertions as to counterpart funds, Public Law 480 funds,

economic development loans, military funds, defense support funds.

Nobody is really clear on all the facts.

It is hard for me to justify the logic of this administration's first cutting off operating funds from Americans who now face the Communists in foreign countries, and then adding hundreds of millions for military aid to the forces of other countries.

Two wrongs do not make a right, however, and because I do not believe this Nation can stand alone, I cannot bring myself to vote to cut off military assistance to our allies just because comparable assistance has been cut off from our own forces.

It is true that, under current world conditions, any strength not dominated by communism should be an advantage to the United States.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. KNOWLAND. Mr. President, on that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, I think the Appropriations Committee has done a very excellent job in preparing and reporting the bill. I say that as one who had hoped there would come from the committee a bill providing more than the pending bill appropriates. I realize what an uphill job the committee had to report the bill, even though I would have liked to have had it different in some respects. Some items in the bill, however, disturb me a little bit. I notice the military-assistance figure as approved by the House was raised by the Senate committee $225 million. I also notice the development loan fund was raised $100 million; that special assistance was raised $50 million, that the defense-support figure was raised $114 million; but that the amount appropriated for technical cooperation, or technical assistance, as it is called, was increased only $1,900,000. I have always felt that we get more for a dollar spent on technical assistance than we do from any other foreign-aid funds.

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

Mr. AIKEN. I yield.

Mr. SALTONSTALL. The reason for that was that the House reappropriated $12 million, which had not been put into the estimates, so that in raising it $1,900,000 there has to be taken into account the fact that the House provided $12 million more than the President had requested.

Mr. AIKEN. Does not the total amount represent a reduction from the appropriation of last year.

Mr. SALTONSTALL. Yes; it does.

Mr. AIKEN. I regret that very much. I had hoped the committee would be willing to adjust these amounts somewhat to add a little more to technical cooperation, even if it had to deduct it from one of the other larger increases. However, as I say, I realize the committee had an uphill job to do as well as it did do.

Much as I would like to offer an amendment to increase the technical assistance appropriation, I shall forbear at this time, with due regard to the efforts of the chairman of the committee, the majority leader, the minority leader, and other Senators who have worked so hard to get as good a bill as the one before us.

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

Mr. AIKEN. I yield.

Mr. ELLENDER. The reason it was not increased, as I said recently, was that it was one of the programs in which there was a carryover of $174 million.

Mr. AIKEN. I hope there is a sufficient carryover so the program will not be seriously crippled this year.

Mr. ELLENDER. In the technical aid program for fiscal year 1957, $136,620,000 was appropriated, comprised of $135 million of new money and a reappropriation of $1,620,000. Of this amount, ICA was only able to obligate $124,567,000, leaving a total of $12,053,000 unobligated at the end of fiscal year 1957.

For fiscal year 1958, the House has appropriated a total of $125 million, comprised of $113 million of new money and a reappropriation of $12 million. Thus the amount appropriated for fiscal year 1958 is $433,000 more than was used in fiscal year 1957. This amount should be more than adequate when an unexpended amount aggregating $174 million is available which gives a total amount available for expenditure in fiscal year 1958 of $299 million and this to pay primarily for personal services.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MORSE. Mr. President, I shall make a very brief statement of my reasons for voting for the bill, though I wish I could vote for a much better bill than this. However, ever since I have been in the Senate, I have supported the principles and objectives of foreign aid. I still stand for those principles and objectives. This year the choice I had to make up until this point was a choice between alternatives as to amounts. I have made my major speeches on the subject matter so far as the details of the bill are concerned. I wish to say again that I think the President of the United States and the Secretary of State are guilty of the grossest misrepresentations to the American people in regard to the need for the amounts involved in this bill.

I think there are in the bill hundreds of millions of dollars of waste which ought to be saved for the taxpayers of the United States. I think when the taxpayers come to find out the policy of this administration, with its inconsistencies and vacillations in the field of foreign aid, they will repudiate the administration. However, I think that foreign aid is needed, both economic and military. As a member of the Foreign Relations Committee, my difference with the Appropriations Committee has been over the amount of money that has been recommended.

However, I shall vote for the bill on final passage in the hope, Mr. President, that the House conferees, as we sometimes say in the Senate language, will hang tough in conference and will insist on the lower figure, because I think the Senate figure is entirely too high. It will involve a great waste, and a savings should be made for the taxpayers.

I shall vote for the bill because I support the principle of foreign aid.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I further announce that, if present and voting, the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Alabama [Mr. SPARKMAN] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Maryland [Mr. BUTLER], the Senator from South Dakota [Mr. CASE], and the Senator from Indiana [Mr. CAPEHART] are absent on official business.

If present and voting, the Senator from Maryland [Mr. BUTLER] and the Senator from Indiana [Mr. CAPEHART] would each vote "yea."

The result was announced—yeas 62, nays 25, as follows:

YEAS—62

| | | |
|---|---|---|
| Aiken | Hickenlooper | Mundt |
| Allott | Hill | Murray |
| Beall | Holland | Neuberger |
| Bennett | Humphrey | Pastore |
| Bush | Ives | Payne |
| Carlson | Jackson | Potter |
| Carroll | Javits | Purtell |
| Case, N. J. | Johnson, Tex. | Revercomb |
| Chavez | Kefauver | Saltonstall |
| Church | Kennedy | Schoeppel |
| Clark | Knowland | Scott |
| Cooper | Kuchel | Smathers |
| Cotton | Lausche | Smith, Maine |
| Dirksen | Magnuson | Smith, N. J. |
| Douglas | Mansfield | Symington |
| Flanders | Martin, Iowa | Thye |
| Fulbright | Martin, Pa. | Watkins |
| Gore | McNamara | Wiley |
| Green | Monroney | Williams |
| Hayden | Morse | Yarborough |
| Hennings | Morton | |

NAYS—25

| | | |
|---|---|---|
| Barrett | Frear | McClellan |
| Bible | Goldwater | Robertson |
| Bricker | Hruska | Russell |
| Byrd | Jenner | Stennis |
| Curtis | Johnston, S. C. | Talmadge |
| Dworshak | Kerr | Thurmond |
| Eastland | Langer | Young |
| Ellender | Long | |
| Ervin | Malone | |

NOT VOTING—8

| | | |
|---|---|---|
| Anderson | Capehart | O'Mahoney |
| Bridges | Case, S. Dak. | Sparkman |
| Butler | Neely | |

So the bill (H. R. 9302) was passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

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 Texas to reconsider.

The motion to lay on the table was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate insist upon its amendments, request a conference with the

House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. SALTONSTALL, Mr. KNOWLAND, Mr. THYE, and Mr. DIRKSEN conferees on the part of the Senate.

## BUDGET REQUESTS AND REDUCTIONS THEREOF

Mr. JOHNSON of Texas. Mr. President, in the regular appropriation bills which have been submitted, there have been budget estimates of $56,048,333,463. The mutual security appropriation bill previously had a budget estimate of $4.4 billion. The estimate for the supplemental appropriation was $1,973,767,827. The atomic energy appropriation bill had a budget estimate of $2,491,625,000. Those figures make up a total of $64,913,726,290 of budget estimates.

As to the appropriations which have been granted, the regular appropriation bills have provided $52,174,706,259. The mutual security appropriation bill as it has passed the Senate now provides $3,025,660,000, and the supplemental bill provides $1,734,011,945. The atomic energy appropriation bill provides $2,323,632,500. Those figures represent a total of $59,258,010,704.

Mr. President, this represents total reductions from the budget estimates thus far, on the basis of the action the Senate has just taken, by increasing the House bill $500 million, of $5,655,715,586, or a percentage reduction of 8.7 percent. I want to express the appreciation of the Senate and the country for the diligence and painstaking efforts of each member of the Committee on Appropriations, which has considered all the regular bills plus the supplemental bills.

I am hoping it will be possible to go to conference with the other body on the mutual security appropriation bill, and to complete the action on the last appropriation bill we will consider this session during this week.

## THE MAJORITY LEADER'S BIRTHDAY

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

Mr. JOHNSON of Texas. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to thank the majority leader for giving us those figures. I consider that they represent quite a birthday present for the people of the United States. I think it is only proper that at this time we recognize that the man who announced that birthday present is celebrating his 49th birthday. The junior Senator from Arizona rises merely to extend to him happy birthday greetings, and to wish him well.

Mr. JOHNSON of Texas. I thank the Senator, very much.

[Applause, Senators rising.]

Mr. YARBOROUGH. Mr. President, it is a privilege to serve in this body, particularly with the distinguished majority leader of the Senate. When he first became majority leader, he was the youngest majority leader in the history of this body. He had a notable career in the House of Representatives before he was elected to the Senate by the people of Texas in a campaign which proved his fighting qualities—and campaigns in Texas are not mild.

I have found him to be a most able leader of the majority party. He can conciliate, and does conciliate, all factions, and brings to the party a truly national point of view on the national problems with which we wrestle in this Chamber.

I speak on behalf of the people of Texas when I say that I regret that he is not in Texas today, because the people customarily give the majority leader a great birthday party in Texas. Because of the long session, he has remained at his post of duty here, and deprived himself of the privilege of enjoying a wonderful birthday party in Texas. He receives probably the warmest birthday greeting party anyone in the State of Texas receives, and probably the warmest year after year, anyone has received in that State.

I join in the tributes paid and in the congratulations and warm good wishes extended to the majority leader, my senior colleague from Texas.

Mr. JOHNSON of Texas. I thank my friend from Texas and my other colleagues.

## ADDITIONAL CIRCUIT AND DISTRICT JUDGES

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks excerpts from the report of the Judicial Conference on the Need for Additional Judges in the Federal Courts.

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

THE JUDICIAL BUSINESS OF THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

As originally enacted, the Judicial Code of 1911 provided for 4 circuit judgeships for the second circuit (36 Stat. 1131). The number was raised to 5 by the act of February 28, 1929 (45 Stat. 1346) and to 6 by the act of May 31, 1938 (52 Stat. 584). The number of judgeships has remained the same since that time. The jurisdictional area of the circuit covers the States of Connecticut, New York, and Vermont which, according to the 1950 census, had a combined population of 17,215,219. Court is held in New York City.

From 1941 to 1950 there was a declining trend in the cases filed in this court. For the next 4 years the number stabilized in the vicinity of 350 cases a year, but during the fiscal year 1955 there was an increase of almost 60 percent over the previous fiscal year, resulting in an increase in pending cases from 154 on June 30, 1954, to 282 on the same date a year later. During the fiscal year 1956 there was some reduction in the number of cases commenced. The number of cases terminated continued to increase however and pending cases were reduced by 18. The figures were: cases commenced 462, cases terminated 480, and cases pending at the end of the fiscal year, 264. In the first half of the fiscal year 1957 covering the period from July 1 to December 31, 1956, the upward trend has been resumed with filings greater than those in the first half of the record fiscal year 1955.

The flow of cases in the first half of the fiscal years 1955, 1956, and 1957 in this court have been as follows:

| | Pending at beginning of half year period | Filed July 1 to Dec. 31 | Terminated July 1 to Dec. 31 | Pending at end of half-year period |
|---|---|---|---|---|
| July 1 to Dec. 31, 1954 | 154 | 275 | 142 | 287 |
| July 1 to Dec. 31, 1955 | 282 | 224 | 174 | 332 |
| July 1 to Dec. 31, 1956 | 264 | 281 | 183 | 362 |

In the first half of the fiscal year, which includes the summer vacation, it is natural for terminations to be less than cases filed, but a warning signal is given when the pending load continually mounts as it is doing in this circuit.

The figures for the past 16½ years are given in table I, attached.

Almost one-half of the cases commenced in the Court of Appeals for the Second Circuit are appeals from the United States District Court for the Southern District of New York, and the number of these filed annually averaged about 170 cases from 1950 to 1954, but increased to 270 in the fiscal year 1955, and was 251 in 1956. Appeals from the other district courts have also increased. The following table shows the source of appeals for the last 7 years:

*Source of appeals and original proceedings commenced in the U. S. Court of Appeals for the 2d circuit during the fiscal years 1950 to 1956*

| Source of appeal | Fiscal year | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 |
| Total appeals | 318 | 361 | 350 | 352 | 366 | 581 | 462 |
| Connecticut | 16 | 11 | 15 | 17 | 22 | 33 | 21 |
| New York, northern | 7 | 5 | 10 | 12 | 10 | 31 | 15 |
| New York, eastern | 34 | 49 | 33 | 43 | 39 | 76 | 65 |
| New York, southern | 186 | 177 | 165 | 167 | 159 | 270 | 251 |
| New York, western | 15 | 11 | 7 | 19 | 19 | 28 | 15 |
| Vermont | 4 | 2 | 2 | 3 | 3 | 8 | 6 |
| The Tax Court of the United States | 32 | 54 | 57 | 43 | 52 | 69 | 51 |
| National Labor Relations Board | 18 | 31 | 35 | 29 | 45 | 36 | 20 |
| All other boards and commissions | 5 | 12 | 12 | 12 | 7 | 16 | 10 |
| Original proceedings | 1 | 9 | 14 | 7 | 10 | 14 | 8 |

From 1950 to 1956 total appeals have increased by 45 percent and appeals from the courts by 42 percent. During the first half of the fiscal year 1957 the trend is again up.

For the last 6 years the number of appeals commenced per judgeship in the second circuit has averaged 69 compared to the national average per judgeship in the same period of 50.

The caseload per judgeship for each circuit since 1941 is shown in table 2, attached. The number of cases filed per judgeship in 1954, 1955, 1956, and the first half of 1957 was as follows:

*Cases commenced per judgeship*

| | Fiscal year | | | |
|---|---|---|---|---|
| | 1954 | 1955 | 1956 | 1st half of 1957 |
| All circuits | 51 | 54 | 53 | 27 |
| District of Columbia | 52 | 49 | 60 | 24 |
| 1st | 35 | 51 | 42 | 18 |
| 2d | 61 | 97 | 77 | 47 |
| 3d | 36 | 44 | 39 | 20 |
| 4th | 70 | 67 | 70 | 37 |
| 5th | 73 | 75 | 73 | 37 |
| 6th | 51 | 53 | 52 | 28 |
| 7th | 50 | 48 | 49 | 24 |
| 8th | 33 | 37 | 34 | 13 |
| 9th | 57 | 43 | 43 | 25 |
| 10th | 42 | 48 | 48 | 23 |

In the fiscal year 1954, the second circuit caseload per judge of 61 was exceeded only by the fourth and fifth circuits and was 20 percent over the national average of 51. In the fiscal year 1955, the second circuit stood first with an average caseload per judge of 97, almost 80 percent above the national average of 54. Again, in 1956, the second circuit was first with 77 cases filed per judge compared with the national average of 53, and, once again, in the first half of the fiscal year 1957, it had the largest number of cases filed per judge, with a caseload 74 percent above the national average and 10 cases per judge more than in any other circuit.

The median from docketing to disposition for this circuit compared with the median for all circuits since 1942 is shown in table 3, attached.

In spite of the heavy load, including many cases of great importance, the circuit has kept up its excellent record of prompt disposition of appeals. With the recent death of Circuit Judge Jerome Frank, the court now has an added handicap until the vacancy is filled, particularly since Judge Frank was known for the speed and facility with which his able opinions were written.

The following table shows the caseload per judge in other circuits in the fiscal year preceding that in which Congress created additional judgeships. In all but one instance this followed a recommendation by the Judicial Conference of the United States:

*Additional circuit judgeships created by Congress since 1939 with the caseload per judge of the circuit in which the judgeship was recommended during the year preceding the action by Congress*

| Circuit | Number of additional judgeships | Date of act | Caseload per judge of cases filed during preceding fiscal year |
|---|---|---|---|
| 6th | 1 | May 24, 1940 | 60 |
| 8th | 2 | May 24, 1940 | 63 |
| 5th | 1 | Dec. 14, 1942 | 77 |
| 3d | 1 | Dec. 7, 1944 | 55 |
| District of Columbia | 3 | Aug. 3, 1949 | 77 |
| 3d | 1 | do | 42 |
| 7th | 1 | do | 55 |
| 10th | 1 | do | 54 |
| 5th | 1 | Feb. 10, 1954 | 80 |
| 9th | 2 | do | 64 |

The 1955 caseload of 97 cases commenced per judge in the second circuit is larger than that of any other circuit where the creation of judgeships was recommended, and the 1956 caseload of 77 cases per judge is equal to that of the fifth and District of Columbia circuits, when additional judgeships were created for those circuits.

The Judicial Conference of the United States on March 24, 1955, in response to a request from the judicial council of the second circuit, recommended the creation of one additional circuit judgeship for this court.

At a meeting in January 1957 the circuit council of the circuit voted to recommend 2 additional circuit judges for this court instead of 1. The reason for this is the current increase in the business of the court, which seems to be in line with the long-term trend, the greatly augmented strain under which the court has been working during the last 2 years, and the growing number of trials and, thus, potential appeals in the district courts of the circuit.

The following table compares the cases per judge filed in the circuit in 1956 with the average for all circuits, and then on the basis of 7 judges for the second circuit court, the total for all circuits including the 2 judgeships recommended by the Judicial Conference (1 for the second circuit and 1 for the fourth) and finally on the basis of 8 judges for the second circuit court and for the national average the present number of judgeships plus 2 for the second circuit and 1 for the fourth.

| | 2d circuit—Number of— | | All circuits—Number of— | |
|---|---|---|---|---|
| | Judgeships | Cases | Judgeships | Cases |
| 1956 | 6 | 77 | 68 | 53 |
| 1956: On the basis of the judgeships recommended by the Judicial Conference | 7 | 66 | 70 | 51 |
| 1956: On the basis of the judgeships recommended by the Judicial Conference plus an additional judgeship for the 2d circuit | 8 | 58 | 71 | 51 |

It will be observed that with 8 judges, based on the 1956 cases filed, the second circuit caseload per judge is well above the national average and, as will be seen from table 2, would be above the caseload in 7 of the other circuits.

The recommendation of the second circuit council for an eighth judge for this court will be considered by the Judicial Conference of the United States when it meets on March 14 and 15, 1957.

Respectfully submitted.

WILL SHAFROTH,
*Chief, Division of Procedural Studies and Statistics, Administrative Office of the United States Courts.*

FEBRUARY 5, 1957.

2D CIRCUIT

*Table 1*

| Fiscal year | Filed | Terminated | Pending | Terminations after hearing | Terminations per judgeship after hearing |
|---|---|---|---|---|---|
| 1941 | 533 | 548 | 142 | 408 | 68 |
| 1942 | 501 | 471 | 172 | 363 | 61 |
| 1943 | 499 | 504 | 167 | 338 | 56 |
| 1944 | 595 | 547 | 215 | 349 | 58 |
| 1945 | 466 | 520 | 161 | 380 | 63 |
| 1946 | 425 | 450 | 136 | 296 | 49 |
| 1947 | 378 | 386 | 128 | 269 | 45 |
| 1948 | 381 | 378 | 131 | 287 | 48 |
| 1949 | 344 | 351 | 124 | 270 | 45 |
| 1950 | 318 | 355 | 87 | 292 | 49 |
| 1951 | 361 | 319 | 129 | 268 | 45 |
| 1952 | 350 | 349 | 130 | 286 | 48 |
| 1953 | 352 | 359 | 113 | 296 | 49 |
| 1954 | 366 | 325 | 154 | 264 | 44 |
| 1955 | 581 | 453 | 282 | 349 | 58 |
| 1956 | 462 | 480 | 264 | 369 | 62 |
| 1957 (1st half) | 281 | 183 | 362 | | |

TABLE 2.—*Cases commenced per judgeship in the United States courts of appeals during fiscal years 1941–56, by circuit, including 1st half of fiscal year 1957*

NUMBER OF CASES COMMENCED

| Circuit | 1941 | 1942 | 1943 | 1944 | 1945 | 1946 | 1947 | 1948 | 1949 |
|---|---|---|---|---|---|---|---|---|---|
| Total all circuits | 56 | 57 | 53 | 53 | 46 | 45 | 44 | 47 | 51 |
| District of Columbia | 45 | 58 | 45 | 47 | 47 | 49 | 44 | 58 | 77 |
| 1st | 29 | 33 | 40 | 35 | 28 | 25 | 33 | 26 | 25 |
| 2d | 89 | 84 | 83 | 99 | 78 | 71 | 63 | 64 | 57 |
| 3d | 57 | 58 | 71 | 55 | 50 | 33 | 44 | 48 | 42 |
| 4th | 53 | 46 | 52 | 49 | 41 | 36 | 43 | 49 | 56 |
| 5th | 81 | 77 | 58 | 59 | 55 | 50 | 54 | 66 | 76 |
| 6th | 54 | 47 | 46 | 41 | 34 | 39 | 35 | 38 | 36 |
| 7th | 68 | 65 | 57 | 56 | 48 | 52 | 56 | 46 | 55 |
| 8th | 47 | 40 | 44 | 36 | 30 | 39 | 23 | 27 | 29 |
| 9th | 42 | 48 | 42 | 49 | 38 | 41 | 45 | 41 | 46 |
| 10th | 47 | 62 | 47 | 48 | 55 | 45 | 40 | 49 | 54 |

TABLE 2.—*Cases commenced per judgeship in the United States courts of appeals during fiscal year 1941–56, by circuit, including 1st half of fiscal year 1957*—Continued

NUMBER OF CASES COMMENCED

| Circuit | 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1st half of 1957 |
|---|---|---|---|---|---|---|---|---|
| Total all circuits | 44 | 46 | 47 | 50 | 51 | 54 | 53 | 27 |
| District of Columbia | 48 | 44 | 48 | 47 | 52 | 49 | 60 | 24 |
| 1st | 22 | 27 | 27 | 28 | 35 | 51 | 42 | 18 |
| 2d | 53 | 60 | 58 | 59 | 61 | 97 | 77 | 47 |
| 3d | 34 | 39 | 40 | 42 | 36 | 44 | 39 | 20 |
| 4th | 65 | 58 | 58 | 56 | 70 | 67 | 70 | 37 |
| 5th | 68 | 70 | 75 | 80 | 73 | 75 | 73 | 37 |
| 6th | 40 | 38 | 38 | 51 | 51 | 53 | 52 | 28 |
| 7th | 46 | 39 | 34 | 43 | 50 | 48 | 49 | 24 |
| 8th | 26 | 32 | 34 | 33 | 33 | 37 | 34 | 13 |
| 9th | 45 | 58 | 63 | 64 | 57 | 43 | 43 | 25 |
| 10th | 32 | 39 | 38 | 32 | 42 | 48 | 48 | 23 |

TABLE 3.—*Median time interval in months from docketing to final disposition of cases heard or submitted, fiscal years 1942–56*

| Fiscal year | 2d circuit | All circuits |
|---|---|---|
| 1942 | 3.9 | 7.7 |
| 1943 | 3.3 | 6.5 |
| 1944 | 4.5 | 6.5 |
| 1945 | 4.3 | 7.0 |
| 1946 | 3.7 | 6.8 |
| 1947 | 3.8 | 6.9 |
| 1948 | 3.5 | 6.3 |
| 1949 | 3.6 | 7.1 |
| 1950 | 3.3 | 7.1 |
| 1951 | 3.3 | 6.7 |
| 1952 | 3.9 | 7.3 |
| 1953 | 4.3 | 7.0 |
| 1954 | 4.6 | 7.1 |
| 1955 | 5.1 | 7.3 |
| 1956 | 6.6 | 7.4 |

THE JUDICIAL BUSINESS OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

There are six judgeships provided for the United States District Court for the Eastern District of New York, which has headquarters at Brooklyn. The jurisdiction of the court embraces Staten Island and Long Island and, concurrent with the southern district, the waters within Bronx and New York counties. The Judicial Code of 1911 provided 2 judgeships for the district; a third judgeship was authorized as temporary in 1922; 2 more judgeships were provided in 1929, and in 1935 the temporary judgeship created in 1922 was made permanent and a sixth judgeship was added. There has been no increase in judgepower for the district in more than 20 years.

The civil business of the court has not increased materially since the prewar period as shown in table 1, attached, and in the postwar period the number of filings has been remarkably steady. A slight decrease in business during the war years was followed by a sharp rise in civil filings in 1945, 1946, and 1947 as the result of a large volume of price- and rent-control litigation. Since then the 1,383 civil cases filed in 1948 and the 1,384 filed in 1955 have been the years with the peak loads. In the fiscal year 1956 there were 1,185 civil cases commenced, compared with 1,272 in 1941, the last year before World War II.

During the war years, 1 and often 2 judges from this district sat regularly in the southern district of New York, but the docket conditions in Brooklyn have prevented this in recent years. Since 1945, the pending civil cases in the eastern district have increased rapidly. In 1947, the figure was 2,200, where it remained for about 3 years, and, in 1951, increased to 2,400. At the end of the fiscal year 1956 there were 2,588 civil cases pending in the district, including 1,801 private civil cases. The condition of the dockets appears from the following table, showing the number of cases

pending on the trial calendars of the court in the last 10 years:

*Cases pending on the civil and admiralty trial calendars eastern district of New York*

| | Total | Admiralty | Civil | |
|---|---|---|---|---|
| | | | Non-jury | Jury |
| December 1946 | 303 | 240 | 6 | 57 |
| June 1947 | 419 | 244 | 114 | 61 |
| June 1948 | 712 | 309 | 152 | 251 |
| June 1949 | 908 | 432 | 135 | 341 |
| June 1950 | 1,053 | 503 | 254 | 296 |
| June 1951 | 1,149 | 518 | 241 | 390 |
| June 1952 | 1,299 | 485 | 274 | 540 |
| June 1953 | 1,299 | 454 | 319 | 526 |
| June 1954 | 1,491 | 405 | 417 | 669 |
| June 1955 | 1,607 | 366 | 453 | 738 |
| June 1956 | 1,625 | 286 | 532 | 807 |
| January 1957 | 1,476 | 254 | 544 | 678 |

A reduction in civil cases pending on the calendars in the first 7 months of the current fiscal year is the result of a successful calendar call which has cleared away some deadwood and has resulted in the settlement of other suits. However, a great deal remains to be done, if the arrearages are to be cleared away within a reasonable period.

For many years the median time intervals for the disposition of civil cases terminated after trial in the southern district were the longest in the country, but in 1956 the southern district was replaced by the eastern district as the court with the longest delays. Many factors including the practices of the bar enter into the delay of litigation, but the median time figures take into account these factors in all districts. The median interval of 41.0 months from filing to disposition of the 160 cases terminated after trial in the eastern district of New York in 1956 was 2⅔ times as long as the national median of 15.4 months and the median time interval of 38.6 months between issue and trial for these same cases in 1956 was 3¾ times as long as the national median of 10.3 months. Eleven years ago the majority of cases were being reached for trial in the eastern district in a little more than 6 months from the joinder of issue and were being disposed of within 15 months of the date of filing. Complete information on the time intervals for the intervening years from 1945 to 1956 is given in table 4, attached.

The accumulation of civil cases in this court at a time when the volume of litigation has not been increasing is unusual and has been caused in part by a significant change in the character of the litigation handled. In the first half of the 1940–50 decade the private civil caseload consisted mostly of admiralty litigation, which on the average is not time consuming, although the cases tend to remain on the dockets for a long time due to the unavailability of witnesses who are at sea. But around 1946 a decline in admiralty litigation set in, while other types of time consuming private litigation began to increase.

In 1947 the Federal Tort Claims Act began to produce litigation against the Government which is significant in any consideration of the workload of this court because of the many Government installations on Long Island including the Brooklyn Navy Yard. The amount of money in controversy in some of these cases is often not large, but where the Government contests the claims, considerable work is required on the part of the court.

A comparison of the number of certain types of cases filed immediately after the war with the number presently being handled is revealing. For example in 1945 there were 45 Employers' Liability Act cases filed in Brooklyn compared with 76 in 1956. Inasmuch as the Tort Claims Act did not exist in 1945, there were no such cases in that year, but there were 63 in 1956. Patent litigation has been and remains very heavy in the district. In 1956 there were 8 such cases commenced per judgeship compared with the national average of 3. The diversity caseload is below average, but the negligent-personal-injury suits under this jurisdiction in 1956 numbered 59 per judgeship compared with the national average of 50 per judge. These large caseloads contrast with the decline in private admiralty litigation from 312 cases filed in 1945 to 78 in 1956.

The effect on the work of the district of the increasing volume of these time-consuming types of cases is evident from the number now pending on the dockets. On June 30, 1956, there were 36 Federal Tort Claims Act cases pending per judge in the eastern district compared with the national average of 8; there were 16 patent suits pending per judge compared with the national average of 5; and finally there were 95 diversity negligent-personal-injury suits, other than those arising out of motor-vehicle accidents, pending per judge compared with a national average of 21. Other details concerning the types and the age of the pending cases may be found in table 7, attached.

The criminal caseload for the district has doubled in the last 5 years (see table 2), but is still somewhat below the average per judge nationally. Criminal cases receive priority and the dockets of the districts are reasonably current, although the number of cases pending at the end of the year has also been increasing for the last 5 fiscal years.

The recommendations of the Judicial Conference of the United States for additional judgeships are designed to provide sufficient judicial manpower to enable the courts to reach a condition where civil cases may be reached for trial within 6 months of filing. In order that this goal may be achieved in the eastern district of New York the conference has recommended that two additional judgeships be created for this district.

A recent drive by the court to clear the deadwood from the civil docket and try to settle some of the cases which have been pending for some time had brought about a reduction of 129 cases in the calendar between June 30, 1956, and January 31, 1957. However, there were still a very large number of cases on the dockets. Complete statistical tables showing the judicial business of the district for the last 16 fiscal years are attached.

Respectfully submitted.

JOSEPH F. SPANIOL, Jr.,
*Attorney, Division of Procedural Studies and Statistics, Administrative Office of the United States Courts.*

FEBRUARY 12, 1957.

EASTERN DISTRICT OF NEW YORK

TABLE 1.—*Civil cases commenced and terminated, by fiscal year, and pending at the end of each year beginning with 1941*

TOTAL CIVIL CASES

| Fiscal year | Commenced | Terminated | Pending June 30 | Fiscal year | Commenced | Terminated | Pending June 30 | Fiscal year | Commenced | Terminated | Pending June 30 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1941 | 1,272 | 1,109 | 1,223 | 1947 | 1,721 | 1,412 | 2,243 | 1952 | 1,167 | 1,272 | 2,307 |
| 1942 | 1,062 | 1,176 | 1,109 | 1948 | 1,383 | 1,435 | 2,191 | 1953 | 1,251 | 1,073 | 2,485 |
| 1943 | 987 | 1,099 | 997 | 1949 | 1,346 | 1,381 | 2,156 | 1954 | 1,180 | 1,174 | 2,491 |
| 1944 | 1,007 | 897 | 1,107 | 1950 | 1,198 | 1,237 | 2,117 | 1955 | 1,384 | 1,111 | 2,764 |
| 1945 | 2,263 | 1,955 | 1,415 | 1951 | 1,266 | 971 | 2,412 | 1956 | 1,185 | 1,361 | 2,588 |
| 1946 | 2,054 | 1,535 | 1,934 | | | | | | | | |

PRIVATE CIVIL CASES

| Fiscal year | Commenced | Terminated | Pending June 30 | Fiscal year | Commenced | Terminated | Pending June 30 | Fiscal year | Commenced | Terminated | Pending June 30 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1941 | 724 | 627 | 790 | 1947 | 735 | 554 | 955 | 1952 | 677 | 789 | 1,560 |
| 1942 | 647 | 704 | 733 | 1948 | 862 | 530 | 1,287 | 1953 | 741 | 644 | 1,657 |
| 1943 | 559 | 671 | 621 | 1949 | 733 | 613 | 1,407 | 1954 | 684 | 588 | 1,653 |
| 1944 | 490 | 474 | 637 | 1950 | 658 | 644 | 1,421 | 1955 | 729 | 617 | 1,765 |
| 1945 | 538 | 479 | 696 | 1951 | 808 | 557 | 1,672 | 1956 | 691 | 655 | 1,801 |
| 1946 | 545 | 467 | 774 | | | | | | | | |

TABLE 2.—*United States civil cases and criminal cases commenced and terminated, by fiscal year, and pending at the end of each year beginning with 1941*

UNITED STATES CIVIL CASES (UNITED STATES A PARTY)

[Price and rent control cases are in parentheses [1]]

| Fiscal year | Commenced | Terminated | Pending June 30 | Fiscal year | Commenced | Terminated | Pending June 30 | Fiscal year | Commenced | Terminated | Pending June 30 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1941 | 548 | 482 | 433 | 1947 | 986 (615) | 858 | 1,288 | 1953 | 510 (41) | 429 | 828 |
| 1942 | 415 | 472 | 376 | 1948 | 521 (173) | 905 | 904 | 1954 | 496 | 486 | 838 |
| 1943 | 428 (12) | 428 | 376 | 1949 | 613 (289) | 768 | 749 | 1955 | 655 | 494 | 999 |
| 1944 | 517 (166) | 423 | 470 | 1950 | 540 (171) | 593 | 696 | 1956 | 494 | 706 | 787 |
| 1945 | 1,725 (1,228) | 1,476 | 719 | 1951 | 458 (0) | 414 | 740 | | | | |
| 1946 | 1,509 (1,111) | 1,068 | 1,160 | 1952 | 490 (38) | 483 | 747 | | | | |

[1] Price and rent control cases are separately listed from 1943 to 1953. In many of these years they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition. They are included in the figure which they follow.

TABLE 2.—*United States civil cases and criminal cases commenced and terminated, by fiscal year, and pending at the end of each year beginning with 1941*—Continued

CRIMINAL CASES

[Cases transferred are not included in "Commenced" and "Terminated" columns]

| Fiscal year | Commenced | Terminated | Pending June 30 | Fiscal year | Commenced | Terminated | Pending June 30 | Fiscal year | Commenced | Terminated | Pending June 30 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1941 | 259 | 288 | 134 | 1947 | 366 | 422 | 151 | 1953 | 237 | 241 | 101 |
| 1942 | 344 | 260 | 218 | 1948 | 338 | 393 | 107 | 1954 | 358 | 289 | 180 |
| 1943 | 556 | 515 | 259 | 1949 | 333 | 341 | 106 | 1955 | 408 | 404 | 189 |
| 1944 | 722 | 724 | 257 | 1950 | 266 | 298 | 84 | 1956 | 488 | 483 | 209 |
| 1945 | 526 | 554 | 229 | 1951 | 251 | 265 | 76 | | | | |
| 1946 | 543 | 570 | 202 | 1952 | 230 | 231 | 93 | | | | |

TABLE 3.—*Cases commenced per judgeship*

| Fiscal year | Number of judgeships | Total civil cases | | Private civil cases | | Criminal cases (less immigration) [2] | | Fiscal year | Number of judgeships | Total civil cases | | Private civil cases | | Criminal cases (less immigration) [2] | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | New York, eastern | National average [1] | New York, eastern | National average [1] | New York, eastern | National average [1] | | | New York, eastern | National average [1] | New York, eastern | National average [1] | New York, eastern | National average [1] |
| 1941 | 6 | 212 | 164 | 121 | 82 | 43 | 153 | 1949 | 6 | 224 | 238 | 122 | 121 | 55 | 123 |
| 1942 | 6 | 177 | 168 | 108 | 77 | 57 | 161 | 1950 | 6 | 200 | 222 | 110 | 113 | 44 | 116 |
| 1943 | 6 | 165 | 158 | 93 | 58 | 88 | 174 | 1951 | 6 | 211 | 204 | 135 | 111 | 41 | 106 |
| 1944 | 6 | 168 | 169 | 82 | 56 | 115 | 184 | 1952 | 6 | 195 | 236 | 113 | 126 | 38 | 112 |
| 1945 | 6 | 377 | 295 | 90 | 57 | 86 | 176 | 1953 | 6 | 209 | 261 | 124 | 146 | 39 | 114 |
| 1946 | 6 | 342 | 321 | 91 | 70 | 89 | 142 | 1954 | 6 | 197 | 210 | 114 | 127 | 57 | 103 |
| 1947 | 6 | 287 | 271 | 123 | 109 | 60 | 134 | 1955 | 6 | 231 | 212 | 122 | 126 | 66 | 104 |
| 1948 | 6 | 231 | 205 | 144 | 117 | 56 | 123 | 1956 | 6 | 198 | 225 | 115 | 135 | 77 | 102 |

[1] This column includes 86 districts for 1949 and thereafter; 84 districts before 1949.
[2] Immigration cases have been eliminated from this table because they occur in volume in only 5 districts on the Mexican border and because the average judicial time per case for their disposition is small.

TABLE 4.—*Time elapsing in civil cases tried* [1]

| Fiscal year | Number of cases tried | Median interval in months from filing to disposition | | Median interval in months from issue to trial | | Fiscal year | Number of cases tried | Median interval in months from filing to disposition | | Median interval in months from issue to trial | | Fiscal year | Number of cases tried | Median interval in months from filing to disposition | | Median interval in months from issue to trial | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | New York, eastern | National median | New York, eastern | National median | | | New York, eastern | National median | New York, eastern | National median | | | New York, eastern | National median | New York, eastern | National median |
| 1945 | 116 | 14.8 | 9.0 | 6.3 | 5.3 | 1949 | 170 | 21.8 | 10.4 | 13.5 | 5.9 | 1953 | 98 | 32.6 | 12.4 | 28.5 | 7.4 |
| 1946 | 98 | 18.0 | 8.9 | 8.6 | 5.0 | 1950 | 173 | 21.4 | 11.2 | 17.9 | 6.7 | 1954 | 108 | 39.5 | 13.5 | 34.2 | 8.1 |
| 1947 | 98 | 17.3 | 9.0 | 7.9 | 5.1 | 1951 | 130 | 15.7 | 12.2 | 20.0 | 7.3 | 1955 | 86 | 45.1 | 14.6 | 39.4 | 9.1 |
| 1948 | 133 | 17.3 | 9.9 | 9.4 | 5.8 | 1952 | 126 | 25.4 | 12.1 | 17.2 | 7.0 | 1956 | 160 | 41.0 | 15.4 | 38.6 | 10.3 |

[1] The median time interval in months is computed for the civil cases in which a trial was held, which were terminated during the year, excluding land condemnation, habeas corpus, and forfeiture proceedings. No median interval is shown for the years 1945 through 1952 where less than 25 cases were terminated after trial. For the year 1953 and subsequent years, where there were less than 25 cases terminated after trial, a median is listed with an asterisk (*) on the basis of the number of cases terminated after trial for the last 2 years, provided there were 25 such cases for the 2 years.

TABLE 5.—*Cases commenced per judgeship in this district and in 86 districts by nature of suit, fiscal year 1956*

| | New York, eastern | 86 districts |
|---|---|---|
| Civil cases: | | |
| Total cases | 198 | 225 |
| United States cases | 82 | 90 |
| Private cases | 115 | 135 |
| United States cases: | | |
| United States plaintiff | 54 | 73 |
| Land condemnation | 1 | 4 |
| Fair Labor Standards Act | 6 | 2 |
| Other enforcement suits | 2 | 2 |
| Food and Drug Act | 6 | 4 |
| Liquor laws | | 2 |
| Other forfeitures and penalties | 3 | 5 |
| Negotiable instruments | 10 | 25 |
| Other contracts | 17 | 21 |
| Other United States plaintiff | 9 | 8 |
| Civil cases—Continued | | |
| United States cases—Continued | | |
| United States defendant | 28 | 18 |
| Enjoin Federal agencies | 7 | 3 |
| Habeas corpus | 2 | 3 |
| Tort Claims Act | 11 | 4 |
| Tax suits | 4 | 5 |
| Other United States defendant | 5 | 3 |
| Private cases: | | |
| Federal question | 38 | 33 |
| Copyright | 2 | 1 |
| Employers' Liability Act | 13 | 6 |
| Fair Labor Standards Act | | 1 |
| Habeas corpus | | 3 |
| Jones Act | 6 | 10 |
| Civil cases—Continued | | |
| Private cases—Continued | | |
| Miller Act | 2 | 2 |
| Patent | 8 | 3 |
| Other Federal question | 7 | 7 |
| Diversity of citizenship | 64 | 90 |
| Insurance | 4 | 15 |
| Other contracts | 10 | 16 |
| Real property | | 3 |
| Personal injury (motor vehicle) | 12 | 33 |
| Personal injury (other) | 37 | 17 |
| Other diversity | 1 | 5 |
| Admiralty | 13 | 11 |
| Criminal cases (less immigration) | 77 | 102 |

TABLE 6.—*Civil and criminal trials commenced*

| BY FISCAL YEAR | | | | | | | | PER JUDGESHIP | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Fiscal year | Total trials commenced | Civil | | | Criminal | | | Fiscal year | Number of judgeships | Total trials | | Civil | | Criminal | |
| | | Total | Nonjury | Jury | Total | Nonjury | Jury | | | New York, eastern | National average [1] | New York, eastern | National average [1] | New York, eastern | National average [1] |
| 1951 | 141 | 123 | 62 | 61 | 18 | 2 | 16 | 1951 | 6 | 24 | 39 | 21 | 28 | 3 | 11 |
| 1952 | 139 | 117 | 49 | 68 | 22 | 8 | 14 | 1952 | 6 | 23 | 40 | 20 | 27 | 4 | 13 |
| 1953 | 114 | 103 | 46 | 57 | 11 | 5 | 6 | 1953 | 6 | 19 | 44 | 17 | 29 | 2 | 15 |
| 1954 | 165 | 123 | 72 | 51 | 42 | 10 | 32 | 1954 | 6 | 28 | 40 | 21 | 25 | 7 | 15 |
| 1955 | 145 | 107 | 75 | 32 | 38 | 5 | 33 | 1955 | 6 | 24 | 41 | 18 | 26 | 6 | 15 |
| 1956 | 197 | 160 | 76 | 84 | 37 | 5 | 32 | 1956 | 6 | 33 | 43 | 27 | 29 | 6 | 14 |

[1] This column includes 86 districts.

TABLE 7.—*Civil cases pending on June 30, 1956*

PER JUDGESHIP

| Nature of suit | Cases pending per judgeship | | Nature of suit | Cases pending per judgeship | | Nature of suit | Cases pending per judgeship | |
|---|---|---|---|---|---|---|---|---|
| | New York, eastern | National average | | New York, eastern | National average | | New York, eastern | National average |
| Total civil cases | 431 | 236 | United States defendant | 73 | 27 | Diversity of citizenship | 157 | 98 |
| United States civil cases | 131 | 74 | Tort Claims Act | 36 | 7 | Insurance | 6 | 11 |
| Private civil cases | 300 | 162 | Tax suits | 9 | 8 | Other contracts | 19 | 20 |
| | | | Other United States defendant | 29 | 13 | Real property | | 3 |
| United States plaintiff | 58 | 46 | | | | Personal injury (motor vehicle) | 34 | 34 |
| | | | Federal question | 89 | 44 | Personal injury (other) | 95 | 21 |
| Land condemnation | 4 | 14 | | | | Other diversity | 3 | 9 |
| Antitrust | | | Antitrust | 1 | 2 | | | |
| Other enforcement suits | 20 | 5 | Copyright | 3 | 1 | Admiralty | 54 | 20 |
| Forfeitures and penalties | 3 | 4 | Federal Employers' Liability Act | 32 | 8 | | | |
| Negotiable instruments | 7 | 8 | Jones Act | 18 | 16 | | | |
| Other contracts | 14 | 9 | Patent | 16 | 5 | | | |
| Other United States plaintiff | 11 | 7 | Other Federal question | 19 | 11 | | | |

AGE

| Jurisdiction | Total pending | Age of civil cases pending | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Less than 6 months | 6 months to 1 year | 1 to 2 years | 2 to 3 years | 3 to 4 years | 4 to 5 years | 5 years and over |
| Total civil cases | 2,588 | 467 | 381 | 653 | 410 | 303 | 129 | 245 |
| United States civil | 787 | 167 | 90 | 169 | 119 | 95 | 19 | 108 |
| United States plaintiff | 348 | 85 | 37 | 67 | 50 | 28 | 11 | 70 |
| United States defendant | 439 | 82 | 53 | 102 | 69 | 67 | 28 | 38 |
| Private civil | 1,801 | 300 | 291 | 484 | 291 | 208 | 90 | 137 |
| Federal question | 535 | 101 | 95 | 162 | 88 | 47 | 15 | 27 |
| Diversity | 942 | 180 | 160 | 274 | 156 | 82 | 33 | 57 |
| Admiralty | 324 | 19 | 36 | 48 | 47 | 79 | 42 | 53 |

THE JUDICIAL BUSINESS OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

The United States District Court for the Southern District of New York is the largest trial court in the Federal judicial system in number of judges and of big cases and it is located in the greatest commercial and industrial center in the world. Its 18 judges handle a very great percentage of all antitrust litigation and a large share of the patent, copyright and trademark cases as well as time-consuming criminal prosecutions of national and international importance. New York is the largest port in the Nation and in the last few years about 40 percent of the admiralty and maritime litigation in the Federal courts has been filed in the southern district. The business of the court has multiplied in the last half century and from time to time additional judgeships have been added. The four judges provided for the district by the judicial code of 1911 were raised to 6 in 1922, to 9 in 1929, to 11 in 1936, to 12 in 1938, to 16 in 1949, and finally to 18 in 1954. Court is held only in New York City.

The history of this court from the end of World War II to 1955 can be described only in terms of excessive caseloads, large numbers of protracted cases, a continual accumulation of arrearages, and mounting delay. The judicial assistance provided to meet the situation has been neither timely nor adequate to meet the everincreasing business and until recently the trial dockets have been very congested. In 1941 and through the war years when there were 13 judgeships for the district (including one temporary position which expired in 1943), the pending civil cases fluctuated between 3,500 and 4,500, but by the end of 1945 increased to 5,800. Two years later the pending civil cases surged upward by 70 percent to 10,100, which prompted the Judicial Conference of the United States in 1947 to recommend two additional judgeships and to ask that the expired temporary position be reestablished. When the pending caseload increased another 800 cases in the ensuing 12 months, the Judicial Conference requested four additional judgeships for the district and these positions were provided in the omnibus judgeship bill passed in 1949.

Still the civil backlog piled up and delay increased. On June 30, 1950, the pending civil caseload reached 11,134 and it became clear that the extra judge-power provided was inadequate to overcome the enormous arrearages. The pending civil cases in this district alone were more than one-fifth of the number in all district courts. In September of that year the Judicial Conference of the United States recommended five more judgeships for the district, including two on a temporary basis. By the end of the fiscal year 1953 the arrearages had reached 11,768 civil cases including 9,385 private civil cases and in addition delays in criminal cases were being felt and the pending criminal caseload topped 1,000 for the first time in almost 10 years.

In 1954, two of the five judgeships recommended by the judicial conference were created. The conference immediately renewed its request for the other three judges and supplemented this in 1956 by a recommendation for a fourth new judgeship. The purpose of these conference recommendations is to provide sufficient judicial manpower to enable the courts to eliminate arrearages and

reach a point where the average civil case can be reached for trial within 6 months of the date of filing.

Although there has been some improvement in the docket conditions in the southern district of New York recently, additional help is needed if the goal of the conference is to be achieved within a reasonable time. The backlog of 8,205 civil cases on June 30, 1956, was more than twice the 4,087 civil cases pending on June 30, 1941. But 2 years ago the delays in the district were so bad that many cases being disposed of by trial had been pending on the dockets more than 4 years and had been awaiting trial more than 3 years. The median interval from filing to disposition of cases terminated after trial in 1955 was 45.9 months and the median from issue to trial was 34.8 months. And even with such delays the judges were often without cases to try due to recurring calendar breakdowns. At that time the court appointed a committee of judges to investigate what steps may be taken to improve the condition of the calendars. Drastic changes in the calendaring practices were devised and the court embarked upon a program designed to provide firmness and stability to these calendars. The calendars for the first time were put in the charge of the judges. A year ago last fall a call of the entire civil calendar consisting of 5,700 cases was completed with startling results. By the end of the court year the calendared cases were reduced to 1,800 and the number of cases pending on the dockets decreased from 10,334 to 8,205, a gain of more than 2,000 cases. A continuation of the same practices in the current court year has reduced the size of the calendar to 767 cases as of December 31, 1956, although the total number of civil cases on the dockets on the same date remained at a level of 8,500.

Principal efforts of the court until recently have been to dispose of cases on the calendars and this has greatly reduced the number of cases ready for trial. Now older cases on the dockets which have not yet been calendared have been called and counsel have been asked to report the status of these cases. This will bring some cases to the trial dockets and will also result in settlements and dismissals. The cases which are not calendared all constitute potential trials and if the litigants are to receive prompt attention, the court must exercise some measure of control over them, which is now being done.

The details of the new calendaring system are set forth in an article by Judge Irving Kaufman which appeared in the December 1956 issue of the Journal of the American Judicature Society. A copy of that article is attached to this statement.

The achievements of the court are encouraging. They have been made possible in part through the able assistance of three retired judges of the court and the services of visiting judges from other districts. This has proven to be a very desirable expedient, but it cannot be relied upon as a substitute for permanent judgeships. Retired judges cannot maintain an unslackeed pace and visiting judges are often difficult to secure. The four judgeships as recommended by the Conference are needed and Judge Kaufman views the necessity for them as follows:

"I will not detail the need for additional judicial manpower. Suffice to say, part I has demonstrated that there are a sufficient number of hard-core triable cases well in excess of the number our present quota of judges can handle, and if our calendars are to be maintained in their present current status, the implementation of the Judicial Conference's recommendations for new judgeships is a necessary first step."

Notwithstanding the improved calendar situation the accumulated backlog of civil cases is enormous. As of June 30, 1956, the 8,205 pending civil cases amounted to 456 per judgeship or almost twice the national average of 236 civil cases pending per judgeship. With 8 percent of the judges in all the 86 districts having solely Federal jurisdiction, the backlog of private litigation in the district was 18 percent of the national total. As of June 30, 1956, 44 percent of all pending private admiralty cases, more than one-half of all Jones Act suits involving injury to seamen, one-third of all copyright cases, one-fourth of all Government civil antitrust suits, and about one-fifth of all private antitrust suits were on the dockets in the district. The Government civil antitrust suits were 15 in number and these actions together with the four criminal antitrust prosecutions pending on July 15, 1956, are listed in appendix A. The number of time-consuming private antitrust suits pending in the district at that time numbered 100. Further details concerning the age and composition of the pending civil cases are given in table 7.

The court in the southern district of New York serves New York City exclusive of Staten and Long Islands, and to a certain extent serves also the entire New York-northeastern New Jersey area which in 1950 had a population of almost 13 million. New York is the financial capital of the world and the Nation's largest port. Complicated commercial litigation and important criminal cases tend to gravitate to this region and in the last 3 years the southern district has had 22 trials which have required 20 or more actual trial days not including the time spent in the preparation of the case and the writing of opinions.

Long trials in this district which have attracted much public attention in recent years have included the important Smith Act case, *U. S.* v. *Dennis et al.*, tried by Judge Medina which took 168 trial days; the Investment Bankers antitrust case, *U. S.* v. *Morgan*, which required 309 trial days, also tried by Judge Medina (he was occupied with the case for 3 years); *U. S.* v. *Flynn*, also a Communist case, tried by Judge Dimock for 154 trial days; *Ferguson* v. *Ford*, a multimillion dollar suit against the Ford Motor Co. tried by Judge Noonan for 120 trial days and finally settled; and *U. S.* v. *Imperial Chemical Industries*, tried by Judge Ryan for 56 days.

The trial time in these cases is only a small part of the time they require of the judge and this is particularly true of the antitrust cases. The number of exhibits, depositions, and documents in this type of proceeding is almost unbelievable. For example in the Alcoa case, there were 15,000 pages of record, in the National Lead case, 1,400 exhibits and 5,000 pages of record, in Imperial Chemical Industries, 3,700 exhibits and in the Investment Bankers case, 10,600 exhibits. *Ferguson* v. *Ford* contained 27,000 exhibits and 10,000 pages of record and the trial was never concluded. When the case was settled the plaintiff had not yet completed his direct case.

The Judicial Conference Committee on Procedure in Antitrust and Other Protracted Cases has recommended in its report adopted by the Conference in 1951 that cases of this type should be assigned to a judge from their inception and that the judge to whom such a case is assigned "should be relieved of all other duties from the commencement of the trial until his judgment is pronounced." This has frequently been impossible in this court. There were 5 cases tried in 1956 which required 20 days or more:

Civil cases: *Universe Tankships, Inc.* v. *Bethlehem Steel*, 43 trial days, contract action. *Banking & Trading Corp.* v. *R. F. C.*, 20 trial days, contract action..

Criminal cases: *U. S.* v. *Klein*, 77 trial days, tax fraud. *U. S.* v. *Kiame*, 33 trial days, tax fraud. *U. S.* v. *Allied Stevedoring Corp.*, 31 trial days, tax fraud.

Another long Smith Act case, *U. S.* v. *Trachtenberg*, tried by Judge Bicks, was commenced during the fiscal year and completed shortly after the close of the year, requiring 59 trial days.

The large backlog of potentially long and complicated cases as well as the number being filed is an important factor in the Judicial Conference recommendation for four additional judgeships. But help is needed also to handle the large caseloads of more or less routine litigation. Four judgeships would increase the judicial staff by 22 percent, but would not reduce the average caseload per judgeships in the district to a point below the national average. On the basis of the 5,033 civil cases filed in the court during the fiscal year 1956 the effect would have been to reduce the average incoming caseload in the district from 280 cases per judge to 229, which is four cases more than the average per judgeship nationally of 225 in 1956 and considerably in excess of the caseload of 196 civil cases per judge, if all the judgeships recommended by the Conference had existed. Again on the basis of the 1956 filings the four extra judges would have reduced the caseload of incoming private civil cases from 226 to 185 per judge, which is 50 cases more than the average that year of 135 private civil cases commenced per judgeship nationally and 68 cases more than the national average per judgeship on the basis of the 262 judgeships including 34 recommended by the Conference in the 86 districts having purely Federal jurisdiction.

In the first half of the fiscal year 1957 there has been a decided upsurge in civil filings to 2,775, or 500 civil cases more than the number filed during a like period of the preceding fiscal year. All of this increase has occurred in the time-consuming private civil cases. A comparison of the civil cases, private civil cases, and criminal cases commenced and terminated in the district in the first half of the fiscal years 1956 and 1957 (July 1–December 31) appears in the following table:

*Cases commenced and terminated*

| Fiscal year | Commenced | Terminated | Pending at end of half-year period |
|---|---|---|---|
| TOTAL CIVIL CASES | | | |
| 6 months of 1956 | 2,284 | 3,379 | 9,239 |
| 6 months of 1957 | 2,775 | 2,475 | 8,505 |
| PRIVATE CIVIL CASES | | | |
| 6 months of 1956 | 1,791 | 2,725 | 7,529 |
| 6 months of 1957 | 2,292 | 2,001 | 7,053 |
| CRIMINAL CASES | | | |
| 6 months of 1956 | 434 | 510 | 629 |
| 6 months of 1957 | 426 | 511 | 435 |

The criminal caseload in the district is not heavy numerically and the dockets are reasonably current because of the priority to which they are entitled and receive. However, criminal cases are a factor to be considered in the workload of the district because of the many protracted trials, which in past years have included celebrated Smith Act and sedition trials, tax-evasion cases, and criminal antitrust suits.

Complete statistical tables showing the judicial business of the district in the last 16 fiscal years are attached.

Respectfully submitted.

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FEBRUARY 18, 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 amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 16 to the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, and that the House concurred in the amendments of the Senate numbered 7 and 15 to the bill, each with an amendment, in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED

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

S. 1482. An act to amend certain provisions of the Columbia Basin Project Act, and for other purposes;

S. 2438. An act to amend the District of Columbia Business Corporation Act;

H. R. 1394. An act to authorize the sale of certain keys in the State of Florida by the Secretary of the Interior; and

H. R. 7636. An act to provide for the conveyance to the State of Florida of a certain tract of land in such State owned by the United States.

## INCREASE IN RATES OF BASIC SALARY OF POSTAL FIELD SERVICE EMPLOYEES

Mr. JOHNSON of Texas. Mr. President, we plan to consider two measures this evening, and to take up the House amendment to the amendment of the Senate to the civil rights bill, although I do not expect any lengthy discussion of that measure.

I move that the Senate proceed to the consideration of Calendar No. 720, House bill 2474.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 2474) to increase the rates of basic salary of employees in the Postal Field Service.

Mr. JOHNSON of Texas. Mr. President, I invite the attention of the Senator from South Carolina [Mr. JOHNSTON] and the Senator from Kansas [Mr. CARLSON].

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, may we have the yeas and nays ordered on final passage of the bill?

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, there is a unanimous-consent agreement with respect to the pending bill, and also with respect to Calendar No. 871, House bill 2462, a bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes.

As I understand, 1 hour is to be equally divided and controlled, respectively, by the majority leader and the minority leader. If the proponents of the bill will tell me to whom they wish to allot time, I would appreciate it.

Mr. NEUBERGER rose.

Mr. JOHNSON of Texas. Does the Senator from Oregon desire to speak in behalf of the bill?

Mr. NEUBERGER. Yes; as chairman of the subcommittee.

Mr. JOHNSON of Texas. How much time does the Senator need?

Mr. NEUBERGER. Eight or nine minutes would be ample.

Mr. JOHNSON of Texas. I yield 8 minutes to the Senator from Oregon.

Mr. CARLSON. Mr. President, I understand that Calendar No. 871, House bill 2462, to increase the compensation of employees in the classified service will be considered following the disposition of the pending bill.

Mr. JOHNSON of Texas. The Senator is correct.

Mr. President, I hope that Senators will be on notice that all of the time allotted may not be used. I hope that we may act on these two measures at an early hour.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. JOHNSON of Texas. Mr. President, let us see if there are any amendments to be offered to the bill. I understand there are none. I understand that the Senator from Kansas had intended to offer an amendment if it had not been planned to follow consideration of House bill 2474 by consideration of Calendar No. 871, House bill 2462, providing for increases in the compensation of classified civil-service employees.

Mr. CARLSON. The Senator from Kansas had intended to offer an amendment to the pending bill, but the majority leader states that he expects to take up the classified service pay increase bill following the disposition of the pending bill.

Mr. JOHNSON of Texas. The Senator is correct.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. JOHNSON of Texas. Mr. President, I yield 8 minutes to the Senator from Oregon [Mr. NEUBERGER].

Mr. NEUBERGER. Mr. President, several days ago I made clear my position in regard to the postal pay bills presently pending before the Senate. I explained that I would move that S. 27 be laid aside and press for Senate approval of H. R. 2474, because of my firm belief that any other course of action might result in delaying final passage. The need for haste transcends all other considerations. Obviously, a pay raise next year would put no food on the table of the family of a postal worker today. And let no one doubt that it is needed now.

I also want to pay tribute to the distinguished chairman of our full committee [Mr. JOHNSTON of South Carolina] in helping to bring this measure to the Senate floor. He deserves great credit.

### EXPLANATION OF BILLS

Mr. President, the differences between the Senate and House bills are not great. Neither bill is complicated. Each has the common objective of giving postal employees a more than justified and extremely modest increase in pay which is required to offset in part the constantly increasing cost of living.

S. 27, as reported, and pending on the Senate Calendar, provides a permanent increase of 7½ percent to all employees in the field service of the Post Office Department. In addition, it provides a temporary cost-of-living adjustment of $240 to employees in the bottom 5 pay levels; $160 to employees in level 6; and $80 to employees in level 7.

The 7½-percent permanent increase would amount to $158 million and the temporary cost-of-living adjustment $110 million for a total cost of $268 million annually. The average increase would amount to about 12 percent.

H. R. 2474, as passed by the House, and pending on the Senate Calendar, provides an across-the-board increase of $546 to all employees in the field service of the Post Office Department, except rural carriers, whose pay would be adjusted on a comparable basis, and fourth-class postmasters, who would receive an increase of 12 percent.

The cost of this bill would be $279 million annually, for an average of 12½ percent per employee.

The net difference between the two bills is $10 million annually and one-half percent in the average increase per employee. The differences are not extensive enough to quibble over, when time is of the essence.

In my judgment, and in the judgment of other members of the subcommittee who sat through many days of public hearings with me, the case of postal employees for an immediate pay increase is irrefutable. The present situation is an emergency for the employees and the postal service alike. Unless immediate relief is provided, an increasing number of employees—unable any longer to meet their family obligations—will be forced to seek other means of making a living. The further loss of experienced personnel cannot help but result in a continued deterioration of what traditionally has been referred to as the greatest communications system in the world.

In the final analysis, the American public would be the loser if we follow a false path that leads nowhere but to chaos in the postal service.

Throughout this long session, Congress has been called upon again and again to appropriate additional funds to the Department under the threat that a denial would result in the elimination or curtailment of essential services. Aside from a normal increase in the volume of mail, the Department based its requests on the increased costs of doing business.

Strangely enough, these same postal officials had the effrontry to testify before the Post Office and Civil Service Committee that the additional pay to our postal employees necessary to meet increases in the cost-of-living would be: "Inflationary." "Harmful to the economy," or "Not in accord with the program of the President."

It may well be that recognition by these officials of the acute plight of the average postal employee to make ends meet, would do more at less cost than anything else they could undertake to restore the service to former high levels. I am completely confident the response by postal employees to sympathetic but tangible attention to their needs would be reflected, several times over, in increased production and improved service.

RESPONSIBILITY

Unlike employees in private industry, our postal workers are unable to exert certain lawful and recognized pressures to obtain just treatment. They have never asked that they be given such rights. Their only recourse is Congress. Unless Congress acts, the pay of these employees is fastened in a straitjacket.

Under these circumstances, Congress would be derelict in its duty if it failed to act with wisdom and dispatch. I believe firmly that the Senate will, by its action on the pending bill, measure up to its responsibility. I do not think the trust and confidence of these employees in the fairness of Congress will be betrayed. And I certainly hope it will not be betrayed.

EFFECT OF INCREASE

The opposition of the administration to a pay increase has been that the increase would be inflationary. It is my contention that the working men and women of the Nation are the victims and not the cause of inflation.

If one were to assume for the sake of argument that they are the cause, then should not the wages of our entire work force be controlled? And should not prices be controlled? Should not interest rates be controlled? Should not profits then be controlled? Should not we have a controlled economy in every respect? I do not think the administration has any plans along these lines—nor do I recommend such plans. But unless and until that occurs, it is not fair that Federal employees, and Federal employees alone, be forced to accept a rigidly controlled wage in exchange for their daily toil. One segment of the economy should not be shackled while the rest of the economy bursts its financial boundaries.

EXISTING DISPARITY

Mr. President, postal employees have been given one pay increase in 6 years. That increase did not come easily. It came after two vetoes by the President. Except for the perserverance of Congress, our postal employees would be working today for the same wage they were receiving 6 years ago.

By way of contrast, the wages of employees in private industry have increased by over 20 percent during the same period of time. Everything else has kept this accelerated pace. The cost of living reaches a new high each succeeding month. The price of medicine climbs. Hospital rates increase. Gasoline costs more. Toothpaste is higher. Groceries rise each month.

But shackled fast and held stationary, by contrast, are the wages of postal employees. It is this situation that we are called upon to meet today.

Aside from increased prices is the element of production. Officials of the Department—except when pay is being considered—point with pride to the fact that the productivity of postal employees has increased some 15 to 20 percent in recent years. This factor alone—in the eyes of progressive management in private industry—would more than justify the increase in pay proposed by this bill.

CONCLUSION

As pointed out in the report on S. 27, long and searching public hearings developed an irrefutable case for an increase, at once, in the pay of postal employees and other Government workers. It was established, clearly and convincingly, that the pay of Federal employees has not kept pace with the pay of comparable employees in private industry.

Even more shocking was the evidence that the Government is, in many instances, paying its employees well below the minimum necessary to maintain a decent standard of living for their families. This has forced many of our employees to obtain second and third jobs on the outside, in order to supplement their rent and grocery budgets.

Mr. President, the increases provided by the bill are modest. They are below what I and many members of the committee believe justified. On the basis of the vote in the House of Representatives, our belief is shared by many in that arm of the Congress. I hope, sincerely and fervently, our view will be considered favorably by the President of the United States when the bill reaches his desk. It will be a tragedy wreaked on our loyal, diligent, and deserving postal employees should the bill not be enacted. It will be democracy at its fairest and best if the bill is enacted. I hope that President Eisenhower heeds our actions here in the Senate.

Mr. President, I ask unanimous consent to have inserted immediately following my remarks an editorial entitled "Postal Wages Too Low" from the August 6 issue of the Oregonian, of Portland, Oreg.

I also ask unanimous consent to have inserted an editorial entitled "Wage Increase Justified" from the August 10 issue of the Oregon Journal, of Portland, Oreg.

These editorials from the two daily newspapers of my home city are typical in this view of many other dailies across the Nation.

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

[From the Portland Oregonian of August 6, 1957]

POSTAL WAGES TOO LOW

Postal clerks, carriers, and other employees got about a 10 percent wage increase in 1951. They got an 8 percent increase in 1955. Since postal wages have slipped behind those in many other Federal agencies, and far behind wages in industry, the post office is having a rough time keeping younger employees. The turnover is too great for efficiency. Some older workers are leaving for greener pastures. The post office is not so attractive as a career service as it once was.

The House of Representatives has adopted H. R. 2474 providing a $546 annual across-the-board cost-of-living increase for postal employees. This amounts to about 12 percent, but is by no means too generous. There is talk that the Senate committee, which has been considering a separate bill, may go along with the House to expedite the legislation.

The possibility of a Presidential veto has been raised. Although post office employees consider themselves on the tail rather than the head of inflation, and we think they are right, Postmaster General Summerfield has said the increase would be inflationary. But why single out postal employees to hold the line, when wage adjustments are being made in other departments and the price of steel has boomed $6 a ton?

The view that post office wages should not be increased unless there is a comparable boost in mail rates and charges is untenable. Congress sanctions a $600,500,000 annual deficit in the post office because it is politically afraid to increase rates. But employees cannot in justice be made the scapegoat for political timidity, or for any more tenable reason for subsidization of the Federal mails. The House postal pay bill should be adopted in the Senate, and it should not be vetoed by President Eisenhower.

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[From the Oregon Journal of August 10, 1957]

WAGE INCREASE JUSTIFIED

Congress and the administration will be doing an injustice to a large group of Government employees if a pay adjustment for postal workers is not provided at the current session.

The House passed a pay-increase measure by a vote of 379 to 38 and the measure now rests in a Senate committee. This bill provides a $546 across-the-board increase. With this increase a Portland clerk or carrier who has put in 7 years and worked himself to the top civil-service grade for his position still would be making less than $5,000 a year gross income.

The postal service is a big operation. In all, some 518,000 workers across the country would be affected by this bill and the total annual cost would be in the neighborhood of $318 million.

The administration has opposed these measures on two grounds—first, that such an outlay would be inflationary and, second, that Congress should consider legislation to provide prevailing pay scales for Government workers in different localities or that an allowance system, such as the one used in the Army and diplomatic service, be provided.

The first argument is valid only in the sense that any new expenditure is inflationary. But from an overall standpoint, postal workers have been the victims, not the cause of inflation.

Their last wage increase was in 1951. The inflation which has occurred in the interim cannot be blamed on them. In his budget message President Eisenhower said that any wage increases—private or Government—must be reasonably related to improvements in productivity.

On the basis of pieces of mail handled, postal clerks show a 43.6 percent increase in productivity between 1945 and 1957. The second reason is valid only if some reasonable effort is made to implement one or the other of the suggestions.

To date no such effort has been made and postal workers should not be asked to continue at substandard wages while Congress decides whether some alternative might work.

Considerable has been said about wages in relation to the Post Office deficit. It is true that postal rates should more nearly meet costs, but again this problem is not directly related to wages.

The workers are entitled to a living wage and it is up to Congress to decide whether these services should be paid for by the taxpayer or by the user of postal services.

Mr. JOHNSTON of South Carolina. Mr. President, I yield myself 5 minutes.

I wish to comment briefly on the work of the Federal Employees Compensation Subcommittee before discussing the bill under consideration.

Long and searching public hearings were held by the subcommittee under the chairmanship of the distinguished junior Senator from Oregon [Mr. NEUBERGER]. The other two members of the subcommittee—the Senator from Texas [Mr. YARBOROUGH] and the Senator from Kentucky [Mr. MORTON]—who filled in because of the illness of the Senator from North Dakota [Mr. LANGER]—were regular in their attendance and diligent in their work.

The subcommittee held many long meetings. It considered a vast amount of testimony and numerous complex proposals. Never have I seen a group more dedicated to an assignment.

In these circumstances, it is regrettable that the bills developed by the subcommittee and later reported unanimously by the full Post Office and Civil Service committee must be bypassed for reasons of expediency.

However, it is clear that any other course of action, at this late hour in the present session, would serve no useful purpose.

There are those of us who are convinced that the need for an immediate pay increase for our postal workers and other Federal employees has reached a critical stage; critical both from the standpoint of the Government and of the employees.

The Government cannot perform its many functions with efficiency and economy if it falls behind other large and progressive employers in the economic parade. We should not expect our highly trained and competent younger employees to sacrifice personal and family needs for a public career when they can better themselves elsewhere doing the same kind of work. We should not hope to retain our older employees at less than the going rate simply because they are past the point of no return in their careers. Either group is worthy of its hire and it is a shortsighted and costly policy that does not recognize that as a fact.

The public hearings developed an irrefutable case for a substantial increase now in the pay of our postal workers and other Federal employees. The case for an immediate increase was justified on the basis of cold facts; facts which were not disputed by a single spokesman for the administration.

The the contrary, they were confirmed by the administration. They were confirmed by private citizens; by representatives of employee organizations; by the press of the Nation. But saddest of all, the need of an increase was confirmed by the hard-pressed, discouraged, and downhearted employees themselves who are at the end of their financial rope.

Some of the facts developed during the hearings which justify an immediate increase are:

First. In New York City, the man who collects garbage is better paid than the man who delivers mail.

The employees of the New York City Department of Sanitation receive a starting salary of $3,950 annually with 3 yearly increases until the maximum of $5,050 is reached.

The letter carrier, by comparison, who enters the postal service at a yearly salary of $3,660 must have 25 years of loyal service before he reaches the maximum of $4,710.

In New York, due to the low wage scale, some 60 percent of the postal workers have outside employment and 50 percent of their wives work in order to make ends meet.

Second. The Cordiner Committee, which made a long study by direction of the administration, reported—

(a) That turnover of Federal personnel is increasing.

(b) That the quality of replacements does not measure up to those who are leaving.

(c) That the quantity of applicants is decreasing and the qualifications of those that apply is below standard.

(d) That the pay of Federal employees is well behind wage rates in private industry.

Third. The U. S. News & World Report published a table listing 36 representative occupational groups. Among these groups are auto workers, textile employees, retail clerks, coal miners, furniture makers, and so forth, and Government workers. The table is designed to show the percentage of increase in take-home pay of the various groups since 1939.

It is shocking but true that Government workers foot the list. Every other group listed is away ahead of our Government employees.

Fourth. It was established that employees in private industry have received an average increase in excess of 20 percent during which time the pay of Federal workers has been increased by 7.5 to 8 percent.

Fifth. It was established that the production of postal employees has increased by over 10 percent.

These and other factors, coupled with the constantly increasing cost of living surely justify an adjustment in the wages of our Federal employees.

I know there are some who contend that a pay adjustment for our postal workers must wait upon an increase in postage rates. I do not subscribe to that kind of thinking.

Postal revenues are deposited in the general fund of the Treasury and have nothing to do with the appropriations of the Post Office Department from which the salaries of postal workers are paid.

Pay and postage rates are separate matters. The pay of employees in the Internal Revenue Bureau is not related to the rate of Federal taxes. The pay of customs agents is not related to the rate of tariff on imports. That is as it should be. And let me make it clear that so long as I am chairman of the Post Office and Civil Service Committee the pay of no Federal employee, including our postal employees, will ever be related to or dependent upon the income of the department or agency by whom he is employed.

Mr. President, let us examine carefully the contention that a pay raise to Federal employees would be inflationary.

The Nation's work force is in the neighborhood of 70 million. The wage of many of these workers is hinged in one way or another to the cost of living. Many of these workers receive increases automatically as the cost of living goes up.

That is true in the case of auto workers. It is true in the case of workers in our steel mills. It is true in the case of an ever-increasing number of employees in private industry. A relatively small percentage of the Nation's 70 million workers are subject to a statutory or controlled wage. Doctors are not. Neither are lawyers, salesmen, Madison Avenue public-relations representatives, or caddies on the golf course.

In these circumstances, it is not only heartless but rather ridiculous to single out Federal employees and say that a wage increase to them would be inflationary. Federal employees are the victims but not the cause of inflation.

If the administration wishes to control inflation let it take the necessary steps to do so, but let it take those steps on an overall and impartial basis. Let it control profits and prices and the incomes of those on top of the economic heap.

Next, let us examine the charge that an increase of a flat amount would distort the pay alinement of positions in the postal field service.

There is nothing sacred about the present salary alinement under the postal pay schedule. It is manmade and certainly subject to change. The pressing needs of those who fill the positions are much more persuasive to me than the vanity of the architects who designed the structure. That is not to say I am blind to the need and justification for progressively greater pay in keeping with additional duties and responsibilities. I recognize fully that a proper pay system must take such factors into account. The point I wish to make is that even after increasing the pay of each position by a fixed amount, the system will be valid and workable. It will still be a good system.

Now, let us look at the charge that the increase proposed is excessive.

The bill provides a gross increase of $546 a year. Out of this there is a deduction, in the average case, of 6½ percent or $35.50 for retirement; $3.25 for insurance; $109.20 Federal taxes; and, $20.15 in State taxes, for a total deduction of $168.10, leaving a balance of $377.90 in the form of take-home pay. That amounts to a dollar a day. That is less than a pound of coffee. It is less than a pound of pork chops. The increase for a full week would just about cover the cost of having one tooth filled.

Is it right? Is it justified that men and women who toil for the Government be treated with less consideration than if they worked across the street for some other employer? I think it is neither right, nor justified, nor decent, nor necessary.

Mr. President, I cannot accept as valid the reasons given by the administration for opposing a pay increase for Federal employees.

I intend to vote for the pay bill even though it is not as large as justified. If

it is vetoed, I will vote to override the veto. I think other Senators should prepare themselves to meet both challenges in an equally forthright manner. I invite you all to join forces in the interest of justice and fair play to our postal workers and other employees.

I repeat—they are but the victims of inflation and not the cause. They should not be made to suffer longer.

Mr. JOHNSON of Texas. Mr. President, I yield 2 minutes to the junior Senator from Texas.

Mr. YARBOROUGH. Mr. President, as a member of the subcommittee which held extended hearings, continuing for several weeks, I know—as the other members of the subcommittee and members of the full committee and, I am sure, as most other Members of the Senate also know—that the postal employees of our country, due to low pay, are in a very difficult condition—indeed, a desperate condition, Mr. President.

Within the past 3 years a great many postal employees have left the service each year. That fact alone has impaired the efficiency of the postal service all over the United States. It is a known fact that many postal employees are dedicated people. Many of them stay on the job although they are offered by private employers double the salary they now receive from the Government in their postal positions. We have had testimony to that effect.

The fact is also that the overwhelming majority of postal employees either take a second job, or their wives work. Ninety-odd percent of the postal employees must either hold two jobs or see their wives work, in order to enable them to make ends meet.

I believe that charity begins at home. We have just voted a foreign-aid bill that would appropriate more than $3 billion. The bill now before the Senate will cost $279 million a year. We should enact the bill into law. I have worked and voted in behalf of H. R. 52, for a 10 percent raise in the disabled veterans pensions. That raise was desperately needed. It cost $170 million a year. In proportion to that amount of money, the cost involved in the pending bill is not high. If there should be a deficit, I would ascribe it to the $3 billion foreign-aid bill, not to the modest $279 million increase for the postal employees. The increase would on the average be a very modest increase indeed. It would take an increase, not of 12½ percent in the pay of the postal employees, but an increase of about 33⅓ percent to the average postal employee, to bring them back to the status they enjoyed 5 years ago, in relation to the wages received by workers in private industry.

It would take such 33⅓ percent increase to put postal employees on a comparable basis with the workers in the building trades, in the automobile industry, in the oilfields, and with other workers who are not under Government restraints which bind them to the charity of Congress to give them a raise in their pay.

Mr. President, I submit that there is a very good reason in justice and law and equity and economics and good government and efficiency in government why the bill should be passed. There are no sound reasons that can be advanced against it.

Mr. JOHNSON of Texas. Mr. President, I yield 2 minutes to the senior Senator from Oregon.

Mr. MORSE. Mr. President, when I first came to the Senate, in 1946, I served on the old Post Office Committee. At that time I learned a great deal about the problems of the postal service.

In supporting the proposed pay increase, I wish to make three points, and very quickly. There is no justification whatever, in my opinion, in relating postal pay to the cost of operating the postal service. The Post Office Department, in my opinion, is really a great educational institution from the standpoint of informing the American people. There is no more reason why postal pay should be related to an increase in the postal rate than that the pay in the Pentagon should be hitched to the income for the Military Establishment.

The postal service is a vital governmental service. I have always opposed the principle of trying to relate the pay for civil servants to the income of the particular department in which the civil servants work.

In fact, to show how fallacious that argument is if we were to adopt it, let us consider the timber resources of the country, and the income which those resources bring to the Treasury. The timber resources owned by the taxpayers of the United States bring a great profit to the people. Should we increase the pay of those who work in the Forest Service all out of proportion to the pay other civil servants receive, simply because the timber resources return a profit to the Treasury of the United States? Obviously not.

There is only one question involved here, which the taxpayers ask us to answer. It is: What is a fair and decent pay for the postal employees, for the service they render the taxpayers? We should vote accordingly. In my judgment, the bill does not go high enough, but it does certainly do the least that we should do this year. We should vote it independently of any deficit in the Post Office Department.

In closing, I wish to express my appreciation to the Senator from South Carolina [Mr. JOHNSTON] for the wonderful work he has done as chairman of the committee in connection with the bill; to my friend the Senator from Kansas [Mr. CARLSON], for his work as ranking minority member on the committee; and I wish to say to my colleague [Mr. NEUBERGER], the chairman of the subcommittee, that I think on this issue again he has made another outstanding record as a Senator from my State, and I wish to congratulate him for his leadership in the fight for fair and decent treatment of the postal workers of our country.

Mr. CARLSON. Mr. President, I yield myself 5 minutes. I regret that I am unable to support the pending bill. My record in support of pay legislation, not only for postal workers, but for all Government employees, is well known to the Senate. The pending bill has had no consideration by the Senate Post Office and Civil Service Committee. I wish to pay tribute at this time to the subcommittee of the Committee on Post Office and Civil Service headed by the junior Senator from Oregon [Mr. NEUBERGER], and to the junior Senator from Texas [Mr. YARBOROUGH], and the junior Senator from Kentucky [Mr. MORTON], who held extended hearings on measures proposing both postal and classified pay legislation. Bills for such pay increases are on the Senate calendar. Today we are considering the House-passed bill.

I share the opinion of others that our Federal employees are entitled to salary increases, but I am confident that the pending bill, which carries an increase of $546 to all postal employees across the board, irrespective of grade or position, except rural mail carriers and fourth-class postmasters, could not, in conscience, be signed by the President.

The percentage of an across-the-board increase would be 12½ percent. The cost of this bill, if enacted, will be in excess of $300 million.

I contend that if we pass this bill, we must be equally generous with our employees in the classified service and members of the armed service.

There is pending on the Senate Calendar a House bill increasing the salaries of classified employees by 11 percent. This bill provides for an average increase of $518 per employee, and would cost $532 million. The combined cost of these two bills would be between eight and nine hundred million dollars.

During the past year a committee, known as the Cordiner committee, has made studies and recommended increases in the pay of our military personnel, especially those in the upper grades. The Cordiner committee contends it is absolutely necessary that action be taken in this regard if we are to keep men in these important positions who are tempted to go into private industry at much greater salaries. I contend that Congress should give immediate consideration to this group.

As a matter of fact, I feel strongly that the Federal employees of the Government—postal, classified, and military—are entitled to some pay increase, and again say I regret I cannot support this bill.

Let us just see what this bill would do to the pay schedules of the postal service if approved.

For example, a 19-percent increase is provided in the salary of a janitor, a 17-percent increase in the salary of a clerk at a third-class office, and a 16-percent increase in the salary of a clerk-typist. Yet, at the same time, a committee amendment would grant supervisors of these employees a 13-percent or less increase. In some instances subordinates would receive more compensation than their supervisors. This distortion will, in my opinion, affect and morale and create dissatisfaction among the postal employees and detrimentally affect service to the public.

A similar situation existed several years ago, but our committee, after long and painstaking efforts, finally succeeded in having enacted Public Law 68 in the 84th Congress, which law established a pay schedule for postal field service which we believe is modern and

realistic. It had the complete support of the members of our committee. The action recently taken by the majority of our committee will, I think, nullify our best efforts in establishing a fair pay schedule for postal field service.

The last increase to postal employees by the Congress—Public Law 68, 84th Congress—approximated 9.1 percent. This represents the additional cost of increases in base pay effective March 1, 1955, plus the effect of reclassification of positions in the postal field service, effective December 3, 1955. It does not, however, include the additional cost which will be incurred as a result of automatic promotions in subsequent years.

I should also like to remind the Senate that if this bill should be passed and become law, it would be necessary for Congress immediately to vote an additional supplemental appropriation of $265 million if we are to continue the present mail service of the Post Office Department.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The time the Senator from Kansas has yielded to himself has expired.

Mr. CARLSON. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 additional minutes.

Mr. CARLSON. Mr. President, there is not a Member of this body who does not recall some of the debate in regard to voting a $41 million supplemental for the fiscal year 1957 and a $133 million supplemental for fiscal year 1958, in order that the Post Office Department might retain its present service.

I have never supported—in fact, I have opposed—the idea that the salaries of the postal workers of this Nation should be tied to the postal receipts; but we are faced with a very practical situation.

The present Post Office deficit for the fiscal year 1958 is estimated at $686 million. If we add to that the $300 million called for in this bill, the total will be approximately $1 billion.

I would say, Mr. President, in all sincerity that the Congress has an obligation to the postal workers, and also has an obligation to increase postage rates so as more nearly to equal the cost of the operation of the Post Office Department.

It is my contention that we might well work these out together, but I do not believe we can do it in the closing hours of this session with justice to either the Post Office Department or the postal workers.

I want to make one pledge to the postal workers of the Nation; and that is if this bill is passed by Congress, but does not become law, at the very beginning of the next session of Congress, I will do everything in my power to see to it that the postal workers receive a fair and just increase in salary, and also to insist that the Congress pass postal rate proposed legislation that will more nearly equal the cost of operating the Post Office Department.

Mr. NEUBERGER. Mr. President, will the Senator from Kansas yield to me?

Mr. CARLSON. I yield.

Mr. NEUBERGER. I wonder whether the distinguished chairman of the committee will yield me some time, so that I may ask several questions.

Mr. JOHNSTON of South Carolina. I yield 1 minute to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. CARLSON. I have only a few minutes left.

Mr. NEUBERGER. First, I should like to ask a question of the able Senator from Kansas, who is one of the most sincere Members of this body.

Before asking the question, let me say that I hope the bill now before the Senate becomes law. If it does not become law, with the result that the Senator from Kansas must make good on his promise to see to it, early in the next session, that such proposed legislation is passed, will he try to have the measure made retroactive to August 1? This would mean that these postal workers will at least be able retroactively to have a decent standard of living during this year.

Mr. CARLSON. I am only one member of the committee. In the past, the Congress has passed retroactive measures. Of course, I cannot say what my individual judgment and that of the others members of the committee would be at that time.

Mr. NEUBERGER. The fact that the Senate is now considering the House bill, rather than the Senate bill, might be said to be a reflection on the subcommittee which reported the Senate bill to the full committee, which, in turn, reported the bill to the Senate. However, is it not true that the able Senator from Kansas [Mr. CARLSON] and myself, as well as other members of the Senate, voted in favor of the passage of a civil-rights bill which previously had been placed directly on the calendar, without being reported by any Senate committee?

In that connection, I emphasize that we cannot hold with the hare and run with the hounds. I do not think the Senator should indulge in criticism of us for voting in favor of the passage of a bill which has come here directly from the House of Representatives, in view of the fact that the Senator and I and other Members voted to place directly on the calendar the civil-rights bill which had been passed by the House of Representatives.

Mr. CARLSON. I understand that some hearings were held on the civil-rights bill, although the bill was not reported to the Senate. On the other hand, there have been no hearings on this House bill which provides for an across-the-board pay increase for the postal workers.

The Senator did a fine job in the subcommittee, and the subcommittee reported a bill calling for a 7½-percent increase across the board, with pay increase adjustments; and I think we can agree on that.

Mr. NEUBERGER. But the Senator from Kansas will agree, I am sure, that extensive hearings were held by the subcommittee on the proposed legislation for a postal workers pay increase.

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

Mr. CARLSON. Mr. President, I yield myself 1½ minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for an additional minute and one-half.

Mr. NEUBERGER. Mr. President——

Mr. CARLSON. I yield.

Mr. NEUBERGER. I am sure the Senator from Kansas will never deny that the hearings showed the need to increase the pay of the postal workers.

Mr. CARLSON. I do not deny it at all. I am in thorough accord that there should be an increase in the pay of the postal workers of the Nation. But I do not think we can say correctly that the increase should be $400 or $600 across the board. I do not believe it is correct to say that such a statement can correctly be made.

Mr. NEUBERGER. I disagree, Mr. President; but I shall not detain the Senator from Kansas further.

Mr. MORTON. Mr. President——

Mr. CARLSON. I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. MORTON. Mr. President, following up on the point which has been discussed by the Senator from Kansas and the Senator from Oregon, let me say that the Senator from North Dakota [Mr. LANGER] was originally designated a member of the subcommittee, but for reasons of health he was unable to attend the hearings, and I took his place on the subcommittee.

I well remember that the subcommittee first supported a bill which provided for a flat, across-the-board pay increase. All of us had some misgivings about it. We decided to take another look at it.

We knew—for it has been established during the last 4½ years—that the President's policy in this connection has been one of supporting salary increases which are not flat, but which are in the nature of percentage increases.

One day we met in the office of the Secretary of the Senate, and we decided on such a formula, which I think is a good one, and to which I think the able members of the staff of the Committee on Post Office and Civil Service had given considerable study. I thought it was a good suggestion.

Now are all our labors to go for naught? Instead of that bill, the Senate is now considering a House bill which provides for the very formula which those of us who serve on the subcommittee had rejected.

I had hoped the Senate would take up the Senate bill.

I do not think the situation in this instance is at all similar to that in the case of the civil-rights bill. In the present case, both the House bill and the Senate bill are on the calendar, and hearings have been held on the Senate bill, and the bill has been reported by the subcommittee to the full committee, and the full committee has re-

ported the bill to the Senate. So I do not think the two situations are similar.

I had hoped the Senate would consider the Senate bill.

Now that the House bill has been read the third time, it seems that the only parliamentary opportunity we would have for the Senate to consider the Senate bill would be to have the House bill recommitted, with instructions to the committee to report the bill forthwith, amended along the line of Senate bill 27, the bill introduced by the senior Senator from South Carolina [Mr. JOHNSTON], on behalf of himself and other Senators, which bill now appears on the calendar as Calendar No. 716. But I believe I am sufficiently realistic to know that in the closing days or even the closing hours of the session, no such parliamentary device would be successful.

I would be happy to go along with the Senate bill or with any bill which approaches the matter in the way the Senate bill does.

I am very unhappy that the Senate is faced with the House bill which, as the Senator from Kansas [Mr. CARLSON] has so ably pointed out, treats all postal workers exactly alike, regardless of their skills or regardless of their educational attainments.

Furthermore, I believe the House bill provides for a larger increase than we can expect the President to agree to. Under these circumstances, I do not think we can expect the President to sign the bill. I do not know what the President will do, but I think he will be very loath to sign it, particularly in view of the present fiscal condition of the country.

On the other hand, the bill reported by the Senate Committee on Post Office and Civil Service provides for a more modest pay increase, but one which I feel sure would be welcomed by every person in the postal service.

Mr. President, I yield back the remainder of the time yielded to me.

Mr. GOLDWATER. Mr. President——

Mr. CARLSON. Mr. President, I yield 4 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 4 minutes.

Mr. GOLDWATER. Mr. President, I cannot bring myself to support the bill which is now before the Senate.

At the outset, I agree with the Senator from Oregon [Mr. NEUBERGER] that this pay increase should not be related to increases in the postal rates. I think the increases in the postal rates should stand on their own feet, and I think the salary increases should stand on their own feet. I do not believe we should try to relate them.

I do not believe the Senate should pass this bill for political reasons, either; but I suspect that some of the votes which will be cast tonight will be cast on that basis.

We have heard rumors that the President will veto the bill. In view of the fact that the Members of Congress will go home in a few days, the President will, under those circumstances, be able to follow the convenient course of putting the bill in his pocket, and thus exercising a pocket veto; and then many of the Members, after they return home, will be able to say to their constituents, "I voted for the postal pay increase," whereas, if the truth were told, they would have to add, "But I knew all along that you would not get it."

Mr. President, I realize that adjustments should be made in the pay scales of the employees of the Federal Government. However, when we take the unbusinesslike approach of making a $543 across-the-board increase, regardless of ability, regardless of the situation or position of the employees in the postal service, then we are taking a step in a very wrong direction, because such a step would establish a precedent for another pay raise across the board the next time we deal with pay increases because of increases in the cost of living.

I say the same argument will apply to the 11-percent across-the-board increase proposed in the classified employees' pay bill which soon will be before the Senate.

I do not believe the total amount of $900 million is of especially great importance, although certainly it will contribute to the inflation which exists today.

I am the coauthor of a bill, along with the distinguished Senator from Missouri, which provides for recognition of skills in connection with military pay, rather than for a pay raise across the board. The trouble with the military service today, and I may say it is generally the trouble with our whole Federal pay system is that, when we make pay increases, they are made across the board, and we do not give proper recognition to the particular qualifications, and thus say to certain of the employees, "You are more skillful, and therefore you deserve more of a pay increase than do some others."

No, Mr. President; I cannot bring myself to vote for the pending bill. It might be the smart thing to do politically, but in my opinion it is not the smart thing to do, if we are sincere in our constant statements about our efforts to reduce the taxes of the people of the United States.

If the pay increase now proposed is given to the postal employees, I predict that within 12 months they will be in worse condition than they are today. In that respect, the situation is the same as that which exists when increases are made in the wages of any workers who have not earned the increases by increasing their production. I observe that situation existing today in the case of businesses in the United States in which wages have been increased, regardless of the ability of the workers or regardless of their right to receive such pay increases.

Mr. President, if we wish to be really fair to those who work for the Government of the United States, let us make a really determined effort to beat inflation. It can be done, but it will take much more courage than that which has been shown by the executive branch or the legislative branch of the Government during my stay in this body.

Mr. President, inflation hurts everyone; and if we wish to stop inflation, the stopping of it will have to hurt everyone.

So tonight, Mr. President, when I cast my vote against this measure, it is not against the postal worker. It is against a system which unfortunately, has crept into the thinking of our people, that the way to solve these problems is merely to say, "We will give everybody an across-the-board raise, whether they deserve it or not." It is a system into which there has been allowed to creep the idea that a little inflation will not hurt. The little inflation we suffer from today can be looked upon by those in this body who have so foolishly voted large expenditures as having been contributed to by them, and the junior Senator from Arizona does not want to have to say that of himself.

Mr. KNOWLAND. Mr. President, first of all, I ask for the yeas and nays before I yield some time to myself.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. KNOWLAND. May I inquire how much time remains?

The PRESIDING OFFICER. The proponents of the bill have 17 minutes remaining; the opponents have 12 minutes remaining.

Mr. KNOWLAND. Perhaps the proponents would like to speak at this time.

Mr. JOHNSTON of South Carolina. Mr. President, I yield to the junior Senator from New York 3 minutes.

Mr. JAVITS. Mr. President, I speak in this debate only out of a sense of responsibility to the workers of the largest post office in the country. New York City has 35,000 postal workers. I testified before the committee which considered the proposed legislation. I have also spoken on the floor previously on the subject. I shall not repeat those arguments. It is time those workers received the increase which would be provided by the Senate bill.

I speak as I do out of a deep sense of responsibility. I respect the sincerity, the integrity, and the knowledge of those who are opposed to the measure. I favor it for this reason. Whether or not it becomes law—and no one of us knows whether or not it will—we are nevertheless taking the only opportunity open to us to show our support for a demand which is a reasonable one, in terms of the fact that we are the only ones who can do justice to the postal workers. They have no one else to look to for relief.

Secondly, I heard it said by the Senator from Arizona, "How is the business doing in which the people participate?" The business is doing very well. The post office activity is essentially the business of the United States, and the business of the United States is doing very well, indeed, and it should not shortchange its employees.

My third basic and fundamental point is this. I am for an increase in postal rates. I think that is an expression of responsibility which is almost the bounden duty of all of us who are for a pay increase. I am for an increase in postal rates. First-class mail rates have not been increased for 25 years. We should face our responsibility in that regard. I am more than willing to face it now if I have the opportunity to do so. I will do so at the earliest possible moment it is offered to me.

Mr. CLARK. Mr. President, will the Senator yield 1 minute to me?

Mr. JOHNSON of Texas. I yield 1 minute to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, this is a bad bill, but I shall vote for it. I concur in the statement made by the Senator from Kansas [Mr. CARLSON]. Nevertheless, this will be the only opportunity in this session of Congress to give postal employees an increase, which they desperately need.

Despite the fact that this bill violates every sound principle of personnel procedure and pay classification, when it comes to a question of keeping sound principles of personal procedures or keeping postal employees in a situation where they can get a living wage, I will cast my vote for the bill.

Mr. YARBOROUGH. Mr. President, will the Senator yield me one-half minute so that I may make an inquiry of the Senator from Pennsylvania?

Mr. JOHNSON of Texas. I yield one-half minute to the Senator from Texas.

Mr. YARBOROUGH. The Senator from Pennsylvania has said that the bill violates every sound principle of personnel procedure. After a careful weighing of the facts, and after weighing every sound principle of personnel procedures, the committee recommended increases of from $515 to $575 a year. When a full across-the-board increase of $546 a year is considered, that is the only violation it does to the sound principle of personnel procedure presented to that committee. The variance is very small.

Mr. CLARK. That is why I think it is a bad bill.

Mr. KNOWLAND. Mr. President, I yield myself 5 minutes.

In the first place, it seems to me, from the point of view of both the postal worker and the Post Office Department, there should not be a postal pay bill passed unless a postal rate bill is first acted upon.

Secondly, it seems to me that if the Congress of the United States is to deal equitably with all employees, it is not only necessary to consider postal employees—the loyal group of American citizens who carry on the postal service—but it is also important to consider the classified employees, and, I might say, those in the military service as well. To take them all on the same basis on which the postal workers are being considered in the bill would amount to a cost in the neighborhood of $1,500,000,000.

It took most of this session for the committee of the House of Representatives to hold hearings, which extended over a considerable period of time, to have the bill considered and finally acted on by the House, and sent to the Senate. I certainly am not critical of the other body. I think it proceeded with diligence. It was important that it hold hearings.

From the point of view of the postal workers themselves, I think they would have been much better advised by their leaders if they had permitted the bill to be held over until the beginning of the next session. The proposed legislation under those circumstances would not die in committee, as would be the case at the end of a Congress. Such a bill would be very much alive. In January of next year it could be taken up at that point.

The Committee on Post Office and Civil Service, which has held some hearings, has—and I understand the reasons why—postponed further hearings. I think there is some merit in the position the committee has taken on the postal rate bill—that is, that there are persons entitled to be heard, and the committee wanted to give them the opportunity to be heard.

By the same token, I think the Post Office Department would be better advised to have the postal rate bill go over until the beginning of the next session. At that point the Post Office Department and the Civil Service Commission could submit to Congress a report upon a bill in whatever form and substance would be desirable, in their judgment. It could be debated on the floor. The same situation would prevail with respect to the postal rate bill as I have mentioned with respect to the postal pay bill.

Great progress has been made. The bill has been reported by the House Civil Service Committee. It has been acted on by the Rules Committee. It has been acted on by the House. It is now in the Senate. Substantial progress has been made in that regard.

Following the course I have indicated we could have had a postal rate bill which most persons recognize to be essential and important from the point of view of the fiscal soundness of the United States Government and from the point of view of cutting down or eliminating entirely the postal deficit.

Certainly, I do not think any responsible Member of the Congress should do anything which would in any sense deceive the postal workers. It is my judgment—and I mention it only as my judgment—that the pay bill will not become law unless there has been first enacted a postal rate bill. So I do not think the ultimate objective will be accomplished by the procedure which is now being followed. To the contrary, I think a great deal of progress may be lost as a result. There may be some political advantage to be gained in getting a bill through Congress and laying it on the President's desk, so to speak, in the expectation of a Presidential veto, but I wish to say I do not think that would accomplish the result the members of the postal working force desire.

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

Mr. KNOWLAND. I yield myself an additional 5 minutes.

I do not believe that would accomplish the result the rank and file of the postal workers seek to achieve, or that I think even a substantial group of the responsible leaders of the postal workers seek to achieve, because what they should seek to accomplish is the passage of a bill which will become law and result in making upward adjustments in the pay of postal workers. That should be the object desired to be accomplished on the part of all who are interested in the postal workers.

Mr. President, any legislation in this area should be such as will provide flexibility within the present salary structure by allowing the Postmaster General to set higher salary rates in those areas where private industry is outbidding the postal service for comparable job classifications.

I had a delegation of very fine postal workers in my office. They came from all sections of the State of California.

I suppose there are in my State of California more postal workers and perhaps more Federal employees than there are in any other State of the Union. I am not sure, but possibly the total exceeds those employed in the District of Columbia.

These postal workers came into my office and made an argument to me which was very powerful, namely, that there had been a considerable personnel turnover in the various California post offices. They gave me a list of post offices and personnel turnover. I have no reason to believe that the list which they furnished me is not accurate.

Mr. President, at this point in my remarks I ask unanimous consent to have printed in the RECORD the list of the personnel turnover in California post offices. I might say it shows, picking out a few cities at random: Bakersfield, 30 percent; Fullerton, 47.7 percent; North Hollywood, 47 percent; and San Fernando, 62 percent. The percentage varies from place to place.

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

*Personnel turnover in California post offices, January–December, 1956*

| | Percent |
|---|---|
| Arlington | 30 |
| Bakersfield | 30 |
| Beverly Hills | 35 |
| Burbank | 34 |
| Burlingame | 28 |
| Downey | 100 |
| El Monte | 37 |
| Fullerton | 47.7 |
| Glendale | 22 |
| Hawthorne | 46 |
| Hayward | 39 |
| La Crescenta | 30 |
| Lakewood | 25 |
| Lancaster | 70 |
| La Verne | 25 |
| Los Angeles | 25 |
| Maywood | 39 |
| Merced | 25 |
| Monrovia | 33 |
| Montrose | 30 |
| North Hollywood | 47 |
| Ontario | 31 |
| Pacific Palisades | 31 |
| Pacoima | 32 |
| Palos Verdes Estates | 78 |
| Redding | 22 |
| Redwood City | 51 |
| Reseda | 58 |
| Rialto | 54 |
| Sacramento | 29 |
| San Bernardino | 51 |
| San Fernando | 62 |
| San Gabriel | 45 |
| San Mateo | 45 |
| San Rafael | 43 |
| Santa Monica | 25 |
| Sunland | 80 |
| Upland | 30 |
| Ventura | 22 |
| Whittier | 23 |

The following offices had the separations shown for the period but are not on a percentage basis:

| City | Time period | Separations |
|---|---|---|
| Claremont | 30 months | 15 |
| El Centro | 18 months | 23 |

| City | Time period | Separations |
|---|---|---|
| Spring Valley | 6 years | 16 |
| Walnut Creek | 6 months | 8 |
| Mountain View | 17 months | 23 |
| San Francisco | 1 year | 204 |
| Oakland | 5 months | 96 |
| San Clemente | 4 years | 23 |
| San Carlos | 2 years | 20 |
| Red Bluff | 5 months | 3 |
| San Diego | 5 months | 254 |
| Los Angeles | 5 months | 1,346 |
| Long Beach | 5 months | 167 |

Mr. KNOWLAND. Mr. President, as I looked into the situation with some care and sought to gain additional facts, I was supplied with information which shows that the turnover in other United States Government departments, or the quit rate in the United States departments and large Federal employing agencies, per 100 employees, is as follows:

All Federal Government agencies, 0.76.

The Veterans' Administration, 1.15.

The Department of Justice, 1.07.

The Department of Health, Education, and Welfare, 1.05.

The Department of Interior, 0.95.

The Department of Agriculture, 0.86.

The Department of the Air Force, 0.84.

The Department of the Treasury, 0.84.

The Department of the Army, 0.80.

The Tennessee Valley Authority, 0.79.

The Department of State, 0.65.

The Department of Labor, 0.62.

The Department of the Navy, 0.61.

The Department of Commerce, 0.60.

The General Services Administration, 0.60.

The Post Office Department, 0.57.

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

Mr. KNOWLAND. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KNOWLAND. I yield myself the 2 minutes.

Mr. President, as to private industry I was furnished information which shows that the turnover rate per 100 employees for private manufacturing industries is 1.30, and the average of the lowest three is 0.60 while the average of the highest three is 2.30.

Unfortunate as the turnover rate is in the Post Office Department, it does not compare unfavorably with other Government departments.

Because of the limitation of time, Mr. President, I am not able to go into this matter further, but I wish to state, in conclusion, that I was furnished a chart, at my request, by the postal workers, which showed the changes which have taken place. One interesting thing is that from the year 1947 to date there has been quite a change in salaries. In 1947 the average gross salary was $2,550. It is now $4,396.

The problem which is pressing the postal workers, which I believe is very interesting, is one of deductions. In 1947 the retirement deduction was $153. Now the retirement deduction is $285.74. Of course, the retirement benefit was largely sought by the workers, and I think very soundly so.

The second interesting factor to consider is the withholding tax. In 1947 there was none according to this chart. In 1948 the withholding tax amounted to $46.80, while in 1957 it is $306.

Mr. President, there are social-security benefits and withholding taxes and other items which must be considered. The details are not given as to the withholding taxes, but with those two items alone we can pretty much account for what is called the deficiency in salary.

Mr. President, under the circumstances I do not think we would be doing a service to the postal workers by passing a bill which in all likelihood cannot become law. I think they would have been much better advised to have permitted this bill to remain in committee until January, when we could have joined together in getting a postal rate bill passed, and getting an equitable adjustment for any cost-of-living increase which has taken place since the last pay adjustment was made.

Mr. President, I ask unanimous consent that the table to which I have referred, relating to the average annual take-home pay of regular letter carriers, furnished me by the postal workers, may be printed at this point in the RECORD.

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

*Average annual take-home pay of regular letter carriers after adjusted to deductions for retirement and Federal income tax, and adjusted to purchasing power of dollar, at 6-month intervals between July 1, 1947, and July 1, 1957, plus deficiency*

| Date | Applicable public law | BLS index [1] | Purchasing power of dollar [2] | Average gross salary [3] | Deduct 6 percent retirement | Deduct withholding taxes [4] | Net annual salary | Adjusted to purchasing power of dollar | Deficiency in salary |
|---|---|---|---|---|---|---|---|---|---|
| July 1, 1947 | 386—Jan. 1, 1946 | 95.0 | 105.3 | $2,550 | $153.00 | None | $2,397.00 | $2,524.04 | [5] $127.04 |
| Jan. 1, 1948 | do | 101.3 | 98.7 | 2,959 | 177.54 | $46.80 | 2,734.66 | 2,699.11 | 35.55 |
| July 1, 1948 | 900—July 1, 1948 | 104.3 | 95.9 | 2,930 | 175.80 | 46.80 | 2,707.40 | 2,596.40 | 111.00 |
| Jan. 1, 1949 | do | 102.7 | 97.4 | 3,118 | 187.08 | 81.60 | 2,849.32 | 2,775.24 | 74.08 |
| July 1, 1949 | do | 101.4 | 98.6 | 3,307 | 198.42 | 116.40 | 2,992.18 | 2,950.29 | 41.89 |
| Jan. 1, 1950 | 428—Nov. 1, 1949 | 100.6 | 99.4 | 3,422 | 205.32 | 133.20 | 3,083.48 | 3,064.98 | 18.50 |
| July 1, 1950 | do | 102.9 | 97.2 | 3,436 | 206.16 | 133.20 | 3,096.64 | 3,009.93 | 86.71 |
| Jan. 1, 1951 | do | 108.6 | 92.1 | 3,505 | 210.30 | 151.20 | 3,143.50 | 2,895.16 | 248.34 |
| July 1, 1951 | 204—July 1, 1951 | 110.9 | 90.2 | 3,573 | 214.38 | 168.00 | 3,190.62 | 2,877.94 | 312.68 |
| Jan. 1, 1952 | do | 113.1 | 88.4 | 3,795 | 227.70 | 194.70 | 3,372.60 | 2,981.38 | 391.22 |
| July 1, 1952 | do | 114.1 | 87.6 | 4,018 | 241.08 | 237.60 | 3,539.32 | 3,100.44 | 438.88 |
| Jan. 1, 1953 | do | 113.9 | 87.8 | 4,043 | 242.58 | 254.40 | 3,546.02 | 3,113.41 | 432.61 |
| July 1, 1953 | do | 114.7 | 87.2 | 4,069 | 244.14 | 254.40 | 3,570.46 | 3,113.44 | 457.02 |
| Jan. 1, 1954 | do | 115.2 | 86.8 | 4,072 | 244.32 | 254.40 | 3,573.28 | 3,101.61 | 471.67 |
| July 1, 1954 | do | 115.2 | 86.8 | 4,075 | 244.50 | 254.40 | 3,576.10 | 3,104.05 | 472.05 |
| Jan. 1, 1955 | do | 114.3 | 87.5 | 4,113 | 246.78 | 254.40 | 3,611.82 | 3,160.34 | 451.48 |
| July 1, 1955 | 68—Mar. 1, 1955 | 115.2 | 86.8 | 4,313 | 258.78 | 289.20 | 3,765.02 | 3,268.04 | 496.98 |
| Jan. 1, 1956 | 68—Dec. 1, 1955 | 114.6 | 87.3 | 4,348 | 260.88 | 306.00 | 3,781.12 | 3,300.92 | 480.20 |
| July 1, 1956 | do | 117.0 | 85.5 | 4,383 | 262.98 | 306.00 | 3,814.02 | 3,260.99 | 553.03 |
| Jan. 1, 1957 | do | 118.2 | 84.6 | 4,389 | [6] 285.29 | 306.00 | 3,797.71 | 3,212.86 | 584.85 |
| July 1, 1957 | do | [7] 120.2 | 83.2 | [8] 4,396 | [6] 285.74 | 306.00 | 3,804.26 | 3,165.14 | 639.12 |

[1] Department of Labor, Bureau of Labor Statistics.
[2] Department of Commerce, Office of Business Economics.
[3] Post Office Department.
[4] 3 dependents.
[5] Excess.
[6] Increased to 6½ percent per Public Law 854 (84th Cong.).
[7] Preliminary figure.
[8] Estimated.

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. William C. Doherty, president of the National Association of Letter Carriers.

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

NATIONAL ASSOCIATION OF LETTER CARRIERS,
*Washington, D. C., August 9, 1957.*

Hon. WILLIAM F. KNOWLAND,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR KNOWLAND: In accordance with our discussion of a short time ago, I have prepared a chart going back over the last 10 years, indicating the changes made in the postal salaries and the relationship of these salaries to the cost of living.

This chart shows the take-home pay in the adjusted value of the postal employees today. According to our computation, the present salary is deficient to the extent of $639.12.

I am also enclosing a sheet from the U. S. News & World Report, where they list a number of occupations in the United States and analyze their increases since 1939. This was published in the August 26, 1956, issue of the U. S. News & World Report. You will find the coal miners up 107 percent, while the Federal Government workers are up only 14 percent.

I am also enclosing a reprint of an article that appeared in the U. S. News & World Report for January 15, 1957, that lists 36 American industries where the average worker is now paid at a rate of more than $5,000 a year.

I am sure that these aspects will demonstrate to you that the $546 pay increase sought by the postal workers at this time is a modest increase. We hope that you will do everything in your power to have H. R. 2474, Calendar 720, scheduled for early consideration.

With very best wishes, I remain,
Respectfully,

W. C. DOHERTY,
*President.*

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the RECORD a statement regarding certain increases which have been made.

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

COST OF PAY BILLS—POSTAL

H. R. 2474 as passed by the House provides a flat $546 increase for 524,000 postal employees at an estimated cost, including effect on fringe benefits of $317,500,000 per year.

S. 27 as reported out by the full Senate Post Office and Civil Service Committee provides a 7½ percent increase for 524,000 postal employees plus a so-called cost-of-living increase for rank-and-file employees at an estimated cost, including effect on fringe benefits of $300 million per year. The cost-of-living increase for the bulk of postal employees, including clerks and carriers is $240 a year, for first-line supervisory employees in level 6, $160 a year, and for first-line supervisory employees in level 7, $80 a year. No cost-of-living increase is provided for postal employees above the first-line supervisor.

COST OF PAY BILLS—CLASSIFIED

H. R. 2462 as reported out by the House Post Office and Civil Service Committee provides an 11-percent increase for approximately 1 million executive department, judicial, and legislative employees at an estimated cost of $532 million per year, including effect on fringe benefits. There is a ceiling of $1,000 on the increase to be given any individual employee and the present $16,000 maximum is retained.

S. 734 as reported out by the Senate Post Office and Civil Service Committee provides a 7½ percent increase for approximately 1 million employees at an estimated cost of $363 million per year, including effect on fringe benefits.

NOTE.—Either of the bills involving postal employees would distort the relationships between salary levels of employees as provided in Public Law 68, but the Senate bill would result in substantially larger increases for rank-and-file employees than would be given to some of the supervisory personnel. Both the postal and classified pay bills are on the Senate Calendar.

HISTORY OF POSTAL EMPLOYEE SALARY INCREASES

A summary of recent salary increases for postal employees follows:

(1) January 1, 1946, $400 across the board for annual rate employees, 20 cents an hour for hourly rate employees, and 20 percent for fourth-class postmasters;

(2) June 30, 1948, $450 across the board on annual rates, 25 cents an hour on hourly rates, and 25 percent for fourth-class postmasters;

(3) November 1, 1949, $120 on annual rate, 2.5 cents on hourly rates, and 5 percent for fourth-class postmasters, $200 increase for regulars' entrance salaries, $100 more for temporaries, and three longevity grades for certain employees;

(4) July 1, 1951, $400 on annual rates, 20 cents on hourly rates, and 20 percent for fourth-class postmasters, plus elimination of the first 2 salary grades and one or two grade advancements for certain employees;

(5) Effective March 1, 1955, a 6-percent basic salary increase, and December 3, 1955, an additional 2.4 percent upon reclassification of position (Public Law 68, 84th Cong.). This raise increased first-year payroll cost $207 million. It will have a 5-year impact increasing payroll cost even further due to accelerated automatic step increases.

In addition to the effect of the 1955 pay raise, the Department's deficit for fiscal 1958 is further increased by the liberalized retirement law which added 6½ percent to payroll or about $134,500,000 to costs.

HISTORY OF FEDERAL CLASSIFIED EMPLOYEE SALARY INCREASES

A summary of recent salary increases for classified Federal employees follows:

(1) July 1, 1945, 20 percent on the first $1,200, 10 percent on the next $3,400, and 5 percent on the remainder, with a $10,000 ceiling: average increase, 15.9 percent;

(2) July 1, 1946, 14 percent with $250 minimum, subject to $10,000 ceiling: average increase, 14.2 percent;

(3) June 30, 1948, $330 across the board: average increase, 11 percent;

(4) October 28, 1949, increases averaging $140 annually, overall percentage increase 4 percent, with three supergrades (maximum $14,000) created;

(5) First pay period beginning after June 30, 1951, 10 percent across the board, with $300 minimum and $300 maximum; average increase, 10 percent;

(6) First pay period after February 28, 1955 (Public Law 94, 84th Cong.), 7.5 percent increase for each classified employee; cost, $326 million annually.

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

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

Mr. KNOWLAND. I am sorry. I have no time.

Mr. JOHNSON of Texas. I yield to the Senator from California 1 minute.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. KNOWLAND. I yield to the Senator from Ohio.

Mr. LAUSCHE. I concur with the Senator from California that the bill relating to the postal rate increase should have been submitted to the Senate at least coincident with the bill relating to the wage increase. Perhaps I should not put this question, but is the Senator from California willing to express an opinion as to why the wage increase bill has come before the Senate and the rate increase bill lies dormant in the committee?

Mr. KNOWLAND. I am not a member of the committee, I will say to the Senator from Ohio. I assume that the Committee on Post Office and Civil Service felt that additional hearings should be held. I personally am prepared to support at the next session of Congress a postal rate increase bill. I think it has been too long in coming. And I would be prepared to support an equitable postal pay increase bill, which would not run the Post Office Department further into debt and impair the fiscal structure of the Federal Government.

Mr. LAUSCHE. May I add that if the postal pay increase bill has been hastened out of committee I see no reason why the rate increase should not have been hastened out of the committee.

Mr. KNOWLAND. I am inclined to agree with the Senator.

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

Mr. JOHNSON of Texas. Mr. President, I yield 1 minute to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. NEUBERGER. Mr. President, I wish to say to the Senator from Ohio [Mr. LAUSCHE] and to the Senator from California [Mr. KNOWLAND] that I think it is essentially unfair for any Member of this body to try to gear directly the postal workers' pay to a rate increase. Other departments of the Federal Government, in addition to the Post Office Department, have income.

Do Members of the Senate rise, when we are considering a classified pay increase bill, to state that the forest rangers should not receive a pay increase unless we raise the timber-stumpage price in the national forests? The Forest Service has about as much income as it pays out, as I understand.

Why should we not be told to raise the entrance fees to the national parks, if the park rangers are to get an increase in pay?

Why should we not raise the charge for passports and visas for those persons desiring to go abroad, if people employed in the State Department receive an increase in pay?

If people in the Department of the Interior are to receive an increase in pay, why should we not raise the kilowatt rates for the Bonneville Power Administration, the Southwestern Power Administration, or the Central Valley project in the State of the Senator from California?

It is not fair or just to single out the postal workers and to say that they are not going to get a pay increase unless we raise the postal rates, when we do not follow such a procedure for any other department of the Government which has an income.

Mr. JOHNSON of Texas. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. The Senator from Texas is recognized.

UNANIMOUS-CONSENT AGREEMENT TO LIMIT DEBATE ON H. R. 2462

Mr. JOHNSON of Texas. Mr. President, in the unanimous-consent agreement relating to time on the postal pay increase bill, we provided for the possibility that H. R. 2462, the employees' salary increase bill, would be offered as an amendment. Since that bill is not going to be offered as an amendment, since it will be taken up on motion, I ask unanimous consent that the same time limitation and the same provisions with reference to germaneness of all amendments be in order, and that we enter into the same agreement as we did on the postal pay increase bill.

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

The Chair hears none; and, without objection, the unanimous-consent agreement is entered into.

Mr. JOHNSON of Texas. Mr. President, I am prepared to yield back the time remaining to me on the pending bill.

The PRESIDING OFFICER. There is no time remaining on the other side.

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

Mr. JOHNSON of Texas. I yield to my delightful friend, the Senator from Florida, such time as he may desire.

Mr. SMATHERS. I thank the able Senator from Texas. Mr. President, I

wish to commend the Federal Employees' Compensation Subcommittee, under the able chairmanship of the distinguished junior Senator from Oregon [Mr. NEUBERGER], and the Post Office and Civil Service Committee, under the able chairmanship of the distinguished senior Senator from South Carolina [Mr. JOHNSTON], for making it possible for the Senate to act on pay legislation during the current session.

I am in complete agreement with the decision to act on H. R. 2474 instead of S. 27 in order to avoid any further delay in the matter. In my opinion, the time for final action is long past due. The pay of our postal workers and other Federal employees should have been increased many months ago.

The Post Office Department provides one of the most important public services performed by the Government. Every individual, every family and every business in this great Nation has a very real and vital interest in the postal service. The public expects the service to be maintained at peak efficiency under all circumstances and at all times.

However, it is becoming increasingly difficult to maintain the efficiency of the service with the morale of the employees at such a low ebb because of their inability to maintain a proper standard of living on their present salaries.

Postal employees have received one small increase in 6 years. The increase was in the neighborhood of from 6 to 8 percent on the average. Contrasted with this is the fact that comparable employees in private industry have received increases averaging above 20 percent during the same period of time. It is false thinking to believe that the integrity and efficiency of the service can be preserved under these conditions.

Our national interest will be well served by quick enactment of the pending bill. A measure of justice will accrue to our postal employees as the result of favorable action here today.

Mr. President, I urge my colleagues to vote for H. R. 2474.

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

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

Mr. LAUSCHE. I should like to ask some questions of the Senator from Kansas [Mr. CARLSON] with respect to his statement.

Mr. JOHNSON of Texas. Mr. President, I yield 2 minutes to the Senator from Ohio.

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

Mr. LAUSCHE. Do I correctly understand the Senator from Kansas to say that no hearings were held on this bill by the Senate Committee on Post Office and Civil Service?

Mr. CARLSON. That is correct. This bill came directly from the House and was placed on the Senate Calendar.

Mr. LAUSCHE. The Senate Committee on Post Office and Civil Service, if it had examined the bill, could have made certain that there was a proper gradation of salaries, so as not to have subordinates receiving greater salaries than superiors.

Mr. CARLSON. I will say to the Senator from Ohio that the Senate Committee on Post Office and Civil Service did report a bill, which is on the calendar. The bill was considered by the subcommittee under the very able chairmanship of the Senator from Oregon, and provided for a 7½-percent increase with a cost-of-living adjustment. There was a 7½-percent classified pay increase bill reported from the committee, which I think is proof that we did have in mind keeping the salary schedules intact.

Mr. LAUSCHE. Do I correctly understand, from the statement of the Senator from Kansas, that if the bill is passed in some instances subordinates will be receiving higher salaries than their supervisors?

Mr. CARLSON. The Senator is correct.

Mr. JOHNSTON of South Carolina. That statement is not correct, Mr. President.

Mr. JOHNSON of Texas. Mr. President, I yield the Senator from South Carolina a half minute.

Mr. JOHNSTON of South Carolina. The last statement I desire to correct. We could not raise a man's salary in a certain specified amount, if there were a difference at this time in the salaries, and in the change, raised the salary of the lower paid man to an amount greater than the salary of the higher paid man.

Mr. LAUSCHE. I should like to say that on the basis of my experience it is inescapable that if there is a uniform rise of $546 there will be subordinates who will be paid more than superiors.

Mr. JOHNSTON of South Carolina. This is not true in this bill, and, may I say also, there is only a one-half of 1 percent difference between the rates in the House bill and in the Senate bill.

The PRESIDING OFFICER. The additional time yielded to the Senator has expired.

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

Mr. JOHNSON of Texas. I yield the Senator 1 minute.

Mr. BEALL. Mr. President, the Senate is considering a bill to increase the salaries of our postal employees. It is my sincere hope that this body will, after due consideration, pass the bill.

Mr. President, in my judgment, no group of employees serves the Government more loyally than do our postal workers. Theirs is not an easy task. They must work, often, under adverse conditions of weather, and, indeed, time, especially during rush seasons such as Christmas. These things they must do when most of us are with our families enjoying the very things which keep postal employees at their jobs for long hours.

It is important, Mr. President, that we continue to maintain an adequate postal service. We cannot do so when our postal employees are not offered a salary sufficiently commensurate with their duties to provide an incentive for them to continue in the service. To have to find another job to supplement his income in the postal service is no incentive for any person. And that is by no means an unusual situation among postal employees.

These men and women indeed have a right to accomplish one job effectively and spend their off-duty hours with their families—in the pursuit of the leisure with which the afterwork hours have been identified.

We can, Mr. President, and in my judgment we must, vote favorably on proposed legislation which will increase the salaries of postal workers.

Mr. JOHNSON of Texas. Mr. President, have the yeas and nays been ordered on the passage of the bill?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. JOHNSON of Texas. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I further announce that if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Alabama [Mr. SPARKMAN] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Maryland [Mr. BUTLER], the Senator from South Dakota [Mr. CASE], and the Senator from Indiana [Mr. CAPEHART] are absent on official business.

The Senator from Vermont [Mr. FLANDERS] and the Senator from Kansas [Mr. SCHOEPPEL] are detained on official business.

If present and voting, the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], and the Senator from Vermont [Mr. FLANDERS] would each vote "yea."

The result was announced—yeas 69, nays 17, as follows:

YEAS—69

| | | |
|---|---|---|
| Aiken | Hill | Mundt |
| Allott | Holland | Murray |
| Barrett | Hruska | Neely |
| Beall | Humphrey | Neuberger |
| Bible | Ives | Pastore |
| Carroll | Jackson | Payne |
| Case, N. J. | Javits | Potter |
| Chavez | Johnson, Tex. | Purtell |
| Church | Johnston, S. C. | Revercomb |
| Clark | Kefauver | Russell |
| Cooper | Kennedy | Scott |
| Cotton | Kerr | Smathers |
| Douglas | Kuchel | Smith, Maine |
| Dworshak | Langer | Smith, N. J. |
| Eastland | Long | Stennis |
| Ellender | Magnuson | Symington |
| Ervin | Malone | Talmadge |
| Frear | Mansfield | Thurmond |
| Fulbright | Martin, Iowa | Thye |
| Gore | McClellan | Watkins |
| Green | McNamara | Wiley |
| Hayden | Monroney | Yarborough |
| Hennings | Morse | Young |

NAYS—17

| | | |
|---|---|---|
| Bennett | Byrd | Dirksen |
| Bricker | Carlson | Goldwater |
| Bush | Curtis | Hickenlooper |

| | | |
|---|---|---|
| Jenner | Martin, Pa. | Saltonstall |
| Knowland | Morton | Williams |
| Lausche | Robertson | |

NOT VOTING—9

| | | |
|---|---|---|
| Anderson | Capehart | O'Mahoney |
| Bridges | Case, S. Dak. | Schoeppel |
| Butler | Flanders | Sparkman |

So the bill (H. R. 2474) was passed.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSTON of South Carolina. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The question is on agreeing to the motion of the Senator from South Carolina.

The motion to lay on the table was agreed to.

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## FEDERAL EMPLOYEES PAY ACT OF 1957

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 871, H. R. 2462.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 2462) to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I should like to ask all Senators to please stay on the floor. Very shortly there will be a yea-and-nay vote on the bill, if the yeas and nays are ordered.

Mr. President, I ask for yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, I ask all staff members to notify their Senators that we shall shortly have a yea-and-nay vote on the pending bill. I yield 2 minutes to the Senator from Oregon [Mr. NEUBERGER].

The PRESIDING OFFICER. The Senate will be in order. The Senator from Oregon will not proceed until we have order in the Chamber.

Mr. JOHNSON of Texas. Mr. President, may we have order?

The PRESIDING OFFICER. The Presiding Officer is trying to secure order. Will Senators who desire to converse please retire to the cloakrooms? Will all staff members who desire to converse with Senators, please retire to the cloakroom?

The Senate will be in order.

Mr. JOHNSON of Texas. Mr. President, I should like to inform all my friends that I am having a birthday party, and I am 30 minutes late for it already. If Senators will remain quiet for a few minutes, we will pass the bill, and I will be able to go to my birthday party.

The PRESIDING OFFICER. The Chair hopes that that announcement will help restore order. The Senate will be in order. The Senator from Oregon is recognized.

Mr. NEUBERGER. Mr. President, my position in regard to the classified pay bills presently pending before the Senate, is the same as my position with respect to the postal pay bills. I think the Senate bill, S. 734, should be laid aside and consideration given to the House bill, H. R. 2462. This action is appropriate because any other course would result in delaying final passage. As I stated when the postal pay bill was up for consideration, the need for haste is paramount. This is urgent and vital.

### EXPLANATION

Mr. President, H. R. 2462 will increase the annual compensation of some 970,000 employees in the executive, legislative, and judicial branches of the Government. The increase will accrue to, first, employees subject to the Classification Act of 1949, as amended; second, employees in the legislative branch; and, third, employees in the judical branch, including court reporters for Federal district courts and secretaries and law clerks of Federal judges.

The salaries of these employees will be increased by 11 percent effective at the beginning of the first pay period starting after September 1, 1957.

There are a number of limitations imposed by the bill. First, no salary will be increased by more than $1,000; second, no salary will be increased to above $16,000 per year; and, third, no one receiving a salary of $16,000 or more will receive an increase.

The average increase per employee will amount to $515 per year. The cost of the bill was estimated to be slightly under $500 million a year.

### JUSTIFICATION

The subcommittee held long and searching public hearings, both with respect to postal employees and the classified service. It was the unanimous opinion of the subcommittee that an irrefutable case was made for an immediate increase in the pay of Federal employees.

It was clearly established that the pay of Federal employees has not kept pace with pay of employees in private industry. By way of comparison, the pay of employees in private industry has increased by something over 20 percent on the average, while the pay of employees in Government has increased by only 7½ percent. This disparity is not only having an adverse effect on the Government service, but is unfair to our Federal employees.

### COST OF LIVING

The upward spiral in the cost of living is but another factor in the consideration of the salary adjustment provided by the bill. In 1955 the cost-of-living index stood at 114.3. This coincides with the date Federal employees received their last pay increase. Today the cost-of-living index stands at a new alltime high. It is now some seven points above what it was in 1955, and it continues to rise.

### EFFECT OF LOW WAGE RATE

A spokesman for the Cordiner committee testified before the subcommittee to the effect that the Government is faced with a critical situation because of its low wage rate. He stated, first, the turnover is alarmingly high; second, the Government is losing its most skilled employees; third, quality of replacements does not measure up to the standard of those leaving the service; and, fourth, the effectiveness and efficiency of essential Government services is being reduced to an undesirable low level. The main point of his testimony was to the effect that the payment of competitive salaries would be economical in the long run.

Mr. President, I believe the increases provided by H. R. 2462 are justified in every respect.

I suggest that enactment of this legislation will do much to raise the morale of our Federal employees, increase their productivity and efficiency.

The PRESIDING OFFICER. The time in opposition to the bill is under the control of the minority leader.

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

Mr. CARLSON. Mr. President, I hope to use no more than 2 or 3 minutes. I merely wish to make a brief statement. One thing can be said to the credit of the pending House bill and that is that it does not upset the salary scale of the classified employees. It is based on a percentage increase of 11 percent across the board for all classified employees.

The Committee on Post Office and Civil Service has reported a Senate bill which calls for a pay increase of 7½ percent across the board. I urge the Senate to approve, and I sincerely hope it will approve, the 11½-percent increase for classified employees, although I cannot vote for it. I opposed the 12-percent increase for the postal employees, and I believe that the 11-percent increase will not become a law, and therefore will not be of any value to the classified workers of the Nation.

It might be well to look at the total cost of the proposed legislation. The total cost of the bill would be $537,640,000 annually. These pay increases would raise the Federal civilian payroll to almost $13 billion annually, or more than $1 billion a month. Its enactment would require a supplemental appropriation of a half billion dollars for the current fiscal year.

Adding the additional $537,640,000 to the $300 million, and another $1 billion which is bound to follow for the military, we would have approximately $2 billion added to the annual cost of government. These charges are worthy of our attention in considering the measure.

In my judgment, to support the pending legislation is not in the best interest of the Federal employees.

I yield back the remainder of my time.

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

Mr. MORTON. Mr. President, here again we are taking from the calendar a House bill which has not received the careful consideration of a committee of the Senate. If it is in order, I move to substitute order No. 740, Senate bill S. 734, for the House bill.

I move that S. 734, to revise the basic compensation schedules of the Classifi-

cation Act of 1949, as amended, and for other purposes, be substituted in lieu of the House bill, H. R. 2462, and that the Senate proceed to the consideration of the Senate bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. REVERCOMB. Mr. President, with the Senator yield for a question?

Mr. MORTON. I yield.

Mr. REVERCOMB. It has been said that the raise for the postal employees is on percentage basis. What is that percentage?

Mr. MORTON. It is in the nature of 12 percent.

Mr. REVERCOMB. That is the bill which has been passed for postal employees? Is that the bill to which the Senator has reference?

Mr. MORTON. That is correct. I point out, however, that in that bill there is a flat pay raise, not a percentage pay raise.

Mr. REVERCOMB. What is the amount of the percentage increase in the pending measure for classified employees?

Mr. MORTON. The House bill is an increase of 11 percent, and the Senate bill, which was reported by our committee after very careful study, is a 7½-percent increase.

Mr. REVERCOMB. The pending bill, then, is within 1 percent of the percentage raise provided in the postal employee bill. Is that correct?

Mr. MORTON. In the postal pay bill; yes. However, it should be pointed out that in the lower brackets the percentage is as high as 17 percent, in the top brackets it may be as low as 6 percent.

Mr. REVERCOMB. I thank the Senator.

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

Mr. MORTON. I yield.

Mr. LAUSCHE. What does the substitute bill propose to do as compared with the pending bill?

Mr. MORTON. The pending bill would provide an 11-percent increase to all classified employees. That is the House bill. I propose to substitute the Senate bill, which would provide a 7½-percent increase. That bill has been considered by the Committee on Post Office and Civil Service, and has been reported to the Senate after very careful consideration and after extended hearings by a subcommittee of the Committee on Post Office and Civil Service.

Mr. LAUSCHE. Does the House bill give an 11-percent increase to employees receiving as high as $15,000 a year?

Mr. MORTON. No; they are all telescoped at the top due to the statutory limits of $14,800 or $16,000, as the case may be, for the supergrades.

Mr. President, I yield back the remainder of my time.

Mr. JOHNSON of Texas. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky. [Putting the question.]

Several Senators requested a division.

On a division, the motion was rejected.

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

The PRESIDING OFFICER (Mr. BIBLE in the chair). The Senator from Arizona is recognized for 3 minutes.

Mr. GOLDWATER. Mr. President, I do not wish to make any remarks either in favor of or in opposition to the bill. I merely wish to state that the Senate is legislating in a rather unusual way, although I suppose it is not so unusual at the end of the session, particularly with politics mixed into the matter under consideration.

A few minutes ago the Senate voted for a bill increasing the pay of the postal workers. So far as I know, in the case of the pending bill, no report on the bill is on the desk of any Senator on this side of the aisle, and I doubt that there are any copies of the report on the bill on the desks of Senators on the other side of the aisle. I think the Senate is legislating in a very loose manner, and I do not think it is wise.

Mr. KNOWLAND. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. KNOWLAND. Mr. President, I shall vote against the bill. It is my judgment that the bill will not be approved by the President, and will not become law. In this case, as in the case of the postal-pay-increase bill, on which the Senate voted a few minutes ago, I believe the Senate would have been better advised if it had decided to consider the bill at the beginning of the next session, when the Senate will be able to consider the fiscal structure of the Government and the postal-rate-increase bill and the postal-workers-pay bill, and then can proceed to provide for equity in the case of the pay of the other governmental employees. At that time the Senate can provide for them substantially the same sort of pay increase, perhaps based on the cost of living; and then the Senate can be prepared to take the same action in the case of the pay of those in the military services as well.

I believe the Senate is proceeding unwisely, although of course the Senate has a right to act on these bills, and to vote to pass them, if it so wills; and undoubtedly this bill will be passed. But I do not think either of these pay bills will finally be enacted into law at this session. Therefore, I believe we shall have to start all over again when the Congress reconvenes.

Mr. JOHNSON of Texas. Mr. President, I yield 2 minutes to the Senator from South Carolina [Mr. JOHNSTON].

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

Mr. JOHNSTON of South Carolina. Mr. President, this bill provides for about 1½ percent less pay increase than the pay increase provided by the bill dealing with the post-office workers, which the Senate passed a few minutes ago.

I ask unanimous consent to have a statement explaining the bill printed at this point in the RECORD.

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

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

The bill under consideration was passed in the House on August 9 by a vote of 329 to 58. I think that vote is indicative of the sentiment for an increase in the pay of our Federal employees.

It is difficult for me to understand how any fairminded person, in possession of all the facts, could justify taking a position in opposition to a pay increase at this time.

I have been closely associated with matters of this kind for a good many years. Never, during this period of time, have I believed a pay increase more needed or more justified than at the present moment.

Our Federal family is divided into three main categories for pay purposes. Approximately 500,000 are compensated under the Postal Pay Act. Another 950,000 are paid in accordance with the Classification Act. Another 650,000 are paid in accordance with rates prevailing in the local area. Now let us examine for a moment what has happened to these three groups.

Our postal employees received an increase in 1955 of 6 to 8 percent. The employees subject to the Classification Act were increased in 1955 by 7½ percent. The employees compensated in accordance with rates prevailing in the local area have been increased over 20 percent.

And what does this show? Why it shows quite clearly that our employees whose rates of pay are hinged to rates in private industry have been increased by almost three times over the other two groups of our Federal employees whose pay is dependent upon legislative action.

Frequently employees have come to me and asserted that they could leave the Federal service and receive from 10 to 25 percent more for doing exactly the same kind of work in private industry. Many expressed a willingness to make a reasonable financial sacrifice to continue their public careers; but to many the sacrifice is much too great.

Hence we see an abnormal turnover in the public service. It has reached the point that the Government is serving only as a training base for many thousands of employees. They are not remaining with the Government for the duration of their careers; they are leaving to enter private employment. This is a costly, inefficient, and undesirable situation for the Government.

It is time we are taking appropriate steps to again make the Federal service attractive to highly skilled, competent, and loyal employees.

I think enactment of the pending bill would be a forward step in that direction.

The bill does not provide exorbitant increases as alleged by some of its opponents. The bill provides an average increase of only $500. Out of this amount the Government itself would take back about one-fifth in taxes. The net increase to each employee would amount to about $1 a day. I cannot view $1 a day—badly needed for groceries, clothing, medicine, and everyday needs—as being inflationary. I view it as being needed, and needed now, to enable our employees to live decently as good American citizens.

Mr. YARBOROUGH. Mr. President——

Mr. JOHNSON of Texas. I yield 2 minutes to the Senator from Texas [Mr. YARBOROUGH].

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

Mr. YARBOROUGH. Mr. President, in the hearings which were held on the bill by the Senate subcommittee, testimony was presented by leading scientists, including those in the Navy Department's Material Laboratory, at Brooklyn, N. Y., and those at the Government's research center in Philadelphia. Testimony was also received from the president of the Engineers' and Scientists' Association of the Special Devices Center, Sands Point, N. Y., which is a coordinated Army-Navy activity. Testimony was also received from the chairman of the legislative committee of the Association of Senior Engineers, Bureau of Ships, Department of the Navy.

The testimony presented before the committee shows without controversy that the Government is in imminent danger of losing the services of large numbers of the outstanding scientists who devise and design the weapons and make the weapons with which the military fight in case of war. These persons occupy some of the most important positions under the Government. Their pay schedules come in the brackets around $13,000 and $14,000. On the other hand, they are offered double those salaries by private industry.

Those in charge of the Government laboratories have promised these employees that, if they will wait only a few more months, Congress will provide pay increases for them. Pay is only one consideration, of course; prestige is another important consideration.

But many of these scientists have already left the Government service and have entered private industry.

Those in charge of the Government laboratories state that, if the services of these skilled and most essential employees are to be retained, they must promptly be provided with additional pay, more commensurate with their skills and abilities.

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

Mr. JOHNSON of Texas. Mr. President, I yield 1 minute to the Senator from Oregon [Mr. NEUBERGER].

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. NEUBERGER. Mr. President, I should like to make a brief observation.

Criticism has been made by Members on the other side of the aisle, based on the fact that a committee report on the bill is not available, and on the fact that hearings were not held on this particular bill, and so forth.

If I am not mistaken, a number of the Members on the other side of the aisle, plus some of us on this side of the aisle—and that number includes the junior Senator from Oregon—voted, some weeks ago, to have the House bill dealing with civil rights placed forthwith on the Senate Calendar. There was no committee report on the bill, and there were no hearings on the bill.

I do not think Senators can both hold with the hare and run with the hounds, in connection with these procedural matters. The same standard must prevail in various situations.

Mr. KNOWLAND. Mr. President, I yield one-half minute to the Senator from Kansas [Mr. CARLSON].

The PRESIDING OFFICER. The Senator from Kansas is recognized for one-half minute.

Mr. CARLSON. Mr. President, the United States Junior Chamber of Commerce has recently adopted a number of resolutions expressing the views of that organization on legislative proposals pending in the Congress. I ask unanimous consent that a statement on the resolutions, together with the resolutions, be printed at this point in the RECORD.

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

STATEMENT BY SENATOR CARLSON

The United States Junior Chamber of Commerce has recently adopted a number of resolutions expressing the views of that organization in regard to legislation pending in Congress that vitally affects our Nation and its welfare.

The United States Junior Chamber of Commerce, the Jaycees, has a membership of 200,000 young men between the ages of 21 and 35 in 3,500 local communities in all 48 States, Alaska, Hawaii, and the District of Columbia. They annually contribute thousands of projects and programs to community, State, and Nation consistent with "Leadership Training Through Civic Improvement."

We have an outstanding State organization of the Junior Chamber of Commerce, and it has been my privilege to be closely associated with both the National and the State organizations.

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RESOLUTION IN SUPPORT OF CONGRESSIONAL LEGISLATION RELATIVE TO CHANGING THE METHOD OF COMPUTING THE BASIC PAY FOR MEMBERS OF THE ARMED FORCES (RELATING TO CORDINER REPORT)

Whereas the military establishments of the United States are desperately in need of a means for attracting and retaining persons with scientific, professional, combat leadership and management skills necessary to maintain a deterrent power during these times of advancing technology and threat of aggression; and

Whereas the Armed Forces do not presently have the means to enter into competition for trained personnel urgently needed for the defense of this country, and a significant factor in their inability to do so is the inadequacy of the present compensation practices now in use; and

Whereas there are now in Congress proposed changes in the military pay structure which are based on merit rather than on longevity, will bring military pay more in line with the pay standards of industry, will offer first-termers greater reenlistment incentive, and will relate pay more closely to the actual contribution of the individual in the service: Now, therefore, be it

*Resolved*, That the United States Junior Chamber of Commerce as of this date July 27, 1957, respectfully urge the Congress of the United States to take favorable action to revise the existing pay structure now in use in the Armed Forces, incorporating therein the principles enumerated in the Defense Advisory Committee Report on Professional and Technical Compensation for Military Personnel; and be it further

*Resolved*, That the executive vice president of the United States Junior Chamber of Commerce is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States.

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FEDERAL BUDGET CONTROL

Whereas in January of this year the President submitted to Congress the largest peacetime budget in the history of the Nation; and

Whereas at the present time no less than one-third of an individual's income earned goes for taxes of some kind; and

Whereas, it now takes 10 percent of our taxes just to pay the interest on the Federal debt, so large is our present indebtedness; and

Whereas, this indebtedness of the United States is 2½ times as great as the combined debt of 12 European nations that we have been helping, they in fact having a smaller per person debt than we, and

Whereas, in spite of this condition we are asked not only to continue aid at the present rate, but also to open up new and additional spending in the Middle East, and

Whereas, the 1958 budget asks for 14 new State aid programs, an addition of 41,500 new Federal Civil Service employees, about $7 billion more in domestic, civilian expenditures: Now, therefore, be it

*Resolved*, That we of the United States Junior Chamber of Commerce in annual convention assembled, mindful of the danger of such ever increasing Federal expenditures and greatly concerned for our country's economy, the future of the American way of free enterprise, and thereby the destiny of us all, do advise those we elect and pay to represent us in the legislative branches of the Federal Government that we want every effort made to curtail the vast spending of the Federal Government, to assure us of economy and efficiency in Government and to promote the tax-saving recommendations of the Hoover Commission; be it further

*Resolved*, That a copy of this resolution be sent forthwith to each United States Senator and Congressman.

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PEOPLE TO PEOPLE

Whereas every member of the United States Junior Chamber of Commerce believes that the brotherhood of man transcends the sovereignty of nations, that the earth's great treasure lies in human personality and that service to humanity is the best work of life; and

Whereas the President of the United States, in stating that the future peace and security of the world depends upon the fostering of trust and understanding among all the peoples of the world, launched the nationwide people to people program designed to interest every individual and group in the United States in communicating directly with their neighbors abroad; and

Whereas this direct communication between Americans and their counterparts in other lands will serve to mold a bond of friendship and mutual understanding which is difficult to obtain in customary diplomatic circles; and

Whereas the United States Junior Chamber of Commerce, which has in the past supported the cause of better international relations through its association with Junior Chamber International and the highly successful Operation Brotherhood, believes that the people to people program offers to each and every American citizen an opportunity of becoming one of his or her country's most effective goodwill ambassadors abroad with the most powerful diplomatic weapon yet devised, personal contact between the average citizens or subjects of two nations: Therefore be it

*Resolved*, That the United States Junior Chamber of Commerce, in the spirit of the Jaycee creed, does fully endorse the principles of the people to people program as a means of breaking down the barriers of dis-

trust and misunderstanding between the American people and their foreign neighbors; be it further

*Resolved,* That the United States Junior Chamber of Commerce call upon each of its affiliated organizations throughout the United States and its Territories to pledge the full support of their initiative, effort, and resources to some phase of this worthwhile program; suggested ways by which we Jaycees can help are as follows:

Support and encourage communitywide participation in the American bookshelf program;

Adopt an affiliated Junior Chamber International chapter abroad, then correspond and exchange publications with its membership;

Expose foreign visitors and students to Jaycee and community life;

Whenever possible organize pilgrimages abroad or promote pan-American or international Jaycee meetings;

Instruct all American tourists in their responsibility and the importance of their role as goodwill ambassadors.

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CIVILIAN DEFENSE

Whereas the United States Junior Chamber of Commerce has become increasingly aware of the difficult problems of civilian defense against nuclear warfare in the United States; and

Whereas the present civil defense law passed in 1950 has been outmoded in the light of recent scientific developments; and

Whereas the Federal Civil Defense Administration, the individual State civil defense councils, and the local training units have not been able to properly arouse the general public as to the possible dangers in nuclear warfare, and to the training and equipment needed for survival; and

Whereas the Military Operations Subcommittee of the House Government Operations Committee of the United States Congress has conducted a long and searching investigation into this problem; and

Whereas this Congressional committee has published a report on July 27, 1956, entitled "Civil Defense for National Survival," which deserves the continued consideration and study by the Congress on the following points:

(1) "Federal civil-defense legislation should be redrafted to vest the basic responsibility for civil defense in the Federal Government, with the States and local units of government having an important supporting role."

(2) "The new legislation should create a permanent Department of Civil Defense, combining the civil defense functions (broadly defined) of the Office of Defense Mobilization and those of the Federal Defense Administration."

(3) "The Department of Civil Defense should consult with the Department of Defense and be required to formulate a master plan for nationwide civil defense."

(4) "The master plan for civil defense should be pointed toward the establishment of an integrated nationwide civil defense system based on the key civil defense measure of sheltered protection against the blast, heat, and radiation effects of nuclear explosions."

(5) "The Department of Civil Defense should be authorized to strengthen State and local defense organizations by contributing equipment, supplies, and funds for administration, training, stockpiles, and other necessary civil defense uses, subject to the supervision, inspection, and approval by the Secretary of Civil Defense, of the civil defense programs of State and local authorities."

(6) "The Secretary of Defense, in consultation with the Secretary of Civil Defense, should establish and implement an effective program of training Active and Reserve military personnel in civil defense duties as a defined part of regular military training."

(7) "The Secretary of Civil Defense, in behalf of the President, should have defined statutory powers to act in an emergency and to mobilize all civilian resources for minimizing the effects of enemy-caused disaster upon the national economy and the people of the United States."

(8) "The Secretary of Defense, in behalf of the President, should have defined statutory powers to act in an emergency and to mobilize all civilian resources for minimizing the effect of enemy-caused disaster upon the national economy and the people of the United States."

(9) "The role of the military forces in civil defense should be clearly defined. State and local officials should be fully informed as to the terms and conditions under which military assistance to civil defense authorities will be rendered in the event of widespread disaster and the breakdown of civil government": Now, therefore, be it

*Resolved,* That the United States Junior Chamber of Commerce, duly assembled in annual convention this 26th day of June 1957 at Milwaukee, Wis., go on record as favoring further investigation and study by the Congress of the United States as to the merits of these proposals, and of any pending or proposed legislation concerning civil defense.

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WASHINGTON, D. C., CITIZENS RIGHT TO VOTE

Whereas the Junior Chamber of Commerce of the United States believes firmly that no American citizen should be denied the opportunity to share with fellow American citizens in the great national privilege of voting for President and Vice President of the United States; and

Whereas several hundreds of thousands of American citizens resident in Washington, D. C., the Nation's Capital, are now denied this national privilege through no fault of their own nor purpose of the Founding Fathers: Now, therefore, be it

*Resolved,* That the Junior Chamber of Commerce of the United States in convention assembled this 26th day of June 1957 in Milwaukee, Wis., urge American citizens everywhere to join with it in a vigorous campaign to bring this grave injustice in the democratic decision-making process to the attention of the people of the Nation and through them to their elected representatives in the Congress of the United States and the legislatures of the several States;

To the end that the Constitution of the United States be amended to grant to the American citizens resident in Washington, D. C., the opportunity to participate with their fellow American citizens in the national election of President and Vice President of these United States.

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PORNOGRAPHIC LITERATURE

Whereas the traffic in undesirable comic books, salacious girlie and scandal magazines and pocket books, and even out and out pornographic materials has reached alarming proportions; and

Whereas it has been clearly established that these materials are not only available to children and to young people, but are actually directed toward them; and

Whereas it has been also established that these obscene and unwholesome materials lower the moral standards of our Nation's youth and lead to perversion, sadism, and sex crimes; and

Whereas the producers and distributors of salacious and pornographic materials are obviously hiding behind the technicalities of the right of freedom of the press—when in fact tighter laws and stricter enforcement need not endanger any of our basic American freedoms; and

Whereas the United States Junior Chamber of Commerce deplores the pollution caused by these evil and degrading publications and has previously taken a public stand against those who would endanger the morals of our youth for the sake of showing a profit: Now, therefore, be it

*Resolved,* That the United States Junior Chamber of Commerce—

1. Commend the publishers and distributors who are trying to clean up their industry;

2. Support the United States Senate Subcommittee on Juvenile Delinquency and other public and private groups seeking to improve the quality of the reading materials reaching American youth;

3. Encourage local and State Jaycee organizations to determine the current status of the problem and to take positive and constructive steps to bring about their solution; be it further

*Resolved,* That copies of this resolution be transmitted to appropriate Federal and State Government officials, publishers, distributors, and to the other national organizations interested in the welfare of American youth.

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STATEHOOD FOR ALASKA AND HAWAII

Whereas in view of the fact that immediate statehood for Alaska and Hawaii is supported by both major political parties and the national administration and hence is nonpartisan; and

Whereas the people of both Territories have demonstrated their readiness and ability to assume and discharge the obligations of statehood; and

Whereas the people of these Territories have upon their own initiative and expense adopted by more than a 2-to-1 majority a State constitution in conformity with the principles of American Government; and

Whereas the legislatures of these Territories have year after year passed memorials urging Congress to enact enabling legislation; and

Whereas the people of these Territories as United States citizens are denied the right to vote for the President and Vice President of the United States and have no voting representation in Congress; and

Whereas territorial status in view of its temporary nature discourages investment capital and thereby hinders the economic development of the Territories; and

Whereas statehood for these Territories would result in a decrease of Federal expenditures for the operation of government in Alaska and Hawaii; and

Whereas territorial status contributes to an indifferent and slothful attitude toward government while statehood encourages an active interest and participation in government; and

Whereas it is in accord with cherished principles of American Government to grant the responsibility and privileges of local government to American citizens who have suffered the hardships of frontier areas and developed the same: Now, therefore, be it

*Resolved by the United States Junior Chamber of Commerce in annual convention assembled in Milwaukee, Wis., this 26th day of June 1957,* That the President, the Congress, the Secretary of the Interior, the delegates from Alaska and Hawaii be urged to support immediately statehood for the only two remaining incorporated Territories under the American flag, Alaska and Hawaii; be it further

*Resolved,* That a copy of this resolution be sent to the President of the United States, each Member of Congress, the Secretary of the Interior, and the Delegates from Alaska and Hawaii.

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PUBLIC LIBRARY

Whereas the free public library is one of the principal institutions of public education, basic to the maintenance of our American way of life, and more than any other instrument of society, the custodian and disseminator of the world's knowledge; and

Whereas every American citizen needs to have lifetime access to sources of information upon which to base sound judgments and wise actions because a democracy such as ours can survive only with an informed citizenry; and

Whereas, there is a great need in these United States for the extension, development and promotion of library facilities, as evidenced in extensive hearings on this subject held by the Congress of the United States, and

Whereas, the furtherance of public library service for all people is in accord with the basic tenet of this organization which states that "Service to humanity is the best work of life," and

Whereas, the United States Junior Chamber of Commerce supports a national project known as Operation Library; Now, therefore, be it

*Resolved*, That the United States Junior Chamber of Commerce in convention assembled this 26th day; of June 1957, in Milwaukee, Wis., does hereby encourage the chapters and members of this organization to assist in the further extension, development and promotion of public library service throughout America; be it further

*Resolved*, That copies of this resolution be sent to the President of the United States, the Secretary of Health, Education, and Welfare, Members of the Congress of the United States, and the American Library Association.

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RELATION BETWEEN FEDERAL AND STATE GOVERNMENTS AND REDUCTION OF FEDERAL AID (CONSOLIDATION)

Whereas a large number of services performed by the Federal Government can be assumed and performed adequately by our States, localities, and individual families; and

Whereas the responsibility for these services basically belongs in other hands than the Federal Government; and

Whereas there is a widespread program of Federal loans and grants-in-aid to States; and

Whereas these programs have resulted in a terrific tax burden on the peoples of the Nation: Now, therefore, be it hereby

*Resolved by the United States Junior Chamber of Commerce in convention assembled this 27th day of June 1956, in Kansas City, Mo.*, That this organization goes on record as favoring continued support of reductions in Federal aid and the assumption of these services that can be adequately performed by said State and local governments.

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HOOVER COMMISSION

Whereas the bipartisan Commission on Organization of the Executive Branch of the Government, better known as the Second Hoover Commission, unanimously created by Congress in 1953 for the purpose of continuing the search for a means of saving the citizens of the United States billions of dollars while increasing efficiency of the executive branch of the Government, now has completed a series of bipartisan reports on the Federal Government; and

Whereas junior chambers of commerce traditionally have been vitally interested in the cause of good government, and

Whereas better government will result if the findings of the Hoover Commission are given wide dissemination among the public: Now, therefore, be it

*Resolved by the United States Junior Chamber of Commerce in convention assembled this 27th day of June 1956, in Kansas City, Mo.*, That this organization endorse the broad aims and objectives of the bipartisan Second Hoover Commission; and be it further

*Resolved*, That this organization continue and expand a program for the widespread dissemination of information on the recommendations and findings of the Commission in order to stimulate interest and secure public support for economy and efficiency in government and adherence to constitutional principles based upon the recommendations and findings of the Second Hoover Commission; be it further

*Resolved*, That copies of this resolution be mailed to all appropriate Government officials; and be it further

*Resolved*, That all existing resolutions contained in policy pertaining to this subject be consolidated and incorporated in this resolution as a part hereof and are superseded hereby.

Mr. KNOWLAND. Mr. President, I am prepared to yield back the remainder of the time available to me; and I yield it back at this time.

Mr. JOHNSON of Texas. Mr. President, I yield back the remainder of the time available to me.

The PRESIDING OFFICER. All remaining time has been yielded back.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H. R. 2462) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

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 Senators from New Mexico, [Mr. ANDERSON and Mr. CHAVEZ], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I further announce that if present and voting, the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Alabama [Mr. SPARKMAN] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Maryland [Mr. BUTLER], the Senator from South Dakota [Mr. CASE], and the Senator from Indiana [Mr. CAPEHART] are absent on official business.

The Senator from Kansas [Mr. SCHOEPPEL] is detained on official business.

If present and voting, the Senator from Maryland [Mr. BUTLER] and the Senator from Indiana [Mr. CAPEHART] would each vote "yea."

The result was announced—yeas 64, nays 22, as follows:

YEAS—64

| | | |
|---|---|---|
| Aiken | Hayden | Magnuson |
| Allott | Hennings | Malone |
| Beall | Hill | Mansfield |
| Bible | Holland | Martin, Iowa |
| Carroll | Hruska | McNamara |
| Case, N. J. | Humphrey | Monroney |
| Church | Ives | Morse |
| Clark | Jackson | Mundt |
| Cotton | Javits | Murray |
| Douglas | Johnson, Tex. | Neely |
| Eastland | Johnston, S. C. | Neuberger |
| Ervin | Kefauver | Pastore |
| Flanders | Kennedy | Payne |
| Frear | Kerr | Potter |
| Fulbright | Kuchel | Purtell |
| Gore | Langer | Revercomb |
| Green | Long | Russell |
| Scott | Symington | Wiley |
| Smathers | Talmadge | Yarborough |
| Smith, Maine | Thurmond | Young |
| Smith, N. J. | Thye | |
| Stennis | Watkins | |

NAYS—22

| | | |
|---|---|---|
| Barrett | Dirksen | Martin, Pa. |
| Bennett | Dworshak | McClellan |
| Bricker | Ellender | Morton |
| Bush | Goldwater | Robertson |
| Byrd | Hickenlooper | Saltonstall |
| Carlson | Jenner | Williams |
| Cooper | Knowland | |
| Curtis | Lausche | |

NOT VOTING—9

| | | |
|---|---|---|
| Anderson | Capehart | O'Mahoney |
| Bridges | Case, S. Dak. | Schoeppel |
| Butler | Chavez | Sparkman |

So the bill (H. R. 2462) was passed.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. KEFAUVER. 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 Tennessee to lay on the table the motion of the Senator from Texas.

The motion to lay on the table was agreed to.

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## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2603) to amend the act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896.

The message also announced that the House had insisted upon its amendment to the bill (S. 2377) to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. WILLIS, Mr. BROOKS of Texas, Mr. KEATING, and Mr. CURTIS of Massachusetts were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3377) to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9302) making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PASSMAN, Mr. GARY, Mr. ROONEY, Mr. LANHAM, Mr. NATCHER, Mr. DENTON, Mr. ALEXANDER, Mr. SHEPPARD, Mr. TABER, Mr. WIGGLESWORTH, Mr. FORD, and Mr. MILLER of Maryland were appointed managers on the part of the House at the conference.

## STATE SONGS

Mr. BYRD. Mr. President, I ask unanimous consent to insert in the body of the RECORD a manuscript on State songs which was prepared by a staff member of the Bedford (Va.) Democrat, of Bedford, Va., Mr. Kenneth E. Crouch.

The manuscript has been placed in the Alderman Library of the University of Virginia, but it is of such interest that I think it should be preserved in the CONGRESSIONAL RECORD.

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

THE STATE SONGS OF THE UNITED STATES

(By Kenneth E. Crouch)

The fact that 39 States in the United States have adopted official State songs is evidence of the growing value of music in public life. This action was taken either to recognize a song expressing the love of a certain area and its beauty or to have some form of expression on official occasions that brings the thought to the immediate territory.

The other 9 States, although no legislative action has taken place, have songs used on official occasions that have been acclaimed as unofficial State songs. They will, like many of their predecessors, have to be tested for years and having proven they cannot be supplemented by another will be legally adopted.

It is interesting to note that in adopting official songs 4 States have adopted 2 songs each, namely, Arkansas (1 being withdrawn after 26 years), Florida (2 by the legislature), Missouri (1 by a governor and 1 by the legislature) and Oklahoma (2 by the legislature). The State of Tennessee has through official legislative action adopted three State songs.

One of the northwestern States, Washington, has the honor of being the first State to take any action regarding an official State song. On March 18, 1909, the song "Washington Beloved" was adopted by the State legislature as the State anthem. The words were written by one of the most distinguished historians and educators of the northwest, Dr. Edmund S. Meany of the University of Washington. The music was composed by Dr. Reginald de Koven, one of the Nation's outstanding composers and conductors.

The States of Arizona and Washington are the only States to adopt State anthems, the other 36 having adopted State songs. Arizona on February 28, 1918, adopted as the official State anthem Arizona, with words by Mrs. Margaret Rowe Clifford of Douglas, Ariz., and music by Maurice Blumenthal of Los Angeles, Calif.

By action of the governor on September 29, 1910, the State of Montana has the distinction of having adopted the first State song. This same song, Montana, with words by Charles C. Cohan and music by Joseph E. Howard, was adopted by the legislature on February 20, 1945. Mr. Cohan, novelist and newspaperman, is now real-estate editor of the Los Angeles Times, in Los Angeles, Calif.

The composer, Joseph E. Howard, in addition to his famed career as a composer, actor, theatrical producer, and radio star, is regarded as the first newsreel cameraman. From Theodore Roosevelt, then police commissioner of New York City, he obtained permission to record closeup shots of the funeral of President William McKinley. The finished film, accompanied by a choir of boys from Father Drumgoole's Orphanage, in Manhattan, singing a mournful dirge, was first shown in Manhattan.

By legislative action, two States adopted official songs in 1911, first South Carolina, on February 11, and second, Iowa, on March 20. By proclamation of the governor, Missouri adopted a set of words as a State song on May 11 of that same year.

Of the various State songs, official and unofficial, six have won widespread acclaim by their use as songs of educational institutions. These are Here We Have Idaho, of the University of Idaho, Maryland, My Maryland, of the University of Maryland, Hail, Minnesota of the University of Minnesota. Hush-a-Bye, Ma Baby, the Missouri Waltz, of the University of Missouri, Dear Old Nebraska U, of the University of Nebraska, and On, Wisconsin, of the University of Wisconsin.

It is strange that one of the Dixie States and leading State of the Confederacy, Virginia, has for its State song Carry Me Back to Old Virginny with both words and music being written by a Negro, James A. Bland. Long before official action was taken in 1940 the people of this State regarded the song dear to their hearts and as far as is known, its author never visited in Old Dominion.

Two States have had as writers of their songs blind women. The very inspiring O Fair New Mexico was written, both words and music, by Miss Elizabeth Garrett. She was a daughter of famed Sheriff Pat Garrett, of New Mexico, who is accredited with the killing of the notorious outlaw Billy the Kid. Miss Bernice Grantham is one of the authors of the words to the Arkansas Traveler. She is a member of the faculty of the Arkansas School for the Blind, in Little Rock.

Stephen C. Foster is the only person to have songs adopted by two different States, My Old Kentucky Home, of Kentucky and Swanee River, of Florida.

Of the authors and composers, at least 45 attended a college or university and several have served on the faculties of institutions of higher learning. In the group can be found 15 newspapermen and 1 woman who is regarded as the first newspaperwoman in the South. She is Mrs. Lollie Bell Wylie, composer of Georgia, who was a staff member of the Atlanta Journal. Henry Timrod, author of Carolina, was a war correspondent during the War Between the States and later joined the Confederate Army.

As to war service, 5 served in the War Between the States, 3 in World War I, and 3 in World War II. Miss Nell Grayson Taylor, author of My Homeland, Tennessee, served as a nurse in Europe in World War I.

Outside the field of music, the authors have come from various other fields, archeologists, educators, historians, and several from the medical profession. Three have been ordained ministers, the Reverend C. V. Waugh, of Florida, Baptist; Dr. McKinley Helm, of Idaho, Episcopalian; and Elder Evan Stephans, of Utah, Mormon (Church of Jesus Christ of Latter-day Saints).

Six men were very active in the political field. George B. Hynson, author of Our Delaware, was once a Progressive Party candidate for governor of Delaware. Theodore C. Diers, of Nebraska, author-composer of My Nebraska, was a Democratic member of both the house and senate of the Wyoming State Legislature. Judge William Gaston, of North Carolina, author of The Old North State, served in the house of commons and senate of the North Carolina Legislature and as a Member of Congress from North Carolina. J. A. Buchanan, of Oregon, author of Oregon, My Oregon, was at one time a member of the Oregon House of Representatives. Judge Charles D. Rosa, of Wisconsin, was a Progressive Party member of the Wisconsin State Assembly. Judge Charles E. Winter, author of Wyoming, and Wyoming March Song, was a Republican Representative at Large in the House of Representatives from Wyoming. He was later a candidate for the House of Representatives in Congress from Wyoming and also served as attorney general and acting Governor of Puerto Rico.

As to the possessions, three have taken legal action in regard to official songs—Alaska, Guam, and Puerto Rico. On July 25, 1952, when Puerto Rico became a Commonwealth, the danza La Borinquena became the official anthem.

As to the military units, only the Air Force and maritime service have taken any legal action regarding official songs.

*Official songs of the United States*

STATES

| State | Song | Date approved | Author | Composer |
|---|---|---|---|---|
| Alabama | Alabama | Mar. 3, 1931 | Miss Julia Tutwiler (1841-1916), teacher. | Mrs. Edna Gockel Gussen (1879-1937), teacher, organist. |
| Arizona | Arizona | Feb. 28, 1918 | Mrs. Margaret Rowe Clifford (1841-1926), housewife. | Maurice Blumenthal (1894- ), attorney. |
| Arkansas | Arkansas | Jan. 12, 1917 [1] | Mrs. Eva Ware Barnett (1881- ), housewife. | Same. |
| | The Arkansas Traveler | Oct. 15, 1949 | Col. Sandford C. Faulkner (1803-74), planter.<br>Mrs. Mabel Bean (about 1890- ), writer.<br>Miss Bernice Grantham (1912- ), teacher.<br>T. W. Williamson (1886- ), merchant.<br>Ed Stanfiell (1917- ), entertainer, businessman. | Same. [2]<br>Mrs. Virginia Womack Montgomery (1914- ), composer. |
| California | I Love You, California | Apr. 26, 1951 | Frank B. Silverwood (1863-1924), merchant. | A. F. Frankenstein (1873-1934), music director. |
| Colorado | Where the Columbines Grow | Mar. 8, 1915 | Dr. Arthur J. Fynn (1857-1930), educator, archaeologist, historian. | Same. |
| Connecticut | The Second Connecticut Regiment March. | (3) | | David W. Reeves (1838-1900), band director. |

See footnotes at end of table.

*Official songs of the United States*—Continued

STATES—Continued

| State | Song | Date approved | Author | Composer |
|---|---|---|---|---|
| Delaware | Our Delaware | Apr. 7, 1925 | George B. Hynson (1862-1926), teacher, newspaperman. | Will M. S. Brown (1860-1917), organist. |
| Florida | Florida, My Florida | May 12, 1913 | Rev. C. V. Waugh (1848-1935), minister. | (4). |
| | Swanee River | May 28, 1935 | Stephen C. Foster (1826-64), composer. | Same. |
| Georgia | Georgia | Aug. 17, 1922 | Robert Loveman (1864-1923), poet | Mrs. Lollie Belle Wylie (1858-1923), journalist, poet, musician. |
| Idaho | Here We Have Idaho | Mar. 11, 1931 | Miss Bethel Packenham (1907- ), social service worker. Dr. McKinley Helm (1896- ), educacator, writer, minister. | Mrs. Sallie Hume Douglas (1872-1944), teacher. |
| Illinois | Illinois | June 30, 1925 | Charles H. Chamberlain (1841-94), poet. | (5). |
| Indiana | On the Banks of the Wabash, Far Away. | Mar. 14, 1913 | Paul Dresser (1859-1906), entertainer, composer. | Same. |
| Iowa | The Song of Iowa | Mar. 20, 1911 | Maj. S. H. M. Byers (1838-1933), soldier, diplomat. | (4). |
| Kansas | Home on the Range | June 30, 1947 | Dr. Brewster M. Higley (1822-1911), doctor.[6] | Dan Kelley (1843-1905), farmer, miller.[7] |
| Kentucky | My Old Kentucky Home | Mar. 19, 1928 | Stephen C. Foster (1826-64), composer. | Same. |
| Louisiana | Song of Louisiana | July 14, 1932 | Mrs. Vashti Robertson Stopher (1891- ), poet. | Same. |
| Maine | State of Maine Song | July 25, 1937 | Roger Vinton Snow (1890- ), attorney. | Same. |
| Maryland | Maryland, My Maryland | Apr. 26, 1939 | James R. Randall (1839-1908), teacher, newspaperman. | (4). |
| Massachusetts | Hail Massachusetts | (3) | Brig. Gen. William J. Blake (1891- ), soldier. | Richmond K. Fletcher (1885- ), artist, architect. |
| Michigan | Michigan, My Michigan | (3) | Mrs. Henry L. Lyster (1842-1930), poet. | (4). |
| | do | (3) | Douglas Malloch (1877-1938), author, newspaperman. | Dr. W. Otto Miessner (1880- ), teacher, composer. |
| | My Michigan | (3) | H. O'Reilly Clint (1900- ), composer. | Same. |
| Minnesota | Hail Minnesota | Apr. 19, 1945 | Truman E. Rickard (1882-1948), resort operator, home designer. Arthur Upson (1877-1908), poet. | Same. |
| Mississippi | Way Down South in Mississippi | Apr. 9, 1948 | Verne Barnes (1900- ), executive | Mrs. Josie Gautier Barnes (1899- ), interior decorator, music teacher. |
| Missouri | Missouri | May 15, 1911[8] | Mrs. Lizzie Chambers Hull (1843-1924), poet. | Mrs. Julie Stevens Bacon (1882- ), music teacher. |
| | Hush-a-bye, Ma Baby, The Missouri Waltz. | June 22, 1949 | J. R. Shannon (1881-1946), writer, theatrical producer. | John Valentine Eppel (1871-1931), band leader. Frederic Knight Logan (1871-1928), composer.[9] |
| Montana | Montana | Sept. 29, 1910[10] | Charles C. Cohan (?- ), newspaperman. | Joseph E. Howard (1878- ), composer. |
| Nebraska | Dear Old Nebraska U | (3) | Harry Pecha (1901- ), executive | Same. |
| | My Nebraska | (3) | Theodore C. Diers (1880-1942), educator, banker, teacher. | Same. |
| Nevada | Home Means Nevada | Feb. 6, 1933 | Mrs. Bertha E. Raffetto (1885- ), author, composer, writer. | Same. |
| New Hampshire | Old New Hampshire | Mar. 2, 1949 | Dr. John F. Holmes (1878-1955), doctor, poet. | Maurice Hoffmann (1907- ), organist. |
| New Jersey | New Jersey Loyalty Song | (3) | Dr. Samuel F. Monroe (1887- ), educator. | Same. |
| New Mexico | O Fair New Mexico | Mar. 14, 1917 | Miss Elizabeth Garrett (1884-1947), composer, organist. | Same. |
| New York | The Sidewalks of New York | (3) | Charles B. Lawlor (1852-1925), composer, actor. James W. Blake (1862-1935), salesman | Same. Same. |
| North Carolina | The Old North State | Feb. 18, 1927 | William Gaston (1778-1844), jurist | Mrs. E. E. Randolph (1882- ), musician.[11] |
| North Dakota | North Dakota Hymn | Mar. 15, 1947 | James W. Foley (1874-1939), newspaperman. | Dr. Charles S. Putnam (1859-1944), educator, music director. |
| Ohio | Beautiful Ohio | (3) | Ballard Macdonald (1882-1935), author. Robert A. King (Mary Earl) (1862-1932), composer. | Same. Same. |
| Oklahoma | Oklahoma—A Toast | Mar. 26, 1935 | Mrs. Harriet Parker Camden (1878- ), composer. | Same. |
| | Oklahoma | May 11, 1953 | Oscar Hammerstein II (1895- ), libbrettist. | Richard A. Rodgers (1902- ), composer. |
| Oregon | Oregon, My Oregon | Feb. 12, 1927 | J. A. Buchanan (1863-1936), lawyer, educator, jurist. | Henry B. Murtagh (?- ), theatrical director. |
| Pennsylvania | Pennsylvania | (3) | Mrs. Gertrude Martin Rohrer (1875- ), composer. | Same. |
| Rhode Island | Rhode Island | Apr. 30, 1946 | T. Clarke Brown (1886- ), band director. | Same. |
| South Carolina | Carolina | Feb. 11, 1911 | Henry Timrod (1829-67), newspaperman. | Miss Anne Custis Burgess (1874-1910), teacher. |
| South Dakota | Hail, South Dakota | Mar. 3, 1943 | Deecort Hammitt (1893- ), band director, banker, composer. | Same. |
| Tennessee | My Homeland, Tennessee | Apr. 10, 1925 | Miss Nell Grayson Taylor (1887- ), nurse. | Prof. Roy Lamont Smith (1865-1946), composer, organist. |
| | My Tennessee | July 2, 1931 | Mrs. Frances H. Tranum (?- ), writer. | Same. |
| | When It's Iris Time in Tennessee | Apr. 22, 1935 | Miss Willa Mae Waid (?- ), teacher. | Same. |
| Texas | Texas, Our Texas | May 23, 1929 | W. J. Marsh (1880- ), composer, teacher. Mrs. Gladys Y. Wright (1891- ), writer. | Same. |
| Utah | Utah We Love Thee | Feb. 21, 1917 | Elder Evan Stephans (1854-1930), conductor. | Same. |
| Vermont | Hail Vermont | May 13, 1938 | Mrs. Josephine Hovey Perry (1885-1952), music teacher. | Same. |
| Virginia | Carry Me Back to Old Virginny | Feb. 22, 1940 | James A. Bland (1854-1911), composer. | Same. |
| Washington | Washington Beloved | Mar. 18, 1909 | Dr. Edmund S. Meany (1862-1935), newspaperman, historian, educator. | Dr. Reginald de Koven (1859-1920), music critic, composer. |
| West Virginia | West Virginia, My Home Sweet Home. | Mar. 3, 1947 | Col. Julian G. Hearne, Jr. (1904- ), soldier. | Same. |

See footnotes at end of table.

*Official songs of the United States*—Continued

STATES—Continued

| State | Song | Date approved | Author | Composer |
|---|---|---|---|---|
| Wisconsin | On, Wisconsin | (3) | Carl Beck (1885- ), public relations work.[12] | William T. Purdy (1882-1918), composer.[12] |
| | | (3) | Dr. Filip A. Forsbeck (1873-1946), doctor.[13] | William T. Purdy. |
| | | (3) | Charles D. Rosa (1870- ), jurist, orchardist. | Do. |
| | | | J. S. Hubbard (1867-1954), newspaperman.[13] | |
| Wyoming | Wyoming | (3) | Charles E. Winter (1870-1948), jurist, writer. | Earle R. Clemens (1877-1943), newspaperman. |
| | Wyoming March Song | Feb. 15, 1955 | Charles E. Winter [14] | Prof. G. Edwin Knapp (1886- ), teacher, organist. |
| | That's Wyoming | (3, 15) | Jack Bryant (1892- ), businessman | Same.[16] |
| **POSSESSIONS** | | | | |
| Alaska | Alaska's Flag | Feb. 23, 1955 | Mrs. Marie Drake (1888- ), government worker. | Mrs. Elinor Dusenbury (1889- ), musician. |
| American Samoa | Amerika Samoa | (3) | Mariota T. Tuiososopo (1905-57), planter. | Napoleon A. Tuiteleleapaga (?- ), newspaperman. |
| Guam | The Guam Hymn | May 2, 1952 | Dr. Ramon M. Sablan (1901- ), physician, author, composer. | Same. |
| Hawaii | Hawaii Ponoi | (3) | King Kalakaua (1836-91), King of Hawaii. | Capt. Henry Berger (1844-1929), band director. |
| | Aloha Oe | (3) | Queen Liliuokalani (1838-1917), Queen of Hawaii. | Same. |
| Puerto Rico | La Borinquena | July 25, 1952 [17] | (18) | (18). |
| Virgin Islands | The Song of the Virgin | (3) | Cyril Creque (1899- ), government service. | Same. |
| **MILITARY** | | | | |
| Air Force | The Army Air Corps | Sept. 20, 1939 | Maj. Robert M. Crawford (1899- ), Air Force officer, conductor, composer. | Same. |
| Cavalry | Hit the Leather | (3) | Maj. Meredith Willson (1902- ), conductor, composer. | Same. |
| Coast Guard | Semper Paratus | (3) | Capt. Francis Von Boskerck (1868-1927), Coast Guard officer. | Same. |
| Field Artillery | The Caissons Go Rolling Along | (3) | Brig. Gen. Edmund L. Gruber (1879-1941), soldier. | Same. |
| Marine Corps | The Marines Hymn | (3) | Unknown | Unknown. |
| Maritime Service | Heave Ho, My Lads, Heave Ho | Dec. 23, 1942 | Lt. (jg.) Jack Lawrence (1912- ), composer, conductor. | Same. |
| Navy | Anchors Aweigh | (3) | Capt. Alfred H. Miles (1883-1956), Navy officer. | Lt. Charles A. Zimmerman (1861-1916), pianist, organist, music director. |
| | | | Capt. Royal Lovell (1903- ), Navy officer. | |
| **MISCELLANEOUS** | | | | |
| Confederate States | Dixie | (3) | Daniel D. Emmett (1815-1904), composer. | Same. |
| Republic of Texas | Will You Come to the Bow'r? | (3) | Thomas Moore (1779-1852), poet | (19). |
| United States | The Star Spangled Banner | Mar. 3, 1931 | Francis Scott Key (1780-1843), lawyer | (20). |

[1] Withdrawn by the author-composer June 27, 1943.
[2] Words and folk tune of the original The Arkansas Traveler accredited to Col. Sandford C. Faulkner; set of State words written by 4 persons, arranged by a 5th person.
[3] Unofficial.
[4] From the German air Der Tannenbaum.
[5] Music from the score Baby Mine by Archibald Johnston.
[6] Original poem by Higley entitled "Oh, Give Me a Home Where the Buffalo Roam."
[7] Higley poem set to music by Kelley first as My Western Home; modern arrangement of Home on the Range by David W. Guion.
[8] The words to Missouri were adopted by the Governor of Missouri; no music ever officially adopted.
[9] Original melody by Eppel, arrangement by Logan.
[10] Adopted by Governor of Montana on Sept. 29, 1910; by legislature on Feb. 20, 1945.
[11] Various versions collected and arranged by Mrs. E. E. Randolph.
[12] Original words by Beck and original music by Purdy.
[13] One set of State words by Forsbeck using music by Purdy; another set of State words by Rosa and Hubbard using music by Purdy.
[14] Wyoming March Song has same words as Wyoming by Winter with 2 music scores.
[15] Written for golden anniversary of Wyoming statehood in 1940.
[16] Arranged by E. C. Ekdall (1905- ), real-estate dealer.
[17] When Puerto Rico became a Commonwealth July 25, 1952, the Danza La Borinquena became the official anthem.
[18] Accredited to Felix Astol y Artes (?-?).
[19] Air of an old Irish folk tune. Modern version edited and arranged by Oscar J. Fox with words adapted by Dr. Henry F. Estill.
[20] Accredited to To Anacreon in Heaven composed by John Stafford Smith.

## THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, we have had a very fruitful day in the Senate. So far as I am aware, there will be no other business tonight, other than insertions in the RECORD. We will stay in session long enough to accommodate any Senator who may care to make a statement in today's RECORD.

I ask the Chair to lay before the Senate the House message on H. R. 6127, the Civil Rights Act of 1957.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 6127, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
*August 27, 1957.*

*Resolved,* That the House agree to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 16 to the bill (H. R. 6127) entitled "An act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States";

That the House concurs in the amendment of the Senate numbered 7, with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term 'whoever' as used in paragraph (g) of section 102 hereof shall be construed to mean a person whose services are compensated by the United States";

That the House concurs in the amendment of the Senate numbered 15, with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

"PART V—TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS OF COURT GROWING OUT OF CIVIL-RIGHTS CASES AND TO AMEND THE JUDICIAL CODE RELATING TO FEDERAL JURY QUALIFICATIONS

"SEC. 151. In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, 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 imprisonment exceed the term of 6 months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

"This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

"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 1861, title 28, of the United States Code is hereby amended to read as follows:

"'§ 1861. Qualifications of Federal jurors

"'Any citizen of the United States who has attained the age of 21 years and who has resided for a period of 1 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 1 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.'"

Mr. THURMOND. Mr. President, I move that the bill be referred to the Judiciary Committee.

Mr. KNOWLAND. Mr. President——

The PRESIDING OFFICER. The Presiding Officer is advised the motion is in order. The Chair recognizes the Senator from California.

Mr. KNOWLAND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There appears to be a sufficient second.

Mr. RUSSELL. 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. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk started to call the roll before the Senator from Illinois addressed himself to the Chair.

The legislative clerk resumed the call of the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

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

The Senate will be in order, so that these proceedings may be heard.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

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

Mr. JOHNSON of Texas. A motion has been made that this message be referred to the Judiciary Committee. The yeas and nays have been ordered; is that correct?

Mr. RUSSELL. The yeas and nays have not been ordered.

The PRESIDING OFFICER. The Senator is advised the motion was made to refer the bill to the Judiciary Committee. The yeas and nays were requested. The yeas and nays were ordered.

Mr. RUSSELL. I did not hear the Chair order the yeas and nays. I am not hairsplitting. I did not know this motion was going to be made, but I did not hear the Chair announce the determination of the motion of the Senator from California for the yeas and nays. I did not know, as I stated, that this motion was to be made. I thought I suggested the absence of a quorum before the Chair had announced that the yeas and nays had been ordered.

The PRESIDING OFFICER. The Chair was under the impression that there was a sufficient second for the yeas and nays. It is his impression that he announced that the yeas and nays were ordered.

Mr. RUSSELL. I do not challenge the statement of the Chair that he announced the yeas and nays had been ordered but I stated, on my good faith and on my responsibility, I did not hear any such announcement from the Chair. There is no doubt that the yeas and nays were sufficiently seconded, because I know the Senator from California would have more than enough Senators voting to support his request. It is not unusual, however, to suggest the absence of a quorum before the yeas and nays have been ordered, and it was my opinion I had interposed such a suggestion before the Chair had announced the yeas and nays had been ordered. If the Chair states I am in error, I withdraw the suggestion of the absence of a quorum, but I was within my rights and I thought I made the request for a quorum before the Chair announced the result of the request for the yeas and nays.

The PRESIDING OFFICER. The Presiding Officer was under the impression he had announced the yeas and nays had been ordered before the Senator from Georgia suggested the absence of a quorum.

Mr. RUSSELL. If the Journal so shows, I will withdraw my suggestion. I did not hear the Chair announce the request of the Senator from California was sufficiently seconded.

The PRESIDING OFFICER. The Presiding Officer is of the opinion that the yeas and nays were, have been, and are now ordered.

Mr. RUSSELL. There is no doubt that they were sufficiently seconded. That is one of the difficulties we get into, Mr. President, when we move so rapidly; but if the Chair states on his responsibility as Presiding Officer that he had announced the yeas and nays had been sufficiently seconded, I ask unanimous consent that the demand for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. KNOWLAND. Mr. President, I think I asked for the yeas and nays.

The PRESIDING OFFICER. The Senator from California is absolutely correct. The Senator from California made the request. There was a sufficient second. The Presiding Officer was under the impression there was a sufficient second and that the yeas and nays were ordered, and then recognized the Senator from Georgia.

Is there objection to the request of the Senator from Georgia?

Mr. DIRKSEN. Mr. President, a parliamentary inquiry. Can the Senator from Georgia withdraw a request for the yeas and nays made by the Senator from California?

Mr. RUSSELL. I made no such effort, if that question be raised. I would suggest the absence of a quorum again, so there may be no confusion as to what the Senate is doing.

The PRESIDING OFFICER. May we have again the unanimous-consent request of the Senator from Georgia? May we be clear what the Senator from Georgia is now requesting?

Mr. RUSSELL. Does the Senator from Illinois understand the parliamentary situation?

Mr. DIRKSEN. It was my understanding that the Senator from California had asked for the yeas and nays. It would occur to me only the Senator from California could withdraw his own request for the yeas and nays.

Mr. RUSSELL. I am still not undertaking to interfere with the request of the Senator from California, for the yeas and nays. I do not know whether the Senator from Illinois heard me.

Mr. DIRKSEN. I was right here.

Mr. RUSSELL. Perhaps there was something wrong with the Senator's hearing when the Chair announced there was a sufficient second, because I made the next request. I suggested the absence of a quorum.

Mr. DIRKSEN. I would like to ask the Senator from California whether he requested the yeas and nays.

The PRESIDING OFFICER. The Presiding Officer recognized the Senator from California for that purpose.

May the Chair be clear as to exactly what the Senator from Georgia is requesting, so we may obtain a ruling on the Senator's request?

Mr. RUSSELL. What is that, Mr. President?

The PRESIDING OFFICER. The Presiding Officer is in doubt as to the unanimous-consent request which the Senator from Georgia is posing at this time.

Mr. RUSSELL. Mr. President, it seems to me we are having trouble with the acoustics in the Chamber this evening. No one can hear anyone else. I did not hear the Chair announce that the yeas and nays were ordered. The Senator from Illinois thought I was undertaking to withdraw the request for the yeas and nays after the Chair had

stated he had announced the yeas and nays were ordered. I made no such suggestion at any time. I did say the Chair had stated on his responsibility he had declared the request for the yeas and nays was sufficiently seconded before I had moved for the call of a quorum. That being the case, I will withdraw my request for a call of the roll to ascertain whether or not a quorum is present.

The PRESIDING OFFICER. Is there objection to that request? The Chair understood the Senator from Texas had asked unanimous consent that it be withdrawn.

Mr. RUSSELL. I did not understand the Senator from Texas had asked that the quorum call I suggested be withdrawn.

The PRESIDING OFFICER. The Presiding Officer so understood and asked if there was any objection, and the order was entered withdrawing the quorum call.

Mr. RUSSELL. My hearing must be very bad this evening, because I did not understand the Senator from Texas had asked that the suggestion of the absence of a quorum be withdrawn. I had a reason for suggesting the absence of a quorum. Sometimes it is very helpful to suggest the absence of a quorum in the Senate. I am somewhat surprised the Senator from Texas asked to withdraw the call, but, if that has been done, I shall make no further motions at this time.

The PRESIDING OFFICER. The question now is on agreeing to the motion of the Senator from South Carolina to refer the bill on the desk to the Judiciary Committee. The yeas and nays have been ordered. The clerk will call the roll.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Does the Chair mean that I am not going to be allowed to speak on the motion?

The PRESIDING OFFICER. Was the Senator seeking recognition?

Mr. THURMOND. I was seeking recognition to speak on the motion.

The PRESIDING OFFICER. The Chair is advised that the motion to refer the bill to the Committee on the Judiciary is debatable, and the Senator from South Carolina is recognized.

Mr. HUMPHREY. Mr. President——

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair has recognized the Senator from South Carolina.

Mr. MANSFIELD. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HUMPHREY. A point of order, Mr. President.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Montana? Does the Senator from South Caorlina yield for the purpose of permitting the Senator from Montana to propound a parliamentary inquiry?

Mr. THURMOND. I yield for that purpose.

Mr. MANSFIELD. Mr. President, my parliamentary inquiry is this: Did the Chair recognize the Senator from South Carolina when he made his motion that the bill be referred to the Committee on the Judiciary?

The PRESIDING OFFICER. The Chair did recognize the Senator from South Carolina.

Mr. HUMPHREY. No. Mr. President——

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HUMPHREY. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator from South Carolina yield for the purpose of permitting the Senator from Minnesota to make a parliamentary inquiry?

Mr. HUMPHREY. A parliamentary inquiry, Mr. President.

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

Mr. HUMPHREY. In the light of the request of the Senator from Montana, I should like to make this inquiry: Did the Chair, on the occasion of the comment by the Senator from South Carolina, recognize the Senator from South Carolina? If he did, how could he do so when the floor was being held by the Senator from Texas?

The PRESIDING OFFICER. The Chair believes the Senator from Texas had yielded the floor at that time, if the Chair may so state. The Senator from South Carolina was standing and was seeking recognition.

Mr. HUMPHREY. I realize that the Senator was standing. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. The Senator was seeking recognition?

The PRESIDING OFFICER. And was recognized.

Mr. HUMPHREY. And it was so recorded?

The PRESIDING OFFICER. The reporter will have the record before him. The purpose of the Chair was to recognize the Senator from South Carolina. The Chair felt he had recognized the Senator from South Carolina.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

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

Mr. RUSSELL. Whether the Senator had been recognized or not, he could now make the motion he has made, could he not?

The PRESIDING OFFICER. The Senator has been recognized for the purpose of debating the motion to make which he was earlier recognized.

Mr. KNOWLAND. Mr. President, will the Senator from South Carolina yield, so that I may propound a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. KNOWLAND. It seems to me that clearly the Senator from South Carolina was recognized, because it was only after he made his motion to refer the bill to the committee that I asked for the yeas and nays on that motion. I think the RECORD is clear that the motion was made to refer the bill to the committee. Under those circumstances, I asked for the yeas and nays, and the yeas and nays have been ordered.

The Senator from South Carolina has been recognized, and I believe he has the floor.

The PRESIDING OFFICER. That certainly is the impression of the Chair. The Chair in a distinct, loud voice said, "The Chair recognizes the Senator from South Carolina."

Mr. HUMPHREY. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota for the purpose of propounding a parliamentary inquiry?

Mr. THURMOND. I will yield, if the Senator will not take too long.

Mr. HUMPHREY. Mr. President, my point is this: a precedent is being established here. I fully realize that the Senator from South Carolina moved that the bill be sent to the Committee on the Judiciary, but I also recall vividly that the Senator from Texas was on his feet and had not yielded the floor. I proceeded immediately to the desk to inquire of the parliamentarian, and the parliamentarian assured the Senator from Minnesota that under rule XIX it was necessary for a Senator to have recognition by the Chair in order to make a motion.

My point is that the Chair did not recognize the Senator from South Carolina. I am not concerned about whether the motion is up to send the bill to committee or not. We shall discuss that on its merits. As a matter of precedent in the Senate, when Senators are on their feet by the half dozen carrying on conversations, and some Senator can move, "I move to do this," or "I move to do that," without the Chair recognizing that Senator, we can have pandemonium in this Chamber.

I had always been under the impression that the Chair had to recognize a Senator before the Senator could make any motion in connection with the conduct of business in this Chamber.

My inquiry is this: Does the Chair have to recognize a Senator when a Senator seeks to make a comment in this Chamber, for the purpose of doing business?

The PRESIDING OFFICER. The Chair will advise the Senator from Minnesota that the Senator from South Carolina was the only Senator who was seeking recognition. The Chair so recognized him. That is the ruling of the Chair.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Chair now recognizes the Senator from South Carolina.

Mr. CASE of New Jersey. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. THURMOND. I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for the purpose of propounding a parliamentary inquiry.

Mr. CASE of New Jersey. Mr. President, is the motion of the Senator from

South Carolina subject to a motion to table by some Senator who in his own right obtains the floor for that purpose?

The PRESIDING OFFICER. The Chair advises the Senator from New Jersey that a motion to table is in order if the Senator from New Jersey secures the floor in his own right.

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

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. THURMOND. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I am informed that the Senator from South Carolina expects to address himself to his motion for perhaps some 40 minutes. If it is agreeable to the Senate and agreeable to the Senator from South Carolina, he can proceed, and the Senate can hear the Senator from South Carolina and any other Senators who may desire to be heard, and perhaps vote on the motion this evening, if that is the wish of the Senate.

I thank the Senator from South Carolina.

The PRESIDING OFFICER. The Chair now recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I was bitterly opposed to the passage of H. R. 6127 in the form in which it was passed by the Senate.

The PRESIDING OFFICER. Will the Senate please be in order?

Mr. KNOWLAND. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. THURMOND. Mr. President, I was bitterly opposed to the passage of H. R. 6127 in the form in which it was passed by the Senate. I am even more bitterly opposed to the acceptance of this so-called compromise which has come back from the House of Representatives.

I desire to comment later on various provisions of the entire bill, but at this time I am directing my comments at the specific provisions of the so-called compromise. In my view, it is no less than an attempt to compromise the United States Constitution itself.

In effect, it would be an illegal amendment to the Constitution, because that would be the result in so far as the constitutional guarantee of trial by jury is concerned.

Article III, section 2, of the Constitution provides that "the trial of all crimes, except in cases of impeachment, shall be less by jury."

Again in the sixth amendment—in the Bill of Rights—it is provided that—

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

The fifth and seventh amendments to the Constitution provide additional guaranties of action by a jury under certain circumstances. The fifth amendment refers to the guaranty of indictment by a grand jury before a person shall be held to answer for a crime. The seventh amendment guarantees trial by jury in common law cases.

These guaranties were not included in our Constitution without good and sufficient reasons. They were written into the Constitution because of the abuses against the rights of the people by the King of England. Even before the Constitution and the Bill of Rights were drafted, our forefathers wrote indelibly into a historic document their complaints against denial of the right of trial by jury.

That document was the Declaration of Independence.

After declaring that all men are endowed with certain unalienable rights, including life, liberty, and the pursuit of happiness, the signers of the Declaration pointed out that the King had a history of "repeated injuries and usurpations, all having in direct object to the establishment of an absolute tyranny over these States." Then they proceeded to the listing of a bill of particulars against the King.

He was charged with "depriving us in many cases of the benefits of trial by jury."

Mr. President, when our forefathers won their freedom from Great Britain, they did not forget that they had fought to secure a right of trial by jury. They wrote into the Constitution the provisions guaranteeing trial by jury. Still not satisfied, they wrote into the Bill of Rights 2 years later the 3 specific additional provisions for jury action.

It is a well-known fact that there was general dissatisfaction with the Constitution when it was submitted to the States on September 28, 1787, because it did not contain a Bill of Rights. A majority of the people of this country, under the leadership of George Mason, Thomas Jefferson, and others, were determined to have spelled out in the Constitution in the form of a Bill of Rights those guaranties of personal security which are embodied in the first 10 amendments.

It was 9 months after the Constitution was submitted to the States before the ninth State ratified the Constitution, thus making it effective.

Although by that time it was generally understood, and pledges had been made by the political leaders of the day, that a Bill of Rights would quickly be submitted to the people, 4 of the 13 States still were outside the Union.

Nineteen months after the Constitution was submitted to the States, George Washington was inagurated, on April 30, 1789, as our first President. Even then, however, North Carolina and Rhode Island remained outside the Union for several months, North Carolina ratifying on November 21, 1789, and Rhode Island on May 29, 1790.

The reluctance of all the States to enter the Union which they had helped to create clearly demonstrated how strong the people felt about the necessity of including a Bill of Rights in the Constitution. The Constitution might never have been ratified had it not been for the assurances given to the people by Hamilton, Madison, and other political leaders that a Bill of Rights would be drafted as soon as the Constitution was ratified. Leaders of that day carried out the mandate of the people, and the Bill of Rights with its guaranties of trial by jury was submitted to the States on September 25, 1789.

In 1941, the late John W. Davis, that great constitutional lawyer and one-time Democratic nominee for President, was asked to state what the Bill of Rights meant to him.

The Bill of Rights—

He declared—

> denies the power of any Government—the one set up in 1789, or any other—or of any majority, no matter how large, to invade the native rights of a single citizen.

Mr. Davis continued his definition with the following:

> There was a day when the absence of such rights in other countries could fill an American with incredulous pity. Yet today, over vast reaches of the earth, governments exist that have robbed their citizens by force or fraud of every one of the essential rights American citizens still enjoy. Usage blunts surprise, yet how can we regard without amazement and horror the depths to which the subjects of the totalitarian powers have fallen?

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

Mr. THURMOND. I yield.

Mr. EASTLAND. As I understand the motion of the distinguished junior Senator from South Carolina, it is to refer the bill to the Judiciary Committee for study.

Mr. THURMOND. That is correct.

Mr. EASTLAND. I will say to the Senator that I think his motion should be sustained. No one knows what is in the proposed compromise, if it is a compromise. It should be studied by the Judiciary Committee, and I assure the Senator that if the bill is referred to the Judiciary Committee it will have the very serious study of the committee, which it deserves.

Mr. THURMOND. I thank the distinguished chairman of the Judiciary Committee for that statement. I believe that under his able direction and supervision the Judiciary Committee would give the bill very careful study, and would come forth with such recommendations as it deemed advisable in the interest of constitutional government, if and when it made a report on the bill.

Mr. EASTLAND. Yes. I assure the Senator that we will give it very extensive study.

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

Mr. THURMOND. I yield.

Mr. JOHNSTON of South Carolina. I should like to tell the able Senator from South Carolina that if the bill is referred to the committee—and I am very doubtful that such will be the case—I can assure the Senator that I shall do my best to keep it there forever. I was very successful in keeping any such bill from coming from the Judiciary Committee this year.

Mr. THURMOND. This is a bill which deserves a great deal of study and consideration. I am sure the members of the Judiciary Committee would give such study and consideration to the bill.

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

Mr. THURMOND. I yield.

Mr. EASTLAND. Let me tell the distinguished Senator that if the bill is referred to the Judiciary Committee it will have our very sincere consideration. We shall try to find out what is in it, and we shall try to do the right thing, in the light of the facts and the law. We shall attempt to uphold constitutional government.

Mr. THURMOND. I am sure the able chairman of the Judiciary Committee would do just as he said he would do.

Continuing with the statement of the late John W. Davis:

> The lesson is plain for all to read. No men enjoy freedom who do not deserve it. No men deserve freedom who are unwilling to defend it. Americans can be free so long as they compel the governments they themselves have erected to govern strictly within the limits set by the Bill of Rights. They can be free so long, and no longer, as they call to account every governmental agent and officer who trespasses on these rights to the smallest extent. They can be free only if they are ready to repel, by force of arms if need be, every assault upon their liberty, no matter whence it comes.

Mr. President, this bill is an assault upon our liberty. The United States is a constitutional government, and our Constitution cannot be suspended or abrogated to suit the whims of a radical and aggressive minority in any era.

The specific provisions in the Constitution and the Bill of Rights guaranteeing trial by jury have not been repealed. Neither have they been altered or amended by the constitutional methods provided for making changes in our basic law if the people deem it wise to make such changes.

Nevertheless, in spite of the prevailing constitutional guaranties of trial by jury, we are here presented with a proposal which would compromise the provisions of the Constitution—yes, in my opinion, amend the Constitution illegally.

This compromise provides that in cases of criminal contempt, under the provisions of the proposed act, the accused may be tried with or without a jury at the discretion of the judge.

It further provides:

> That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury.

Mr. President, the first of the provisions I have just cited, giving discretion to a judge as to whether or not a jury trial is granted in a criminal case, is in direct conflict with the Constitution.

The Constitution does not provide for the exercise of any discretion, in a criminal case, as to whether the person accused shall have a jury trial. The Constitution provides that the trial of all crimes except in cases of impeachment shall be by jury.

The sixth amendment provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury.

The Constitution does not say in some crimes. The Constitution says in all crimes. The Constitution does not say trial may be by jury. The Constitution says trial shall be by jury.

How, then, Mr. President, can we be presented with this compromise? How can we be asked to accept a proposal so clearly in conflict with and in violation of the Constitution?

The Constitution makes no exception to the trial by jury provision in criminal cases in the event contempt is involved. Let me repeat and let me emphasize—the Constitution says "the trial of all crimes shall be by jury"—not all crimes except those involving contempt, but all crimes.

What power has been granted to this Congress to agree to any such proposal when it is in such complete contradiction to the Constitution? There is no power except the power of the people of this Nation by which the Constitution can be amended. The power of the people cannot be infringed upon by any lesser authority.

As the directly elected representatives of the people, this Congress should be the last body to attempt to infringe upon the authority which is vested solely in the people.

We are here dealing with one of the basic legal rights and one of the most vital personal liberties guaranteed under our form of government. But the proposed compromise insists that the treasured right of trial by jury be transformed into a matter of discretion for a judge—for one person—to decide whether it shall be granted or withheld.

This compromise attempts to make trial by jury a matter of degree, as stated in the second part of the provision which I quoted. Under this proposal, if a man were to receive a sentence of a fine of $300 or 45 days imprisonment, he would be deprived of his right of trial by jury, except at the discretion of the judge. On the other hand, if a dollar were added to the amount of money, or even 1 cent, and a day, or even an hour, to the length of imprisonment, that man would be granted a new trial with a jury deciding the facts.

Mr. President, this is not something which can be compromised. The right of trial by jury is too dear a right to be measured in dollars and cents or in terms of days and hours. The right of trial by jury is guaranteed by the Constitution. It is a vital principle upon which our form of government is based. Principle is not a matter of degree.

This proposed compromise is a true child of the parent bill—like father, like son, or a chip off the old block. Both are bad. But the provisions of the compromise are even worse than the provisions of the bill which I opposed when it was approved by the Senate.

The enactment in the Senate of part V, with its jury trial provision, was a vast improvement over the radical bill which was sent to us from the House of Representatives.

However, this unconstitutional compromise now makes part V conform with the obnoxious provisions which were in the original bill. In the name of constitutional government, I hope that a majority of the Senate will vote against this proposal.

The principal purpose of the bill which the House has returned to the Senate is political. Both parties fear the bloc voting of the pivotal States. Both parties want to be in position to claim credit for the passage of what is being called a civil-rights bill. Both parties hope to be able to capitalize on the passage of a bill such as this one in the Congressional elections of 1958, and then to carry those gains into the presidential election of 1960.

Propaganda and pressure exerted upon the Congress and upon the American people explain how such a bill as this one came to be considered at all. Stewart Alsop, the newspaper columnist, only last week stated the simple facts of the case.

He said that "behind the shifting, complex, often fascinating drama of the struggle over civil rights, there is one simple political reality—the Negro vote in the key industrial States in the North. That is, of course, in hard political terms, what the fight has been all about."

To explain his point, he cited the situation prevailing in New York, Pennsylvania, and Illinois. Pointing out that the "Negro vote can be absolutely decisive in these States," Mr. Alsop stated that it is "almost inconceivable that any Presidential candidate could lose those three States and win an election."

The following four paragraphs are quoted directly from Mr. Alsop's column:

> In 1954, Averell Harriman was elected Governor of New York by less than 15,000 votes over Senator IRVING IVES. According to Harris' analysis, Harriman polled a whopping 79 percent of the Negro vote. Negro voters thus supplied Harriman with his margin of victory several times over. Two years later, the Democrats had dropped some 90,000 Negro votes to the Republicans—or about 6 times the number of votes IVES needed to defeat Harriman.

Mr. JOHNSTON of South Carolina. Mr. President, will my colleague yield?

The PRESIDING OFFICER (Mr. ERVIN in the chair). Does the junior Senator from South Carolina yield to the senior Senator from South Carolina?

Mr. THURMOND. I yield.

Mr. JOHNSTON of South Carolina. I wish the Senator to yield to me, but I do not want him to lose the floor by yielding. I am asking him to yield so that I may suggest the absence of a quorum, with the understanding that he will not lose his right to the floor.

Mr. THURMOND. I yield for that purpose.

The PRESIDING OFFICER. Without objection, the junior Senator from South Carolina yields to the senior Senator from South Carolina for the purpose of suggesting the absence of a quorum, with the understanding that the junior Senator from South Carolina will not lose the floor by so doing.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that my colleague may yield for that purpose without losing his right to the floor.

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

The legislative clerk called the roll and the following Senators answered to their names:

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

The PRESIDING OFFICER. A quorum is present. The Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, I was quoting from Mr. Alsop's column. I shall now continue the quote:

Or take another close race—the victory of Senator JOSEPH CLARK, of Pennsylvania, over the Republican incumbent, Senator James Duff, in 1956. Again, CLARK just squeaked in, with a plurality of less than 18,000 votes. CLARK, despite the Supreme Court, carried the Negro vote by a huge 76-percent margin, which was worth about 150,000 votes to him. Suppose the Negro vote had dropped off as sharply in Pennsylvania as it did in Illinois, where it nosedived from 75 percent in 1952 to 58 percent in 1956. Then Duff would be in the Senate by a comfortable majority, and CLARK would be practicing law.

Other examples could be cited, like that of Senator PAUL DOUGLAS, of Illinois, who owes about 60 percent of his 1954 plurality to the Negro vote.

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

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. THURMOND. I yield for a question.

Mr. DOUGLAS. Is it not true that my majority in 1954 amounted to 241,000 votes?

Mr. THURMOND. I really do not know.

Mr. DOUGLAS. That happens to be true. It was 408,000 in 1948, and 241,000 in an off year and a low poll in 1954. It was not a meager margin, I may say.

Mr. THURMOND. The statement I am making now, as the Senator, I presume, understands, is a quotation from Mr. Alsop's column.

Mr. DOUGLAS. I understand. I know the Senator is fair and wants to keep the record straight. The majority was very substantial. It was the largest majority any Senator received in 1954. I do not say that in a boasting fashion, but merely to keep the record straight.

Mr. THURMOND. I continue to quote from Mr. Alsop:

But the lesson is clear enough. If the Republicans can attract something approaching half the Negro vote in the Northern States, the Republican Party will then be the normal majority party in those States.

Read the roll of big States in which the Negroes can be expected to poll 5 percent or more of the total vote—not only New York, Pennsylvania, and Illinois, but such States as Michigan, Ohio, New Jersey, California. It then becomes clear what is at stake in the civil-rights struggle—

This is what Mr. Alsop says is at stake—

nothing less than the future balance of political power in the Nation.

Mr. President, the advocates of this proposed legislation may believe it fits their objective today, but I am convinced that if this bill is enacted into law, that eventually it will be just as undesirable to its advocates as it is to me.

No explanation of this bill can alter the act that it was, and is now, under the proposed compromise, a force bill. Its purpose is to put a weapon of force into the hands of the Attorney General and into the hands of Federal judges to exercise arbitrarily.

Just as the Attorney General can decide arbitrarily whether or not to prosecute a case, so now this compromise provides Federal judges with authority to exercise discretion in applying the law.

Jury trial may be granted or withheld on any grounds whatsoever in the mind of a judge so long as he does not exceed the maximum limit set for denying trial by jury.

The proponents of this bill claim it would strengthen the rights of individuals. In contrast to this claim, the bill actually would strengthen the bureaucratic power of the Attorney General and the arbitrary authority of Federal judges.

No new right is granted by this bill. No old right held by the people is better protected. The substance of the bill is to deprive the people of a right held under the Constitution.

When this bill was debated in the Senate, many authorities were quoted on the importance of trial by jury. At that time I quoted that great legal mind of 18th century England, Blackstone. Because of the authoritative place he holds in jurisprudence, I want to quote him again at this time. This is what Blackstone had to say:

The trial by jury ever has been, and I trust ever will be, looked upon as the glory of the English law. And if it has been so great an advantage over others in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases. * * * It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals. A constitution, that I may venture to affirm has, under Providence, secured the just liberties of this Nation for a long succession of ages. And therefore a celebrated French writer, who concludes, that because Rome, Sparta, and Carthage have lost their liberties, therefore those of England in time must perish, should have recollected that Rome, Sparta, and Carthage, at the time when their liberties were lost, were strangers to the trial by jury.

At another point, Blackstone further declared his faith in trial by jury in these words:

A competent number of sensible and upright jurymen; chosen by lot * * * will be found the best investigators of truth, and the surest guardians of public justice. For the most powerful individual in the state will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression must be examined and decided by 12 indifferent men, not appointed till the hour of trial; and that, when once the fact is ascertained, the law must of course redress it. This, therefore, preserves in the hands of the people that share which they ought to have in the administration of public justice.

Mr. President, the wisdom of Blackstone's words is undeniable. The liberty of every citizen must continue to be protected by the right of trial by jury. This is not a right which applies to one person and is denied another. The Constitution makes no exception in its guaranty of trial by jury to every citizen.

On May 9, 1957, Associate Justice Brennan of the United States Supreme Court delivered an address in Denver, Colo. In his address Justice Brennan dealt with the subject of trial by jury and made the following statement:

American tradition has given the right to trial by jury a special place in public esteem that causes Americans generally to speak out in wrath at any suggestion to deprive them of it. * * * One has only to remember that it is still true in many States that so highly is the jury function prized, that judges are forbidden to comment on the evidence and even to instruct the jury except as the parties request instructions. The jury is a symbol to Americans that they are bosses of their Government. They pay the price, and willingly, of the imperfections, inefficiencies, and, if you please, greater expense of jury trials because they put such store upon the jury system as a guaranty of their liberties.

Mr. President, to me, that is a significant statement, coming from a member of the present Supreme Court. I will not predict what the Court may do when the constitutionality of the denial of trial by jury as embodied in this so-called compromise is presented to the Court.

However, I shall not be surprised if the Court declares the bill unconstitutional, because on June 10, 1957, in Reid against Covert, the so-called military wives case, the Supreme Court issued a strong opinion on behalf of trial by jury. In that case the Court said:

Trial by jury in a court of law and in accordance with traditional modes of procedure after an indictment by grand jury has served and remains one of our most vital barriers to governmental arbitrariness. These elemental procedural safeguards were imbedded in our Constitution to secure their inviolateness and sanctity against the passing demands of expediency or convenience.

And further:

If * * * the Government can no longer satisfactorily operate within the bounds laid

down by the Constitution, that instrument can be amended by the method which it prescribes. But we had no authority to read exceptions into it which are not there.

That is certainly a clue to what might be expected from the Court when it is called upon to decide the constitutionality of part 5 of H. R. 6127 as it has been amended by this so-called compromise.

Many claims have been made to the effect that this is a bill to protect the individual's right to vote. The evidence proves that there are more than adequate laws in all the States to protect the right to vote. I requested the Library of Congress to make a study of the laws of the States by which the right to vote is protected in each State. A summary of these laws was submitted to me, and I have it available now.

As to my own State of South Carolina, I shall discuss at some length the constitutional and statutory safeguards protecting a citizen's right to vote.

I do not know of a single case having arisen in South Carolina in which a potential voter has charged that he has been deprived of his right to vote. Had such an instance occurred, justice would have been secured in the courts of South Carolina. The Federal Government has no monopoly over the administration of justice.

Both white and Negro citizens exercise their franchise freely in South Carolina. Our requirements are not stringent. South Carolina does not require the payment of a poll tax as a prerequisite to voting.

I may say that this requirement was repealed upon my recommendation to the Legislature of South Carolina, which submitted the recommendation to the people. The people voted favorably, and the legislature ratified the action of the people, and as a result there is no poll tax as a prerequisite for voting in South Carolina. Registration is necessary only once every 10 years.

Proof that Negroes vote in large numbers in South Carolina—if proof is desired—can be found in an article which was published following the general election in 1952 in the Lighthouse and Informer, a Columbia, S. C., Negro newspaper. In its issue of November 8, 1952, the Lighthouse and Informer discussed the results of the election and declared that "estimates placed the Negro votes at between 60,000 and 80,000 who actually voted."

This represents almost one-fourth of the votes cast in that election. I did not see an estimate of the Negro votes in the 1956 general election, but reports which came to me indicated that there was another large turnout.

Mr. President, I shall now read the provisions of the South Carolina constitution which protect a citizen's right to vote:

SOUTH CAROLINA CONSTITUTION ELECTION PROVISIONS

Article 1, section 9, suffrage: The right of suffrage, as regulated in this constitution, shall be protected by law regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct.

Article 1, section 10, elections free and open: All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this constitution shall have an equal right to elect officers and be elected to fill public office.

Article 2, section 5, appeal; crimes against election laws: Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal, and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

Article 2, section 8, registration provided; elections; board of registration; books of registration: The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided*, At the first registration under this constitution, and until the 1st of January 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the Governor, by and with the advice and consent of the senate. For the first registration to be provided for under this constitution, the registration books shall be kept open for at least 6 consecutive weeks; and thereafter from time to time at least 1 week in each month, up to 30 days next preceding the first election to be held under this constitution. The registration books shall be public records open to the inspection of any citizen at all times.

Article 2, section 15, right of suffrage free: No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State.

In addition to these general provisions of the constitution protecting the right to vote, I shall now read specific statutory provisions contained in the South Carolina Code. I believe it is especially appropriate that I do so, in view of the fact that it has been charged that South Carolina, as well as other States has failed to protect the right of citizens to vote.

The charge is false. The right of every citizen to vote in South Carolina is protected, and I want the record to be clear; therefore, I cite the following provisions of law in South Carolina:

SOUTH CAROLINA CODE

TITLE 23

The boards of registration to be appointed under section 23-51 shall be the judges of the legal qualifications of all applicants for registration. Any person denied registration shall have the right of appeal from the decision of the board of registration denying him registration to the court of common pleas of the county or any judge thereof and thence to the supreme court.

23-74. Proceedings in court of common pleas

Any person denied registration and desiring to appeal must within 10 days after written notice to him of the decision of the board of registration file with the board a written notice of his intention to appeal therefrom. Within 10 days after the filing of such notice of intention to appeal, the board of registration shall file with the clerk of the court of common pleas for the county the notice of intention to appeal and any papers in its possession relating to the case, together with a report of the case if it deem proper. The clerk of the court shall file the same and enter the case on a special docket to be known as calendar No. 4. If the applicant desires the appeal to be heard by a judge at chambers he shall give every member of the board of registration 4 days' written notice of the time and place of the hearing. On such appeal the hearing shall be de novo.

23-75. Further appeal to supreme court.

From the decision of the court of common please or any judge thereof the applicant may further appeal to the supreme court by filing a written notice of his intention to appeal therefrom in the office of the clerk of the court of common pleas within 10 days after written notice to him of the filing of such decision and within such time serving a copy of such notice on every member of the board of registration. Thereupon the clerk of the court of common pleas shall certify all the papers in the case to the clerk of the supreme court within 10 days after the filing of such notice of intention to appeal. The clerk of the supreme court shall place the case on a special docket, and it shall come up for hearing upon the call thereof under such rules as the supreme court may make. If such appeal be filed with the clerk of the supreme court at a time that a session thereof will not be held between the date of filing and an election at which the applicant will be entitled to vote if registered the chief justice or, if he is unable to act or disqualified, the senior associate justice shall call an extra term of the court to hear and determine the case.

23-100. Right to vote.

No elector shall vote in any polling precinct unless his name appears on the registration books for that precinct. But if the name of any registered elector does not appear or incorrectly appears on the registration books of his polling precinct he shall, nevertheless, be entitled to vote upon the production and presentation to the managers of election of such precinct, in addition to his registration certificate, of a certificate of the clerk of the court of common pleas of his county that his name is enrolled in the registration book or record of his county on file in such clerk's office or a certificate of the secretary of State that his name is enrolled in the registration book or record of his county on file in the office of the secretary of State.

23-349. Voter not to take more than 5 minutes in booth; talking in booth, etc.

No voter, while receiving, preparing, and casting his ballot, shall occupy a booth or compartment for a longer time than 5 minutes. No voter shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with anyone, except as herein provided, while in the booth. After having voted, or declined or failed to vote within 5 minutes, the voter shall immediately withdraw from the voting place and shall not enter the polling place again during the election.

23-350. Unauthorized persons not allowed within guard rail; assistance.

No person other than a voter preparing his ballot shall be allowed within the guard rail, except as herein provided. A voter who is not required to sign the poll list himself by this title may appeal to the managers for assistance and the chairman of the managers shall appoint one of the managers and a bystander to be designated by the voter to assist him in preparing his ballot. After the voter's ballot has been prepared the bystander so appointed shall immediately leave the vicinity of the guard rail.

23-656. Procuring or offering to procure votes by threats.

At or before every election, general, special, or primary, any person who shall, by threats or any other form of intimidation, procure or offer or promise to endeavor to

procure another to vote for or against any particular candidate in such election shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $100 nor more than $500 or be imprisoned at hard labor for not less than 1 month nor more than 6 months, or both by such fine and such imprisonment, in the discretion of the court.

23–657. Threatening or abusing voters, etc.

If any person shall, at any of the elections, general, special, or primary, in any city, town, ward, or polling precinct, threaten, mistreat, or abuse any voter with a view to control or intimidate him in the free exercise of his right of suffrage, such offender shall, upon conviction thereof, suffer fine and imprisonment, at the discretion of the court.

23–658. Selling or giving away liquor within 1 mile of voting precinct.

It shall be unlawful hereafter for any person to sell, barter, give away, or treat any voter to any malt or intoxicating liquor within 1 mile of any voting precinct during any primary or other election day, under a penalty, upon conviction thereof, of not more than $100 nor more than 30 days imprisonment with labor. All offenses against the provisions of this section shall be heard, tried, and determined before the court of general sessions after indictment.

23–659. Allowing ballot to be seen, improper assistance, etc.

In any election, general, special, or primary, any voter who shall (a) except as provided by law, allow his ballot to be seen by any person, (b) take or remove or attempt to take or remove any ballot from the polling place before the close of the polls, (c) place any mark upon his ballot by which it may be identified, (d) take into the election booth any mechanical device to enable him to mark his ballot or (e) remain longer than the specified time allowed by law in the booth or compartment after having been notified that his time has expired and requested by a manager to leave the compartment or booth and any person who shall (a) interfere with any voter who is inside of the polling place or is marking his ballot, (b) unduly influence or attempt to influence unduly any voter in the preparation of his ballot, (c) endeavor to induce any voter to show how he marks or has marked his ballot, or (d) aid or attempt to aid any voter by means of any mechanical device whatever in marking his ballot shall be fined not exceeding $100 or be imprisoned not exceeding 30 days.

23–667. Illegal conduct at elections generally.

Every person who shall vote at any general, special, or primary election who is not entitled to vote and every person who shall by force, intimidation, deception, fraud, bribery, or undue influence obtain, procure, or control the vote of any voter to be cast for any candidate or measure other than as intended or desired by such voter or who shall violate any of the provisions of this title in regard to general, special, or primary elections shall be punished by a fine of not less than $100 nor more than $1,000 or by imprisonment in jail for not less than 3 months nor more than 12 months or both, in the discretion of the court.

Mr. President, the provisions of the South Carolina Constitution and the provisions of the South Carolina statutes, which I have just read, prove the absolute lack of necessity for additional protection of the right to vote in my State. Also, the summary of the laws of other States, which I have requested to be prepared by the Library of Congress, prove there is no necessity for greater protection of the right to vote in any other State.

The claim that this is a right to vote bill is completely without foundation. If the advocates of this so-called civil rights bill want to deny the right of trial by jury to American citizens, they should proclaim their objective and seek to remove the guaranty of trial by jury from the Constitution. They should follow constitutional methods. Then the people of this Nation would not be misled, as some have been, to think that H. R. 6127 would give birth to a right to vote for anybody—a right already held by those it purports to help.

Mr. President, I also object to part I of this bill which would create a Commission on Civil Rights. To begin with, there is absolutely no need or reason for the establishment of such a commission. If there were any necessity for an investigation in the field of civil rights, it should be conducted by the States, or by an appropriate committee of the Congress within the jurisdiction held by the Congress.

The Congress should not delegate its authority to a commission. In such a delicate and sensitive area, the Congress should proceed with great deliberation and care. There is no present indication that any such study will be needed in the foreseeable future.

The establishment of a Commission, as proposed in this bill, would be most unwise.

Section 104 (a) of part I provides that the Commission shall—

(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.

These two paragraphs provide the Commission with absolute authority to probe into and to meddle into every phase of the relations existing between individuals, limited only by the imagination of the Commission and its staff.

The Commission would be able to go far afield from a survey on whether the right to vote is protected. Through the power granted in the paragraphs I have cited, the Commission could exert its efforts toward bringing about integration of the races in the schools and elsewhere. It would be armed with a powerful weapon, when it combined its investigative power and its authority to force witnesses to answer questions.

I do not believe the people of this country realize the almost unlimited powers of inquiry which would be placed in the hands of this political Commission. I do not believe the people of this country want to have such a strong-arm method of persuasion imposed upon them. Section 105 (f) of part I provides that "subpenas for the attendance and testimony of witnesses or the protection of written or other matter may be issued in accordance with the rules of the Commission."

This is an unusual grant of authority. Many of the regular committees and special committees of the Congress do not have this power. The Truman Commission on Civil Rights did not have it. The subpena is a punitive measure, generally reserved for penal process whereby powers are granted to force testimony which would not otherwise be available. If the proposed Commission were simply a factfinding Commission, and were nonpolitical, the extreme power to force testimony by the use of a subpena would not be needed. The power of subpena in the hands of a political commission and the additional power to enforce its subpenas by court order diverge from the authority usually held by traditional factfinding groups.

There are several grounds for serious objection to section 104 (a) of part I. This section would permit complaints to be submitted to the Commission for investigation, but it would not require the person complaining to have a direct interest in the matter. This would mean, of course, that any meddler could inject himself into the relationship existing between other persons. It would open the door for fanatics to stir up trouble against innocent people.

This section would open wide the door for organizations such as the NAACP, the ADA, and others to, make complaints to the Commission, with little or no basis for doing so.

If an NAACP official in Washington made a complaint against a citizen of South Carolina, the South Carolina citizen would not have an opportunity of confronting his accuser, unless the accuser appeared voluntarily.

Although part I requires sworn allegations to be made to the Commission, there is no requirement that testimony taken by the Commission be taken under oath. Failure to make all witnesses subject to perjury prosecutions, by placing them under oath, would certainly make their testimony of little value. The Commission might adopt a rule to require sworn testimony, but this should not be left to the discretion of the Commission. It should be written into law.

There are many other objections to part I which were pointed out during the debate before the Senate passed its version of the bill. I shall not go into them further at this time.

Part II of the bill provides for the appointment of an additional Assistant Attorney General in the Justice Department. Since the Justice Department already has a section to handle civil-rights cases, there is no reason to create this new position. The creation of a new division would require the employment of many additional attorneys and other employees in the Justice Department. The Department has not disclosed how many additional lawyers, clerks, and stenographers it would plan to employ.

A civil-rights division in the Justice Department is not needed, because there is no indication that there will be any increase in the number of civil-rights cases, which are now being handled by a section in the Department.

The Attorney General had a most difficult time trying to show that an additional Assistant Attorney General was needed, and he failed completely in his efforts to do so. As a matter of fact,

even those who have advocated passage of H. R. 6127 have been forced to admit, time after time, that conditions relating to civil-rights matters have been steadily improving all over the country. Since conditions have improved, and since there is no indication that conditions will change—unless the Attorney General and the proposed Civil Rights Commission were to create trouble—there is absolutely no justification for the appointment of an additional Assistant Attorney General in charge of a civil-rights division in the Justice Department.

Part III of the bill, as originally written, which was completely obnoxious, was removed. I have stated my views on part IV several times; I have objected to its grant of dictatorial power to the Attorney General. The Congress should never agree to place such authority in the hands of any one official of the Government.

Another particularly obnoxious provision is found in section 131 (d) which provides that—

> (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.

Mr. President, there has not been presented any legitimate reason why administrative remedies and remedies provided in the courts of the States should not be exhausted prior to having the Federal district courts take jurisdiction in cases of election-law violations.

This could be a step toward future elimination of the State courts altogether. I do not believe the Congress has, or should want, the power to strip our State courts of authority and to vest it in the Federal courts. Some of the advocates of H. R. 6127 have spoken out strongly on behalf of the Federal courts, during the debate on the jury-trial amendment. I wish they were equally as vehement in their defense of our State courts.

There is no reason to permit an individual to bypass the administrative agencies of his own State and the courts of his own State, in favor of a Federal court, when the matter involved is principally a State matter. If a person were dissatisfied with the results obtained in the State agency and courts, he could then appeal from the decision. But until he has exhausted established remedies, he should not be permitted to bypass them.

I shall not go into further details with reference to the provisions of this part of the bill, but I am just as strongly opposed to it now as I was when it was first introduced. I shall continue to oppose such proposed grants of power to the Attorney General or to any other official.

Mr. President, I based my opposition to H. R. 6127, throughout its consideration in the Senate, on three principal points. I am convinced the bill is unconstitutional in several respects which I have cited. I know the bill is unnecessary because the right to vote is fully protected in every State, and also under the laws of the United States, where applicable.

Finally, I know that the enactment of such proposed legislation would be extremely unwise.

It would be unwise because the sure result of passing this bill would be to destroy a great deal of the good feeling existing between the white and the Negro races, not only in the South, but in every community where a substantial number of Negroes live. Nothing would be gained, but much would be lost.

The proposed Civil Rights Commission, by using its powers to attempt to force integration of the races, would be bound to create suspicion and tension between the races to an even greater degree than the suspicion and tension which were created by the 1954 Supreme Court decision in the school-segregation cases.

Unbiased persons who are familiar with the segregation problem, and who observed the detrimental result of the Supreme Court decision, know that a traveling investigation commission and a meddling Attorney General could bring about chaos in racial relations.

The chaos would not be confined to the South, because the provisions of this bill will apply to every citizen in every State. However, the Attorney General, in exercising the discretion granted him, along with the extraordinary powers also granted him, must be expected to confine his investigations and his court actions to the States of the South.

The South has often been derided and condemned on charges of sectionalism; but if the advocates of this legislation believe they will create greater unity, instead of greater division, in this country by the enactment of this bill, they are entirely mistaken.

George Washington, in his farewell address, used his strongest language against those who would divide our country, and in urging a unity of spirit. He said:

> In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection.

H. R. 6127 is a blueprint for suspicion, confusion, and disunity.

The laws of the Nation are dependent upon the customs and traditions of the people. Unless law is based upon the will of the people, it will not meet with acceptance.

Government in this country derives no power except the power coming from the people. Laws which are not based on the Constitution, which is the basic statement of the will of the people, cannot be justified on any ground.

Mr. President, when there is so much evidence that this bill is unconstitutional, unnecessary, and unwise, it should never be approved. Force may subjugate the human body, but force by itself can never change the human mind. Laws, like leaders, must be of the people, by the people, and for the people.

H. R. 6127 fails to measure up by any standard. It should be rejected. I appeal to every Member of this body who believes in constitutional government and the sovereignty of the people to vote against this bill.

Mr. President, those are the reasons why I made the motion to refer the bill, H. R. 6127, to the Judiciary Committee. It is unconstitutional, it is unnecessary, and it is unwise. It is my opinion that if the bill is sent to the Judiciary Committee the members of that committee, who are well versed in the law, and who are experienced in procedures of the Congress, can study the bill and can then consider the action to be taken in connection with it.

It is my firm conviction that if the bill is sent to the Judiciary Committee, the bill will be so modified as to provide a greater measure of constitutional government in this country. I am confident that the bill as it stands today will be held unconstitutional—certainly if the Supreme Court follows the Constitution of the United States. I think the Senate would be making an idle gesture to pass the bill, which so clearly violates several provisions of the Constitution.

I think that the wise course—and to my way of thinking it would be in the best interest of the entire Nation—is to refer the bill to the Judiciary Committee. I think it is a dangerous procedure to allow bills to come from the other body and be placed on the calendar without a thorough study being given to them by the appropriate committee of the Senate. I objected before, when the bill came to the Senate from the House, and voted then to refer it to committee; and I am more confident than ever now, after this so-called compromise has been brought forth, that the bill should have been referred to the Judiciary Committee for its careful consideration and appropriate action.

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I doubt that very many Members of the Senate have had a chance yet to read studiously the proposed amendment which has come to the Senate from the House of Representatives. I have read it more than once, but, so far as having a chance to study it or consult with anyone who has had an opportunity to analyze it or to give a serious legal opinion on it, the opportunity has not been available to me, under the rush of Senate business, and I doubt that it has been available to many other Senators.

I did not know that the motion was to be made, and I am not speaking now to consume time, but I shall raise some points which I do not think can be brushed off, points which have to do with the very serious question of procedure in the Senate itself. As every Senator knows, there has never been a Senate committee report on this bill, in spite of some very valuable subcommittee

work and a subcommittee report. The bill has never been referred to a conference committee. It has never been considered, as I understand, by a conference committee, and there has been no report of any kind from any such group as makes a study and obtains the opinion of experts on language or on legal interpretations or on constitutional questions. The measure was brought to the Senate in its present form this afternoon, somewhere between 4 and 5 o'clock. At that time the Senate was discussing an appropriation bill which provided more than $3 billion. There was debate on that bill, and then, finally, two recorded votes.

The bill came to the Senate, with no report. After that there was brought up a compensation increase bill, which was debated, and a recorded vote on that bill was had. Then another bill of like kind, involving nearly $1 billion annually, as I recall, was brought up, debated to an extent, and passed.

The so-called civil-rights bill was brought up in the Senate perhaps just to make it the pending business. Still, question of referral is raised at this time. When that question is finally disposed of, it cannot be raised again in this body, as the Senator from Mississippi understands.

I think there is a very serious constitutional question involved in what I may call split-level punishment, or split-level jury trial, or whatever one might want to term it. The Constitution of the United States provides that in criminal cases there shall be a jury trial. The bill provides that in certain cases there may not be a jury trial. That raises the question of whether, and to what extent, what is involved is a criminal offense. Certainly, we ought to have the opinion of experts such as members of the Judiciary Committee. I do not know whether the Attorney General has ever filed an opinion about the validity of that section. I raise that question in the Senate now. Has anyone else given an opinion on it? Has the attorney for a committee or for any group? Has there been any consideration of the question by any responsible authority who is a student of the law?

These points have been raised. They naturally come to the surface when anyone reads the bill.

Mr. President, I do not have to emphasize that this is a very serious matter. The proposed legislation would affect the entire Nation of 170 million people. Once enacted into law, it would perhaps remain the law for a long time. If this is not the remedy, what is the remedy? There should be discussion of this matter.

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

Mr. STENNIS. I yield to the Senator from California.

Mr. KNOWLAND. I wish to say to the Senator from Mississippi, I have the highest regard for him. He has not only been a great Senator in this body representing the State of Mississippi, but he has been, in a fuller sense, a Senator of the United States; and all of us on this side of the aisle have a great respect for him. But I will say there was no intent on the part of the leadership on either his side of the aisle or on this side of the aisle to attempt—and the suggestion had not even crossed our minds—to get a final vote on the bill tonight. The present parliamentary situation in which we find ourselves arises only because of the motion made by the distinguished Senator from South Carolina to refer this matter to the Judiciary Committee.

The majority leader is not present, but I am certain his view is no different from mine, and I say to the distinguished Senator, that if the motion were acted on tonight, and if it were successful, of course, the bill would go to the Judiciary Committee.

I will say, quite frankly, I hope the motion will not be successful. If it is not successful, it will not foreclose any rights of Senators from the great area of the South, or from any other area of the country, to debate the bill as fully as they feel justified, in order to bring out the legal points with regard to the changes which may have been made by the House.

I say, most respectfully, that the procedure which has been followed in the House is not unusual. It involved a concurring in the action of the Senate with an amendment. I can assure the Senator that if the motion to refer the bill to the committee is disposed, no Senator will be foreclosed on tomorrow, or the day after, or any other day he may want to discuss the merits of the bill. I merely wanted to say for the RECORD that that is the situation, as I understand it, at least.

Mr. STENNIS. I appreciate the remarks of the Senator from California. I know full well the Senator considers this to be a serious matter. I know he was surprised somewhat by the motion which was made, as was the Senator from Mississippi.

The point I made a while ago is that this question has now been raised. It is a serious question. It has its place in the parliamentary procedure, without stating any criticism of the House action. Certainly the House was within its rights. However, this is the only time this matter can be settled, and I was going to suggest it ought to be discussed further. If we can go over until tomorrow, it will give us a chance to look into this matter further, because this point can be raised only once.

Mr. President, before I conclude my remarks I desire to read into the RECORD at this place the wording of the amendment which has come from the House. I shall not read all that part of the section which was in the bill when it went to the House from the Senate, but merely the new language and that connected therewith:

*Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may to be the practice in other criminal cases.

As I recall, that includes the new language which has been sent to the Senate by the House.

As I say, we have no opinion from any expert on this matter. We have no opinion from anyone who has analyzed it, so far as the Senator from Mississippi is aware. We do have the privilege of debate. I think debate will bring out some serious discussion of this provision from both sides.

My observation is that now that the motion has been made we ought not try to rush to a vote on it tonight. Without any intent to delay, perhaps we could go over until tomorrow and take a new start on the motion. If anyone is anxious about it, I understand the motion is subject to a motion to lay on the table, so no one would be deprived of any right. The proponents of the bill would be waiving no right. Certainly nothing would be lost by either side. There should be more time for preparation, in addition to an hour or two after a proposal officially comes to the Senate, a proposal which, until a few hours ago, had been represented merely by newspaper reports of the language. Though the reports were accurate, the language certainly raises the most far-reaching constitutional questions. Apart from that, there are serious legal questions. Even more serious than that, there are vital practical questions.

I hope the leadership will consider at least allowing this matter to go over until tomorrow.

Mr. JOHNSON of Texas. Mr. President, reluctant and hesitant as I am ever to disagree with my beloved friend from Mississippi, I have just returned from an engagement, after I had an understanding with the Senator from Georgia [Mr. RUSSELL] that he had no objection to a vote on this motion tonight, and after I was assured twice, after the motion was made without my knowledge—usually the leader is afforded the courtesy of knowledge of a motion—by the Senator from South Carolina [Mr. THURMOND] that he wanted 40 minutes, and then an additional 30 minutes and he would be ready to vote.

Since I have asked the entire Senate to be here and to be prepared to vote on the motion, since I have canceled my own engagement and have not even had my dinner, I see nothing that could be gained by sleeping through the night on a motion to refer the matter to a committee. I have this feeling about it: I love the land from which I come and I yield to no one in my loyalty to it. But I cannot stand up on the floor of the Senate and say to men from other sections of the Nation, "You must not play politics with the Nation" and then have them feel that I am unwilling to stand up and face up to a vote when I am confronted with it.

It may very well be that a majority of this body will want to send the bill to the committee, and will agree with the distinguished Senator from South Carolina. Had I know the motion was going to be offered I would have attempted to set a time when we could vote, to make it agreeable to the convenience of every Senator. It was a surprise affair to me. I have no criticism to make of that; I simply point it out.

Since the Senator from South Carolina has been given all the time he desired, since the Senator from Georgia did not ask for additional time, since some ninety-odd other Members of the Senate have been informed that we would have a vote, and since we are going to be here all this week and perhaps a part of next week discussing this matter thoroughly, I see no reason why, after asking the Members to the Senate to stay here and after urging them to be present and perform their duties, at the hour of 9:30 p. m., after many of us have returned to the Chamber and canceled our engagements, we should want to put it off another day. I would not want Senators from other sections or other areas of the country to feel I was taking advantage of them. I would certainly not want them to feel they were taking advantage of me.

So, Mr. President, I hope any Senator who desires to be heard on the question will take the opportunity to speak his piece, and I hope the Members on both sides of the aisle will decide whether in their judgment they can live with their consciences and determine whether this matter ought to go to the committee or ought to stay on the floor. Once they have determined that they can easily answer when the roll is called.

I hope that those Members to whom I owe a great responsibility, and for all of whom I have real affection, will not put me in the position of asking each Member to come back here tonight to be prepared to vote and then, after we cancel our engagements, having to say, "Well, let us finally take it over until tomorrow."

If ther is any new evidence to be developed, I hope it can be developed this evening. The House passed this bill early in the afternoon. We did not ask that it be laid before the Senate until every faction, every area, and almost every Member was notified it would be called up.

I made the statement that I did not expect that any votes would be had. I had hoped that would not be necessary.

Many Members of this body were invited to a little reception given for me this evening on my birthday. It was necessary for me to miss most of it. When I finally got there I was called back. I was told the vote would be in 30 minutes, and to come back to vote.

I hope Members of the Senate will vote on this motion. I am sure there will be more motions made before this matter is finally disposed of. We can at least vote the majority will.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina [Mr. THURMOND].

(Putting the question.)

Mr. JOHNSON of Texas. Mr. President, the yeas and nays have been ordered, have they not?

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GREEN (when Mr. SPARKMAN's name was called). The Senator from Alabama [Mr. SPARKMAN] is absent on official business for the Foreign Relations Committee at my request. I asked him to undertake the very important assignment of visiting countries in the Far East and in Southeast Asia and submitting reports and recommendations regarding his findings to the committee. The carrying out of the assignment is essential to the work of the committee and to the well-being of this Nation.

In order to persuade Senator SPARKMAN to go ahead with this assignment as scheduled, since otherwise it would have been necessary to cancel the assignment, I promised him a live pair.

Were he here he would vote "yea." Were I at liberty to vote I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senator from West Virginia [Mr. NEELY], and the Senator from Alabama [Mr. SPARKMAN], are absent on official business.

I further announce that if present and voting, the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], and the Senator from West Virginia [Mr. NEELY], would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Maryland [Mr. BUTLER], the Senator from South Dakota [Mr. CASE], and the Senator from Indiana [Mr. CAPEHART] are absent on official business.

The Senator from Maine [Mr. PAYNE] is necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

If present and voting, the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], and the Senator from Maine [Mr. PAYNE] would each vote "nay."

The result was announced—yeas 18, nays 66, as follows:

YEAS—18

| | | |
|---|---|---|
| Byrd | Holland | Russell |
| Eastland | Johnston, S. C. | Scott |
| Ellender | Long | Smathers |
| Ervin | McClellan | Stennis |
| Fulbright | Morse | Talmadge |
| Hill | Robertson | Thurmond |

NAYS—66

| | | |
|---|---|---|
| Aiken | Gore | Martin, Pa. |
| Allott | Hayden | McNamara |
| Barrett | Hennings | Monroney |
| Beall | Hickenlooper | Morton |
| Bennett | Hruska | Mundt |
| Bible | Humphrey | Murray |
| Bricker | Ives | Neuberger |
| Bush | Jackson | O'Mahoney |
| Carlson | Javits | Pastore |
| Carroll | Jenner | Potter |
| Case, N. J. | Johnson, Tex. | Purtell |
| Church | Kefauver | Revercomb |
| Clark | Kennedy | Saltonstall |
| Cooper | Kerr | Schoeppel |
| Cotton | Knowland | Smith, Maine |
| Curtis | Kuchel | Smith, N. J. |
| Dirksen | Langer | Symington |
| Douglas | Lausche | Thye |
| Dworshak | Magnuson | Watkins |
| Flanders | Malone | Wiley |
| Frear | Mansfield | Williams |
| Goldwater | Martin, Iowa | Yarborough |

NOT VOTING—11

| | | |
|---|---|---|
| Anderson | Case, S. Dak. | Payne |
| Bridges | Chavez | Sparkman |
| Butler | Green | Young |
| Capehart | Neely | |

So Mr. THURMOND's motion was rejected.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the Senate rejected the motion.

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 Colorado.

The motion to lay on the table was agreed to.

SEVERAL SENATORS. Vote! Vote!

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## PROCEEDINGS FOR THE PRODUCTION OF GOVERNMENT RECORDS IN CRIMINAL CASES

Mr. EASTLAND. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on the bill, S. 2377.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2377) to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses, which was, to strike out all after the enacting clause, and insert:

That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:

"§ 3500. Demands for production of statements and reports of witnesses

"(a) In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding, no statement or report of any prospective witness or person other than a defendant which is in the possession of the United States shall be the subject of subpena, discovery, or inspection, except as provided in paragraph (b) of this section.

"(b) After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce for the inspection of the court in camera such reports or statements of the witness in the possession of the United States as are signed by the witness, or otherwise adopted or approved by him as correct relating to the subject matter as to which he has testified. Upon such production the court shall then determine what portions, if any, of said reports or statements relate to the subject matter as to which the witness has testified and shall direct delivery to the defendant, for use in cross-examination, such portions, if any, of said reports or statements as the court has determined relate to the subject matter as to which the witness has testified. The court shall excise from such reports and statements to be delivered to the defendant any portions thereof which the court has determined do not relate to the subject matter as to which the witness has testified. If, pursuant to such determination, any portion of such reports or statements is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire reports or statements shall be preserved by the United States and, in the event the defendant shall appeal, shall be made available to the appellate court at its request for the purpose of determining the correctness of the ruling of the trial judge.

"(c) In the event that the United States elects not to comply with an order of the court under paragraph (b) hereof to deliver to the defendant any report or statement or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its

discretion shall determine that the interests of justice require that a mistrial be declared."

The analysis of such chapter is amended by adding at the end thereof the following:

"'3500. Demands for production of statements and reports of witnesses.'"

Mr. EASTLAND. Mr. President, I move that the Senate disagree to the amendment of the House, agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. O'MAHONEY, Mr. EASTLAND, and Mr. DIRKSEN conferees on the part of the Senate.

## ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, as the Senate has been previously informed, we will meet at 10 o'clock tomorrow morning. I urge all Senators who may desire to address themselves to the pending matter to be present.

I now move that the Senate stand in adjournment until 10 a. m. tomorrow.

Mr. KNOWLAND. Mr. President, will the Senator withhold that motion for a moment?

Mr. JOHNSON of Texas. We will attempt to arrange the hours to suit the convenience of all Senators. We have disposed of most of the legislation that we will consider during this session. I do not expect a vote on the pending business for at least a few days, until all Senators have had an opportunity to be heard.

Under our previous order, we will convene at 10 o'clock in the morning for the balance of the week.

I hope the Senate will be agreeable to running until late in the evening, in the hope that perhaps we can finish late this week or early next week and adjourn sine die.

I withhold the motion if the Senator from California wishes to speak.

Mr. KNOWLAND. I merely wish to concur in the statement made by the Senator from Texas. Orders have been previously entered for the Senate to meet at 10 o'clock in the morning for the remainder of this week, if we are still in session, and during next week, if we are still in session next week.

I should like to urge all Senators on this side of the aisle to bear in mind that we may have a vote at any time when the Senate is in session, night or day, until we complete our business. Therefore, particularly at this stage of the session, in the closing week or closing 2 weeks, I believe every Senator should be on notice to that effect, and under those circumstances I hope they can arrange to be here for the purpose of voting at any time the Senate is in session.

Mr. JOHNSON of Texas. We have some controversial measures to consider. I do not believe they are major measures, and I do not believe they will take too much time to consider. I hope we may be able to follow the pending business with those measures, or perhaps sandwich them in when speakers are not available on the pending business.

I give notice to all Senators that all bills which are on the calendar may be called up by motion, so that Senators may be prepared.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. What is the pending question?

Mr. JOHNSON of Texas. Mr. President, will the Chair state the pending question for the information of the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendments of the House of Representatives to the amendments of the Senate numbered 7 and 15.

Mr. BEALL. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. BEALL. Will the majority leader state how much notice he will give Senators in advance of the taking of the vote on the pending question; in other words, on the question of agreeing to the amendments of the House of Representatives to the amendments of the Senate numbered 7 and 15 to the civil-rights bill?

Mr. JOHNSON of Texas. The majority leader is not in a position to give any more notice than he is able to obtain by observing the actions and deliberations of the Senate.

The majority leader wishes to be sure that all Members of the Senate, on both sides of the aisle, have ample opportunity to express themselves on this question as many times as they may desire; and the majority leader has neither a desire nor a disposition to force a vote before that opportunity has been had.

The majority leader is hopeful that Senators will be able to leave here by late Saturday evening. But that could very well happen the following week; and at this time the Senator from Texas does not feel that he is very much of a prophet.

So we shall just have to see how long Senators talk and how much time is consumed.

Mr. BEALL. Does the majority leader intend to give a few hours' notice before a final vote is taken on this question?

Mr. JOHNSON of Texas. The Senator from Texas is unable to do that. He does not know when Senators will stop talking. That is somewhat like asking him when he will die. [Laughter.] He is not sure about that.

Mr. President, I believe every Senator is on his own responsibility to follow the developments in the Senate; and when there no longer is any Senator who desires to address himself to the pending question, the roll will be called.

## ADDITIONAL REPORT OF A COMMITTEE

By unanimous consent, the following additional report of a committee was submitted:

By Mr. O'MAHONEY, from the Committee on the Judiciary, without amendment:

H. R. 7536. An act to amend the act of January 12, 1951, as amended, to continue in effect the provisions of title II of the First War Powers Act, 1941; (Rept. No. 1152).

## ADJOURNMENT TO TOMORROW AT 10 O'CLOCK A. M.

Mr. JOHNSON of Texas. Mr. President, I renew my motion that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas that the Senate adjourn until tomorrow, at 10 a. m. Without objection, the motion is agreed to; and the Senate stands adjourned until tomorrow, at 10 a. m.

Thereupon (at 10 o'clock and 1 minute p. m.) the Senate adjourned until tomorrow, Wednesday, August 28, 1957, at 10 o'clock a. m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate August 27, 1957:

INTERNATIONAL MONETARY FUND AND INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Robert B. Anderson, of New York, to be United States Governor of the International Monetary Fund and the International Bank for Reconstruction and Development for the term of 5 years.

UNITED STATES ATTORNEY

Peter Mills, of Maine, to be United States attorney for the district of Maine for a term of 4 years.

UNITED STATES MARSHAL

Harry W. Pinkham, of Maine, to be United States marshal for the district of Maine for a term of 4 years.

COAST AND GEODETIC SURVEY

The following nominations for permanent appointment to the grade of ensign in the Coast and Geodetic Survey, subject to qualifications provided by law:

Ronald M. Buffington
Jerome P. Guy
Mart Kask

# HOUSE OF REPRESENTATIVES

## TUESDAY, AUGUST 27, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, the new day is challenging us with duties we dare not shirk and decisions which will affect not only our own lives but the lives of many others.

We humbly confess that, again and again, we face our tasks and responsibilities with baffled minds and troubled hearts for we are in doubt as to what we ought to do.

Grant that we may hear and heed Thy voice as Thou dost say unto us: "This is the way, walk ye therein."

Help us to bring in that glorious day when there shall be peace on earth and good will among all men.

Hear us in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. McBride, one of its clerks, announced that the Senate had passed without

amendment bills and joint resolutions of the House of the following titles:

H. R. 38. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of casein;

H. R. 110. An act to amend section 372 of title 28, United States Code;

H. R. 277. An act to amend title 17 of the United States Code entitled "Copyrights" to provide for a statute of limitations with respect to civil actions;

H. R. 499. An act to direct the Secretary of the Navy or his designee to convey a 2,477.43-acre tract of land, avigation, and sewer easements, in Tarrant and Wise Counties, Tex., situated about 20 miles northwest of the city of Fort Worth, Tex., to the State of Texas;

H. R. 896. An act to amend title 10, United States Code, to authorize the Secretary of the Army to furnish heraldic services;

H. R. 1214. An act to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Korean conflict;

H. R. 1318. An act for the relief of Thomas P. Quigley;

H. R. 1324. An act for the relief of Westfeldt Bros.;

H. R. 1394. An act to authorize the sale of certain keys in the State of Florida by the Secretary of the Interior;

H. R. 1591. An act for the relief of the Pacific Customs Brokerage Company of Detroit, Mich.;

H. R. 1733. An act for the relief of Philip Cooperman, Aron Shriro, and Samuel Stackman;

H. R. 2136. An act to amend section 124 (c) of title 28 of the United States Code so as to transfer Shelby County from the Beaumont to the Tyler division of the eastern district of Texas;

H. R. 3367. An act to amend section 1867 of title 28 of the United States Code to authorize the use of certified mail in summoning jurors;

H. R. 3877. An act to validate a patent issued to Carl E. Robinson, of Anchor Point, Alaska, for certain land in Alaska, and for other purposes;

H. R. 4144. An act to provide that the commanding general of the militia of the District of Columbia shall hold the rank of brigadier general or major general;

H. R. 4191. An act to amend section 633 of title 28, United States Code, prescribing fees of United States commissioners;

H. R. 4193. An act to amend section 1716 of title 18, United States Code, so as to conform to the act of July 14, 1956 (70 Stat. 538–540);

H. R. 4992. An act for the relief of Michael D. Ovens;

H. R. 5061. An act for the relief of Harry V. Shoop, Frederick J. Richardson, Joseph D. Rosenlieb, Joseph E. P. McCann, and Junior K. Schoolcraft;

H. R. 5810. An act to provide reimbursement to the tribal council of the Cheyenne River Sioux Reservation in accordance with the act of September 3, 1954;

H. R. 5811. An act to amend subdivision b of section 14—Discharges, when granted—of the Bankruptcy Act, as amended, and subdivision b of section 58—Notices—the Bankruptcy Act, as amended;

H. R. 5920. An act for the relief of Pedro Gonzales;

H. R. 6172. An act for the relief of Thomas F. Milton;

H. R. 6868. An act for the relief of the estate of Agnes Moulton Cannon and for the relief of Clifton L. Cannon, Sr.;

H. R. 7636. An act to provide for the conveyance to the State of Florida of a certain tract of land in such State owned by the United States;

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;

H. J. Res. 230. Joint resolution to suspend the application of certain Federal laws with respect to personnel employed by the House Committee on Ways and Means in connection with the investigations ordered by House Resolution 104, 85th Congress;

H. J. Res. 313. Joint resolution designating the week of November 22–28, 1957, as National Farm-City Week;

H. J. Res. 351. Joint resolution to establish a Lincoln Sesquicentennial Commission; and

H. J. Res. 430. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills, a joint resolution, and a concurrent resolution of the House of the following titles:

H. R. 2075. An act for the relief of Albert Heinze;

H. R. 2904. An act for the relief of the Knox Corp., of Thomson, Ga.;

H. R. 3028. An act to provide for the relief of certain female members of the Air Force, and for other purposes;

H. R. 3377. An act to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research;

H. R. 3468. An act for the relief of J. A. Ross & Co.;

H. R. 3940. An act to grant certain lands to the Territory of Alaska;

H. R. 6322. An act to provide that the dates for submission of plan for future control of property and transfer of the property of the Menominee Tribe shall be delayed;

H. R. 6562. An act to clarify the law relating to leasing of lands within Indian reservations in Alaska, and for other purposes;

H. R. 6760. An act to grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes;

H. R. 8030. An act to amend the Agricultural Adjustment Act of 1938 with respect to acreage history;

H. R. 8256. An act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, to exclude social security benefits and to provide additional exemptions for age and blindness, and to exempt from personal property taxation in the District of Columbia boats used solely for pleasure purposes, and for other purposes;

H. J. Res. 374. Joint resolution for the relief of certain aliens; and

H. Con. Res. 172. Concurrent resolution to establish a joint Congressional committee to investigate matters pertaining to the growth and expansion of the District of Columbia and its metropolitan area.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 314. An act to assist the United States cotton textile industry in regaining its equitable share of the world market;

S. 479. An act to convey right-of-way to Eagle Creek Intercommunity Water Supply Association;

S. 628. An act to direct the Secretary of the Army to convey certain property located at Boston Neck, Narragansett, Washington County, R. I., to the State of Rhode Island;

S. 1040. An act to amend the acts known as the Life Insurance Act, approved June 19, 1934, and the Fire and Casualty Act, approved October 9, 1940;

S. 1245. An act to provide a right-of-way to the city of Alamogordo, a municipal corporation of the State of New Mexico;

S. 1294. An act for the relief of Maria del Carmen Viquera Pinar;

S. 1728. An act to provide certain assistance to State and Territorial maritime academies or colleges;

S. 2042. An act to authorize the conveyance of a fee simple title to certain lands in the Territory of Alaska underlying war housing project Alaska–50083, and for other purposes;

S. 2110. An act for the relief of Shirley Leeke Kilpatrick;

S. 2352. An act for the relief of Deanna Marie Greene (Okhe Kim);

S. 2353. An act for the relief of Charles Fredrick Canfield (Kim Yo Sep);

S. 2377. An act to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses;

S. 2488. An act for the relief of Kim, Hyun Suck;

S. 2606. An act to amend Private Law 498, 83d Congress (68 Stat. A108), so as to permit the payment of an attorney fee;

S. 2635. An act for the relief of Stefani Daniela and Casabianca Ambra;

S. Con. Res. 45. Concurrent resolution authorizing the printing of additional copies of the hearings on the mutual security program for fiscal year 1958 for the use of the Committee on Foreign Relations; and

S. Con. Res. 47. Concurrent resolution to print additional copies of part 1 and subsequent parts of hearings entitled "Investigation of the Financial Condition of the United States," held by the Committee on Finance during the 85th Congress, 1st session.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1002) entitled "An act to enable the Secretary of Agriculture to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLAND, Mr. SCOTT, Mr. TALMADGE, Mr. MUNDT, and Mr. SCHOEPPEL to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1482) entitled "An act to amend certain provisions of the Columbia Basin Project Act, and for other purposes."

## PERSONAL EXPLANATION TO THE HOUSE

Mr. MINSHALL. Mr. Speaker, on Friday, August 23, I was absent from the session because of official business for the Committee on Government Operations. I should like to ask unanimous consent that the permanent RECORD show that I was absent on that day on official business.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## CIVIL-RIGHTS BILL

Mr. RAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RAY. Mr. Speaker, H. R. 6127 comes before us today with 16 Senate amendments. I understand that numbers 1 to 14, inclusive, and number 16 are to be accepted. In my view, those amendments make a great improvement in the bill.

It seems to be generally recognized that Senate amendment No. 15 is thoroughly bad and cannot be accepted. However, the new jury-trial amendment which will be offered as a substitute for Senate amendment No. 15 is also bad. I think it is unsound as a matter of principle and will be impracticable in operation. It gives no assurance that one accused of actions which would constitute a crime can demand and have a jury trial. It is merely a sham and a mockery to say that one who has been convicted of a crime in a hearing before a judge can have his case tried over again before a jury if the judge has sentenced him too severely after the first trial. That is what the new language does. To my mind it sacrifices one basic right, trial by jury, to a particular method of enforcing another basic right—the right to vote.

When H. R. 6127 was before this House, I voted for the jury-trial amendment offered by our colleague from Virginia, Mr. POFF, because I believed that kind of amendment was necessary. That amendment was not adopted, and I voted against the bill on final passage for that, among other reasons.

I propose to vote against the rule, against the substitute for Senate amendment No. 15, and against the bill.

## PERSONAL EXPLANATION

Mr. BURDICK. Mr. Speaker, on Friday, August 23, I was detained in my room on account of illness. For the first time I missed two rollcall votes. I ask unanimous consent to extend my remarks in the RECORD with a statement indicating how I would have voted had I been present.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BURDICK. Mr. Speaker, on August 21 I was recorded as not voting on the Cole amendment to H. R. 9379. This was the amendment to restore $30 million for the industry cooperative program. If recorded my vote on this amendment would have been "yea."

Mr. Speaker, on August 23 I was recorded as not voting on amendment No. 54 to H. R. 9131, the supplemental appropriations bill. If recorded, my vote on the motion to recede and concur therein with an amendment would have been "nay."

On the motion to concur with an amendment reducing the figure from $475,000 to $425,000 for the Columbia River project my vote would have been "nay."

## FEDERAL ELECTION LAWS

Mr. McGREGOR. 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. McGREGOR. Mr. Speaker, Congress is approaching adjournment without taking definite action to overhaul Federal election laws.

I am sure all of us know how difficult it is for a person in service to vote. Yet many of us have worn a uniform of our country in order that we might have that privilege.

I sincerely hope that during the adjournment of Congress the committee, having the responsibility of this subject, will continue its study and that early in January we will have a report that will give a clarification of the political activities of the civil service employees, a uniformity of registration laws, a fair and equitable law in regard to political expenditures and, in summary, make the voting fair and equitable to all.

## ACTION UNDER SUSPENSION OF THE RULES TOMORROW

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 should like to inquire of the majority leader what the program is for tomorrow on suspensions.

Mr. McCORMACK. Mr. Speaker, I am very glad the gentleman from Massachusetts has made the inquiry. There will be two suspensions tomorrow:

First, S. 2792 with amendments; that is the immigration bill.

The other bill is H. R. 8424, introduced by the gentlewoman from Massachusetts [Mrs. ROGERS], to include certain service performed for Members of Congress as annuitable service under the Civil Service Retirement Act. That will be brought up in the event it does not pass on the Consent Calendar.

Mr. MARTIN. I thank the gentleman.

## 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. 212]

| | | |
|---|---|---|
| Alger | Harden | Nicholson |
| Allen, Calif. | Harvey | Norblad |
| Anfuso | Hays, Ohio | Powell |
| Bailey | Hiestand | Preston |
| Barden | Hillings | Prouty |
| Beamer | Hoffman | Reece, Tenn. |
| Bolton | Holifield | Robsion, Ky. |
| Bray | Holtzman | Sikes |
| Buckley | Horan | Siler |
| Cannon | Jackson | Smith, Calif. |
| Clevenger | Kearney | Smith, Kans. |
| Dempsey | Kilburn | Teague, Calif. |
| Dies | Krueger | Teague, Tex. |
| Evins | LeCompte | Vursell |
| Fisher | Lesinski | Walter |
| Flood | McConnell | Wier |
| George | McDonough | Williams, N. Y. |
| Gordon | Mailliard | Younger |
| Gray | Mason | |
| Gwinn | Miller, Calif. | |

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## CIVIL RIGHTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 410 and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That immediately upon the adoption of this resolution the bill, H. R. 6127, with Senate amendments thereto be, and the same hereby is, taken from the Speaker's table; that Senate amendments Nos. 1 to 6, inclusive, Senate amendments 8 to 14, inclusive, and Senate amendment No. 16 be, and the same are hereby, agreed to; that the House hereby concurs in Senate amendment No. 7 with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term 'whoever' as used in paragraph (g) of section 102 hereof shall be construed to mean a person whose services are compensated by the United States"; and that the House hereby concurs in Senate amendment No. 15 with an amendment as follows: In lieu of the matter inserted by said Senate amendment No. 15 insert the following:

"PART V—TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS OF COURT GROWING OUT OF CIVIL RIGHTS CASES AND TO AMEND THE JUDICIAL CODE RELATING TO FEDERAL JURY QUALIFICATIONS

"SEC. 151. In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, 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 imprisonment exceed the term of 6 months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

"This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

"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 1861, title 28, of the United States Code is hereby amended to read as follows:

"'§ 1861. Qualifications of Federal jurors

"'Any citizen of the United States who has attained the age of 21 years and who has

resided for a period of 1 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 1 year and his civil rights have not been resotored 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.'"

Mr. MADDEN. Mr. Speaker, I yield myself such time as I may require.

Mr. MADDEN. Mr. Speaker, when the civil rights bill was debated in this chamber 2 months ago I spoke at length in favor of the original bill which was reported out of the Judiciary Committee; that bill was debated and discussed for several days and all Members had ample opportunity to express their views, pro and con, on this important legislation. The original bill met with my approval and I joined with 285 Members of the House in voting for same. Only 126 votes were cast against that bill.

The other body, since that time, has devoted several weeks in debate on this legislation, and unfortunately, changed some important provisions of the House bill. The resolution now under consideration was reported out of the Rules Committee yesterday by a vote of 10 to 2. It provides for several changes in the Senate bill; if the other body concurs with the changes recommended by this resolution all American citizens will, for the first time, enjoy the protection of the Federal courts in exercising their constitutional right to vote. This resolution is a considerable improvement over the bill passed by the other body; this improvement gives meaning and power to the enforcement provisions of this legislation.

The following words in the pending resolution set out the major changes which the House of Representatives should insist be retained in any civil rights legislation:

*Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

These words set out the major changes in the form of the bill which was passed by the other body. Also changes are set out in this resolution eliminating any interpretation of the Senate bill wherein newspaper or radio services might be penalized for publishing executive reports or deliberations of the proposed Commission on Civil Rights; also this resolution provides that all employees engaged in carrying out the law must be accredited Government employees and not volunteer or uncompensated personnel.

This resolution also provides qualification for all citizens to serve as Federal jurors.



The great majority of the American people are hoping that the Congress enact a civil-rights bill before adjournment; the enactment of this legislation will curtail Communist agitators in Asia, Africa, and in other areas of the world from propagandizing on the issue that all Americans do not enjoy the liberties and rights of a free republic. Both major parties endorsed civil-rights legislation in their national party platforms during the last presidential campaign.

I wish to commend Chairman CELLER and Congressman KEATING, the members of the Judiciary Committee who worked so diligently over the past months to present civil-rights legislation for the members to consider.

I hope the House approves this resolution and the Senate concurs, so that all Americans can be guaranteed their constitutional right to vote.

Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT]; but first, Mr. Speaker, I ask unanimous consent that all Members desiring to do so be permitted to extend their remarks at the conclusion of debate on this rule.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Speaker, as the gentleman from Indiana has said, this is the end of a long, hard row. I want to take the time allotted to me to explain to the membership just what we are doing here today. This is an unusual proceeding. The House passed by an overwhelming majority a moderate but effective bill patterned on the formula recommended to the Congress by the President of the United States. The House Committee on the Judiciary had already rejected a much stronger measure and had substituted this proposal which the House passed for the stronger bill. The House rejected all major amendments to the bill and, particularly, rejected provision for a jury trial in a criminal contempt proceeding by an overwhelming majority of 93 votes.

This bill went to the other body, where they started to operate on it. In part I, relating to the Commission, they made the following major changes:

No. 1, they provided that this report of the Commission should be sent to the Congress as well as to the President.

No. 2, they provided that the Commission should have a full-time staff director appointed by the President with the advice and consent of the Senate, who should receive $22,500 a year.

No. 3, they struck out the provision for authorization to employ voluntary personnel, and affirmatively provided that the Commission should not accept the services of uncompensated personnel.

No. 4, they provided that these advisory committees, which the Commission may have, would only be constituted within certain States and composed of citizens of that State.

Those are the principal things in part I.

Part II they left intact.

Part III was eliminated entirely. That is the part which protects the rights of citizens, including voting rights, but other rights as well. That was stricken out after a long debate.

In all that long Senate debate I never heard any objection to the protection of the right of a person to hold Federal office or the protection of a person's right to attend in a Federal court and give truthful testimony there. Those were also rights protected in part III which in my feeling were unfortunately eliminated. However, that is the situation that we have here today with part III eliminated.

As to part IV, they left part IV intact but added a part V which provided for a jury trial in all criminal contempt cases in all courts. It was prepared without careful consideration. It was soon apparent to nearly every lawyer that it could never stand. It brought about many absurd results. For instance, there is no machinery in the Federal jurisprudence for jury trials in the Supreme Court or in courts of appeal. Under this provision of the Senate-passed bill which limited the punishment to $1,000, it meant, for example, that if the president of United States Steel or the president of General Motors was convicted under the Antitrust Act, all you could assess against him was a $1,000 fine.

It rendered completely nugatory the emergency provisions of the labor laws and made them absolutely ineffectual. As you know, if the President is convinced that a strike will imperil the national health or safety, he can direct a waiting period or an injunction. Under the Senate bill a jury would say whether or not the President was right in determining whether the national health and safety were imperiled. Those examples illustrative the things which the Senate proposal could do. After the bill was passed, the normal course would be to send that bill to conference with the bill which we had passed. On the contrary, the chairman of the Committee on the Judiciary offered a rule in this body which improved substantially the Senate bill in three important respects. First, it limited it to the voting rights. Second, it eliminated the Supreme Court and the courts of appeal as places where jury trials could be held. Third, it corrected a very cunning device written into the bill passed in the other body. With respect to the jury-trial provision, the Senate bill would amend a section of the law which now exists which says that where the act constituting the contempt is a crime under the laws of the State where it is done, the proceedings shall be for criminal contempt. Thus, under the bill passed by the other body it would have meant a jury trial in every case, because if it was not a criminal contempt at that time, it would have been made so by the States that wished to get around the law.

The proposal made by the chairman of the Committee on the Judiciary was, therefore, an improvement on the Senate bill, but it was a complete denial of what this House had decided upon, which was that there was to be no jury trial in voting-rights cases. It was completely

contrary to the House action, and it was a complete surrender to the Senate position on the jury-trial question. There was a great drive, however, to accept it. Many who had been for a strong bill when it was before the House reversed themselves and said, "We have to take it, or we will be filibustered to death." And many organizations even went that far.

Two people predominantly insisted upon maintaining the power and integrity of the courts to enforce their own orders, our own minority leader, the distinguished gentleman from Massachusetts, and the President of the United States. They fought for a stronger bill, and we have it here today.

What we have today is a real compromise; not a surrender on this important phase of the bill. For all practical purposes, as to part IV, this proposal today before us supports the position of the House. It will only be the very rare case in which a contempt conviction will result in a sentence of more than 45 days. There will not be one case in 20 where that would happen. Only in a case of violence or serious disruption of the peace is it at all likely. It is 90 percent accurate to say that the bill has been converted from a Senate jury-trial bill to a House nonjury-trial bill.

I regret, of course, that the House bill was not left intact in the other body, but this bill today is a significant milestone in the fight to protect and strengthen the civil rights of all of our citizens, and I commend this compromise proposal for your favorable consideration.

The SPEAKER. The time of the gentleman from New York [Mr. KEATING] has expired.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, as a member of the Rules Committee, I voted to report the original civil-rights measure when it first came before the House. As a member of the committee, I voted to report this resolution carrying the compromise bill. That measure as it comes before us today is not all that many of us desire. In my opinion, it will not accomplish everything that many people think it should, but it is a compromise. As such it is the best type of legislation that could be provided under the circumstances. Therefore I expect to support this resolution and the bill as amended.

Mr. MADDEN. Mr. Speaker, I yield 7 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield the gentleman 2 additional minutes.

The SPEAKER. The gentleman from Mississippi [Mr. COLMER] is recognized for 9 minutes.

Mr. COLMER. Mr. Speaker, I appreciate the courtesy of the gentlemen. There are so many who are denied an opportunity to speak that I hope it will not be necessary to use all the time.

Mr. Speaker, obviously the far-reaching effects and implications of this proposal cannot be discussed even in the 9 minutes allotted to me, in this straitjacket procedure into which the House has been forced. I hope my brief remarks may be made without bitterness or rancor, but I do propose to make them realistic.

I wonder if we are meeting our legislative responsibility here today. I seriously doubt that there are 25 Members of this body who ever saw this so-called compromise amendment before today. I am sure that a vast majority of the members of the Rules Committee never saw it before they reported it out yesterday without explanation or hearings. I emphatically state to you that it is worse than no jury trial whatever. It is judicial blackmail. It is without precedent or effect. For the first time in our judicial history, a defendant will be blackmailed into accepting a fine and jail sentence at the hands of a Federal judge rather than requesting trial by a jury of his peers. Moreover this proposal changes the existing law for the selection of Federal juries in all Federal cases. It will pave the way for many more Hoffa trials.

Mr. Speaker, back during the early stages of World War II, in an informal and not unfriendly cloakroom conversation, the late Vito Marcantonio, a former Member of this body, in a discussion of our respective philosophies of government, warned me of this day. He boldly told me that, after the war was over, his forces would change the then prevailing conditions through which conservative Members of Congress, particularly from the South, were elected. That they would see to it that the Negroes of the South voted and the right type of Representatives were elected to the Congress and the right type of legislation was enacted. Little did I think then that his prophecy would so soon come to fruition.

I am sure that by now there is no one in this House or in the country who does not recognize this iniquitous legislative proposal for what it is—a political sop to a highly organized minority group. The stakes are high. The complexion of the next Congress and the next Presidency itself are the stakes.

Some of us have conscientiously and therefore stubbornly opposed this misnamed civil-rights proposal. It is nothing more or less than the abolition of the civil rights of all of the people under the guise of granting civil rights to a highly organized and politically powerful minority group. So, Mr. Speaker, as we gather today in this historic Chamber to witness the final act in the tragedy of the beginning of the downfall of the Republic, it might be well to briefly sum up the value of the winners and the losers in this political gamble.

The actors in this political tragedy are of the summit stature in both political camps. It is obvious that the Republican high command has deliberately set out to recapture the minority Negro vote stolen from them by the Democratic high command some two decades ago. That they may succeed as a result of the enactment of this bill is highly possible. I call to the attention of my Democratic brethren the probability that this minority group, whose suffrage is attempted to be ensnared by this proposal, will be impressed not by the fact that this is a Democratic controlled Congress, but rather by the fact that this is a Republican administration and that these alleged benefits came from the Great White Father in the White House.

Thus the Democratic high command may win the skirmish, but lose the battle.

On the other hand, the Republicans who have long expressed a desire for a two-party system in the South, and indeed where in recent years they have made remarkable progress toward their goal, may now well forget any hope of wooing the South into their fold or of obtaining a realinement of the parties.

The conservative South, deserted by its own party, who owes it so much, and cast to the wolves by the Republican Party, it would appear has but one alternative. It must, like the NAACP, the CIO and the ADA become an organized militant minority group, if its once powerful voice is to again be heard in the political and legislative arenas.

Finally, Mr. Speaker, while this iniquitous thing, like a loaded pistol, is aimed at my section, which has contributed so much to the foundation and perpetuation of the Republic, it is not the South, the Democratic Party, or the Republican Party which will suffer the most. The real victim in the tragedy being concluded here today will be the Republic itself. For once the trigger is pulled, the freedom and the real rights of the citizens of all sections will be further curtailed. The powerful arm of an already powerful Federal Government will be further stretched out into every metropolitan center as well as every hamlet of this great country, north, east, south, and west, for the further regimentation of our citizens. The existing election machinery of the several States will be conducted under the scrutiny and intimidation of armed marshals of the Central Government here in Washington. This could well be the final step necessary to achieve the goal of the real proponents of this legislation—the complete destruction of the sovereignty of the States and the centralization of all power of the people in one strong centralized government under the dome of this Capitol in Washington.

But, alas, Mr. Speaker, the unconscionable god of politics must be served.

Mr. Speaker, to some this day will be remembered as a day of political victory. To others it will be remembered as a day of infamy. But to me it will always be remembered as Marcantonio Day.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 3 additional minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I support House Resolution 410. For the first time in 87 years the Congress will announce in unequivocal language that voting shall not be restricted because of color, race or national origin. It is a clear implementation of the 14th and 15th amendments.

Mr. Speaker, the task was difficult to get this bill through. It was a constant uphill obstacle race. Harsh words were spoken and bitterness was expressed. But happily indeed no scars are left. And that is a great credit to representative government. Many of us wanted and wholeheartedly worked for a strong bill, wanted no watered-down one. I wanted, of course, no compromise in the beginning. Others with sincere convictions sought the defeat of any civil rights bill. Neither side won; neither side lost. Who are the gainers? The gainers in small measure are that segment of our society which has too long been denied rights guaranteed by our Constitution.

I desired no jury trial for contemnors in contempt cases under this act. I fought off vigorously all amendments to provide juries. The Senate saw fit to adopt jury trials for all criminal contempt cases arising under the act or any other act. The Senate amendment, I believed, could not be acceptable in any compromise. It would cause irrevocable damage to the enforcement of many regulatory statutes. I therefore proposed jury trials limited to this act. To my proposal has been added another proposal, to wit:

At the discretion of the judge, the accused may be tried with or without a jury. In the event there be no jury and the sentence of the court upon conviction be a fine in excess of $300 or imprisonment in excess of 45 days, the accused on demand shall be entitled to a trial de novo before a jury.

This latter proposal, shall I say, is least objectionable of all plans offered. This, however, is highly important, namely the attempt to have a meeting of minds, as many minds as possible, to advance the cause of civil rights. The dilemma we faced was accepting one-third of a loaf or no loaf at all. The result may be conciliation to some, compromise to others, and surrender to still others. Very little choice is offered. We must accept. Those mostly affected, the Negro people, are willing to accept this compromise. As to compromise I like to quote Edmund Burke, from his speech on conciliation with America.

All government—indeed, every human benefit and enjoyment, every virtue and every prudent act—is founded on compromise and barter.

I remember one of my law school professors at college telling me upon the advent of my becoming a lawyer: "Remember always that a lean compromise is better than a fat lawsuit."

We have made here, we make here, a good beginning. Much remains unfinished and must be done. It shall be done. Our work shall be complete only when it can be said:

No one portion of our society shall be deprived of its rights because of color, race, or creed.

This bill concerns the right to vote, a basic right. We move forward to protect that right. That is the least we can do now.

The patterns of life do not yield easily, but yield they do to time, yield they do to conscience, yield they do to law. Were it otherwise there would be no history of man. We must recognize that different mores, different customs in different climes have brought different racial relations. Those differences cannot be resolved in a trice. They must be worn down and then finally dissipated with the gradualism that this resolution betokens.

Because thereof, I do indeed hope that this resolution will be adopted by a thumping majority.

Mr. FORRESTER. Mr. Speaker, in considering this legislation, I am reminded of the statement of our Lord to the soldiers delegated to take him captive, when He told them: "But this is your hour and the power of darkness."

The price paid for the philosophies in this bill are too high. In order to appease the leftwing groups in this country, our leaders integrated our Armed Forces. It was a terrific price, for someday you will all learn that you cannot keep good men in our Armed Forces when integration is practiced. These men refuse to adopt a profession where they are made guinea pigs for social experiments that they know are detrimental. You have tried to keep boys in the military with higher pay, but you have not succeeded, and you never will, until you allow them to choose their associates. Ten years from now you will see the terrific price you have paid for appeasement when you see the officers holding your son's life in their hands.

This legislation is too high a price to pay people who cannot be counted on when the chips are down. It is tragic to give away our legal concepts for such questionable loyalty.

Yes, this is the proponents' hour, but it is the hour of darkness.

I know this House is going to pass this legislation in the present form and would pass it in any form.

Nevertheless I want to renew my statements made many times on the floor that it is a fraud; that it is a national tragedy. Also I do want you to know that the jury-trial provisions in this legislation are absolutely worthless. It was the best some of our southern Senators could do, but instead of it guaranteeing a jury trial, it virtually eliminates any possible chance for a jury trial. I will try to demonstrate the truth of my statement by a discussion now, which I hope will be strictly a legal discussion.

Mr. Speaker, considerable discussion has naturally arisen over the meanings and import of the Senate amendments to H. R. 6127—civil-rights bill—relating to the right of trial by jury in contempt cases, appearing in part V, entitled "Amendment to the Federal Criminal Code To Provide Trial by Jury for Proceedings To Punish Criminal Contempts in Cases in Federal Courts," beginning on page 13, line 15 of said H. R. 6127, and continuing through line 16 of page 15 and reading as follows:

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:

"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 a 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, 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:

"3691. Jury trial of criminal contempt

"In any proceeding for criminal contempt for willful disobedience of or obstruction to any lawful writ, process, orders, 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."

We can all understand the discussion for, as it was said by Mr. Dangell, author of the legal treatise Contempt, on page 14, section 41 of that treatise, "Contempt of court is a mysterious and indefinable thing." The truth of that statement is made manifest by the debates in the Senate on these provisions. Some of the distinguished Senators were of the opinion that the above quoted provision relating to the right of trial by jury was an effective preservation of the right of trial by jury in criminal contempt cases. Other Senators were positive that only a few contempt cases could possibly arise where a jury trial could be demanded by the defendant or defendants. Senator MANSFIELD, of Montana, said with reference to injunctions brought by the Attorney General:

Such suits—so long as they are aimed at prevention rather than punishment—cannot be interfered with by jury trials.

However, Senator DOUGLAS, of Illinois, said:

Secondly, by including the jury trial provision in criminal contempt cases, the Senate has made the right-to-vote section largely ineffective. Cases of civil contempt can, in all probability, be fairly easily converted into cases of criminal contempt by the simple act of noncompliance. Can anyone then picture a jury from the Deep South unanimously finding a white election official guilty for depriving a Negro of the right to vote? (CONGRESSIONAL RECORD, Aug. 7, 1957, pp. 13841–13842.)

Senator POTTER, of Michigan, according to the CONGRESSIONAL RECORD, August 7, 1957, page 13851, said:

I would also have the RECORD note that the same amendment made crystal clear that where there is a civil contempt proceeding, no jury trial is provided. It is within the tradition and history of our Republic to have no jury trial proceedings insofar as civil contempt actions are concerned.

Senator JAVITS, of New York, is quoted on page 13730, CONGRESSIONAL RECORD, August 6, 1957, as contending that the Senate provision for a jury trial in criminal contempt cases was void of some distinguishing line between civil contempt and criminal contempt; he pointed out that the Clayton Act made a distinction, inasmuch as the Clayton Act provided that a criminal contempt must be a willful disobedience or violation, coupled with the added ingredient that the violation must be a crime under State or Federal law; he also posed the pertinent question relating to double jeopardy which might arise out of the terms of the Senate amendment, particularly observing that the courts "have held time and again that it is possible to have both civil and criminal contempt in the same situation."

The CONGRESSIONAL RECORD of July 26, 1957, page 12819, shows certain statements of Senator O'MAHONEY, who was the original author of the Senate proposals, and who, with Senators CHURCH and KEFAUVER, sponsored the modified jury-trial amendment as above quoted, and that Senator O'MAHONEY said:

A proceeding for civil contempt is a method for obtaining compliance with a mandate or injunction issued by a court of equity. It is a proceeding which is used only against a person who has been directed by a court to do an act or to refrain from doing an act. The only question open for discussion in such a proceeding is: has the mandate or injunction of the court been obeyed? If it has not been obeyed, the reason or the motive for the disobedience is of no moment. While in a proceeding for civil contempt the court may impose imprisonment and a fine upon one adjudged in contempt, it is important to recognize that it does not do so by way of punishment. Its action is coercive only to compel compliance and the contempt disappears once compliance is obtained.

And, on page 12819, Senator O'MAHONEY said:

The fourth category of contempt of court is what is known as criminal contempt for willful disobedience of a mandate or injunction of a court of equity. This is a proceeding to punish one who willfully disobeys the court order. It differs radically from a proceeding in a civil contempt. Its purpose is not to compel compliance with the court order and to obtain for the plaintiff the fruits of the mandate or injunction. It may be invoked even though full compliance is had before trial. Its purpose is a public purpose to vindicate the dignity of the court which has been flouted by the willful and intentional act of the defendant.

Further, Senator O'MAHONEY stated that a criminal contempt proceeding, while it may not be a true criminal proceeding, is at least quasi-criminal. Also—

In any event, whether a constitutional crime or not, the spirit, if not the letter, of our Constitution requires a jury trial for criminal contempts.

Thus it appears that even certain Senators disagreed as to what was the meaning of the above-quoted Senate amendment. Yet, the people are entitled to know whether there is an effective provision for jury trials in criminal contempt cases, or whether or not the Senate amendments are ineffective, and actually remove the right of trial in contempt cases, except in remote and most limited circumstances.

To attempt to inform the people as to the true meaning of the above quoted Senate amendments is no easy task. Indeed, one may be incapable of delineating and laying down any explanation that will not be upset, at least in part, by the United States Supreme Court. To have a workable knowledge and a reasonable certainty concerning these amendments, a review of history through the ages and an examination of the common law relating to contempt is naturally indispensable. In the very nature of things, the various courts in our country have differed as to what the common law on this subject truly was.

It is a matter of history throughout the ages that men possessed with power, consciously or often unconsciously, became tyrannical. While it is a paradox, perhaps sincere zealots have been the most tyrannical of all. King John of England was beaten to his knees before he consented to the Magna Carta at Runnymede, June 15, 1215. King John was not a bad man, but he truly believed that he held the kingship through divine preference and could do no wrong, and knew better than the people themselves the privileges they should enjoy. One of the fundamentals of that great charter was that of the right of trial by jury by the peers of the shire. It is positively true that the courts of England contended that they were endowed with the inherent power to punish for contempts. The courts were ecclesiastical, but the courts had their infirmities. Whether correctly or not, that principle did find favor with our courts, and an overwhelming majority of our courts did adopt that principle as a part of our common law.

As early as Sixth Wheaton, United States Reports, page 204, the United States Supreme Court laid down that principle in the case of Anderson against Dunn. It is equally true that our courts followed the courts of Old England in upholding that contempt proceedings are sui generis—in their own class—and that, although criminal contempt was criminal in nature because the purpose of the contempt proceedings was to vindicate the authority of the court, such criminal-contempt proceedings could not violate the constitutional inhibition against double jeopardy; and the same act constituting criminal contempt, and punished by the court as such, could also be the basis for a prosecution against the same defendant in a criminal proceeding.

*U. S.* v. *Shipp* (203 U. S. 563) is authority for such a holding. The courts have attempted to justify this double jeopardy upon the principle that the defendant was punished in the criminal prosecution because he violated a law created by the legislature, and punished in contempt proceedings because he violated a law created by a judge. It is also true that in 1890 the United States Supreme Court—volume 134, United States Reports, pages 31, 36—held that there is no constitutional right of a jury trial in a contempt proceeding, civil or criminal, clearly indicating the Court's conception concerning the right of trial by jury. An excerpt taken from volume 154, United States Reports, page 447, by Justice Harlan, says, to wit:

Surely it cannot be supposed that the question of contempt of the authority of a court of the United States committed by a disobedience of its orders, is triable by right by a jury.

On February 25, 1932, that great and eminent lawyer, Hon. Donald Richberg, speaking before the House Judiciary Committee, said that he had a very extensive search made concerning the practice of the English courts prior to the adoption of our Constitution and he found, extraordinary as it may seem to many lawyers, that according to the English practice contempt of court had not been punished by the court; but, as a matter of fact, the prevailing English practice up to the adoption of the United States Constitution was to punish contempt of court through trial by jury, usually upon indictment or information; that, as a matter of fact, he found only two cases in the English reports, going back as far as twelve hundred and something and coming on down to the American Revolution, where criminal contempt had been tried by a court itself. He bemoaned the fact that despite history, the argument was made for a hundred years that it was the inherent power of a court of equity to try contempt cases by the court, and that when the court was created by the Federal Government, that power was endowed upon the court.

Mr. Edward Dangel is the author of a treatise on the law of contempts bearing the title "Contempt" and published by the National Lawyers Manual Co., Boston, Mass. In that work, Mr. Dangel treats exhaustively the differences between civil contempt and criminal contempt, beginning on page 83, section 178, and continuing through section 194, page 93 of that book. On page 86A, section 182, Mr. Dangel said:

Numerous attempts have been made to formulate a test by which to distinguish remedial proceedings for contempt, which involve private interests and are civil in nature from punitive proceedings for contempt, which involve the public interest and are criminal in nature. At best, the line of demarcation between contempts civil and contempts criminal in character is difficult to state with accuracy and in close cases

rests in shadow. Sometimes, a ruling cannot rightly be made that a proceeding is remedial rather than criminal. The proceedings may be both.

On page 74, section 163, Mr. Dangel says:

Contempts are neither wholly civil nor altogether criminal and it may not always be easy to classify a particular act as belonging to either one of these two classes. It may partake of the characteristics of both—citing *Gompers* v. *Buck's Stove Company* (221 U. S. 418, at 441).

Continuing, Mr. Dangel says:

The doing of an act forbidden by an injunction, rather than refusing to do an act commanded by an injunction, does not supply a sure test by which to distinguish a criminal from a civil contempt.

And, on page 75, section 163, Mr. Dangel says:

The contempt proceedings may have a dual aspect.

The Encyclopedia of Federal Procedure, third edition, volume 15, page 582, section 87.04, says:

The same act may sometimes constitute both a civil and a criminal contempt, and civil and criminal contempts may be charged by the United States in the same proceedings.

And cites *United States* v. *Aberbach* (165 F. 2d 783).

Moore's Federal Practice, 2d edition, 5, page 256, R. 38.33 says:

Contempts are usually divided into two classes, civil and criminal. As to operative facts, the classes are neither mutually exclusive or inclusive, and the contemptuous act may partake of the characteristics of both civil and criminal contempt (*U. S.* v. *United Mine Workers* (330 U. S. 258) and *Gompers* v. *Buck's Stove Company* (22 U. S. 418)). The violation of a single order, mandate, decree, judgment, or process of court may be the basis for both civil and criminal contempt proceedings. A contempt is considered civil when the punishment is wholly remedial, serves only the purposes of the complainant, and is not intended as a deterrent to offenses against the public.

Mr. Dangel, in his work heretofore referred to, on page 5, attempts to lay down a rule which would distinguish between civil and criminal contempts. Section 12, page 5, says:

Proceedings for contempt are sui generis in their nature and not strictly either civil or criminal, as those terms are commonly used. There is a well-defined distinction between contempts which are called criminal or punitive and those which are termed "civil contempts," the latter applying to such as are remedial in character. Criminal contempts are those acts in disrespect of the court or its processes or which obstruct the administration of justice or tend to bring the courts into disrespect, while civil contempts are those quasi-contempts which consists in failing to do something which the contemnor is ordered by the court to do for the benefit or advantage of another party to the proceedings before the court. A civil contempt is a private contempt, while a criminal contempt is a public contempt. That is, a civil contempt is a matter of private interest only, while a criminal contempt is a matter of public interest. When the vindication of public authority is the primary purpose of the punishment for contempt, the contempt is criminal, and when the enforcement of civil rights and remedies is the ultimate object of the punishment, the contempt is civil.

Thus, we see that, indeed, in many cases the contempts charged do have a dual aspect and that virtually any act constituting contempt can be both civil and criminal, and in that kind of situation it would follow that the judge would have the choice of weapons. This is a bad situation, inasmuch as the accused is placed upon trial under the rules of civil law, where the contempt is civil, which rule requires only that his guilt be proven by a preponderance of evidence, whereas the defendant is entitled to a trial somewhat under the rules regulating criminal prosecution, if the charge is for a criminal contempt, and the evidence is required to establish the guilt of the accused beyond a reasonable doubt. See *Helvering* v. *Mitchell* (303 U. S. 391). Dangel, section 191, page 91, says:

Contempt proceedings for the violation of an injunction, being neither criminal nor quasi-criminal, do not make it necessary to establish the defendant's guilt beyond a reasonable doubt. Their character is civil and the proof must be only by a preponderance of evidence.

Also, Mr. Dangel says, section 189, page 90:

In a civil contempt arising out of an equity suit the sole question usually is: Has the injunction been violated?.

These quotations from Mr. Dangel are of prime importance and must be given great consideration, inasmuch as the provisions in H. R. 6127 relate to equitable matters, and doubtless will be the rules employed by the various trial courts. The Encyclopedia of Federal Procedure, third edition, volume 15, page 583, section 87105, says:

Proceedings for contempt in violating an injunction are often held to be for civil and not criminal contempt, although the contempt may be a criminal one, as is often the case where the injunction involves a labor dispute.

That work cites *Forrest* v. *U. S.* (277 Fed. 873, certiorari denied 258 U. S. 629). Dangel, page 29, section 61, says:

A complaint for contempt for violation of an interlocutory decree in equity is really but an incident to the principal suit, and all the papers relating to it should be filed with the other papers in the case.

Dangel, page 39, section 78, says:

An injunction duly issuing out of a court of general jurisdiction with equity powers, upon pleadings properly invoking its action and served upon parties within the jurisdiction, must be obeyed by them, however erroneous the action of the court may be, even if the error be in assumption of the validity of a void law going to the merits of the case—

And citing *Eilenbecker* v. *Plymouth County District Court* (134 U. S. 31).

Dangel, page 22:

Where the offending act was of a nature to obstruct the legislation process, the fact that the obstruction has since been removed or that its removal has become impossible, is without legal significance and does not limit the power to the legislative body to punish for the past and completed act—

And citing *Jurney* v. *MacCracken* (294 U. S. 125, at 148).

Over the years there has been a constant and unremitting struggle against powers which are tyrannical, even though not adjudged so by good men, and men trained and learned in the law. It has been contended, and certainly with some reason and logic, that no court forming a part of our Federal judicial system has, or can have, any inherent powers, with the possible exception of the United States Supreme Court. That contention is based upon the argument that while the Supreme Court is a creature of our Constitution and undoubtedly has original jurisdiction in a certain class of cases and may be possessed of inherent power so far as that original jurisdiction is concerned, that inasmuch as the Constitution itself gave Congress the right to make exceptions and regulations concerning the appellate jurisdiction of the Supreme Court, probably even the Supreme Court does not possess any inherent powers, as an appellate court. The argument continues, to the effect that all inferior Federal courts, being purely creatures of Congress, such courts cannot have any powers not delegated to them by the Congress. Irrespective of whether or not the courts do, as a matter of fact, have inherent powers, it has been seriously contended that they should be shorn of any inherent powers that they do possess, and that Congress should by statute lay down the powers that the courts shall have, so that these powers shall be definite and certain and not be dependent upon the proper or improper construction of what was or was not the common law, and what powers the courts of England possessed prior to the adoption of our Constitution. It is also frequently contended that the court's contempt power deprives the accused of his constitutional guaranties such as trial by jury, double jeopardy, excessive punishment, due process of law, freedom from self-incrimination, and freedom of speech. Mr. Dangel, on page 15, section 41, of his treatise on contempt, says:

It must be conceded that the contempt jurisdiction of courts is the nearest of kin to despotic power of any power existing under our form of government. Although, on the whole this power is used discreetly, serious thought should be given to the abolition of the power to punish for contempt. This power seems unnecessary since the court has the authority to remove the contemnors and commit them to prison to await punishment by a jury.

Mr. Dangel cites *State* v. *Circuit Court* (97 Wis. 1); Edward Livingston on Criminal Jurisdiction, volume 1, page 264; Edward Livingston, A System of Penal Law for United States of America, chapter 10.

On page 19A, section 42A, Mr. Dangel says:

Because the function of the judiciary was that of interpretation and judgment, it became evident that the checks of the various powers would not be as effective upon the judiciary as upon the other two branches of Government. As a result, the judiciary surrounded itself with certain impregnable powers and protection from which it has countenanced no appeal or review. This isolation is contrary to the principle that the people have the right to know what is done in our courts. The old theory of government which invested royalty with an assumed perfection, precluding the possibility

of wrong, and denying the right to discuss its conduct of public affairs, is opposed to the genius of our institutions in which the sovereign will of the people is the paramount idea.

Also:

The American courts have created for themselves a body of legal authority which it is claimed gives to them the inherent right, in the absence of a limitation placed upon them by the power which created them, to punish as a contempt an act, whether committed in or our of its presence, which tends to impede, embarrass, or obstruct the court in the discharge of its duties. This doctrine has been asserted in all its rigor by the court. It is founded upon the principle that this power is coequal with the existence of the courts, and as necessary as the right of self-protection—that it is a necessary incident to the execution of the powers conferred upon the courts, and is necessary to maintain its dignity if not its very existence. It exists independently of statutes.

Also:

What is the source of this inherent power to punish for contempt? The judiciary always refers to the common law and asserts that the power to protect itself from criticism is essential to its power to exist and function properly. The power of contempt was never given to the court by the people, by constitutional delegation, or otherwise, nor did it come from the early common law.

On pages 207, 208, section 446, Mr. Dangel says:

The contempt power to punish or coerce and its procedure are of an extremely arbitrary character. They have been described as severe arrogance, judicial dictatorship, and absolute autocracy, and have been given many other descriptions.

Also:

There is, there can be, no place in our constitutional system for the exercise of arbitrary power; arbitrary power and the rule of the Constitution cannot both exist. They are antagonistic and incompatible forces and one or the other must of necessity prevail whenever they are brought into conflict.

One does not have to be a scholar of the law to understand what Mr. Dangel was saying. I apprehend that what Mr. Dangel was actually saying was that under our scheme of government, a judge, no matter how learned, and no matter how honest and impartial he might be, should be permitted to set up judge-made law and, in enforcing that judge-made law, whether right or wrong, allow that law to be a subterfuge, designedly or incidentally, to deprive a defendant of his constitutional rights. Mr. Dangel feared just exactly what is occurring in the present legislation, H. R. 6127. Attorney General Brownell has deliberately, and admittedly, brought up a scheme whereby he can bring defendants into court, charging them with the violation of judge-made laws, which may or may not be correct law, and place the accused on trial for that violation before that same judge, without trial by jury, and deprive the accused of the right to demand an indictment, to plead against double jeopardy, to be clothed with the presumption of innocence, and other rights too numerous to mention.

Although some of the proponents of H. R. 6127 would like to forget it, we all know the upheaval in Congress in the year 1932 when labor rose up in its wrath against ex parte injunctions, and trials for contempt of court for violation of those injunctions, before the judge who issued the injunction, and without the benefit of a jury. We know that section 402, title 18, United States Code, and sections 3691–3692, title 18, United States Code, were passed by Congress by a tremendous majority as remedial legislation and for the purpose of supplementing section 401, title 18, United States Code.

Section 402, title 18, above referred to, defines criminal contempt arising out of the willful disobeying of any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, provided also that the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States, or under the laws of any State in which the act was committed. It further provided that such criminal contempts would be prosecuted as provided in section 3691 of title 18. Excepted from this rule were contempts committed in the presence of the court, or so near as to obstruct justice, and contempts committed in that category which were in disobedience of any law, writ, and so forth, entered in any suit or action brought or prosecuted in the name of, or on behalf of the United States.

Section 402 above quoted did provide the line of demarcation pointed out by Senator JAVITS heretofore referred to herein. That section did provide a definite right of trial by jury in certain cases and under certain circumstances. That section was written in the law for the purpose of correcting a long-existing and real evil. That was progress. Many pages in the debates of the Congressmen and Senators during the discussion of the legislation which became section 402, sections 3691 and 3692, title 18, United States Code, were devoted to the injustices heaped upon defendants under judge-made law, and under the views of the trial judges that their authority had been desecrated, and it was even said that in one instance the Attorney General of the United States had deliberately handpicked a certain judge in a particular labor case. It is a paradox, but the private organizations clamoring for the legislation represented by the sections just referred to, are the same organizations that are demanding in civil-rights cases we go back to the old theory, repudiate the right of trial by jury in criminal-contempt cases, and that the accused shall be placed on trial before the judge who made the law, and punished as often as the judge deems expedient, or to be in satisfaction of his wounded feelings.

The Senate amendment to section 402, title 18, is really not an amendment. It is actually a new section 402. It provides that—

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 a fine or imprisonment or both (p. 13, line 15, through line 2, p. 14, H. R. 6127).

The language just quoted provides for the right of trial by jury in certain instances, but that right is most effectively taken away when we read exceptions contained on page 14, beginning at line 11 and reading through line 18, to wit:

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 violation 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.

Under the Senate amendment to section 402, title 18, I submit that as a matter of law, Kasper and the 16 other defendants down in Clinton, Tenn., would not have been entitled to the right of trial by jury, although they were entitled to the right of trial by jury, and did obtain a trial by jury, under section 402, title 18, as it read before the Senate amended it. It will be borne in mind that the new section 402 passed by the Senate is not restricted to voting. It covers by its terms the willful disobedience of or obstruction of the court's order arising out of school cases and other cases, as fully as it covers cases arising out of the provisions relating to voting. Kasper was charged with disobeying the order of the court, and obstructing the court, and the 16 other defendants were charged with obstructing in concert with Kasper, the order of the court. The distinguishing feature in the Kasper and other cases and the present Senate amendment was that Kasper and the 16 defendants were charged with willful disobedience and obstructive acts which were in violation of Federal or State law, and therefore the right of trial by jury was extended to them, the United States not being a party plaintiff, while under the Senate amendment, undoubtedly the contempt proceedings brought against Kasper and the 16 other defendants would have been a civil contempt proceeding, and there would have been no right of trial by jury. It is a well recognized fact that a judge learned in the law knows how to choose his weapons. Proceeding from an interlocutory order, pursuant to the Senate amendment, the judge can order into the court any defendant under the charge that he has not complied with the order, or is obstructing the order, and punish him for civil contempt, holding that his action was remedial. As a matter of law, even when the injunction or order has been made permanent, and the accused has the ability to comply, the judge can still choose his weapon and charge the defendant with the civil contempt, fine or imprison, or both, upon the theory that his action is remedial. The only instance that I can see where a jury trial would be demandable, is where after a final order and the defendant cannot comply, then he can be charged with a criminal contempt, and punished to vindicate the wounded feelings of the court.

As long as the ability to comply with the order exists, in my opinion a civil

contempt proceeding can be had, on the theory that the proceeding is remedial, and for the purpose of inducing the accused to comply with the order of the court. Under the new version of the Senate, it is my opinion that the defendant can be brought into court beginning after the interlocutory stages, upon the charge that he has failed to comply with the court's order, or has obstructed the court's order, and be required to comply or desist, and upon failure the accused can be fined or imprisoned, as a remedial measure. If the accused is fined and the accused pays, he can be brought in again for failure to comply and punished again and again, as a remedial measure. And, of course, the accused can be told that he holds the keys to the jail in his own hand and that he was committed to jail because of his civil contempt and will remain in jail until he wishes to purge himself of the contempt proceeding by compliance. Not only is double jeopardy involved, but actually triple jeopardy and quadruple jeopardy is possible. If the act of the accused happens to be a violation of the Federal criminal law, he can be indicted, tried, and convicted, and if the same act also constitutes a violation of a State criminal law, he can be indicted in a State court, tried and convicted, though all of these convictions be the result of the identical acts or omissions.

The distinguished gentleman, Senator O'MAHONEY, of Wyoming, contemplated a jury-trial amendment which would have been effective in protecting the right of trial by jury in criminal contempt cases, and the southern Senators did what they could to have that amendment approved. They had to be satisfied, however, with a watered-down version of the O'Mahoney amendment, advocated by Senators CHURCH and KEFAUVER. For all practical purposes, the modified amendment virtually wipes out the right of trial by jury. The provision in the modified amendment to the effect that the judge could secure compliance with his order and to prevent obstruction of his order through a civil contempt proceeding, without a jury, eliminated any chance for a jury trial in any criminal contempt proceeding, except where the accused had placed himself in a position where he could not comply with any order of the court.

A few days ago, it was announced that an amendment has been prepared and would be offered on the floor of the House, providing that in criminal contempt cases the judge could try the accused without a jury but could not imprison him for more than 45 days or fine him more than $300. It will be borne in mind that under the present law, and under the Senate amendment, if the accused is a natural person, he could be fined a sum not to exceed $1,000, nor shall imprisonment exceed 6 months. Inasmuch as this suggested amendment could only be for the purpose of denying the accused the right of trial by jury, even in the very limited sphere that the Senate version accords him, the amount of the fine would be reduced approximately 70 percent and the length of imprisonment would be reduced 50 percent, I suggested that maybe the proponents would like to add an additional clause, providing by its terms that if the accused would enter a plea of guilty, thus eliminating the judge having to search his conscience before convicting, that an additional discount of 50 percent should be accorded the defendant.

The last referred to proposed amendment came from the Republican side, and it was met with justified criticism on the part of the Democrats and one of our leading Democrats entitled it "Bargain Basement Legislation." I agreed with that denomination.

Nevertheless, the Washington Post, August 24, 1957 issue, page A7, advises that the Democrats and the Republicans have agreed upon an amendment which would provide that the accused may be tried with or without a jury, but if such proceeding for criminal contempt be tried before a judge without a jury, and the sentence is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceedings, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases. The only reason that I can subscribe for the failure of the Republicans to denounce this last provision is that they equally share the blame for this monstrosity along with the Democrats, and that any sort of amendment, no matter how illogical it might be, would take them off the hook, when they annouced that they would not accept the Senate amendments to H. R. 6127.

One of the many fine things about our legal jurisprudence is that heretofore a person has been allowed to pursue all remedies available to him, and to exercise all of the rights accorded him, without being penalized therefor. It has been my understanding that a court, in fixing a sentence, was to fix that sentence according to what in his judgment was punishment commensurate with the offense, and was not predicated upon whether or not the accused would accept the sentence or would appeal therefrom.

This proposal ushers in a new era in our jurisprudence. If the accused exercises his right under this amendment for a jury trial, he must accept that privilege with the understanding that upon a conviction by a jury, his punishment can be made heavier by the judge. The jury does not fix his punishment, and the power of punishment remains in the judge. It further goes without saying that the jury would, or at least one member of the jury would know that the accused had been convicted by the court, for otherwise they would not have the right to sit in judgment. That is not the Anglo-Saxon conception of fairness. All of these new proposals have been designedly brought forth for the purpose of denying the right of trial by jury, and to deny the accused his constitutional rights. Frankly, if I was trying to avoid according the accused his constitutional rights, I could not suggest any substitute that would be better. It simply happens to be a fact that when the intent is to deprive a person of his rights under our Constitution, any sort of attempt looks silly.

In my humble opinion, the truth is, the right of trial by jury in criminal contempt cases is to all practical intents and purposes gone—gone in the Senate version, and gone with any or none of the substitutes. Yes, the right of trial by jury is gone, and the funeral was conducted by the same people who contended for the right of trial by jury when injustices were brought home to them. This is not progress, this is regression. Many will rue this evil day, when they bestowed upon an arrogant Attorney General the power to deny constitutional rights, and through subterfuge deliberately planned to destroy the mudsills of this Government.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, we are coming to the end of a very long and, certainly in many respects, a very trying matter which has engaged the consideration and involved the very deep convictions of the Members of this House.

I think it is to the credit of the legislative process that in the other body and in this one the entire procedure has been conducted with credit to the membership and to the country, that bitterness and feeling have been subdued to a very minimum, especially when we realize that for 87 years this has been a matter which has demanded the more serious attention of this body; so that I believe it is an extremely creditable thing that this House and the other body have managed to reach this point in this difficult matter and have come out with a workable, effective, and by and large, a desirable solution.

Our action here is predicated upon the basic charter of our liberties, the Constitution, the 15th amendment to which states:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Our obligation to proceed legislatively in this matter is likewise based upon section 2 of this amendment:

> The Congress shall have power to enforce this article by appropriate legislation.

This, I submit, is all that we are seeking to do. And this, it is our duty to do.

It was said once about a very great and popular President by one who did not entirely approve of him that "although he does not do everything that you and I would like, the question recurs whether it is likely we can elect a man who would." I think it can equally be said of this bill that, while it may not do everything that you or I would like, without many differing opinions, the question recurs whether it is likely that this Congress would pass any bill which would.

Certainly I have often been led to reflect on the saying that nothing is as good as it looks nor as bad as it seems. This administration-backed bill, it seems to me, being the first genuine civil-rights bill in all these eighty-odd years, is a very important step in the right direction.

Under the bill as it came to us from the other body, broad enforcement

powers do exist under the civil contempt features of the act even as amended. Under it, a Federal judge would have power to jail election officials for refusing to grant voting rights and could do this without a jury, and could keep State officials in jail indefinitely until they purged themselves of contempt by their compliance. This was left in the bill by the other body. The judge could even, if he wished, require the registration to take place in his own courtroom before the offense could be purged.

Perhaps, as it has been noted, the most remarkable thing about this bill is that it has been able to thread the legislative process and comes on now for adoption. I think it ought to be borne in mind, that this has been made possible by a commendable spirit of conciliation. Those of us who wish to carry into effect the President's desire for an effective and workable bill believe that this has been accomplished. Those Members here who felt otherwise have secured some elisions and some amendments which they desired. But it should be remembered that under this law oppression and persecution are guarded against as they are under the decisions of the Federal courts to this day, because only persons bound by and having actual notice of a decree can be punished by criminal contempt proceedings; and criminal contempt convictions are fully reviewable in the appellate courts. And if the proceedings are mixed—both civil and criminal—the criminal safeguards control. Now, there were people, it is true, who after the passage of the bill in the other body, panicked. They were people who shrieked and cried immediatedly "Let us accept the bill." These were people who were too quick to take too little. These were people of little faith who lost confidence in the deliberative processes of this Government. I am very happy that there were those of us who kept our nerve and who kept our faith and our belief that an effective workable bill could be had and that it was not necessary to accept a bill which we truly believed would not be effective. On the other hand, to those who say "This bill has fangs," we reply: "No; but this bill has teeth."

Mr. BOW. Mr. Speaker, will the gentleman yield for a question?

Mr. SCOTT of Pennsylvania. I yield to the gentleman briefly.

Mr. BOW. I would like to ask this question, if the gentleman can answer it or some member of the committee. Would the gentleman say that there is in the jury-trial provision provided here the possibility of double jeopardy? Having been convicted by a Federal court, the defendant then goes to a jury trial. That borders, at least, on the point of double jeopardy.

Mr. SCOTT of Pennsylvania. In my opinion, there is not any danger of bordering on double jeopardy. But I will yield to the gentleman from New York [Mr. KEATING].

Mr. KEATING. I would say briefly to the gentleman that the defendant does not have to ask for a new trial no matter what the sentence is. But if he does under this provision and gets a new trial, it is a new trial entirely. He is not placed in jeopardy a second time, because he waives jeopardy on the first trial by asking for a new trial.

Mr. BOW. Will the gentleman yield for an additional question, if I may?

Mr. SCOTT of Pennsylvania. I yield.

Mr. BOW. If the person has been convicted by the Federal court of contempt and then asks for a jury trial, would the original proceeding before the Federal judge be competent in evidence to be used against him in the jury trial?

Mr. SCOTT of Pennsylvania. In my judgment, it would not, but I again yield to the coauthor of the bill.

Mr. KEATING. I agree with the gentleman from Pennsylvania that it would not, because it is a trial de novo, an entirely new trial. He starts with a clean slate right from the beginning.

Mr. SCOTT of Pennsylvania. I would say to the gentleman that the revised language rather than the original language, in my opinion, is much preferable in that the act now provides for an entirely new trial, and I think the section should be read now, because something has been said about the fact that not too many people have seen this resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. GROSS. In the case of a jury trial, a man previously having been held in contempt by a judge, would he come for trial before the same judge?

Mr. SCOTT of Pennsylvania. I do not think that would necessarily follow that he would be required to come before the same judge.

Mr. GROSS. But he could come for trial before the same judge? Could that happen?

Mr. SCOTT of Pennsylvania. It could happen, I agree.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. ABERNETHY. Since the House knows so little about this bill, could the gentleman advise us who wrote it and where it was written?

Mr. SCOTT of Pennsylvania. Yes. I will be very glad to advise the gentleman.

Mr. ABERNETHY. That would be helpful.

Mr. SCOTT of Pennsylvania. I would be delighted to advise the gentleman.

Mr. ABERNETHY. I am referring to the compromise.

Mr. SCOTT of Pennsylvania. I would be delighted. The bill was written and introduced by the author of the bill. I know the gentleman is much enlightened and glad to have the information.

Mr. ABERNETHY. Would the gentleman say that the compromise was written by the author?

Mr. SCOTT of Pennsylvania. The compromise was introduced in the House by the author of the bill. How many people had a hand in it I do not know.

Mr. ABERNETHY. Who is the author of the compromise? That is what I am trying to find out.

Mr. SCOTT of Pennsylvania. I would say under the procedure of this House the author of the compromise is the gentleman who takes the responsibility for introducing it.

Mr. ABERNETHY. Well, who is he?

Mr. SCOTT of Pennsylvania. This resolution has been introduced by the gentleman from Indiana [Mr. MADDEN], and is based upon resolutions heretofore introduced by the gentleman from New York [Mr. CELLER], the gentleman from New York [Mr. KEATING], upon wording suggested by myself and by others. I regret that I cannot yield further. The gentleman understands the situation.

Mr. ABERNETHY. The gentleman has enlightened us. I thank him very much.

Mr. SCOTT of Pennsylvania. I have tried my best.

Mr. Speaker, I think because there has been, as I commented, so much said here and elsewhere as to whether or not there is anything mysterious about the so-called resolution, I would like to read it.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself 2 additional minutes.

SEC. 151. In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, 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 imprisonment exceed the term of 6 months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

There is nothing mysterious about that; nothing difficult to understand. It does represent a fair solution as between many opposing views. In my judgment, this is a bill which the President can accept. This is not a bill, in my judgment, which faces a veto as other proposals might have. I sincerely hope that the rule will be adopted and that action will be taken by the other body and that then we can all go home.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, under the peculiar situation under which we are laboring this morning, there is very little to be said. I think the colloquy that took place just now between the gentleman from Pennsylvania [Mr. SCOTT] and the other gentlemen who seemed to have some curiosity about what this thing might be illustrates the absurdity of the proceeding that is going on today on a matter of great and vital national importance.

However, I was happy to note that my good friend from the Rules Committee who presented this resolution, the gentleman from Indiana [Mr. MADDEN] is now given credit for writing this ex-

traordinary document. I do not know whether he wants to repudiate it or not. If he does I want to be sure that he has the opportunity. But certain it is that if he does not care to father the child, nobody else in this House has ever been willing to admit where it came from or who wrote it.

I might tell you a thing or two about what has happened in the past. It is rather idle for me to take up this 5 minutes, but the gentleman from Massachusetts [Mr. MARTIN] was kind enough to send me a copy of a compromise that was agreed upon between the leadership on both sides. It arrived at my office Friday night. It was a little short thing, just provided for this change on page 2, which is part 5. That is what came to me. Now evidently there was a great deal of sleepless nights and running back and forth from one end of the Capitol to the other before this thing, of which my friend from Indiana [Mr. MADDEN] is the alleged author, finally reached fruition. Now we have here something that has a lot of fringes and other things added to the original compromise. I am sure that my friend from Indiana [Mr. MADDEN] in writing this new bill tried to do a good job, but it is pretty tough on this House when you have a matter that has stirred the Nation more than anything I have known for a long time, to come here where we are denied the right to discuss it. It has never had committee consideration; it has never had House debate, and it is a fundamental change in the basic principles of law in this country so far as jury trials are concerned.

What it means, nobody knows. I imagine the Federal judges will have to do some retching when this matter is presented for their digestion. It is an amazing thing that has been presented to us here today.

I take the floor because I want to say one thing to the membership of this House: When you vote on this bill you first vote on ordering the previous question. If the previous question is voted down then Mr. MADDEN's brain child might be changed somewhat, the House would then have the privilege of working its will on what it should be. If the previous question is not voted down there will then be a vote on the bill. It should be distinctly understood that who votes for this resolution votes for a civil-rights bill and there is not going to be any way to duck it or dodge it when you get back home. It does not matter what anybody says, this is the final vote upon the civil-rights bill; you take it or you leave it.

I wish I had the time to discuss this matter on its merits a little bit, this brain child of my friend from Indiana, because I think it is subject to a good deal of discussion and should be analyzed. It is unfortunate we are not going to have that opportunity.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I hope the gentleman is not going to wrap up this infant; we want to do something.

Mr. MADDEN. Is there any legal way I can get adoption papers for this alleged illegitimate resolution? I know some Member will be trying to steal this legislative child away from me before many days pass.

Mr. SMITH of Virginia. I will cooperate with the gentleman; I will be the gentleman's lawyer in that effort and try to get proper adoption papers for him. I think no one has been more assiduous and active in the advocacy of this outrageous measure than has the gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. DORN].

Mr. DORN of South Carolina. Mr. Speaker, today is a day of infamy. A day of appeasement and compromise—a compromise shamefully concurred in by the leaders of both political parties, a compromise concocted and conceived in infamy, the surrender of principle for political expedience. The leadership of both national parties in this House, in the other body, in the executive department, and in the headquarters of the Democratic and Republican national parties have abandoned principle and embarked on a political tug of war. With the presidential election of 1960 in mind, they are desperately trying to get credit for the passage of this unnecessary legislation.

I might remind my colleagues today that no nation, no leader, no political party ever gained lasting advantage or grew in character by the surrender of principle. Daladier and Chamberlain at Munich tried to buy peace by surrendering the national integrity of Czechoslovakia. They, instead, brought on war, persecution, and human misery. The gallant Marshal Petain, of World War I, succumbed to the temptation of compromise with the infamous Fascists and Nazis of World War II, brought France into ill repute before the eyes of the world, and spent his last days in imprisonment.

Today, you are following their example. You are, for a political price, bargaining away sacred trial by jury, State sovereignty, and local self-government. You are, for the first time in our history, inaugurating Federal control of elections. You are pointing an accusing finger at a section of the country which has lived in peace and harmony with a minority race for centuries, a section which is an example, in this tragic era of hatred and cold war, of tolerance, progress, brotherly love, and understanding. I will put the record of my people up against that of any other in the field of race relations. The South, through the years, did not solve its problem as Hitler and Mussolini—with bigotry, persecution, and liquidation. Nor have we followed the example of Russia with its Siberian slave camps and its extermination of whole races as they exterminated the White Russians and the Ukrainians. We are making a better record than the Moslems and the Hindus, than the Jews and the Arabs, than the Moroccans, the French, and the Union of South Africa. Yes, our record in the South is even better than many of the great metropolitan areas of our own country.

In your section of our own land, race relations are rapidly deteriorating. You live in constant fear of a major uprising, riots, and mob violence because racial unrest is on the increase. Throughout the world, racial tension is mounting. Nationalists and racial bigots are raising a hue and cry as never before. The only area of the world with two races so completely different, where race relations have constantly improved year by year, is in the southern part of the United States. Now, you are threatening this sure progress by agitation and and condemnation.

It is time, Mr. Speaker, to examine our own conscience. We should again read the words of that great liberal Republican, the Honorable William E. Borah, of Idaho, who, when speaking against Federal lynch legislation on the floor of the other body on January 7, 1938, said:

> Why beholdest thou the mote that is in thy brother's eye and consider not the beam that is in thine own eye?

And again when he said in that famous speech:

> Let us admit that the South is dealing with this question as best it can, admit that the men and women of the South are just as patriotic as we are, just as devoted to the principles of the Constitution as we are, just as willing to sacrifice for the success of their communities as we are. Let us give them credit as American citizens, and cooperate with them, sympathize with them, and help them in the solution of their problem, instead of condemning them. We are one people, one Nation, and they are entitled to be treated upon that basis.

Now, Mr. Speaker, let us look at the record. Without national legislation the southern people have eliminated the horrible crime of lynching. Between 1889 and 1918 there were 2,522 colored people lynched in the United States. This averaged about 84 per year. Every 10-year period, beginning with 1889, which is the highest recorded year, shows a drop—until today there are no lynchings. This problem has been solved entirely by the vigilance of the people of the local communities and the States of the South. Again, Mr. Speaker, may I repeat—without national legislation—although political-minded groups from time to time desperately tried to push through the Congress Federal antilynch legislation. But, fortunately, each time great nonpartisan leaders like William E. Borah rose to their feet in the Senate and joined us in filibustering such legislation.

The South's record on the poll tax is equally as good. The South is solving the employment problem. Both races work side by side on the farm and in the factory in ever-increasing numbers.

When lynching was at its peak in America, about the year 1889, there was little agitation for Federal legislation. The political advantage to be gained was at a minimum, but as lynching decreased year by year, political pressure for legislation increased. Agitation for such legislation reached a peak about the time the South had completely solved the problem. Mr. Speaker, could this be because the proponents of such legislation were frantic to claim credit through Federal legislation and thereby gain political advantage? Today, both political

parties are likewise frantic and desperate to get this civil-rights bill enacted—not because there is a need for it—but because the South is solving the voting problem and both parties want political credit for the progress already made at the local level. The horse is in the barn. The South is closing the door. But now politicians, with an eye on 1960, are frantically rushing up with great propaganda machines and pressure on the Congress to claim credit for closing the door.

Southern Negro voters have been enrolling to vote in a fantastic and ever-increasing rate during the past 10 years. These politicians, who point an accusing finger, know this to be true. Nevertheless, for political gain, they are pushing this civil-rights bill. Borah said in 1938, "Leave this problem to the South and in a very few years lynching would be eliminated." I plead with you today, leave this voting and civil-rights problem to the South and in 5 years they will complete the job quietly, firmly, and without agitation.

Bear in mind that, while these problems in the South were rapidly on the decrease, major problems in other sections of the country such as gangsters, juvenile delinquents, corrupt political machines, political demagogs, and Communists were on the increase.

Yes, lynchings are no more—at least in the South. I did hear of one this year in Boston and one in Chicago but they are unknown in the South of today. There is little talk of an FEPC and none about the poll tax, because the South wisely was left to solve its own peculiar sectional problems. There are no wounds, no scars, no lingering hatred or bitterness because the Congress rejected Federal force bills.

Now, with the enactment of this civil-rights bill, for political gain, you will throw all this progress to the winds, sow hatred, revenge, and turn the clock back 90 years to the tragic era of reconstruction.

The native southerner for generations has borne a major burden. He has been responsible for tutoring and nurturing a completely dissimilar race. In the light of all history, we all must admit that he has done his job well. There were times when he would like to have been free of this burden. There were times when he was tempted to move away and start life anew where there was no race problem. To his everlasting credit, let it be said that he stayed there through adversity, poverty and occupation and brought the minority race a standard of living and a civilization that this race has never known anywhere else in the world.

We should stand up today and defeat this bold, blatant bid for power before it is too late. This is an attempt by pressure groups to control America for the next 100 years. This bill is the first step toward complete Federal regulation and control of elections. This is a bid by the minority to control and dominate the majority. This is a bid for naked power. This is a blueprint of the pattern followed by Hitler, Mussolini, Lenin, and Joe Stalin.

Adolf Hitler did not rise to power in Germany with a majority of the votes in the Reichstag. Following a scientific pattern, he coldly and ruthlessly established a dictatorship over the majority. Likewise, Benito Mussolini's Black Shirts, in their march from Milan to Rome in 1922, were a small minority of the Italian people. Mussolini seized absolute power over a dumbfounded and confused majority. Lenin and Trotsky, in the October rebellions of 1917, seized power over 165 million people with only 50,000 card-carrying Communist followers.

This road to control of the majority is an old one with the same old milestones—the milestones of false propaganda, usurpation of freedoms and local government, step by step. This is the road upon which Napoleon strode forth to litter Europe with the broken bodies of peasant soldiers merely for his personal glory.

Machiavelli, around the year 1500, advanced a theory for the seizure of power. It was the blueprint largely followed by modern dictators and masters of the art of the science of power—lull the majority into complacency and little by little, with Federal authority, fasten the noose around the neck of the majority and destroy freedom.

The real power behind this civil-rights bill is one or two men who have mastered well the theories of Machiavelli and Nicolai Lenin. They control the balance of power between two great American political parties. They are gambling everything. The stakes are high. Their weapons are the bloc voter in the city machines of key industrial States. They sense victory and will stop at nothing to gain control of America. If we give them this civil-rights bill, it will only whet their appetite for more, just as Czechoslovakia fed the lust of the raving Hitler, and Yalta fed an ambitious Stalin.

Benjamin Kidd in his great book, The Science of Power, vividly portrayed how impossible it is for pressure groups and power-mad minorities to call a halt. They demand more and more until they destroy themselves or their country, or until they wield autocratic power over the majority.

The Members of this House, of the other body, and the President are elected by the American people. Yet, one or two individuals in America have become so powerful that they can tell the President and can tell the Congress that this bill must pass and, apparently, it will pass today with this compromise of principle. Is this Congress and the President to dance when minority leaders call the tune? Are the chairman of the Republican Party and the chairman of the Democratic Party to tremble submissively as they receive orders from these masters of the science of power? Are they to exercise more influence on legislation than this Congress or the President elected by the people? We must meet this force sometime, someday, somewhere. Why not do it now, before it grows ever more powerful?

Senator James F. Byrnes, speaking on January 11, 1938, before the Senate in opposition to such legislation, declared:

> If Walter White, who from day to day sits in the gallery, should consent to have this bill laid aside, its advocates would desert it as quickly as football players unscramble when the whistle of the referee is heard.

The same is now true on this civil rights issue, only today this force is more powerful and flushed with victory. I have seen this small group in the gallery of the House and in the gallery of the Senate. They sit day after day during debate wielding more power on this legislation than the elected representatives of the people.

Time and time again during this debate we have heard proponents of this legislation on both sides of the aisle refer to the civil-rights plank in the Democratic and Republican platforms last fall. They say these planks are a mandate for us to pass this bill. These planks were not placed in the platforms by the worker, the farmer, the small-business man, or by professional people. They were forced upon the platform committees by these masters of the science of power, responsible only to themselves, who represent stupendous political slush funds and voters whom they can control. You know and I know there was not one voter out of a thousand who voted the Democratic or Republican ticket last November because of the civil-rights plank in the platforms. I go further and say there was not one out of a thousand who, when he marked his ballot, knew there was a civil-rights plank in the platform, except possibly the people of the South at whom the plank was aimed.

Another argument used by the proponents to advance this legislation is that we should change our Constitution, alter our way of life to win favor in foreign lands. On pages 4 and 5 of the committee report recommending this bill we find mention of the cold war and the international situation. In other words, you are saying that we must pass this legislation to please Communist Russia—the price of peaceful coexistence. Again, you are compromising—but this time with atheists whose hands are red with innocent blood. You are simply trying to serve God and mammon. Just because Russia is criticizing race relations in America, should we establish a Federal gestapo and set up the machinery for a Federal dictatorship? Again, I must say that you cannot appease the Communists. This will only whet their appetities for more. This is adopting Communist methods, through the back door, in the name of fighting communism.

When you pass this civil rights bill, the Kremlin will find something else wrong with America. They do not believe in God. Are we to destroy our churches and ban religious worship because the Communists are atheists? Are we to destroy our Bill of Rights because Communist Russia does not believe in freedom of worship, freedom of speech, freedom of assembly, a free press, and trial by jury? This is a fallacious argument and is the surest way to destroy our

sacred Constitution. We should legislate for the American people, stand on principle, preserve our Constitution, States rights and local government, regardless of what the Communists might say. This is the only course we can take to win the respect of the world.

This bill, which creates another Assistant Attorney General charged solely with civil rights cases and investigations, is another step toward Federal regulation of the individual citizen. You are creating the machinery through which some day our people can be persecuted. It is difficult for me to understand why so many so-called religious leaders are advocating such legislation as this civil rights bill. This is another blow aimed at the rights of the States and local communities. With States rights and local government, no nationwide religious persecution has ever taken place. It could never happen in America with 48 different States and thousands of local, county and municipal governments. Religious intolerance might exist locally. It could never become a nationwide threat until our Constitution is weakened and our Government completely centralized.

Adolf Hitler rode to power with the aid of some religious leaders. He could inaugurate no program of persecution until he destroyed the states of Germany, burned the Reichstag, made a rubberstamp of its members, destroyed the courts, and centralized all power in Berlin. Only then was it possible to throw religious leaders into Buchenwald and Dachau.

The horrors of the Spanish Inquisition could have never been perpetrated in Spain with States rights and local freedom. It only happened when Philip II held absolute centralized power. The religious persecution and liquidations of Rome, England, and France took place when all power was in the hands of one man. In all the history of the world, no religious persecution materialized on a nationwide basis when the people enjoyed a maximum of State and local government. In a clamor for ever-increasing Federal power, some of our religious leaders are fastening the hangman's noose on religious freedoms of generations to come. It might not take place, but it can happen with the tools being forged by an evergrowing Federal autocracy here in Washington. It can never happen, however, with a maximum of States rights and healthy, strong local government.

Hon. Charles Evans Hughes, Chief Justice of the United States, in an address before a joint session of the Congress on March 4, 1939, observing the sesquicentennial of the Congress said:

> We not only praise individual liberty but our constitutional system has the unique distinction of insuring it. Our guaranties of fair trials, of due process in the protection of life, liberty, and property—which stands between the citizen and arbitrary power—of religious freedom, of free speech, free press, and free assembly, are the safeguards which have been erected against the abuse threatened by gust of passion and prejudice which in misguided zeal would destroy the basic interests of democracy. * * * The firmest ground for confidence in the future is that more than ever we realize that, while democracy must have its organization and controls, its vital breath is individual liberty.

Minorities who blindly support this bill will someday suffer the consequences of Federal power. They are helping to fashion a Damoclean sword which will hang forever over minority races and minority creeds. They can never be persecuted nationally until the machinery of persecution is concentrated in Washington. Once it is created under this bill, the power-mad and lustful individual will follow as surely as night follows the day. Regulation, control and harassment can be directed at those who today clamor for the passage of this legislation.

The wandering Jew has been driven from land to land, persecuted and enslaved at the hands of centralized authority. His greatest protection in America today is the 48 different State constitutions and free local government. Once this power becomes centralized, he has no guaranty for the future. We must not let it happen in America. We must protect the Latin American, the Negro, and all of our minority races from centralized power that could fall into Fascist hands.

Those of us who oppose this legislation have been referred to as reactionaries and conservatives. We have been charged with opposing the march of time, of slowing the wheels of progress, of turning back the clock. But the reactionaries and the Fascists of today are the so-called liberals. They advocate a national socialist autocracy, with the lives of our people planned by the Government from the cradle to the grave. The so-called liberal advocates every measure which will give the Federal Government more power over the lives of our people. He is supporting this legislation in the name of liberalism. I, and my southern colleagues, are the real, true liberals. We agree with Thomas Jefferson that the least governed are the best governed. The bleeding liberal hearts on my right and the modern Republicans on my left, by clamoring for this legislation, are expressing a lack of confidence in the people's ability to think and act for themselves. They have no confidence in the individual. They have no confidence in local government. They have no confidence in the States. They are voting today against the States, free communities and individual citizens. You are placing in the hands of the Attorney General the power to restrict the individual, to hamstring local officials, to curb the power and rights of our States.

Yes; I am a true liberal because I believe in these time-honored institutions. I believe in the people of this country—north, south, east, and west. I would not dare to ever suggest to Detroit, New York, Los Angeles, Chicago, or Boston how they should handle local elections and local affairs. Nor would I dare place in the hands of any Attorney General, Democrat or Republican, the power to tell New Jersey, Pennsylvania, or Minnesota how they must conduct elections.

Yes, the liberals are advocating the liberalism of Hitler, Mussolini, and Stalin. These dictators called their governments democracies. They had elections. But, my friends, elections with only one ticket on the ballot. Nearly a hundred percent of their people voted this one ticket because they were afraid of Himmler and are afraid of the Kremlin. Let me emphasize, Mr. Speaker, that this power is appointive power. This Attorney General will not be elected by the people. He and the Civil Rights Commission will be named by the same power that is forcing the passage of this bill. They know now what the verdict is going to be. They know now what they are going to find and what they are going to report. They know now who is going on the Commission and who will be named Assistant Attorney General in charge of civil rights.

When this bill passes, the Civil Rights Commission will be a stacked one. It will immediately embark upon its course of finding out what it wants to find. In the meantime, the Assistant Attorney General will gather a large staff of investigators and its own gestapo. These instrumentalities of fascism will not rush in and frighten the prey but will lull the American people to sleep with high-sounding phrases about liberty and voting rights. They will secretly and quietly infiltrate. Then as the 1960 presidential election approaches, they will move swiftly, intimidate and harass southern officials, inaugurate block voting and control America to advance their selfish ambitions.

Southern States will be forced to keep 2 jury lists—1 for the Federal courts and 1 for the State courts. The States will no longer have control over who might sit on that jury. Our people will be placed in jail without trial by jury for the slightest provocation.

I have been hoping some Republican leader would rise to the stature of Robert A. Taft, William E. Borah, George Norris, or Robert La Follette and come to our aid in the rear guard action we are waging for individual freedom. Apparently, none is forthcoming. I have hoped in vain that the President would recall his 1952 campaign promises. But he has only aided and abetted these destroyers of freedom. I have hoped in vain that someone would rise on this side of the aisle, or in the other body, and reach the stature of statesmanship of William E. Borah when he said:

> The progress, the development, and the advancement of the South, including the last 70 arduous years, her history from Washington and Jefferson down, rich with the names of leaders, orators, and statesmen; her soil, her sunshine, her brave and hospitable people, her patient and successful wrestling with the most difficult of all problems, are all a part of the achievements of our common country and constitute no ignoble portion of the strength and glory of the American democracy. I will cast no vote in this Chamber which reflects upon her fidelity to our institutions or upon her ability and purpose to maintain the principles upon which they rest.

I will agree to no compromise. I cannot hold evil in one hand and good in the other. I will not plead guilty when I am not guilty. I will never plead my people

guilty when they are not guilty. Principles never change. They are the same yesterday, today, and forever.

You have secretly admitted to me many times the justice of our cause. You openly lack the courage of your convictions. You have adopted the course of hypocrisy for a fleeting momentary political expediency. You have your orders and you will cast your vote accordingly. I have none. I am only standing here as an American, fighting for individual liberty for all Americans in every State, of every creed, and every color. I can truthfully say with the late George W. Norris, of Nebraska, when he said:

> I would rather go down to my political grave with a clear conscience than ride in the chariot of victory * * * a Congressional stool pigeon, the slave, the servant, or the vassal of any man, whether he be the owner and manager of a legislative menagerie or the ruler of a great nation. * * * I would rather lie in the silent grave, remembered by both friends and enemies as one who remained true to his faith and who never faltered in what he believed to be his duty, than to still live, old and aged, lacking the confidence of both factions.

Mr. RIVERS. Mr. Speaker, never in the history of this Republic has proposed legislation passed this branch of the Congress fraught with more danger to personal liberty than the alleged compromise on the so-called civil-rights bill which the opposition is about to run roughshod through the House of Representatives this day. No amount of warning seems to disturb those who are competing for the approbation of the leftwing press, the NAACP, and others of similar ilk. It is tragic that President Eisenhower is numbered amongst this distinguished group.

Mr. Speaker, we have just heard the Member from Michigan, Congressman DIGGS, tell us what the plan will be for the future. He has had the effrontery or, let me say, the meeting with the minds of the leadership of the Republicans, to predict or prophesy that his bill is just the beginning. His words, which have been directed at my people, have been plain, concise, and threatening. He has told us of his dislike for our section of America and he has cast down the gauntlet for the southern Members of Congress to take up the challenge. He has said that this bill will be implemented by force within a very few months. He has said that his fanciful opponents in the South will be jailed on imaginary charges dreamed up by his group. He has said that this bill will be implemented in the next session of the Congress; and he has said that this bill is just the beginning. He compares this legislation with that which followed Reconstruction.

Mr. Speaker, this bill is the reincarnation of the Reconstruction Era. It destroys trial by jury; it marks the end of the sovereignty of the States; it marks the beginning of the end of freedom of speech and it sets up for the first time since the founding of this Republic, a gestapo in the Department of Justice. No President since the beginning of this Nation has dared what Dwight Eisenhower has just done.

Mr. Speaker, they say that if we do not accept this compromise a more drastic proposal will be passed by the other body—the Senate—should the Republicans take charge of the Senate. Mr. Speaker, I do not conform to this line of thought. If the Republicans can make a stronger bill in the other body, should they accede to the leadership they can certainly amend this legislation during the next session of the Congress should they take over.

I fervently hope that the southern Members of the other body—in which body alone remains unlimited debate—filibuster—will take up the challenge laid down by the Member from Michigan, Congressman DIGGS. It is said that filibuster is not practical at this time. Mr. Speaker, if there was ever a time in the history of the Nation when filibuster is needed or appropriate to preserve the American way of life, it is now. No agreement, no compromise, nor the fortunes of those who aspire to be President, justifies the taking of this bill by the other body without a filibuster.

Mr. Speaker, I have had plans all the summer for a short vacation. I have plans now to make an extended trip in the interest of the military on which perchance I may get a few days of needed rest. Mr. Speaker, I am willing here and now to forgo any or all of these plans and any I may have in the future in order to remain here should our Representatives from the South decide to filibuster this monstrous, un-American proposal to death. Mr. Speaker, I am prepared to remain here until the frost forms on the pumpkin should such be necessary to save the rights of my people in this hour of political expediency.

Mr. MADDEN. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. DIGGS].

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at the end of the remarks by the gentleman from Michigan [Mr. DIGGS].

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIGGS. Mr. Speaker, it is difficult for most Americans to believe that at this late date in the 20th century some of our citizens are denied the right to vote because of their race. Nevertheless, it is an ugly fact substantiated by the unrefuted testimony of an impressive list of witnesses. With the enactment of the pending measure into law, the Congress and the President will have made it crystal clear that they oppose restriction of the right to vote. The newest compromise amendment in the jury trial issue has the official blessing of the administration and the Congressional leadership of both parties. This means that in the next few months we should see some concrete action by the United States Department of Justice in those areas of the Nation where the ballot is reserved for white only. Again and again intimidating actions such as cross burning, economic pressure, violence and the shooting of Negroes who merely sought their constitutional right to vote has shocked the Nation. Almost without exception, the Department of Justice has either failed to act on these matters or if it did act, no indictments have been returned by grand juries. Frequently, the Department has said it could not act because no Federal law had been violated. At other times, as in the complaints originating in Ouachita Parish, La., the Department has found extensive violations of existing law but excellent evidence assembled by the Federal Bureau of Investigation does not get before the public because there are no hearings in open court.

Let no one be so naive as to assume the passage of this bill will automatically accomplish its objective. Success of this new statute will depend on the vigor and determination that the proposed Civil Rights Commission and the Justice Department exercise in using its provisions to protect the right to vote. Success will also depend upon the acquiescence of the Deep South to its responsibility to uphold the law of the land notwithstanding how repugnant may be the consequences as they see them. The world will be watching to see if the Deep South follows the proper course or if it pursues the suggestion of a prominent Alabama circuit court judge who has urged that local enforcement agents refuse to cooperate with Federal officials relative to this measure, or the suggestion of a Louisiana Member of the other body, that educational requirements be raised and poll taxes be increased and made accumulative over a longer period to frustrate the enfranchisement of Negroes. With these threats hanging over the democratic efforts of this legislation and its exclusion of a number of other civil-rights problems in the fields of education, housing, employment, transportation, and so forth, no matter what the future holds for this particular bill it is not the last time Congress will have the opportunity to correct violations of civil rights. Those who sincerely wanted to keep this bill from passing in its present form with the hope of strengthening it or making it more inclusive at the next session of Congress will have full opportunity to do so through the regular legislative process.

As we stand on the threshold of enacting the first civil-rights bill since the Reconstruction Era, let us concentrate on what it does accomplish, not on what it does not accomplish. It is opportune that we pause and refresh our memory about its positive provisions heretofore unavailable to those affected and concerned with civil rights.

The Civil Rights Act of 1957 provides for a bipartisan commission with subpena powers to call witnesses and investigate alleged civil rights violations of all kinds. Its authority extends for 2 years. It provides for the establishment of a Civil Rights Division within the Justice Department under the supervision and prestige of an Assistant Attorney General. It provides that the Attorney General may institute injunctive proceedings, in the name of the United

States Government, and on behalf of an aggrieved person, to prevent acts designed to keep Negroes from the polls. This preventive action, as opposed to punitive action under present law which is operative only after an act has been committed, is a new weapon of enforcement. It permits the Attorney General to bypass State local courts and go directly into Federal Courts. It overcomes those State statutes which have been resurrected to prohibit organizations like the NAACP from filing suits on behalf of persons who are unable to do so themselves because of financial situation or intimidation. The compromise jury trial feature which has been made a part of the injunctive enforcement of voting rights, applies only to criminal contempt proceedings designed to punish a person for willful disobedience of an injunction or other court order. Even there the judge may exercise discretion; the accused may be tried with or without a jury. However, if the judge tries the case without a jury, in the event of a conviction if the fine should exceed $300 or imprisonment of 45 days, the accused upon demand will be entitled to a new trial before jury. The accused is not entitled to jury trial if the fine does not exceed this $300 or imprisonment the maximum 45 days. If the accused does demand or is granted a jury trial, a conviction can draw maximum penalties of $1,000 or 6 months' imprisonment.

In civil contempt proceedings aimed at securing compliance with a court order, the accused is not entitled to a jury trial. While it remains to be seen whether the jury trial provision in criminal contempt cases will assure Negroes the proper amount of protection, it has been claimed that the vast majority of voting cases will be disposed of in civil actions without a jury.

In the final analysis, the Civil Rights Act of 1957 does not go nearly so far as needs have demanded and the American people in the majority have requested. As a matter of fact, neither did the original House-passed version. The bill as it stands is a starting point and is significant because the Federal Government is for the first time in more than 80 years asserting its obligation to enforce constitutionally guaranteed rights. It is also significant because it was achieved out of a historical bipartisan effort on the issue of civil rights. Members of both parties can truly share the glory for the enactment of this monumental legislation. In the final analysis, the effective enforcement of this act assuring constitutional rights will not benefit Negroes alone; nor will it benefit Americans alone. It will extend its benefits throughout the entire Free World.

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, the 85th Congress will long be remembered as that body of men and women which passed the first civil-rights legislation in 87 years—truly a milestone in human progress. There has been so much publicity concerning the so-called compromise upon the question of jury trial that little recognition has been given to the other significant and important parts of this legislation. Outstanding are these:

First, the authority given the Attorney General to seek injunctions to prevent not punish, violations of voting rights. In a sense, this is not a new power, but merely extends to individuals the principle of regulation long applicable to corporations.

Second. In order that the power may not be an empty gesture, there is created a new civil-rights division in the Department of Justice under a new Assistant Attorney General. Thus the fact becomes clear that the executive branch of the Government is now wholly responsible for insuring that every American eligible to vote may have his right to do so fully protected.

Third. The bill recognizes that there are other civil rights which need also to be enforced. There is therefore a Civil Rights Commission with the power of subpena. The Commission is charged with receiving complaints of civil-rights violations and shall recommend new legislation if this is found to be necessary. It is to be presumed that there will be the closest coordination between the new Assistant Attorney General and this Commission.

There are many of us who would have liked a stronger bill. Certainly there could be a better bill. With many others I have introduced such legislation. But law is often a matter of evolution. No one can possibly say exactly what an act will or will not accomplish until it has been adopted and tried in actual practice. The efficacy of a law is always measured by its administration. A weak law with strong enforcement can work very well. A strong law with little or no enforcement is useless. Attorney General Brownell, who has remained in London while we have been trying to get a civil-rights bill passed, has been calling across the water for a stronger bill. If he will spend one-half the energy in enforcing this law and making effective its enforcement machinery that he has been using in denouncing it, we will do very well with this measure.

It is significant that 16 liberal organizations including the National Association for the Advancement of Colored People and the executive council of the AFL–CIO have gone on record as favoring immediate passage. The true friends of civil rights and civil liberties will not be blinded by the political shenanigans of the past few weeks, and will put to the test those newly found friends of civil rights in whose hands rest the enforcement of this law.

In the meantime, our unswerving attention must be given to the pressing needs in this field so vital to real democracy. On August 7 of this year I placed in the CONGRESSIONAL RECORD on page 13943 a shocking report by the Anti-Defamation League of B'nai B'rith, in which was chronicled a series of discriminatory employment practices by certain firms in the city of Los Angeles. On August 8, the Executive Director of the President's Committee on Government Contracts reported to me by letter the following action of the Committee:

> July 29: The committee received from the above-named organization (the Anti-Defamation League) complaints alleging that 202 companies in the Los Angeles area had violated provisions of the standard nondiscrimination clause by filing discriminatory job orders.
>
> July 30: Lists including the names of 187 companies were sent the major Government contracting agencies with our request that the contracting agencies designate all companies holding Government contracts.
>
> July 31: Complaints involving 15 of the companies were forwarded to the Department of Defense for investigation.

Some of the complaints included such practices as the use of coding systems to indicate the religion or the color of applicants for employment. Others used a letter system attached to job orders to indicate that certain persons or groups were not to be considered for employment.

Discriminatory employment must be eliminated in the United States. It is claimed by some that voluntary action will accomplish this. But the world in which we live makes it imperative that we not wait another 87 years to eliminate such evils. In my city of Los Angeles unemployment is again becoming a serious problem. Discrimination in the matter of layoffs and rehiring must not only be discovered wherever it exists, but prompt action must be taken to stamp it out.

I cite these things in order that those of us who have been privileged to see our strenuous efforts for civil-rights legislation come at least to partial victory may be warned that the road ahead for correction of injustices will be equally hard and difficult. We shall redouble our efforts. We remain determined, with the help of all true Americans, that Justice and Freedom, cornerstones of democracy, shall prevail among all our citizens.

Mr. WHITENER. Mr. Speaker, on yesterday when I first saw the proposed contents of House Resolution 410 I was utterly astounded at its provisions.

I am opposed to H. R. 6127—with or without the Senate amendments and with or without the House amendments set forth in House Resolution 410.

The authorship of the so-called compromise jury-trial amendment is much in doubt. In spite of diligent inquiry no one can be found who admits its authorship. We are merely told that our colleague who presented this so-called compromise to the Rules Committee is to be given credit for its conception and birth.

It is abundantly clear that the person who wrote this document is not learned in the law or else has completely disregarded such knowledge as he might have had of fundamental legal principles. If the constitutionality of this legislative monstrosity is ever presented to a court which follows legal precedent rather than sociological theories I have no doubt that its life will be of short duration. It cannot, in my opinion, withstand valid constitutional scrutiny.

When we analyze the new part V we find that the act, in effect, says to a defendant charged with criminal contempt that he can be punished by a fine not exceeding $1,000 and imprisonment not exceeding 6 months, or both. The defendant is then told by this proposal that in a proceeding for criminal contempt he can only have a jury trial at the discretion of the presiding judge. Remarkably, this so-called compromise amendment says to the defendant that if he is convicted by a judge and sentenced to imprisonment in excess of 45 days or a fine in excess of $300 the defendant may then demand a trial de novo before a jury. This is what the proponents would have us believe is a jury-trial amendment.

But let us witness the practical legal aspects of this legislative brainchild. The defendant having been convicted in a hearing before a judge, without a jury, and sentenced to serve 60 days and/or to pay the sum of $310 as a fine may then demand a jury trial presided over by the same judge who has theretofcre adjudicated him to be guilty of contempt. The new section 151 says that this trial de novo before a jury "shall conform as near as may be to the practice in other criminal cases."

What is the "practice in other criminal cases" before the Federal courts of the United States? It is elementary that the trial judge may express an opinion upon the facts in his instructions to the jury in Federal cases. This is contrary to the practice in many, if not all, of the State courts.

So, we see the spectacle of a judge who has previously adjudicatd the guilt of the defendant instructing the jury in the identical case and having the right to comment to the jury upon the question of whether the facts sustain the charge. This is not consistent with my idea of a fair and proper administration of justice.

Then, too, the defendant having demanded the jury trial after his conviction by the judge, may, in the sole discretion of the judge, be imprisoned up to 6 months—not the 60 days originally given to him—or may be fined up to $1,000—and not merely the $310 fine originally assessed—on the same evidence originally laid before the court.

Any person who has had experience in the trial of cases should know that this situation gives rise to legalized blackmail to a defendant brought into the courts for an alleged contempt.

Another disturbing feature of this purported compromise jury-trial amendment is that it militates mightily against our constitutional prohibition against double jeopardy. It does this through the devious method of placing the burden upon the defendant to demand a trial by jury after the judge has pronounced judgment upon him in the first instance. This is apparently a clever method of putting a defendant in the position of waiving his constitutional immunity to twice being put on trial for the same criminal offense. In its net effect it is another giant step in the destruction of basic constitutional government and proper administration of justice.

This is a tragic day in the history of our Nation. Tragic because the crescendo of voices rising in support of H. R. 6127 and House Resolution 410 indicates that a substantial majority of the Members of this body are giving their support to legislation which has as its effect the breeding of civil wrongs rather than the protection of civil rights.

My vote is against the pending resolution. I believe that it is a vote for the preservation of the basic American conception of jurisprudence and constitutional government.

Mr. MACHROWICZ. Mr. Speaker, this may be a historic day in the annals of our Nation's history. We are about to enact, I hope, the first civil-rights legislation in the past 87 years of legislative history. In June of this year, the House passed by an outstanding majority vote, a bill which contained all the elements of a good and fair civil-rights bill. Unfortunately, the other body adopted a number of amendments which would seriously hamper the enforcement of the bill and would remove some of its most vital benefits.

Those of us who fought for an adequate and full civil-rights bill are in a difficult quandary in voting on today's resolution. True, it removes many of the most serious objections to the Senate bill. However, it falls far short of what we consider a minimum in granting to every citizen of this country protection of the rights and privileges which are his. Nevertheless, sponsors of the resolution and the leadership of both parties assure us that it is a workable bill and that its enforcement will grant a great degree of protection to the citizens of this country now being unlawfully deprived of their rights.

Under the circumstances, I intend to vote for the resolution, even though I realize the bill falls far short of the standards which we have set. I realize that the only alternative is failure to enact any legislation whatsoever in this field, and those who have fought and worked for this bill would find all their labor lost and wasted.

Enactment of this bill does not mean that we shall rest on our oars, satisfied with our accomplishment. It is merely the beginning of the progress which we hope will continue by enactment of further and more complete legislation in the future. The history of the United States of America is a running story of the continuing struggle to achieve the goal which our Founding Fathers recognized in the expression "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

The rights and privileges of all Americans are the responsibility of the Federal Government because those rights and privileges are anchored in the Constitution and laws of the United States; they are attributes of national citizenship which recognize the dignity of the human being as the true basic reason for the very existence of government itself. Under our American concept of government, the consent of the governed is the sole source of political authority.

I hope we shall never forget our obligation to live up to our responsibility in this field.

Mr. ABBITT. Mr. Speaker, I am unalterably opposed to this so-called civil-rights legislation that is before the House today. The bill now before us is the bill passed by the House, amended by the Senate, and now voted out of the Rules Committee with a so-called compromise amendment. This bill as presently drawn, including the amendments passed by the Senate and the so-called compromise jury-trial amendment, takes from the people of this Nation rights, privileges, and freedoms that they have had for generations. It takes from the States much of their sovereignty and sets up a new form of philosophy for the operation of the Federal Government.

We are told that this measure is a compromise—that it is a mild right-to-vote bill. I say to you that certain leaders are bartering away the rights, privileges, and freedom of the American people for political expediency and in the hope that their national party will receive the votes of certain minority groups as a result of their action.

I cannot in good conscience condone such flagrant dissipation of our liberties; nor can I remain silent in the face of an all-out attempt by political opportunists to hoodwink the people into believing that the present civil-rights legislation, as amended by the Senate together with the so-called compromise, is a mild voting-rights bill that will do no real violence to the American way of life nor curtail the liberties of the people. Such action on the part of the leaders involved is a betrayal of the trust that the people have placed in those in authority who would foist such legislation upon an unsuspecting people.

This legislation is evil; it is dangerous; it is liberty destroying; it is iniquitous; and yet there are those in our midst who would have us accept such legislation without letting the people know how bad it really is.

So far as the compromise provision is concerned, it is a farce. It takes from the Senate version the right of a trial by jury in criminal contempt cases. It leaves it to the judge to say whether or not the defendant would be granted a jury trial; and then the judge can wait until he has first convicted the defendant and branded him as a criminal before he allows him to have a trial by jury.

So far as parts 1, 2, and 4 of the bill are concerned, they are just as obnoxious as they were as passed by the House of Representatives. Part 1 sets up a Commission on Civil Rights to make a study of all phases of civil rights. It is given subpena power and can appoint advisory committees. Section 2 creates a civil-rights division in the Attorney General's Office. These two sections together will permit the Commission and the Attorney General's Office to harass, to browbeat, and intimidate the American people in an endeavor to force them to succumb to the whims and wishes of the NAACP and other like organizations. It will be a sounding board for socialistic groups. The two agencies together will be in a position to carry out the conspiracy between the NAACP, this administration, and Brownell to compel State officials

and other loyal Americans to submit to the obnoxious judicial tyranny of certain segments of the Federal judiciary. The two sections together set up a roving band of hatchetmen, a small gestapo, going throughout the country stirring up litigation, breaking down law and order so far as States and localities are concerned. These characters, agents, and political hatchmen will be able to drum up fictitious charges against loyal citizens, and hale them before the Commission or into the Federal court at the expense of the taxpayers of America. They will be like a pack of wild dogs or wolves turned loose upon a flock of sheep; and yet, there are those in this Congress and in the Government who would have us believe that this is an innocent little voting-rights bill.

Part 4 puts the Federal Government, acting through the Attorney General, in the position to take over the election machinery and the electorate of the States and localities. It provides a device to bypass State laws, State remedies, State courts, the right of trial by jury, in all election matters. It will result in election by judicial decree. We will have our elections supervised, administered, and actually taken over by the Federal judiciary and at the whim of the Attorney General. The Attorney General will be the electoral czar of America.

The voting rights of the South are put in a political straitjacket with the key turned over to the Attorney General who will be the political hatchetman of the administration then in power. He will have the authority to manipulate these rights according to his own whims and fancies and political philosophy.

The so-called compromise is a political sellout of the rights of the people and the sovereignty of the States.

I hope this legislation will never be enacted into law.

Mr. CURTIS of Massachusetts. Mr. Speaker, while I recognize that the present compromise relating to the civil-rights bill is probably the best that can now be accomplished, I rise to express my opposition to the injection of jury trials between orders of the court made after full hearing and the enforcement of such orders.

Equity courts have traditionally had the power, frequently referred to as an inherent power, to enforce their decrees by holding violators in contempt of court without jury trial. The provision for jury trials in contempt proceedings, even as limited in this bill, is not sound legislation.

To require that a court, after conducting a trial and issuing its decree, can enforce that decree—if it is violated—only after a second and separate jury trial, is inconsistent of the prompt and orderly administration of justice.

Under the terms of this bill, this requirement applies only to contempts classed as criminal. But the distinction between civil and criminal contempt is technical, and the above principles should apply in either case.

In civil contempt the violator of the decree has failed to do an act which he can still do, and the contempt citation forces compliance. In criminal contempt he has done an act which he cannot undo, and the contempt citation is punitive. But in each case the purpose of holding the violator in contempt is to compel respect for the decree of the court; and even "criminal" contempts result from a violation of a court's decree rather than of a criminal statute, and should be classed primarily as contempts rather than as crimes in the usual sense of that word.

To take this power of enforcing its decree out of the hands of the court in civil contempt cases might well be unconstitutional; and to do so in criminal contempt cases is at best bad legislation.

It is generally recognized that the injunctive procedure is a special procedure which involves action by a court without a jury. And it is suggested that the fundamental objection of opponents of this legislation was to the use of injunctions in these cases, although this objection was referred to as opposition to deprivation of jury trial.

Jury trials in contempt proceedings first came into our laws as a reaction against allegedly unduly broad and unfair injunctions against strikers, and the objection was voiced as one against "government by injunction." Later, jury trials in contempt proceedings were greatly limited in labor cases, if not completely done away with.

Jury trials should not be injected between orders of a court made after full hearing and the enforcement of such orders. To do so may well create a stumbling block in the future should there be occasion for further legislation in the area of this bill.

Mr. GRANT. Mr. Speaker, we are faced here today with a situation which gives 435 Members of this House 1 hour in which to debate legislation that originally took the House a week or more and the Senate approximately a month and it appears, after spending this length of time, that new evils are being found in it. It would be bad enough if we were acting upon the legislation enacted in the House and Senate but here today we are called upon to vote upon legislation that was never presented to either body. No one here fully understands the full import of this legislation; it is a go-home gadget. We should have full debate upon this new legislation or else stay here until the snow flies.

The Rules Committee serves us a ridiculous piece of legislation; it is said to be a compromise. A compromise by whom? This thing is neither fish nor fowl. There is no name for it in jurisprudence. If it is mandatory that we must have something, give us the House bill or the Senate bill—no makeshift like this. The press reports that this is a face-saving gimmick. Face-saving for whom? Whose face is being saved?

When the matter of a jury trial was before the Senate, there, under the rules of the full debate, Members of that body from all sections of the country were able to prove to the majority that the legislation should not be enacted unless there was a guaranty of trial by jury. In this fine debate the spotlight was focused upon the legislation, and the Senate and the country became convinced that it should not be enacted unless the House bill was amended. The antijury trial section was depicted in that body as the worst of tyrannical procedure. Even the most ardent supporters of this legislation conceded that the Senate version was a significant gain for voting rights and even the NAACP and other organizations active in its support, recognized this to be a fact, and I understand were most willing to accept this legislation; however, when the bill got back to the House it seemed that somebody's face had to be saved.

It was suggested on the House side by several Members that the legislation be amended to provide that there would be no jury trials if penalties were limited to a $300 fine and 90 days in jail; however, if greater penalties were contemplated there would be jury trials. This suggestion was kicked around and was termed ridiculous and ludicrous by many who favored some kind of legislation; however, in a few days it became apparent that here was at least something which somebody could trade upon. It was suggested that some modification was in order and that $289.98 fine and 51½ days in jail would save the opposition's face—whichever seemed to be the opposition—so out of this came the Rules Committee writing the legislation which provides that a judge can impose a penalty up to a $300 fine or 45 days in jail, and if the fine and penalty is over this amount he must grant a new trial with a jury, at the request of the defendant. You can call it a compromise, a face saver, or whatever you want to, but you cannot get away from the fact, if the principle of jury trials is invalid in criminal-contempt proceedings involving a sentence of 46 days in jail, there is no explanation of why it becomes invalid if the penalty is 45 days. This is a farce on the Senate bill. The legislation that came back to the House from the Senate and which the Rules Committee has junked says that as a matter of right and principle a person should have a jury trial. The all-powerful Rules Committee, by its actions, says that it is halfway right: that a person is entitled to a half jury trial.

I note that a group of Senators have met and discussed the proposition which is being brought to us today by the Rules Committee and that this group is unanimously of the opinion that this legislation is unconstitutional. There were some distinguished lawyers in this group, and I agree with their findings; however, no one can stand upon this floor here today and say what is constitutional or unconstitutional. We cannot afford to take a chance. This legislation is ill advised; it is punitive in nature, and in the end it will not contribute toward constitutional government. Those of you who would force this legislation upon America had better stop, look, and listen. You are here trying to shift your responsibility. Oh yes; certain ones can beat their breasts and claim what they have done for the colored race in the South. What you are doing will, in the long run, I am afraid, do them irreparable harm.

Progress is being made in my State and in other States in the South. People of good will in both races have been

doing great work toward better race relations; however, I must confess that such legislation as this is causing suspicion and distrust where it did not exist before. You have the solution, and we in the South have the problem. Your solution only adds more to the problem. Regardless of what might be done with this legislation here in Congress, I believe that the country within the past few months has become more aware of what is being done here than most of us realize. You cannot destroy one right in order to gain another so-called right.

Mr. HENDERSON. Mr. Speaker, at long last, it appears that the determination of the Republican administration and Republican leadership in the Congress will result not only in a civil-rights bill but in a civil-rights bill of some strength and meaning, rather than a watered-down pottage of high-sounding platitudes.

It would have been relatively easy for the Republicans to have submitted to the insistence of the advocates of a weak and ineffective civil-rights bill and rationalized that capitulation on the grounds that a weak bill is better than no bill at all, or that a party which is in the minority in Congress cannot accomplish desirable results. The strength of this civil-rights legislation is the result of Republican leadership and Republican determination for good legislation.

The civil-rights bill now being approved by the House and which will next be considered by the other body before its submission to the President is a compromise measure. It is not the same bill which passed the House originally. The opponents of civil-rights legislation have taken their toll. However, this bill is directed toward the essential problem; that is, toward implementing the 15th amendment of the Constitution, which guarantees every citizen the right to vote. It provides for a jury trial for persons who interfere with the voting rights of others upon request of the accused when the first trial before a judge results in a sentence in excess of $300 or 45 days in jail.

There has been much oratory on this measure. The effect has been to create an impression that something new in the concept of American freedoms is being wrought by this bill. This is, of course, not the case. This bill is to assure the right to vote to American citizens—a right and privilege which is inherent in our American system of government and essential to its proper functioning. We in Congress have spent weeks and months in enacting a guaranty of that right to millions of Americans who have been deprived of that privilege through local custom, threat, and intimidation. If the contention is true that there is in fact no interference with the right to vote in some parts of our Nation, then even the opponents of the bill have no grounds of complaint.

As we vote upon this measure, I wonder if those people who are being guaranteed the right to exercise their franchise will take advantage of our labors. I wonder if they will think enough of their Government to make use of that right.

The millions of Americans who have had that privilege of voting through the years since our Nation was formed have been halfhearted in their exercise of the right to vote.

In the election of 1956, there were 104 million persons of voting age, 51 million men and 53 million women. Of the 104 million, only 62 million actually voted. In 1960 there will be 108 million people, according to census estimates. How many of them will go to the polls to assert themselves and take advantage of this priceless privilege of freemen? No one can say, of course. Yet, we must remember that rights disregarded are more easily lost to a people than those which they exercise with vigor. Let us hope that this long debate will focus the people's attention on voting rights and create a new appreciation of liberties and citizenship responsibilities in all sections of the Nation.

To many Americans, voting privileges seem no longer to be the cherished possession the founders of our Nation envisaged. Will the people who are being assured that privilege by this legislation cherish it or ignore it? If they ignore it, we in Congress have labored in vain.

Mr. DOWDY. Mr. Speaker, with the highly restrictive gag rule under which we are here operating—1 hour debate among 435 House Members, there is no time available to me, same being controlled by the proponents of the bill, to discuss the issues.

I will only say this: When this matter was first before the House about 2 months ago, the proponents, in most pious phrases, succeeded in misleading the majority of the Members of this House, by intentionally misrepresenting that the House bill was solely and alone a right to vote bill. A few of us who tried to show such statements to be false were stormed down. It has been definitely and without any doubt established that the claim concerning the House bill was false.

Now, the Senate version of the bill is before us with what is claimed to be a jury trial amendment. It is proposed to compromise that so-called jury amendment by absolutely and expressly denying jury trial as a matter of right, even in a criminal contempt case, except in the discretion of the trial court. Trial courts have that discretion without this amendment.

To vote for this will be abject capitulation, and could well mean the loss of what remains of the rights of the States and freedom of individuals.

The claim that this so-called compromise contains a jury trial guaranty is just as false as was the claim that the House bill was only a right to vote bill, and just as willfully made.

Mr. FLYNT. Mr. Speaker, it is a tragic day for America when this body for the second time in one session prepares itself to vote for the enactment of legislation which is vicious in its conception, punitive in its intention and horrible to consider. In nearly every term of Congress for many years legislation of this kind, with varying degrees of intensity, has been proposed, hearings have been held and legislation proceeded along various routes, only to vanish with the sine die adjournment of previous Congresses.

Heretofore, everyone has generally accepted the fact that this legislation was not needed and tacitly admitted that it was both unnecessary and useless. Heretofore, it has expired with the term of each Congress.

Today, however, a different situation prevails. Two contesting groups in a bid for political power have been willing to exchange the birthright of American liberty and constitutional government for the votes of minority groups. In their desire to overwhelm each other in professing love and devotion to those minorities, they have either knowingly or unknowingly helped destroy our constitutional form of government as we know it. They have almost reached a moment of triumph as they see their punitive legislation near enactment. It recalls to mind the drunken, power-crazed Nero, Emperor of Rome, as he gloated over the destruction of the Eternal City.

During my service in this body, I have on every occasion opposed this legislation, not only because it is aimed at the very heart of my section of the country, but also because it is aimed at the very heart of our Constitution and our heritage of freedom. I have spoken out against it on this floor whenever the rules of the House would permit, and I have used every moment of time available under these rules.

Today the time allowed to me is negligible and nothing that I can say or do can long delay what appears to be the inevitable result of this vote today. Yet, if I were not circumscribed by the rules under which we operate, I would speak in opposition to this legislation until I collapsed from physical exhaustion. My desire to speak at length for as many hours as strength would permit would be in the hopes that some word or some thought of mine might help one or more of my colleagues realize the viciousness and the punitive nature of this legislation.

Never during this entire legislative battle have I remained silent. On the contrary, I have sought to include as a part of my remarks in opposition to this legislation those reasons why I have felt it can but lead to destruction and devastation.

The so-called jury-trial provision in that version of the bill upon which we are to vote today is a mockery, a fraud, a sham, and a delusion. It takes away, and the legislative intent is clearly shown, those individual liberties contained in our Constitution, once held sacred and now to be violated. They are now to be violated as though they were but alien words rather than part of the basic principles upon which our Nation, our America, has grown and prospered.

Affirmative action on this legislation will turn back the clock to the days of tyranny and despotism. Tyrants and despots through the ages have sought to do by tyrannical flat things no worse than this bill does by legislative enactment. The pages of history are replete with nations whose autocratic rulers, 1 by 1, have destroyed sacred liberties and freedoms fought for and earned by its

citizens. History is equally filled with accounts of nations decaying and being destroyed beginning with the very moment that the sacred liberties of its people were threatened.

I do not want to see the Congress of which I am a Member turn back the clock to violate and destroy the right of jury trials. I do not want to see the clock turned back to the days of Judge Jeffreys, who often put on his black cap in the courts of the bloodiest assizes and sentence to death men whose only crime was to speak their own thoughts and to dare to speak out against tyranny.

Our jury system as we know it is not perfect. Few things designed by man are perfect, but through the entire life of our Nation and our people, we have learned that when juries have made mistakes they have been honest mistakes made by the minds of men, rather than intentional errors created in the black hearts of judicial tyrants.

Those early Americans who brought about the first 10 amendments to our Constitution, which we know as the American Bill of Rights, no doubt are saddened and sorrowful as they look down from the canopy of heaven at what we are about to do today. They may well be reflecting that they are watching from their eternal resting place the sun of America today pass its noonday height.

Although the sponsors of this legislation profess to be interested in the welfare of Negroes and other minority groups, nothing could be further from the truth. The sponsors of civil-rights legislation have one idea and one purpose in mind, and that is the blocking of economic progress in the South, creation of a constant, never-ending state of racial strife and turmoil, and a reduction of every Southern State to both economic bondage and a position of servitude to an all-powerful Federal Government.

This goal of those who would destroy us, if accomplished, can have but one end and one result, and that is the destruction of individual liberties and the enslavement of all Americans wherever those Americans live.

Constitutional safeguards of all the people become meaningless when Congress undertakes to enact laws giving such rights to minorities. When individual rights are transferred to groups or classes, then we are treading on dangerous ground.

Every American citizen, whatever his color, race, or creed has his rights threatened by this bill.

This bill, if enacted, will change private action to Government action. It will deny individuals the right to face and cross-examine their accusers, and it will deny them the right of indictment. If enacted, this bill will have the effect of changing our form of Government from one under which rights are inalienable with the individual to one under which the Attorney General of the United States may arbitrarily determine such rights.

If this bill is enacted, it will not confer upon a single American citizen a single additional right. The Attorney General will be the only person to whom any new rights are conferred. He will be given arbitrary and unrestricted power to use the Federal judiciary to satisfy his political desires. The Attorney General will be made a czar of the civil rights of all individuals.

I cannot conceive, Mr. Speaker, that Congress can improve on the Bill of Rights of the Constitution of the United States. I submit to you that every citizen is protected by that Constitution, and he is entitled to immediate remedies in the event those rights are violated in any degree.

It is my view, Mr. Speaker, that the protection of civil rights is adequately made by our Constitution and Bill of Rights.

Mr. Speaker, I for one do not desire to be a party to enacting into the law another reconstruction period and a period of hate, which would destroy the unity which exists between our citizens.

Mr. HEMPHILL. Mr. Speaker, today the Nation is threatened with the passage of what is known as a "compromise" civil rights bill, which totally supersedes the civil rights bill considered by the United States House of Representatives for 5 months, and casts aside the considered amendments of the United States Senate. You will recall that the debate in the Senate was one of the greatest debates ever held in that body—the men and women of America came to realize that while this legislation was conceived in political chicanery, and born of a mad desire to obtain the Negro vote at whatever cost to freedom, that certain safeguards such as a jury trial, must and should be preserved.

Now a majority of the members of the Committee on Rules of the House of Representatives seeks to trample into the dust the jury trial amendment, voted by the Senate, and substitute therefor—discretion of the judge—the possibility of triple jeopardy—the avenue of persecution—a vehicle of potential tyranny. When the Senate bill came back to the House, section 152 beginning on page 14, provided for jury trial as follows:

> 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.

In lieu thereof this compromise substitutes a provision allowing the judge to set or consider the sentence first and then have the persecuted determine whether he wants a jury trial or not, dependent upon the length of the sentence or the magnitude of the fine. The guilt or innocence becomes of secondary importance under the terms of this compromise. I say, unequivocably, that this factor alone is indicative of the reckless, or malicious, treatment of this matter.

Discretion is left in the hands of the Federal judge. Federal judges have enormous powers already, far greater than State judges ordinarily have. The powers of Federal judges need no enlargement at this time. Freedom demands that limitation on the power of the judiciary at all times, and especially in time of social crisis, such as this.

The Supreme Court of the United States has recently exhibited a tyranny, by decision, hitherto unknown to that department of our Government, or to the American way of life; contrary to expressed intent legislation, desires of the Congress, and the expressed consideration of the House and the Senate decrees have been handed down, without precedent, without justification, legal, social, economic, or patriotic. Congress has been submerged, and its stature in our setup decimated by decree.

Now the people are being betrayed for it is they who are represented by the jurors. The people trust the jurors. It is in the judge's discretion to grant jury trial or not. The octopus of tyranny by means of the Federal judiciary or Federal decree must now be extended down the line to the Federal district court.

The House considered the legislation for months, the Senate for weeks. Now a majority of the members of the small Committee on Rules rewrites the legislation. This was never intended as constitutional, nor contemplated as right. Such abuse is characteristic of this legislation. Since its inception, it has been a vehicle designed for abuse of American freedom.

There are many who think this is aimed at the South. I believe now that it is aimed at the South only as a part of the Nation. This legislation is aimed at the core of our freedom and the rule to be debated today only emphasizes that fact. This legislation will not help race relations. It will destroy the progress of the last 20 years.

There are those who may have claimed some skepticism as to the fairness of trial by jury in civil-rights cases, but to them I cite the jury verdict in the Clinton, Tenn., case. That case erased, emphatically, any doubt as to the fairness of a jury, even in the South, in cases of this kind.

A dangerous and evil precedent is being set today. When future historians write of the great disasters to, and the great mistakes of, our form of democracy, they will list at the top the civil-rights bill of 1957. There may be some here who think they will be made heroes, but heroes generally have courage of their conviction. They may expect eulogies, but they do not deserve praise. They may have ambitions of fame, but history will judge them as political demagogs, tools of despots, and statesmen of no stature.

The President wants to claim that he did so much for the Negro race and if he wants to sacrifice his place in history for temporary popularity, then this is so. I tell you you are creating a hatred which will exist for decades. These are not hatreds which have existed in the Southland, but which have been engineered by subservient and greedy organizations. These are hatreds which exist North and East and in the Midwest from whence have come the recent race riots. Hatreds and smoldering malices will result in many difficulties in time to come. I tell you now that the South will live better under this legislation than the North. I tell you also that we southerners have

fought this legislation because we know what it will do to our country and our way of life. We are sincere.

We knew, and we know now, that this legislation was never designed to give anybody freedom, but designed to suppress and impress. We know that this legislation was not motivated by any sincere humanitarian desires, but inspired by cheap, shallow, and un-American political motives.

The Negro will not long be fooled, he is becoming educated, and year by year he is gaining status as an American citizen, and in only a few years he will recognize the sham so prevalent here today. He will not be fooled, but he will hate those who tried to fool him by this sort of token offering for his vote.

I accuse the administration of an utter lack of sincere desire to help any race, black or white, by this legislaiton.

This compromise does not contemplate the fact that in many areas of our country the courthouses are not equipped for both men and women. In many areas the hotels are not equipped, nor willing, to serve both races at the same table and both races realize the realities of this situation. In many areas of our country women have never served on juries. These facts are ignored by this compromise.

If this compromise is the proposal of the Attorney General and the President it is typical of their lack of understanding of American principles of freedom. I intend to vote against this legislation and to do all in my power to impede its passage.

The power play of the Supreme Court, in flexing its muscles as it does, spotlights the lack of administrative leadership on the part of the Executive. A strong Executive would never permit a bill such as this. The Attorney General should know its weaknesses, its horrors, its unconstitutionalities. As the Court construes this monstrosity in future years, its dominance over other branches of the Government will remain. The Congress is asking for it, the Executive neither understands, nor cares.

This is a Judiciary Committee bill. Where is the traditional committee leadership? Does this precedent mean that in the future the work of the committees may be undone by a single hour of debate?

What is the true intent? Is it to control future elections by coercion? Shall we continue to govern this country by consent of the electorate, or shall we coerce them into electing who a few power drunk politicians, in high places, may care to select?

We once experienced a great conflict as a result of sectional legislation, sectional differences. The scars of that tragedy are still in existence, despite the efforts of this generation to heal the wounds. Originally designed by some as sectional legislation, this now bears the thumbprint of planned tyranny over all the Nation. Surely we have learned the lesson of the past.

The world waits for us to struggle again. The Reds are happy in this bill, delight in the fires that it will kindle. The South is sad today, but the Nation, tomorrow, will mourn this ill-advised political legislation.

I hope the Senate will debate this bill at length. I hope it will filibuster till Christmas, if necessary. Would that the rules of the House of Representatives permitted us to explore and expose this demon.

Every vote against this rule, this bill, is a vote for freedom for America. I cast my vote for freedom.

Mrs. BLITCH. Mr. Speaker, in the 170 years that this Nation has been a republic, no action taken by the Congress of the United States, has sounded the death knell of the Constitution by which we are governed, than that which is being taken by the House and the Senate this week.

The week of August 26, 1957, will be observed by free men and women throughout this Nation, as a week of mourning, until the time comes again, when the people will have the courage, the fortitude, the daring to rise in revolution against the serfdom that will eventually bind them by laws that will inevitably follow the iniquitous legislation now under consideration.

One hour of debate! One hour of debate! Upon an issue that affects the life of every individual citizen in this country. Upon an issue that, when adopted, will break, perhaps irretrievably, the solid foundation of the States and the local governments within them.

Shame upon this Congress. Shame upon the press of this country. Shame upon every social institution in this country for not informing the people, for failing to arouse them to the danger that confronts them.

Shame upon the Supreme Court. Shame upon the executive department. In an age when millions have died to preserve freedom, the executive, the judiciary, the legislative branches of the United States are destroying it.

Those of you who bleed for Hungary's freedom fighters, and Poland's, and for those who are dying for freedom all over the world, and yet support this bill, I ask you, what can you say to those people, now that you are doing everything within your power to destroy freedom in the United States of America—the country to which all slave people have looked for inspiration. When freedom dies here, as it gradually will, once this bill has passed, hope will die in the hearts of millions. Russia will have gained her greatest victory in her battle to enslave the world.

Let me pause to pay tribute to those few individuals on the Judiciary Committee of the House who, without help by the agencies of public information in this country, did a magnificent holding job on this infamous legislation against a majority of that committee, who could only listen to the cries of the organized leftwing minority groups of this Nation—groups, who either have no conception of the principles of the Constitution, or are deliberately dedicated to its destruction. For months, they held this legislation in committee. God, Himself, only knows the price they paid in physical, mental, and spiritual exhaustion of their task.

And let me pay my earnest, heartfelt tribute to those two members of the Rules Committee, who have faced ridicule by the press, disrespect of many segments of our society, to fight to the last parallel the acceptance of this bitter cup.

And to those Members who are not on either of those committees, who have done all within their power to sustain them, the cause of freedom will be forever indebted. The names of all these valiant Members will be enshrined forever within the hearts of the generations yet to be born.

Mr. Speaker, I am opposed to this bill in every form we have had to consider it. Mr. Speaker, today, my heart is heavy, my soul is sick. I pray God that the people of this country will soon, oh, soon, be awakened to what has happened to them in this the 85th Congress, and that they will soon, oh, very soon, send a Congress back here dedicated to the preservation of our beloved country.

Mr. SELDEN. Mr. Speaker, while I expressed my opposition to the so-called civil-rights bill when it was considered by the House of Representatives earlier in the session. I cannot forgo this opportunity to again raise my voice in opposition to this dangerous and unnecessary force legislation.

Every possible effort has been made by the southern Members of both the House and the Senate to focus national attention on the dangers of this legislation. As a result, a number of constructive changes have been effected. The most important, perhaps, was the deletion in the Senate of part III of the original bill.

But despite these constructive changes the bill in its present form is still fraught with hazardous provisions. Part I still creates a Civil Rights Commission consisting of six appointive members. Not only will the Commission investigate alleged deprivations of voting rights but it will also "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution." This is indeed a broad field, for it covers the same area for "study" that part III would have covered for injunctive relief.

The power of subpena, given to the proposed Commission, is one that should be jealously guarded. Yet, under the terms of this legislation, the only required qualification for membership on the Commission is political. The phrase "equal protection of the laws" is so broad that it would cover every economic, political, and other activity carried on under State statutes and municipal ordinances which might result in denial of equal protection of the laws. The Commission need neither charge nor prove that an offense has been committed, since it would merely be studying the situation.

There still remains in the bill the penalty to be imposed for release or use in public, without the consent of the Commission, of testimony taken in executive session. As a result, the public may be fed only the information the Commission desires it to have.

No limitation has yet been placed upon the number of attorneys and other personnel who can be hired under part II of H. R. 6127 at an indeterminate expense to the taxpayers.

Part IV of the bill still allows the Attorney General of the United States to institute an action at public expense to prevent an anticipated injury to an individual. The anticipated injury may never occur nor is it even necessary for the individual to complain.

While the bill in its present form contains a jury trial provision, it is so worded that trial by jury will be granted only on rare occasions. At the same time, another amendment added by the Senate bars the States from specifying the qualifications for Federal jurors.

Under the terms of this measure, Mr. Speaker, it is quite obvious that the Federal Government is given the power to supervise the States in matters traditionally within the field of State authority. Yet, history teaches us that individual rights are protected by denying powers to government, not by increasing them.

Unfortunately for those of us who will be primarily affected by it, this measure has become a political issue and will be considered today on that basis rather than on its merits. Should either national party reap the political advantages it anticipates from the passage of this measure, it alone will gain. The American people cannot benefit from any legislation that may be used to harass, intimidate, and victimize them. Nor will the southern Negro benefit as the proponents of H. R. 6127 insist. Those of us who live in the South know that tremendous progress has been made by the Negro race throughout our section of this great Nation. We also know that this progress has been made with the help, cooperation, and good will of southern white people. To impair that good will by the passage of force legislation such as the measure before us today will be a disservice to the southern Negro.

I am opposed to this legislation in any form and trust that it will not be enacted into law.

Mr. MATTHEWS. Mr. Speaker, I believe that today we are facing Armageddon. If we pass this so-called civil rights bill we are at the point of no return. We are relinquishing the last vestige of States rights and are saying to the mythical Great White Father in Washington, "We expect you now to solve all of our problems including local law enforcement." That is the issue, Mr. Speaker. It is whether or not we are going to abdicate the last vestige of our local governments in favor of an overpowering central government far removed from our firesides and from the will of the people that we represent.

I have been very mortified to read in the newspapers during the discussion on the so-called civil rights bill in the other body the sentiment that many new dangers of the bill were presented by the other body for the first time. The implication was that here in the House we were asleep at the switch and did not point out to the American people all of the dangers of their constitutional rights in this iniquitous bill. I deny this implication. For weeks we in the House—before the Committee on Judiciary, before the Rules Committee and here on the floor of the House in debate—pointed out all of the evils in this legislation to the American people. Yet despite our logical pleas, we knew at the beginning we were defeated because certain elements in both of our great political parties had determined that this year it was necessary to pass some kind of legislation such as we are considering today in order to get a few hundred thousand minority votes in certain of our great city areas. I have had old wounds reopened the past few days as I have witnessed the spectacle of representatives of both our parties flitting in and out claiming credit for this proposed legislation and striving above everything else to get those votes which they think will turn the election next year for their particular party. I should like to make this prediction: There will be no political gain from this legislation—new wounds will be opened, new problems will be presented and in the final analysis both parties and America will lose.

Why am I opposed to this legislation? Even with the "bargain basement" jury-trial amendment, the legislation contains all of the evils that I have pointed out before in the debate on this measure.

This bill, if it were passed—and I have no doubts that it will pass—will take away from our local courts and juries the adjudication of certain laws that they have been administering for decades. This measure says to the people of Florida, the great State that I represent, "We have no confidence in your courts. We have no confidence in your juries." It not only makes this statement to the people of Florida, it makes the same statement to the citizens of every one of the sovereign States. This measure, if passed, will enable an aggrieved person who feels that his voting rights have been denied to bypass the particular State in which the supposed violation takes place and go to the Attorney General of the United States for relief. The Attorney General will be able to proceed and a Federal judge can, if in his opinion voting rights are denied, grant an injunction. This injunction can be enforced by jail sentence and by fine if the so-called violation is in either civil or criminal contempt. I have been somewhat amazed at the fine distinctions that legal minds have drawn between these two procedures. In either procedure, Mr. Speaker, a Federal judge can put a citizen of Florida in jail and I do not imagine if that citizen finds himself in jail he is particularly concerned about the fine points of distinction between civil and criminal contempt and he is not too concerned about the "bargain basement" jury-trial opportunity that this legislation provides.

In my State of Florida, if a citizen is denied his voting rights, it is my earnest and sincere belief that he has adequate local administrative remedies to grant him these constitutional rights. I challenge anyone to indicate an instance in Florida where these violations of rights have been appealed to our State administrative authorities and a hearing has been denied. Just recently in Hamilton County which is in my district, the press carried distorted facts about the persecution of one of our Negro citizens. The Governor of the State immediately asked for an investigation and that investigation was forthcoming. In just a matter of hours it was pointed out that no such persecution existed, that there was no cause absolutely for the distorted press reports. This incident confirmed my opinion, that in my own State we have adequate State administrative remedies to take care of any violation of voting rights and other civil rights.

This bill, if passed, will make of the Attorney General of the United States a veritable gestapo agent and I can predict that at least once every 4 years there will be a great amount of activity on the part of the Attorney General and the special division in the Attorney General's office which will be assigned to prosecute cases under the terms of this bill.

Under the terms of this measure the so-called commission to explore this field of civil rights can still make a citizen, who has been charged with violating civil rights, go at his own expense at considerable distance to shadow-box with the prosecution.

I will not go more into detail about this so-called civil-rights legislation because, as I have indicated before, nothing that can be said will change the vote. Both political parties have agreed that something just must be done in order to get those precious votes. What a price to pay for a shallow victory. I will vote against this measure and I would vote against it if my voice were the only one raised in protest. My opposition to it has been based on the Jeffersonian theory of States rights, based on the 10th amendment, a theory of constitutional government that I hold as sacred as any other part of the Constitution. I trust that all of my colleagues who have similar convictions will hold steadfast to these convictions even though we go down to defeat. I have no ambition as a Member of Congress but to do that which I think is right. I will not compromise on this legislation which, in my opinion, is evil in intent and is aimed primarily at the great section of the country that I represent. In conclusion, I would like to present an editorial by the eminent columnist David Lawrence, which appeared in the August 26, 1957, issue of the Washington Evening Star:

AMERICA'S "WEEK OF INFAMY"—LABEL APPLIED AS CONGRESS IS SEEN APPROACHING CIVIL-RIGHTS PASSAGE

(By David Lawrence)

This may turn out to be the week that future historians will call "The Week of Infamy" in American history. For this is the week in which an intolerant majority in Congress is to take away one of the most important rights given to the States by the Constitution.

In fact, the Federal Government now is to become the policeman authorized by a law—in disregard of the Constitution—to arrest and put in jail not only those local officials of the States who seek to obey the voting procedures as set forth in their State laws but those individuals who allegedly influence improperly the votes of other persons.

Nearly 20 years ago the late William E. Borah, of Idaho, a great progressive and

perhaps the greatest of the liberals of this century—a man who first achieved fame as a lawyer for organized labor and who recently was named as one of the 15 deserving honorable mention for the Hall of Fame of the United States Senate—made a historic speech when the same basic principle now at stake in civil rights legislation was up for debate in connection with an antilynching bill. He said to the Senate:

"I make no contention but that the 14th amendment has forever placed it beyond the power of any State to deny any person the equal protection of the laws, or to deprive any person of life, liberty, or property without due process. I recognize also that the State acts and speaks through its officers, legislative, judicial, and executive. I am not going to take refuge in technicalities, but I contend for what I believe to be a fundamental principle, and that is that while you may call a State thus acting and thus speaking to account, you cannot take jurisdiction over or deal with acts and deeds not done by the authority and by the direction of the State. It must at all times be State action.

"You cannot deal with acts under the 14th amendment not done by and under the direction of the State. The dereliction of an officer in violation of the laws of the State in disregard of the sworn duty exacted of him by the State, and subject to punishment by the laws of the State, cannot by any possible construction, either in law or in conscience, be the act of the State.

"To establish any such principle would be to undermine and break down the integrity of every State in the Union. If a State may not be entrusted exclusively with the authority and relied upon to exercise the authority to punish those who violate its own laws, public or private persons, then there is no such thing as local government, because the State is deprived of the very instrumentality by which it maintains State integrity."

The new civil-rights legislation is aimed at local officials who in spite of State laws which say to them that they must not discriminate nevertheless are alleged to be denying Negroes the vote. It is aimed also at any individual who exercises any influence that can be described by the words "intimidate, threaten, coerce," or "attempts to coerce," in voting.

But who is to say that in the many heated discussions between individuals during modern campaigns, the influence actively exerted by precinct workers for labor unions or by employers or by committees formed by other groups, including church organizations, is not an attempt sometimes to coerce by causing a person to vote for one candidate as against another?

For now the Federal Government through a special division in the Department of Justice, created by the proposed law, can move in and investigate the political organizations in New York, the acts of its workers on election day, or the activities—prior to as well as after an election—carried on by any political bosses or organizations in Chicago or Detroit or any of the other big cities throughout the country. These have always been obligations of State law enforcement.

What the new civil rights bill amounts to is a Federal license to penetrate any local political organizations to determine whether or not it is keeping within the bounds set by the party in power in Washington or by the Federal judges who, without a jury trial, can inflict a 45-day jail penalty for coercion. There is to be no assurance either, of a jury trial. Only if the penalty given at the trial by the judge is beyond 45 days imprisonment or the fine greater than $300 is a jury trial to be required when a defendant requests it. No citizen will want the stigma of a conviction—with even a 1-day penalty—to be put on his record as a citizen. So the threat to punish unless the Federal policeman is obeyed will probably be effective.

Thus are rights of the States taken away under color of law which really means under the totalitarian doctrine that "the end justifies the means." It's a sad chapter in American history—a turn back to the tragic years of the reconstruction era and to the reactionary concept that an intolerant majority can at any time ignore the constitutional rights of the States.

Mr. POFF. Mr. Speaker, for proper deliberation on the rule under debate, it is important to have in mind the amendments to the House-passed bill adopted in the other body. While those amendments as numbered in the bill before us total 16, they actually constitute only 8 substantive changes. Those eight changes:

First. Allowed the $12 per diem subsistence in lieu of actual expenses only when members of the Commission are away from their usual place of residence;

Second. Required interim and final reports of the Commission to be submitted to Congress as well as to the President;

Third. Provided that the staff director for the Commission would be appointed by the President subject to Senate confirmation and set his maximum salary at $22,500;

Fourth. Commanded the Commission not to use the services of voluntary or uncompensated personnel;

Fifth. Authorized the Commission to constitute advisory committees within States composed of citizens of that State;

Sixth. Struck out part III which authorized the Attorney General, in the name of the United States, to obtain injunctions to prevent the violation of all civil rights embraced in section 1980 of the Revised Statutes (42 U. S. C. 1985) and under which a jury trial in criminal contempt proceedings was denied;

Seventh. Repealed section 1989 of the Revised Statutes (42 U. S. C. 1993) which authorized the President to employ the land and naval forces of the United States to enforce judicial decrees in civil-rights cases; and

Eighth. Added a new section, part V, which (A) amends title 18, United States Code, section 402, and provides, First, that willful disobedience or obstruction of a judicial decree shall be punished as a criminal contempt; Second, that the penalty for criminal contempt shall, in the case of a natural person, be limited to a $1,000 fine and a 6-months jail sentence; and Third, that this section shall not apply (a) to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, (b) to contempts committed by officers of the court, or (c) to civil contempt proceedings to secure compliance with or to prevent obstruction of judicial decrees; (B) amends title 18, United States Code, section 3691, and provides a jury trial in all criminal contempt proceedings, with the same exceptions noted above; and (C) amends title 28, United States Code, section 1861, concerning qualification of Federal jurors by repealing the subparagraph that requires a juror to be qualified under State law.

With certain minor exceptions, these amendments were entirely salutary and represent a distinct improvement in the bill that passed the House. However, the bill as amended still is unacceptable. It is unacceptable to those who are jealous of the prerogatives of Congress and those who oppose the delegation of constitutional authority and responsibility to an appointed commission; if civil-rights are in fact being deprived, and if this deprivation justifies investigation for purposes of new legislation, then the legislative committees of the Congress, which are constituted by the elected representatives of the people and are fully staffed and equipped, should conduct that investigation under constitutional processes. The bill is unacceptable to those who favor the current rule of law that an aggrieved party has no standing in the Federal courts until he has first exhausted his remedies in the State courts; the amendment to guarantee the continuance of that rule was defeated, both in the House and in the other body. The bill is also unacceptable to those who are truly interested in economy; throughout several weeks' debate in both Houses of Congress, no one yet has attempted to estimate with any degree of accuracy or finality the cost of financing the work of this 2-year commission or the cost of the new Civil Rights Branch in the Department of Justice, headed by a new Assistant Attorney General with an indeterminate number of legal assistants, secretaries, and technical staff. And finally it is unacceptable to all of us who earnestly and conscientiously feel that any effort on the part of the Federal Government to project its unwelcome nose further into the field of race relations can only inflame the passions and incite the ill will of the people of both races and thereby retard the peaceful, evolutionary, and voluntary solution of this vexing problem.

The two major improvements adopted in the other body were the removal of part III, which extended the extraordinary injunction and contempt process to the entire civil-rights conspiracy statute—title 42, United States Code, section 1985—and the addition of part V which itself makes two significant changes in existing law. First, it defines and clarifies the distinction between criminal contempt and civil contempt. Second, it repeals the proviso in the criminal-contempt statute which denies jury trials when the United States is a party to the proceedings and guarantees jury trials in all criminal-contempt proceedings.

Admittedly, this jury-trial amendment is broader than the one offered in the House on the motion to recommit. The House amendment, which was limited to criminal contempt, applied only to civil-rights injunctions authorized in part III and part IV. As I said, the other body struck out the new civil-rights injunction authority in part III, but in part V applied the jury-trial guaranty not only to criminal contempts under part IV but to criminal contempts in every Federal injunction proceeding, including those in labor litigation.

For my part, I accept the broader amendment, even though it is defective in some particulars, as a reaffirmation

of congressional faith in the jury-trial principle in criminal proceedings. There have been, from otherwise responsible sources, some rather irresponsible charges that the broader amendment would wreck the Federal judicial system. How irresponsible that statement is becomes apparent when you realize that in fiscal year 1957, all of the 243 Federal judges sitting in the 87 district courts tried only 69 criminal contempt cases. Of this number, 26 involved contempt of Congress and were tried by a jury. Only 43 were tried by the judge without a jury. It is sheer nonsense to say that the entire judicial system would have been wrecked if the defendants in those 43 cases had been accorded the right of a jury trial, especially when the judicial system customarily tries over 25,000 other criminal cases a year by a jury.

Those who oppose the broader jury-trial amendment also argue that it will weaken the Government's hand in prosecuting contempts of antitrust injunctions, in which corporations rather than individuals usually are the defendants. The answer to that argument is threefold. First, the amendment carefully preserves the power of the judge to enforce his order by civil contempt proceedings without a jury. Second, the $1,000 fine limit for criminal contempt applies only to natural persons and not to corporations. Third, since 1953 there have been only 9 contempt proceedings in antitrust cases; only 6 of these involved criminal contempt, and 7 of the 9 were disposed of by consent decrees.

Mr. Speaker, after the other body had passed the bill, the gentleman from New York [Mr. CELLER] offered a substitute for part V, restricting its application to jury trials in criminal contempt proceedings arising out of voting cases. The Celler jury-trial amendment was substantially the same as the jury-trial amendment rejected in the House. I cannot help but be gratified by the wondrous transformation that took place in the distinguished gentleman from New York [Mr. CELLER]. During the 2 weeks the House debated this bill, he stoutly maintained that the jury-trial amendment would emasculate the bill, and any argument to the contrary fell on polite but deaf ears. Not even a compromise limiting the amendment to criminal contempt moved him to an armistice. But what he then condemned with such consummate skill he later embraced with a feverish fervor. I am not prepared to believe that his transformation was fashioned by base legislative expediency, much less by pragmatic politics. Rather, I am persuaded to believe that his change of mind was also a change of heart and that he has finally decided that the American people, including southerners, can after all be trusted faithfully to honor their oaths and discharge their duties as jurors. So let there be no carping criticism of inconsistency. Instead, let there be pure praise for the fearless flexibility and the intellectual integrity of the mind that can change itself.

When it became apparent that the Celler substitute was unacceptable to the no-jury trial advocates, the gentleman from Massachusetts [Mr. MARTIN] suggested what the press described as an offer of compromise. The Martin amendment was not an offer of compromise but a demand for unconditional surrender. Instead of guaranteeing a jury trial it would have guaranteed that there would be no jury trial in most contempt cases. It would have required the court to prejudge the gravity of the offense. The defendant would have been entitled to a jury trial only if the judge decided, prior to trial, that the gravity of the offense was sufficient to invoke a penalty in excess of a $300 fine and a 90-day jail sentence. Thus, the judge's order for a jury trial would have been tantamount to a judicial instruction to the jury to find the defendant guilty and to impose a greater penalty than the judge himself was authorized to impose. Under such a statute, a defendant would be foolish ever to apply for a jury trial.

Then came the compromise advanced by the same people who were given substantial credit for enactment of the jury-trial amendment in the other body. I suppose they will also be accorded credit for the compromise now before us. If credit is due, they are welcome to it, because any credit forthcoming will come from the no-jury-trial advocates to whom the compromisers have capitulated. The compromise empowers the judge alone to try every contempt in voting injunction proceedings, both civil and criminal. Only after the judge has cited a man for contempt, tried him without a jury, found him guilty, and sentenced him to a penalty in excess of a $300 fine or 45 days in jail will that man have the right to demand a jury. What kind of right is that? What chance would he have for acquittal before a jury after the judge had already convicted and sentenced him? With the shadow of the conviction at his back would he dare risk another trial in which the penalty might be increased to a $1,000 fine or a 6-month jail term? Insofar as appears in the bill, the same judge who had convicted him would be sitting on the bench during the jury trial. Accordingly, the only right this compromise affords the defendant is the right to petition for voluntary exposure to double jeopardy.

I, for one, will have no part in such a compromise. I will not be a party to a conspiracy to fool the people. I will not participate in the perpetration of this hoax. When we talk about jail terms we are talking about personal liberty. If, as I believe, the jury trial is an indispensible safeguard to personal liberty, then it is so without regard to the length of the jail sentence. Liberty is no less precious when measured by a 45-day yardstick than when measured by a 6-month yardstick.

Mr. McCARTHY. Mr. Speaker, I favor the adoption of the bill passed yesterday by the Senate, and proposed here in the Celler amendment rather than legislation being presented here today by the House Judiciary Committee. The principal justification for the passage of the Senate bill is, as was stated by Senator O'MAHONEY in the Senate debate, the need to eliminate the confusion evident in lower court interpretations of the Supreme Court decision in the Jencks case.

If the record of the Justice Department were such as to deserve confidence, the more far-reaching provisions of the committee bill might be accepted, on the assumption that the bill would be prudently administered. Unfortunately, the record of that Department is not such as to warrant confidence. There is no good reason for hasty action, in any case. Recent court decisions, in the lower courts, as has been pointed out here today, indicate that the judges in these courts are interpreting the Supreme Court decisions more closely in harmony with what I believe was the intent of the Supreme Court, and certainly more closely in harmony with the interpretation and clarification which the Congress seeks to clarify.

Mr. VORYS. Mr. Speaker, we are all being very quiet as to the real reason the majority in this House who oppose jury trials in civil-rights injunction cases are voting for this unusual compromise resolution from the Rules Committee. The real reason is that we fear another southern filibuster if this bill is sent to conference in the usual way. Earlier this year we approved the unsatisfactory Senate amendments to the Middle East bill for a similar reason—because we feared a filibuster in the other body on a conference report, when speedy action was imperative.

Thus, twice this year the threat involved in unlimited debate elsewhere has inflicted absentee minority rule on the House. Cloture in the other body is a necessity for prompt, efficient work in the House, too. Cloture, the limitation of filibusters, is important unfinished business for Congress.

The compromise offered today is far better than the Senate bill. The jury-trial provision is limited to cases involving voting rights, and limited to serious cases of criminal contempt, involving punishment for past violations of orders. Furthermore, when a jury trial is demanded, the accused runs the risk of a larger fine and longer imprisonment than when tried by the judge alone. The power of the courts to secure compliance with or prevent obstruction of its injunctions without a jury is retained.

The changes in the law preventing racial discrimination in the selection of juries is a step in advance in civil rights.

Throughout the long debate on this legislation the real purpose, to prevent the denial of voting rights guaranteed by the Constitution, has been lost sight of time and again. Instead, much of the debate has sounded as if there were an implied civil right of southerners to defy Federal injunctions. If that is the attitude when this bill becomes law and the courts undertake enforcement of voting rights, we may need additional legislation. I hope, however, that this first civil-rights law in 87 years becomes an historic landmark because our southern friends decide that the Constitution should mean what it says, and that lawful orders of our courts should be obeyed, and not obstructed or violated.

With such hopes, and because this is the most that can be accomplished now, I am voting for this resolution amending the Senate bill.

Mr. ENGLE. Mr. Speaker, we are now in a time of stern testing, when the measure of our adherence to the ideals of human rights and democratic equality will determine our place in an atomic world, a world which will hold together only if men now live up to the best that is in them.

Peoples the world over are looking to our country, watching us as we struggle to live up to the proposition on which our Nation is founded: that all men are created equal—equal before the law, enjoying the same political rights, and deserving of equal opportunities for education, for economic advancement, and for decent living conditions.

In this critical time, no smokescreen of political oratory should be allowed to obscure the historic progress that will be made in this session of Congress—the passage of the first major civil-rights legislation since Reconstruction days.

In passing this year's civil-rights bill, the Congress will assert that it is now the national policy of the United States that the Federal Government must take the initiative in securing and protecting the Negro's constitutional right to vote.

This is indeed a major step forward, and one that was achieved despite—rather than because of—the desperate efforts of the Republican Party to make the legitimate demands of our Negro citizens into a political football for the 1958 and 1960 campaigns.

After the Senate passed its civil-rights bill, guaranteeing this right to vote, Republican Congressional captains delayed passage of civil-rights legislation for weeks while they tried to sell the American people on an all-or-nothing knockdown drag-out struggle for a stronger civil-rights bill than the Senate had passed.

Republicans in the House said no bill would be preferable to the Senate bill. Dwight Eisenhower threatened to veto civil-rights legislation unless the Senate bill was modified. Statement followed statement, all aimed to the grandstand, none directed toward the real goal of guaranteeing the Negro citizen his fundamental constitutional rights. By preventing passage of any civil-rights bill at all, Republicans hoped they would be able to get the most mileage possible out of the civil rights as an issue.

Only the outraged protests of sincere fighters for the rights of the Negro foiled this strategy. The present civil-rights bill is far weaker than I would have liked. But despite what Republican leaders have been trying to sell to the American people, it is certainly far better than no civil-rights bill at all.

In threatening to block passage of any civil-rights bill at all, until they got the exact bill they wanted, the Republicans reminded one of my Congressional colleagues—Congressman FRANK THOMPSON, of New Jersey—of A. A. Milne's famous story about Winnie-the-Pooh and Tigger.

It seems that the middle of one night, Winnie-the-Pooh was awakened by a brandnew arrival to the forest—Tigger. When breakfast time came, Pooh, hospitable, asked Tigger what he would like for breakfast. Tigger assured Pooh that Tiggers love to eat anything. Pooh gave Tigger a taste of honey and Tigger explained that Tiggers love everything but honey. Piglet tried to feed Tigger haycorns; and Eeyore tried to feed him thistles. Every time Tigger protested, "Tiggers love everything but honey or haycorns or thistles." This prompted Pooh to compose a lovely little poem:

What shall we do about poor little Tigger?
If he never eats nothing he'll never get bigger.
He doesn't like honey and haycorns and thistles
Because of the taste and because of the bristles.
And all of the good things which an animal likes
Have the wrong sort of swallow or too many spikes.

The Republicans are crying long and loud to the grandstand about the so-called democratic weakening of civil-rights legislation. I wonder, though, whether the Republicans are not just using "tigger-trouble" to try to hide from the American people the real reasons why this year's civil-rights bill fails to guarantee to the Negroes certain fundamental protections which I—and most other Democrats—fought to have included in the bill.

I wonder what kind of bill could have met Dwight Eisenhower's liking. And I wonder how Dwight Eisenhower could have had the nerve to threaten to veto our final civil-rights bill because it does not meet his specifications—when all year long no one has been able to figure out what his specifications are.

Let us look at the record on civil rights since January 1957. We could look back before 1957, to when the Republicans and Eisenhower failed to support the Democratic efforts for anti-lynch legislation, anti-poll-tax legislation, and Federal employment practices legislation during the years 1953 to 1956. We could look at how the majority of Congressional Republicans, in civil-rights votes in recent years, have opposed civil-rights legislation. But let us just look back as far as 1957.

A key section of the civil rights legislation which the House of Representatives passed in June of this year provided that the Federal Government could secure civil injunctions to prevent anyone from interfering with any of the civil rights guaranteed by law to the Negro people.

Section III—as this provision was known—guaranteed to the Negro people their fundamental right to equal protection of all our laws. Not just the right to vote, but the right to equal education, to equal transportation, to equal opportunities for employment and decent living conditions.

Liberals in the House believed strongly then, as we do now, that section III was an essential part of a good civil-rights bill. That it is not enough merely to guarantee the Negro's right to vote. That Negroes deserve the right to equal protection of all the laws of our country. We fought to keep section III in the civil-rights bill, and we were successful in that fight.

In July the Senate began debate on our civil-rights bill. As was expected, southern Senators took the floor to denounce our bill—and especially section III—as a return to Reconstruction days. They painted gory pictures of the enforced intermingling of little children at the point of Federal bayonets. Do you want to send Federal troops into the South to enforce school integration, they asked?

Southern opposition to our civil-rights bill was expected. What was not expected was that the southerners would be supported by Dwight Eisenhower.

On July 4 of this year—less than 6 months after he had originally offered a civil-rights program including section III to the Congress—Eisenhower admitted that he had not read his bill. Furthermore, he told a press conference, he was not sure what provisions it included, and he certainly was opposed to the horrible things the southerners said were in it. He refused to give a specific endorsement of section III because, and I am quoting directly from the transcript of his press conference, because, "Well, I would not want to answer this in detail, because I was reading part of the bill this morning and I—there were certain phrases I didn't completely understand. So before I make any more remarks on that I would want to talk to the Attorney General and see exactly what they do mean."

No one knows just what the Attorney General told the President. The Attorney General himself has been conspicuous during the civil-rights fight mostly by his silence—and by his absence from the country during the crucial weeks in July and August when the Senate was voting on the key section III and jury-trial provisions.

All during July civil-rights advocates fought—vainly—to get the President to support his own civil-rights program. On the night before the Senate began voting on the bill, White House mimeograph machines finally cranked out a strong statement in support of the whole bill—including section III. Ike's name was signed to this statement.

But the next morning at his press conference, Ike sidestepped a question on whether he would back section III. When he was asked whether he was in favor of permitting the Attorney General to bring court actions to enforce school integration in the South, Ike answered, "Well, no."

"Well, no" sounded like the Eisenhower who in 1956 said he did not think it made any difference whether or not he issued a statement favoring school integration. "Well, no" sounded like the Eisenhower who in February of this year refused to go into the South to speak about desegregation because he was "too busy," but one day later climbed onto an airplane and flew to Georgia for a 10-day hunting trip. "Well, no" sounded like the Eisenhower who waited for 3½ years in the White House before presenting any civil-rights program at all to the Congress.

"Well, no" sounded like all the Eisenhowers we know so well. But it did not sound like the stanch champion of civil rights that Ike's mimeograph machines and high-paid press agents are trying to paint in the public eye.

Who sold out the Negroes on enforcement of school integration? The Republicans can say all they like, but I think the record is clear. Dwight Eisenhower himself was almost solely responsible for the defeat of section III, when the Senate voted on the civil-rights bill.

I say also that Dwight Eisenhower is responsible for the inclusion of the jury-trial amendment in this year's civil rights bill.

Let us look at what he has had to say over the past months on the subject of whether the civil rights should include a provision allowing violators of civil rights injunctions to be tried by a jury.

On March 7, 1957, Ike said he did not—and I quote—"really know enough about it to discuss it well." Two weeks later he was saying, "I haven't discussed it with the Attorney General. He hasn't told me yet whether that would be a crippling or disabling amendment." Three months later, in July, Ike still had not even read the bill.

Not until July 31—almost 2 weeks after the Senate had started debating the civil rights program—did Eisenhower finally come out strong against jury trials for violators of civil rights injunctions.

And then 3 days later, on August 2, he had the colossal nerve to indicate to the newspapers that he would rather have no civil rights bill at all than accept one which provided jury trials in cases of criminal contempt of court.

That is the kind of leadership which advocates of civil rights have been receiving from the White House. And yet the Republicans are trying to make political capital out of the charge that Democrats weakened civil rights legislation.

The real tragedy is that, with all the partisan furor that the Republicans have been arousing over the weakening of the bill, some very real accomplishments are being overlooked. In saying that no bill is better than the present bill, Republicans are denying real steps that have been taken in the struggle to insure Negroes their rights as citizens.

The measure we will pass today provides many things:

A Federal Civil Rights Commission which has subpena powers to investigate racial discrimination and seek remedies for this.

A special Civil Rights Division in the Justice Department to be headed by a special Assistant Attorney General for Civil Rights.

Affirmation of the right of an individual citizen to go to court to get an injunction to protect his voting right.

Authorization of Federal prosecutors to obtain injunctions against interference with voting rights.

Power for Federal judges to punish offenders in voting-right cases for contempt of court.

Guaranty of the privilege of jury trial in all criminal contempt cases where the punishment exceeds $300 fine or 45 days in jail.

As you can see, this bill allows us to make huge steps in the direction we must take. But we all know that through legislation all we can do is provide machinery. We cannot insure that the Eisenhower administration will use this machinery, any more than it has used other machinery already in existence.

Just how well the Commission and the new Assistant Attorney General will contribute to the real advancement of our Negro citizens' rights will depend on the individual that the President appoints to the Commission and to the post of Assistant Attorney General for Civil Rights.

The Commission can make substantial gains if it is made up of persons who accept the basic proposition that all Americans are entitled to equal treatment under the law. The Commission will be worse than useless if the President follows his usual wishy-washy policy of appointing a balanced group—including as many persons opposed to the enforcement of civil rights as are in favor of civil rights—or, and this is atypical, including only objective persons with no strong opinions either way in the field. The Commission will be worse than useless, also, if the Republicans continue to be more interested in political gains than in real protection for the rights of the Negro—if the Commission is stacked with partisan politicians who will make of it a political forum aimed toward providing partisan ammunition for the 1958 and 1960 elections.

The many sincere advocates of civil rights in the Congress and in the country can be cautiously hopeful that in this year, 1957, we have taken a major step forward in our lasting struggle to guarantee that rights afforded to our citizens by our Constitution shall be enforced.

The current legislation may help us to take a small step forward in a long struggle—a struggle that is far from won. I pledge now, however, as I have before, that I will recognize that we have gone only a small way toward our goal—and that I will continue to fight as I always have to eradicate all discrimination based on race, religion, or nationality, wherever it may occur in our country.

Mr. VANIK. Mr. Speaker, like many Members of the House, I take a position of support on this civil rights bill, because it appears to be the only legislative possibility for civil rights legislation in this session of Congress.

It was my feeling that as it originally passed the House, the civil rights bill represented a prefabricated compromise on the issue, falling far short of the need but constituting a realistic approach. This bill reached House consideration only under the pressure of the discharge petition process. It was not strengthened by the amendments which it has suffered along the way.

The amendments forced upon the House today providing that the trial of cases of criminal contempt stemming from the violation of court orders could be tried by a judge with or without a jury in the discretion of the judge is novel. The second amendment providing the accused with a new trial if the judge fined him more than $300 or sentenced him to jail for more than 45 days is indeed an extraordinary admixture of judicial procedures. It is certainly unique in our system of jurisprudence for a defendant to be guaranteed two trials for a wrongdoing, one by a judge and one by a jury.

It is strangely coincidental that the beneficiaries of two trials will be those defendants who have made the more grievous transgression upon the civil rights of others and who thereby receive the higher penalty which affords them the right to two trials. It is a strange direction for American jurisprudence to take, allowing double trials to drastic offenders. The legislation is full of doubts and uncertainties, and it will undoubtedly take new legislation and the accumulation of judicial decisions to rescue this legislation from the judicial wilderness in which it is now placed.

The significant fact is that for the first time in 82 years the Congress of the United States has placed itself on record in support of the civil rights of its citizens. The test of this legislation will not be in the indictments that are returned under it or in the convictions which it may produce. The test will be made in the precincts, the polling places of America, and the communities of our Nation. It is to be hoped that the mandate of this legislation will fix itself clearly in the mind of every citizen to the end that he will not impair or interfere with the voting rights or civil liberties of his fellow man.

If the spirit of this legislation is wholeheartedly accepted by the American people everywhere, no further legislation may be required. Our hope is that true tolerance will become habit and custom throughout the American scene.

Mr. ASHMORE. Mr. Speaker, my remarks on this vital question today must of necessity be brief since very little time is available for discussion. This so-called compromise to the civil rights bill comes before us under most unusual circumstances. It would materially change and alter the provisions of the bill if passed by both House and Senate, yet the amendment that we are now about to act upon has never been studied by the Judiciary Committee of the House nor the Judiciary Committee of the Senate. No hearings have been held on this amendment at any time whatsoever, but the proponents of this legislation are so anxious and determined to have some sort of civil-rights legislation during this session of Congress that they are willing to railroad this bill through Congress and adopt a broad and far-reaching amendment of this type without sending it through the regular course of legislative procedure.

Of course, many of us understand why this bill is a must in the minds of the leadership of both the Democratic and Republican Parties. Its passage is being demanded by both parties simply because each party is bidding for the minority vote in this country. As far as I am concerned the vote of no group, large or small, is worth the price that some people are willing to pay for this civil rights bill. I have no objections to the Negro citizens of this country voting. All qualified electors under the respective laws of their States should be permitted to vote, but that does not mean that I am in favor of the Federal Government taking over the election laws of the various States of this union. If this legislation is

passed the Federal Government will ultimately take complete control of our State election laws and, moreover, Federal authorities will likewise take over the local law-enforcement agencies of our States and local communities. One step naturally follows the other. In other words, this bill is leading this Nation straight down the road of more and stronger centralized Federal Government. I am opposed to any such action because I believe if we do not turn back from the direction whence we are traveling, we will within the lifetime of many men sitting here today have a socialistic form of Government in this land. The only way to maintain and preserve a democracy, and thus prevent socialism or autocracy, is to keep our Government in the hands of the people. We are here and now on the verge of taking from the States, and thus the people, some of their fundamental, basic, and vital constitutional rights and privileges. Because this so-called civil rights bill is a direct attack upon State and local government.

At least one of the speakers who preceded me stated that the passage of this legislation would be a bright new day in America. I disagree with that statement completely. I admit that it will be a new day when this legislation becomes law, but it will not be a day of enlightenment and sunshine—on the contrary it will be a day of fog and darkness. It will not be a day of tolerance and good will, but it will be a day of intolerance and shame. The majority are intolerant today in their efforts and desires to obtain a political advantage, that is, the vote of the minority. The majority are unwise and intolerant in every case where they take from the States and the people any of their constitutional rights. That is what will be done when this bill becomes law.

One of the things that disturbs me most about this legislation is the fact that so many Members are not going to vote according to their conscientious convictions. Several friends of mine in the House have told me on more than one occasion that, "The South is right in this fight and I wish that I could vote with you, but I can't do it because I have such a large minority vote in my district." Some would go further and say, "I hope you win but I am compelled to vote the other way." What a dangerous condition we are in when Members of Congress are afraid to vote their convictions. Of course I am disturbed. Indeed, I fear what the future condition of our Government will be. I only wish that we could vote on this bill by a secret ballot. If we could do so I am positive there would not be 100 votes for passage.

Mr. Speaker, I hope the Members recognize the inherent dangers of legislation based primarily on political expediency. That danger is what I am trying to point out to you now. No law should ever be passed by any legislative body for the purpose of gaining political expediency.

Yes, Mr. Speaker, this is a new day in legislative history because we are about to give life to a new civil-rights law, but again I say it is not a bright day, it is a sad day. To paraphrase David Lawrence in his news column of yesterday, I say it is a "day of infamy." This great and wise American author has been warning the American people, including the Members of this House, against the passage of this type legislation since the first bills were introduced early in 1956. He is not a hotheaded rebel; he is not an ultraconservative; he is not just another southerner who opposes everything liberal and progressive; but on the contrary, he is a stanch defender of President Eisenhower and the Republican Party when he thinks they are right, and likewise he is a defender of the Democratic Party when it is right; but basically he believes in constitutional government, States rights and local self-government. In defending these democratic precepts of government he has found it necessary to attack the principles involved in the so-called new day civil-rights proposals. Yesterday in speaking his fears anew Mr. Lawrence said: "This may turn out to be the week that future historians will call the week of infamy in American history. For this is the week in which an intolerent majority in Congress is to take away one of the most important rights given to the States by the Constitution."

I conclude my remarks with the final sentence of his editorial. "It is a sad chapter in American history—a turnback to the tragic years of the Reconstruction Era and to the reactionary concept that an intolerant majority can at any time ignore the constitutional rights of the States."

Mr. HAYS of Arkansas. Mr. Speaker, in spite of the admirable motivation which has produced this resolution, it does not in my judgment meet the requirements of regional harmony and justice. The bill which was passed by the Senate, while not considered necessary by many of us, who by reason of proximity are familiar with conditions in the South, did guarantee jury trials in cases of criminal contempt and generally presented a program under which the races could cooperate for mutual progress. I expected to vote for this modified proposal provided it were limited to voting rights and distinguished carefully between civil and criminal contempt. My reasons for this are that it would give recognition to the aspirations of the minority group, and, second, would enable the regions of our country to work in harmony and brotherhood toward the common goals of our national community, still preserving local determination but recognizing the need for acceptance of minimum standards of justice.

I am deeply disappointed that the House was not given an opportunity to vote on the Senate proposal, and to some extent I fear this is due to our failure in the South to accept the fact of great national pressure for some action in this field. This position apparently encouraged the extremists at the other end of the spectrum to push for even harsher measures to force the South to capitulate completely to the will of the rest of the country. The stalemate which threatened could only do violence to the constitutional processes of government and respect for the rule of law. Both major political parties were threatened with internal cleavages of such a major sort that the splits might never be healed. The leaders of the House and Senate are, therefore, to be highly commended for their efforts to compose the existing differences and relieve this explosive situation.

I believe, however, that the bill now before us has gone beyond the need for harmony. What was achieved was not a compromise between regions, such as I had striven for with my Arkansas plan since 1949, a compromise reluctantly supported by some of my Congressional colleagues at that time as meeting the two criteria I have outlined, but rather an acceptance of language found suitable to a majority of the members of the Democratic and Republican Parties. Thus the new section has really eliminated trial by jury in criminal contempt cases, merely limiting the punishment a Federal judge can mete out to $300 or 45 days in jail. This provision strikes at the heart of the position maintained by Members from all parts of the country that trial by jury in criminal contempt cases is essential to the preservation of the integrity of our judicial system. I cannot accept this compromise as a reasonable adjustment to minority aspirations or national goals, since it strikes down a vital principle. We cannot undertake to uphold certain constitutional rights in ways that do violence to other constitutional rights, which certainly can be argued to have equal priority, particularly when we have had the Senate provide us with legislative methods of safeguarding all constitutional rights.

Mr. BOLAND. Mr. Speaker, I rise to support this measure. It is a compromise and in many degrees it is less than that which staunch advocates of civil rights desire. But this measure before us represents a long step forward in the fight for civil rights for a particular minority group, the Negroes.

The lengthy committee hearings that have been conducted and the long hours of debate produced clear-cut evidence of the need for this legislation. Testimony adduced at the hearings clearly indicated that the civil rights of Negroes have been frustrated in certain areas. Specifically was this true with respect to the right to vote—a constitutional guaranty of all citizens of the United States. There is no question but that this right to vote was being usurped and violated. The right to vote is a basic constitutional right. As a matter of fact, it is one of the greatest and most important of the civil rights, for it guarantees to the citizen the right to participate in his government. It gives to that person a voice in the establishment of the laws under which he or she must live. Yet, it was pointed out on this floor during the debate by my distinguished colleague from Michigan, Congressman DIGGS, that there is not one registered Negro voter in certain counties in the South with large Negro populations. Mr. DIGGS cited Carroll County, Miss., with a Negro population of 57 percent; Jefferson County, Miss., with a Negro population of 74.5 percent; Nouxubee County, Miss., with a Negro population of 74.4 percent and

other counties with very high percentages of Negro population. But not one Negro voter registered. Witnesses from these areas that appeared before the committee gave testimony that indicated that they had been kept from the polls through intimidation and coercion.

Mr. Speaker, the Members of this House have an opportunity this afternoon to help correct these injustices which have been imposed upon American Negroes since the Reconstruction period. May I say that such voting-right violations have not been limited strictly to the South. This is a problem that has arisen in all areas of the country since the Reconstruction period. The rights of Negroes have been violated in the North also. The evidence before this House indicates the critical need for this legislation.

Mr. Speaker, I have always been an advocate of civil rights. My entire record in the Massachusetts Legislature and in Congress shows clearly that I have championed this cause. My voting record in this regard stems from deep moral convictions and reverence for the fundamental concepts upon which America was born: that God created all men equal and that these human beings are endowed with the inalienable rights writ large by Thomas Jefferson in the Declaration of Independence: life, liberty, and the pursuit of happiness.

I am convinced, Mr. Speaker, that this legislation will in the long run result in greater understanding and contribute to better relations between the races in this great democracy. I know that there has been considerable anxiety connected with this legislation and perhaps some bitterness on the part of certain people. Let me say to them that this legislation is for the benefit of America and the American way of life and it will deal a deathblow to Communist propaganda which purports to show America as a land of discrimination.

In conclusion may I appeal to my colleagues on both sides of the aisle to vote for this legislation.

Mr. ROBERTS. Mr. Speaker, a majority of the Members of this House today stand ready to pass legislation which is unprecedented in this legislative hall. It now seems inevitable to those of us who have protested so vigorously against this iniquitous legislation that the House today will give its approval to the first civil-rights bill to be passed in more than eight decades.

Because we believe with all the honesty of our hearts that the bill perpetrated by the Attorney General and the liberal politicians is contrary to basic American principles, we, a handful of elected representatives, have done our best to point up the shortcomings and the fallacies of this bill. When proponents of the civil-rights bill back in January tried to railroad the measure through the House even without hearings, we cried out in protest. We were given hearings. Then, even without the right to unlimited debate enjoyed by Members of the Senate, we kept this bill on the House floor in discussion until it finally was passed by the House and sent to the Senate on June 20. Southern Senators and other Senators then took up the fight and, with the time to do it in, bared to a gasping public and a confused administration some of the ghastly entrails of this legislation.

As a result of this extended debate, the bill which now confronts us is a far cry from the original, ill-contrived measure. It is now called a watered-down bill, a compromise bill.

Mr. Speaker, I submit to my distinguished colleagues that the bill which we now consider is still the most dangerous, the most disastrous piece of legislation that I, and many who have had far more dealings with legislative affairs than I, have ever witnessed.

This legislation, in part and wholly, is contrary to every tenet of American jurisprudence. This bill gives no assurance of a jury trial in voting violations cases. Only if the penalty given at the trial by the judge is beyond 45 days imprisonment or the fine more than $300 is a jury trial to be given if a defendant requests it. What sort of flimsy reasoning ever spawned such a stipulation as this? Can one compromise with principle? If one believes in a jury trial at all in cases involving so serious a charge as denying the right to vote, he necessarily must believe in a jury trial for those subject to 2 months imprisonment as to a month and a half. The seriousness of the charge is not variable with the sentences meted out.

There is no assurance whatever that the judge who finds a defendant guilty of civil-rights violations and who sends him to jail may not later be the presiding judge when the same defendant comes up for another trial before a jury of his peers. Under our judicial system, the judge may comment on the evidence presented; who is to say that he will not influence the reasoning of the jurors so as to uphold the judgment that he has originally handed down? Will it be purged from the jurors' minds the fact that the defendant in whose judgment they sit has already been found guilty by the very judge who charges them?

And what of the sacred constitutional rights of the States? This bill would hack away the pillars of States rights by pushing the Federal Government into the field of elections, special and primary. The bill attempts to navigate upon a course by which a centralized Federal Government would try to dictate to the domestic concerns of the various States.

Mr. Speaker, I have long contended and do now contend that this bill, while impinging upon vital principles and while breeding mistrust and conflict, would provide no new right or privilege to any citizen of this Nation.

I now join my colleagues in an eleventh hour plea that the sound judgment of the Congress will prevail and that this legislation will never become the law of the land.

Mr. O'HARA of Illinois. Mr. Speaker, months ago in my report to my constituents in the Second District of Illinois I said:

"The civil-rights bill will reach the floor of the House within the next fortnight, and I believe is certain to pass without crippling amendments. Contrary to the fears of some I look for the bill to clear the hurdles in the Senate without filibuster."

That was at a time when the defeatist attitude was pretty general and a filibuster regarded as inevitable. I am glad that I did not mislead my constituents in my prediction by accepting this attitude. Yesterday is not today, and always we go forward, too slowly perhaps, but always forward.

The so-called compromise bill leaves very much to be desired. It is a frail little craft, with seams in the hull that leak, to attempt to navigate the sea of prejudice and discrimination in the search for the promised land of an America of real equality in the exercise of the rights dear to all men.

But, Mr. Speaker, it will make the voyage in safety and its landing will be on the shores of that America of real equality for all men and women. But ours is the continuing, tireless, unrelenting job of standing by as the sailors, to mend the seams in the hull with strengthening amendments beginning as soon as we convene for the second session. To that, Mr. Speaker, we are dedicated. And now that the start has been made, feeble though it may be, we shall push the harder for the prompt enactment of civil-rights legislation with teeth protecting all the people of the United States in the exercise of their rights as Americans to live in the society of their fellow Americans on a plane of equality and without discrimination of any nature based on the circumstances of race, religion or station.

We have come a long way. We still have far to go. But always we go forward, and just ahead is waiting us the sunshine of brotherhood, if our faith and our courage remain strong.

Mr. DAVIS of Georgia. Mr. Speaker, I am opposed to this resolution. A vote for this resolution is a vote for the so-called civil-rights bill, H. R. 6127, with the Senate amendments, and with the amendments provided for in this resolution.

The proposal contained in House Resolution 410 is one of the most unusual and extraordinary legislative actions I have seen or heard of. These proposals are completely new. The proposed amendment in lieu of Senate amendment No. 15 was not contained in the bill as originally introduced, or in any amendment which was offered to the bill in the House or in the Senate. It is one of the most drastic proposals made during the entire progress of this legislation. It would take away a valuable and precious right which every American citizen now possesses. Its provisions have not been discussed before any committee or subcommittee, and cannot be discussed in any detail in the 1 hour which is allotted for argument for this entire resolution.

It is regrettable and deplorable that Members of this great legislative body would be stampeded by political pressure into railroading any kind of legislation through in this fashion. It is deplorable that any Member would so far lose sight of fundamental rights and privileges and of constitutional government as to support such a legislative monstrosity, such a radical departure from orderly, sound, legal procedure as this resolution embodies.

I agree with the statement of David Lawrence in his newspaper column of yesterday in the Washington Evening Star, in which he said that this week is a week of infamy in the United States Congress. As I contemplate the events taking place on the floor of this House today I am reminded of the statement I once heard made by my dear departed friend, the late Honorable Eugene Cox, Representative from the Second Congressional District of Georgia, when he said:

I would not do to go to Heaven what some people do to get elected to Congress.

Mr. MADDEN. Mr. Speaker, I move the previous question.

Mr. SMITH of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 274, nays 101, not voting 57, as follows:

[Roll No. 213]

YEAS—274

Adair
Addonizio
Albert
Allen, Ill.
Andersen, H. Carl
Anderson, Mont.
Andresen, August H.
Arends
Ashley
Aspinall
Auchincloss
Avery
Ayres
Baldwin
Baring
Barrett
Bass, N. H.
Bates
Baumhart
Becker
Belcher
Bennett, Mich.
Bentley
Berry
Betts
Blatnik
Boland
Bolling
Bosch
Bow
Boyle
Breeding
Brooks, Tex.
Broomfield
Brown, Mo.
Brown, Ohio
Brownson
Burdick
Bush
Byrne, Ill.
Byrne, Pa.
Byrnes, Wis.
Canfield
Carnahan
Carrigg
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Chiperfield
Christopher
Chudoff
Church
Clark
Coad
Coffin
Cole
Collier
Corbett
Coudert
Cretella
Cunningham, Iowa
Cunningham, Nebr.
Curtin
Curtis, Mass.
Curtis, Mo.
Dague
Dawson, Ill.
Dawson, Utah
Delaney
Dellay
Dennison
Denton
Derounian
Devereux
Diggs
Dingell
Dixon
Dollinger
Donohue
Dooley
Dorn, N. Y.
Doyle
Dwyer
Eberharter
Edmondson
Engle
Fallon
Farbstein
Feighan
Fenton
Fino
Fogarty
Forand
Ford
Frelinghuysen
Friedel
Fulton
Garmatz
Gavin
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hagen
Hale
Halleck
Harrison, Nebr.
Haskell
Healey
Henderson
Heselton
Hess
Hill
Hoeven
Holland
Holmes
Holt
Hosmer
Hull
Hyde
Ikard
James
Jarman
Jenkins
Johnson
Judd
Karsten
Kean
Keating
Kee
Kelley, Pa.
Kelly, N. Y.
Keogh
Kilday
Kilgore
King
Kirwan
Kluczynski
Knox
Knutson
Laird
Lane
Lankford
Latham
Lipscomb
McCarthy
McConnell
McCormack
McCulloch
McFall
McGovern
McGregor
McIntire
McIntosh
McVey
Macdonald
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magnuson
Marshall
Martin
May
Meader
Merrow
Metcalf
Michel
Miller, Md.
Miller, Nebr.
Miller, N. Y.
Minshall
Montoya
Moore
Morano
Morgan
Morris
Moss
Moulder
Multer
Mumma
Natcher
Neal
Nimtz
O'Brien, Ill.
O'Brien, N. Y.
O'Hara, Ill.
O'Hara, Minn.
O'Neill
Osmers
Ostertag
Patman
Patterson
Pelly
Perkins
Pfost
Philbin
Pillion
Polk
Porter
Price
Prouty
Rabaut
Radwan
Reece, Tenn.
Reed
Rees, Kans.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Rodino
Rogers, Colo.
Rogers, Mass.
Rooney
Roosevelt
Santangelo
St. George
Saund
Saylor
Schenck
Scherer
Schwengel
Scott, Pa.
Scudder
Seely-Brown
Sheehan
Shelley
Sheppard
Sieminski
Simpson, Ill.
Simpson, Pa.
Sisk
Springer
Staggers
Stauffer
Steed
Sullivan
Talle
Taylor
Teller
Tewes
Thomas
Thompson, N. J.
Thompson, Tex.
Thomson, Wyo.
Thornberry
Tollefson
Ullman
Vanik
Van Pelt
Van Zandt
Vorys
Wainwright
Watts
Weaver
Westland
Wharton
Widnall
Wigglesworth
Wilson, Calif.
Wilson, Ind.
Withrow
Wolverton
Wright
Yates
Young
Zablocki
Zelenko

NAYS—101

Abbitt
Abernethy
Alexander
Andrews
Ashmore
Baker
Bass, Tenn.
Beckworth
Bennett, Fla.
Blitch
Boggs
Bonner
Boykin
Brooks, La.
Brown, Ga.
Broyhill
Budge
Burleson
Byrd
Colmer
Cooley
Cooper
Cramer
Davis, Ga.
Davis, Tenn.
Dorn, S. C.
Dowdy
Durham
Elliott
Evins
Fascell
Flynt
Forrester
Fountain
Frazier
Gary
Gathings
Grant
Gregory
Gross
Haley
Hardy
Harris
Harrison, Va.
Hays, Ark.
Hébert
Hemphill
Herlong
Huddleston
Jennings
Jensen
Johansen
Jonas
Jones, Ala.
Jones, Mo.
Keency
Kitchin
Landrum
Lanham
Lennon
Long
Loser
McMillan
Mahon
Matthews
Mills
Morrison
Murray
Norrell
O'Konski
Passman
Pilcher
Poage
Poff
Rains
Ray
Riley
Rivers
Roberts
Robeson, Va.
Rogers, Fla.
Rogers, Tex.
Rutherford
Scott, N. C.
Selden
Shuford
Smith, Miss.
Smith, Va.
Smith, Wis.
Spence
Taber
Thompson, La.
Trimble
Tuck
Utt
Vinson
Whitener
Whitten
Williams, Miss.
Willis
Winstead

NOT VOTING—57

Alger
Allen, Calif.
Anfuso
Bailey
Barden
Beamer
Bolton
Bray
Buckley
Cannon
Clevenger
Dempsey
Dies
Fisher
Flood
George
Gordon
Gwinn
Harden
Harvey
Hays, Ohio
Hiestand
Hillings
Hoffman
Holifield
Holtzman
Horan
Jackson
Kearns
Kearney
Kilburn
Krueger
LeCompte
Lesinski
McDonough
Mailliard
Mason
Miller, Calif.
Nicholson
Norblad
Powell
Preston
Robsion, Ky.
Sadlak
Scrivner
Sikes
Siler
Smith, Calif.
Smith, Kans.
Teague, Calif.
Teague, Tex.
Udall
Vursell
Walter
Wier
Williams, N. Y.
Younger

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Flood for, with Mr. Sikes against.
Mr. Holifield for, with Mr. Hoffman against.
Mr. Younger for, with Mr. Barden against.
Mr. Bailey for, with Mr. Preston against.
Mrs. Bolton for, with Mr. Mason against.
Mr. Scrivner for, with Mr. Alger against.
Mr. Siler for, with Mr. Clevenger against.
Mr. Udall for, with Mr. Dies against.

Until further notice:

Mr. Buckley with Mr. Allen of California.
Mr. Anfuso with Mr. Kearney.
Mr. Holtzman with Mr. Norblad.
Mr. Powell with Mr. Smith of California.
Mr. Dempsey with Mr. Hiestand.
Mr. Walter with Mr. Harvey.
Mr. Hays of Ohio with Mr. Krueger.
Mr. Lesinski with Mr. Teague of California.
Mr. Miller of California with Mr. Sadlak.
Mr. Cannon with Mrs. Harden.
Mr. Gordon with Mr. LeCompte.
Mr. Wier with Mr. Bray.
Mr. Teague of Texas with Mr. Beamer.
Mr. Fisher with Mr. Hillings.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The question is on the resolution.

Mr. COLMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 279, nays 97, not voting 56, as follows:

[Roll No. 214]

YEAS—279

Adair
Addonizio
Albert
Allen, Ill.
Andersen, H. Carl
Anderson, Mont.
Andresen, August H.
Arends
Ashley
Aspinall
Auchincloss
Avery
Ayres
Baldwin
Baring
Barrett
Bass, N. H.
Bates
Baumhart
Becker
Belcher
Bennett, Mich.
Bentley
Berry
Betts
Blatnik
Boland
Bolling
Bosch
Bow
Boyle
Breeding
Brooks, Tex.
Broomfield
Brown, Mo.
Brown, Ohio
Brownson
Burdick
Bush
Byrd
Byrne, Ill.
Byrne, Pa.
Byrnes, Wis.
Canfield
Carnahan
Carrigg
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Chiperfield
Christopher
Chudoff
Church
Clark
Coad
Coffin
Cole
Collier
Corbett
Coudert
Cretella
Cunningham, Iowa
Cunningham, Nebr.
Curtin
Curtis, Mass.
Curtis, Mo.
Dague
Dawson, Ill.
Dawson, Utah
Delaney
Dellay
Dennison
Denton
Derounian
Devereux
Diggs
Dingell
Dixon
Dollinger
Donohue
Dooley
Dorn, N. Y.
Doyle
Dwyer
Eberharter
Edmondson
Engle
Fallon
Farbstein
Fascell
Feighan
Fenton
Fino
Fogarty
Forand
Ford
Frelinghuysen
Friedel
Fulton
Garmatz
Gavin
Granahan
Gray
Green, Oreg
Green, Pa.
Griffin
Griffiths
Gubser
Hagen
Hale
Halleck
Harrison, Nebr.
Haskell
Healey
Henderson
Heselton
Hess
Hill
Hoeven
Holland
Holmes
Holt
Hosmer
Hull
Hyde
Ikard
James
Jarman
Jenkins
Johnson
Judd
Karsten
Kean
Kearns
Keating
Kee
Kelley, Pa.
Kelly, N. Y.
Keogh
Kilday
Kilgore
King
Kirwan
Kluczynski
Knox
Knutson
Laird
Lane
Lankford
Latham
Lipscomb
McCarthy
McConnell
McCormack
McCulloch
McFall
McGovern
McGregor
McIntire
McIntosh
McVey
Macdonald
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magnuson
Marshall
Martin
May
Meader
Merrow
Metcalf
Michel
Miller, Md.
Miller, Nebr.
Miller, N. Y.
Minshall
Montoya
Moore
Morano
Morgan
Morris
Moss
Moulder
Multer
Mumma
Natcher
Neal
Nimtz
O'Brien, Ill.
O'Brien, N. Y.
O'Hara, Ill.
O'Hara, Minn.
O'Neill
Osmers
Ostertag
Patman
Patterson
Pelly
Perkins
Pfost
Philbin
Pillion
Poage
Polk
Porter
Price
Prouty
Rabaut
Radwan
Reece, Tenn.
Reed
Rees, Kans.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Rodino
Rogers, Colo.
Rogers, Mass.
Rooney
Roosevelt
Rutherford
Santangelo
St. George
Saund
Saylor
Schenck
Scherer
Schwengel
Scott, Pa.
Scudder
Seely-Brown
Sheehan
Shelley

| | | |
|---|---|---|
| Sheppard | Thomas | Westland |
| Sieminski | Thompson, N. J. | Wharton |
| Simpson, Ill. | Thompson, Tex. | Widnall |
| Simpson, Pa. | Thomson, Wyo. | Wigglesworth |
| Sisk | Thornberry | Wilson, Calif. |
| Springer | Tollefson | Wilson, Ind. |
| Staggers | Ullman | Withrow |
| Stauffer | Vanik | Wolverton |
| Steed | Van Pelt | Wright |
| Sullivan | Van Zandt | Yates |
| Talle | Vorys | Young |
| Taylor | Wainwright | Zablocki |
| Teller | Watts | Zelenko |
| Tewes | Weaver | |

NAYS—97

| | | |
|---|---|---|
| Abbitt | Gary | Norrell |
| Abernethy | Gathings | O'Konski |
| Alexander | Grant | Passman |
| Andrews | Gregory | Pilcher |
| Ashmore | Gross | Poff |
| Baker | Haley | Rains |
| Bass, Tenn. | Hardy | Ray |
| Beckworth | Harris | Riley |
| Bennett, Fla. | Harrison, Va. | Rivers |
| Blitch | Hays, Ark. | Roberts |
| Boggs | Hébert | Robeson, Va. |
| Bonner | Hemphill | Rogers, Fla. |
| Boykin | Herlong | Rogers, Tex. |
| Brooks, La. | Huddleston | Scott, N. C. |
| Brown, Ga. | Jennings | Selden |
| Broyhill | Jensen | Shuford |
| Budge | Johansen | Smith, Miss. |
| Burleson | Jonas | Smith, Va. |
| Colmer | Jones, Ala. | Smith, Wis. |
| Cooley | Jones, Mo. | Spence |
| Cooper | Keeney | Taber |
| Cramer | Kitchin | Thompson, La. |
| Davis, Ga. | Landrum | Trimble |
| Davis, Tenn. | Lanham | Tuck |
| Dorn, S. C. | Lennon | Utt |
| Dowdy | Long | Vinson |
| Durham | Loser | Whitener |
| Elliott | McMillan | Whitten |
| Evins | Mahon | Williams, Miss. |
| Flynt | Matthews | Willis |
| Forrester | Mills | Winstead |
| Fountain | Morrison | |
| Frazier | Murray | |

NOT VOTING—56

| | | |
|---|---|---|
| Alger | Harvey | Norblad |
| Allen, Calif. | Hays, Ohio | Powell |
| Anfuso | Hiestand | Preston |
| Bailey | Hillings | Robsion, Ky. |
| Barden | Hoffman | Sadlak |
| Beamer | Holifield | Scrivner |
| Bolton | Holtzman | Sikes |
| Bray | Horan | Siler |
| Buckley | Jackson | Smith, Calif. |
| Cannon | Kearney | Smith, Kans. |
| Clevenger | Kilburn | Teague, Calif. |
| Dempsey | Krueger | Teague, Tex. |
| Dies | LeCompte | Udall |
| Fisher | Lesinski | Vursell |
| Flood | McDonough | Walter |
| George | Mailliard | Wier |
| Gordon | Mason | Williams, N. Y. |
| Gwinn | Miller, Calif. | Younger |
| Harden | Nicholson | |

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Flood for, with Mr. Sikes against.
Mr. Holifield for, with Mr. Hoffman against.
Mr. Younger for, with Mr. Barden against.
Mr. Bailey for, with Mr. Preston against.
Mrs. Bolton for, with Mr. Mason against.
Mr. Scrivner for, with Mr. Alger against.
Mr. Siler for, with Mr. Clevenger against.
Mr. Hays of Ohio for, with Mr. Dies against.
Mr. Buckley for, with Mr. Hiestand against.

Until further notice:

Mr. Anfuso with Mr. Vursell.
Mr. Holtzman with Mr. Allen of California.
Mr. Powell with Mr. LeCompte.
Mr. Dempsey with Mrs. Harden.
Mr. Walter with Mr. Horan.
Mr. Udall with Mr. Krueger.
Mr. Lesinski with Mr. Norblad.
Mr. Miller of California with Mr. Sadlak.
Mr. Cannon with Mr. Harvey.
Mr. Gordon with Mr. Bray.
Mr. Wier with Mr. Beamer.
Mr. Teague of Texas with Mr. Jackson.
Mr. Fisher with Mr. Teague of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## AMENDING CHAPTER 223 OF TITLE 18, UNITED STATES CODE

Mr. SMITH of Virginia. Mr. Speaker, I call up the resolution (H. Res. 411) providing for the consideration of H. R. 7915, a bill to amend section 1733 of title 28, United States Code, 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. 7915) to amend section 1733 of title 28, United States Code. 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 the Judiciary, 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 Pennsylvania [Mr. SCOTT], and now yield myself such time as I may consume.

Mr. Speaker, this bill is H. R. 7915, to amend a certain section of the United States Code. The purpose of the bill is to correct the decision of the Supreme Court in the so-called famous Jencks case. That decision, as you all know, has very much handicapped the Department of Justice and the FBI because of the requirement of the Court that FBI reports should be produced for the scrutiny of the accused person. You can readily understand how embarrassing that is to the Department and to the FBI by reason of having to disclose confidential communications given to them both by their own agents and by volunteers. I am not too familiar with the effect of the bill itself, but it seems to have the approval of the Committee on the Judiciary, and I understand from that committee that this bill will serve the purpose. It is a much needed piece of legislation. That situation must be corrected in the interest of the administration of justice. I hope the House will adopt the rule and pass the bill.

I now yield to the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, I agree with the gentleman from Virginia as to the urgency of this bill. The Department of Justice may be unable to try certain people including the spy, Rudolf Ivanovich Abel, master spy and colonel in the Soviet intelligence, unless its records are suitably protected. It is equally important that the rights of defendants be protected, and I think this bill does just that. I think it is extremely important. I am one of those who have been urging action on this bill ever since the Supreme Court decision which has precipitated the problem. I think it is most important that the House act favorably on this legislation. The gentleman from New York [Mr. KEATING] will explain the bill more in detail in general debate.

Mr. Speaker, I ask unanimous consent to include at this time an editorial together with my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The editorial is as follows:

EMERGENCY: SPEED FBI BILL

The bill to protect FBI files from court exposure has become emergency legislation. The fact is brought to public attention by the arrest of Rudolf Ivanovich Abel, master spy, and colonel in the Soviet intelligence.

Thanks to the Supreme Court decision in the Jencks case, the FBI now faces a choice of possibly dropping prosecution of Abel or having its own intelligence secrets bared in the courtroom upon insistence of Abel's lawyers.

It is conceivable that any information thus made public about the FBI's methods of counterespionage might be more useful to the Soviet Union and its international conspiracy than that which Abel managed to gather on his own and transmit to Moscow inside hollowed pencils.

This dilemma puts the issue squarely before Congress. It has the power to change those statutes which the Supreme Court interpreted to give defendants' lawyers access to FBI files whenever information of any kind from those files was used in prosecuting Communists or others.

A bill to amend the laws so as to protect the security of FBI files has been offered by Representative KENNETH B. KEATING. It is now before the House. Representative JOSEPH W. MARTIN, JR., warns bluntly: "If we go home without passing the Keating bill or a similar bill, we will have crippled the Government in its prosecution of Abel, a so-called master spy, and will be responsible for the nonprosecution of many other similar cases."

Already a number of Federal prosecutions have been dropped rather than reveal FBI files. Others have been dismissed by the courts when the FBI records have been withheld. And one FBI agent is under a $1,000 contempt-of-court fine for refusal to yield such records.

The only difference of opinion thus far seems to be between those who favor the Keating bill, and those who, with Representative FRANCIS E. WALTER, of Pennsylvania, have proposed a stronger bill. The Keating measure would provide that only pertinent portions of FBI reports shall be turned over to defense attorneys, after secret scrutiny and evaluation by the trial judge. But after some members of the House Judiciary Committee expressed fears that a stronger bill might be held unconstitutional by the Supreme Court, the committee decided to substitute the Keating bill under Representative WALTER's name.

Up to now, most of the cases in which prosecution has been dropped rather than reveal FBI files have not involved espionage.

The Abel case, however, involves national security and puts the whole issue squarely before Congress and the public. If the FBI can be compelled to reveal to Soviet agents and their lawyers not only FBI records but the names of their counterspies and the details of their methods—the Kremlin will have gained through our courts vital secrets it could not have hoped to obtain through its spy network.

The FBI bill is on President Eisenhower's program. Leaders concede that once before Congress it probably would pass by an almost unanimous vote.

What is made doubly obvious by the Abel case, however, is the urgent need for action. While there may be no opposition, the fact will matter little unless the bill is speeded to the House and Senate floors, and voted upon before the Congress adjourns.

Time is of the essence. Here is definitely emergency legislation. It is time to take the handcuffs off the FBI—and put them where they belong, on the conspirators and malefactors who would undermine and destroy our free America.

Mr. SMITH of Virginia. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I am not so certain as the two gentlemen who have addressed the House, the gentleman from Virginia [Mr. SMITH] and the gentleman from Pennsylvania [Mr. SCOTT], as to what this bill will do. There has been a great deal of misinterpretation concerning the so-called Jencks decision. Some of that interpretation has been deliberate and purposeful. As I read that decision I do not think it is so horrendous as some people are trying to make the American public believe it is. Yesterday the United States district judge Judge Frederick Van Pelt Bryan, in deciding a matter before him, had the following to say about the Jencks case:

The Supreme Court case enunciates a simple, fair, and quite limited rule. It holds that where the prosecution places a witness on the stand the defense is entitled to inspect statements or reports in the Government's possession concerning the subject matter of such witness' testimony, for the purpose of determining whether they can be used to impeach his credibility. This applies whether the witness be a Federal agent, informer, or a member of the general public.

Quite a number of other Federal judges since this decision have made pronouncements along the same line. It is true that one or two other judges have taken the opposite position, but, as I see it on balance, this is too early a period after the decision to pass a bill that is so far reaching as is the bill that we are asked to vote upon today. Not only does this bill today cover matters which are not in the Jencks decision—for example, the Federal Rules of Criminal Procedure—but it goes far beyond that. It is purported improperly to be a vast excursion or Roman holiday to go into the FBI records. The Court was very careful to enunciate, most careful to say that the defendants' counsel cannot have carte blanche to go into the FBI records. The records of the FBI were not wholesalely open to the scrutiny of counsel for the defendants in the particular Jencks case. Now, that is so, and the Court so indicated unmistakably and unequivocally in its ruling. This hullabaloo about opening up the FBI records so that spies, traitors, and saboteurs could have those records in defense of trial, and therefore by that ruse they could go scot free, is ridiculous. This argument has emanated from the Department of Justice because it does not like the Jencks decision. It wants to make the path of prosecution far easier. It is not the purpose of the Department of Justice to convict just for the sake of conviction. It shall be the purpose of the Department of Justice, as its name implies, to do justice.

The bill now before you, which I have read and carefully studied, will do a grave injustice. Mark you well this: The files to be opened are not only the files of the FBI, the records to be opened are not only the records of the FBI; the bill also covers the records of any person or any corporation not a defendant. What does that mean? It means the following: If my company is a defendant in a criminal prosecution and I need for its defense records in the possession of my competitor, under this bill all the Department of Justice need do is to subpena the records of my competitor, which records might have the effect of exculpating me from any wrongdoing under the antitrust law. I would not be able to get those records. Under this bill those records would be impervious to my scrutiny, I would be unable to use them and, therefore, I might be robbed of my defense.

Not only would that be so in an antitrust suit, it would be so in an income tax criminal prosecution.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WILLIS. In asking the gentleman to yield I am not belaboring the point, but I just want to say that I unequivocally disagree with him when he says this bill would reach the records of a competitor corporation. This has to do only with statements, contradictory statements, made by a witness on the stand as compared to a statement he made before he took the stand. It has nothing to do with records generally.

Mr. CELLER. I do not agree with the gentleman, because on page 3 of the bill we have the following language:

In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding—

That means despite the rules of criminal procedure—

no statement or report of any prospective witness or person—

And under court rulings "person" means "corporations"—

or person other than a defendant which is in the possession of the United States shall be the subject of subpena, discovery, or inspection, except as provided in paragraph (b) of this section.

That is the next section.

And there is no provision in the next section of this bill to get copies of those records or to see those records, or to scrutinize those records. So when the gentleman says—and I have the most affectionate regard for the gentleman—when the gentleman says corporations are not involved, I cannot agree with him, the word "person" having been used in the statute, "person" means "corporation"; and it has always meant corporation.

Mr. YATES. Mr. Speaker, if the gentleman will yield, I have great respect for the gentleman's legal ability, but is he opposed to the bill?

Mr. CELLER. I am opposed to the present form of the bill. I would be willing to accept as a compromise the Senate provisions. That bill is milder and would have the effect of protecting to the utmost, to the "nth" degree, the FBI records, and should satisfy the Department of Justice.

Mr. YATES. Mr. Speaker, will the gentleman yield further?

Mr. CELLER. In just a moment. But I do not want to take the provisions of this bill which is brought to us without any hearings thereon, to interfere with the rules of criminal procedure which are administered by our Supreme Court and by the judicial council. We gave the Supreme Court and the Judicial Council power to enunciate and promulgate those rules. I do not want those rules just cavalierly to be abrogated and annulled and changed in this fashion:

Any rule of court or procedure to the contrary notwithstanding.

Those are dangerous words.

Mr. YATES. Does the gentleman propose to offer amendments to bring the bill into conformity with that passed by the other body?

Mr. CELLER. Yes, I do; and I hope the gentleman from New York [Mr. KEATING], who is handling this bill on the other side, may see fit to accept the Senate version of the bill.

Mr. CURTIS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. CURTIS of Massachusetts. Mr. Speaker, has the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], forgotten that his subcommittee No. 3 conducted hearings on this bill?

Mr. CELLER. Yes, I do understand that, but I do not know to what degree those hearings were held before the Committee on the Judiciary reported the bill. I was caught unawares on the bill myself. I will say this, and I do not think anyone can contradict me, that when the bill was considered originally there were only two witnesses heard and both of them were authors of bills. There was no opposition heard. Unfortunately, I have to make that admission, I am to blame, being chairman of the committee, because I should have insisted that there be opposition heard, opposition from the bar association and from various interested groups who were not heard before we passed this bill. That is the gravamen of my complaint.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, it is interesting to hear the concern now expressed by the gentleman from New York [Mr. CELLER] with respect to this bill. Some of us were concerned earlier this afternoon about the so-called civil-rights bill and the language in that bill; what it will do to harass individuals and set aside State laws and further make the States wards of the Federal Government. We were concerned with that bill, but we got it rammed right down our throats without any ifs, ands, or buts.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. CELLER. We were considering a civil-rights bill for several years. In addition to that, it took us 2 weeks to consider it on this very floor. I think every nook and cranny of the civil-rights bill was surveyed before we passed upon it.

Mr. GROSS. The House refused to adopt a jury-trial amendment. It was never even tried on for size in the House, I will say to the gentleman. I was further intrigued today by the statements that the jury-trial amendment was accepted as a compromise. What did the Members of the House, who voted against the jury-trial amendment when the bill was before the House, have to compromise? What did they have to compromise today? They had nothing to compromise on the jury-trial amendment except perhaps their souls.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. YATES. Assuming that the gentleman's argument is correct that the civil-rights bill contained vague and ambiguous language or phrases. Is that any argument to accept this bill with vague and ambiguous language in it?

Mr. GROSS. No. But I am intrigued by the complaint of the gentleman that the pending bill contains vague and bad language. Some of us felt the same way about the alleged civil-rights bill that was rammed down our throats a few minutes ago.

I asked for this time, however, to say that I hope the leadership on both sides of the aisle will now give immediate attention to pending legislation that would protect the rights of American soldiers serving in foreign countries.

I hope I will be able to look around the House floor today and tomorrow and see the leadership in conference every few minutes devising plans to get the Bow resolution before the House. There has been no end to the conferences that have been held for the past several days devising ways and means of ramming a so-called civil-rights bill through before adjournment.

I hope that those members of the Judiciary and Rules Committees, who so enthusiastically supported the civil-rights bill, will now show as much concern about the rights of American servicemen in foreign countries.

Let us see them perform on that issue. Let us see whether American servicemen have any constitutional rights in foreign lands; whether a serviceman is entitled to a jury trial in Japan or any other foreign court.

Does an American citizen, by virtue of putting on a uniform, lose all his rights and become a second-class citizen of the world?

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question. The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. CELLER. 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. 7915) to amend section 1733 of title 28, United States Code.

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. 7915, with Mr. ENGLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, the bill before us for consideration today, H. R. 7915, was processed by the subcommittee of which I have the privilege of being the chairman and was the subject of careful study. It is a very simple proposal that can be clearly understood by nonlawyers as well as lawyers in this body. The purpose of the measure is to correct an important phase of the decision of the Supreme Court in the case of Jencks against the United States of America, decided June 3, 1957.

In that case a ruling was made to the effect that, for the alleged purpose of impeaching or discrediting the testimony of any Government witness, the defendant was entitled to inspect the reports of the Federal Bureau of Investigation, or other investigative agencies in the possession of the Government, and relating to the subject matter as to which such Government witness testified. Justices Burton, Harlan, and Clark vigorously dissented on this particular point. Justices Burton, Harlan, and Frankfurter dissented on another point having to do with the sufficiency of the trial judge's instruction to the jury, which is not involved in the pending bill. Justice Whittaker took no part in the consideration or decision of the case.

Here, therefore, we are confronted with a split decision of 5 to 3 on the point involved under the pending bill, and we again find the Supreme Court hopelessly divided 4 to 4 on the case as a whole.

Prior to the decision in the Jencks case the well-established practice was to first submit the voluminous and confidential FBI and other investigative agency reports to the presiding judge. Thereupon the trial judge would examine these reports and statements contained in the confidential files of the Government. The judge on careful examination would then separate the wheat from the chaff, the relevant from the irrelevant, and would hand over to counsel for the defendant all proper material for the defense of his client in trying to discredit or impeach the testimony of Government witnesses. The dissenting opinions pointed out that:

> Numerous Federal decisions have followed this practice.

The majority opinion, however, states that:

> The practice of producing Government documents to the trial judge for his determination of relevance and materiality, without hearing the accused, is disapproved.

It was in connection with the ruling of the Supreme Court on this specific point, which is the subject of the pending legislation, that Justice Clark in his dissenting opinion said:

> Unless the Congress changes the rule announced by the Court today, those intelligence agencies of our Government engaged in law enforcement may as well close up shop, for the Court has opened their files to the criminal and thus afforded him a Roman holiday for rummaging through confidential information as well as vital national secrets. This may well be a reasonable rule in State prosecutions where none of the problems of foreign relations, espionage, sabotage, subversive activities, counterfeiting, internal security, national defense and the like exist, but any person conversant with Federal Government activities and problems will quickly recognize that it opens up a veritable Pandora's box of troubles. And all in the name of justice. For over eightscore years now our Federal judicial administration has gotten along without it and today that administration enjoys the highest rank in the world.

The bill before us today was drawn by the Department of Justice. All in the world it does is to go back to the former practice which had been proved by numerous Federal decisions and which according to Justice Clark had worked admirably well over eight score years in our Federal judicial administration. The bill provides a balance between the interest of the Government and that of the defendant. It would simply restore the Federal judges in their traditional role of impartial umpire between the Government and the people on the one hand and persons charged with crime on the other.

The statement of the Attorney General of the United States, appearing at page 7 of the report on the bill H. R. 7915, was made just a few days after the decision. This short time has already demonstrated what Justice Clark predicted would happen to the administration of justice under the rule of procedure required by the Jencks decision. Among many other illustrations, the Attorney General pointed out that a lower Federal judge dismissed a narcotics prosecution because the Government could not afford to open up an entire Narcotics Bureau report to the defendant. He said that in another case four persons convicted of kidnaping just a few days before the Jencks decision filed a motion to reopen the case in order to permit these people to rummage through confidential FBI reports. I have been advised by a United States attorney that a lower Federal judge felt obliged, under the ruling in the Jencks case, to turn over to the defendant in a case recently tried not only reports and statements gathered by postal inspectors, internal revenue agents and Federal Bureau of Investigation agents, but transcripts of State grand juries. I understand that the investigation of and proceedings before the grand juries were not even completed.

As a member of the House Committee on Un-American Activities, I say to you that in my opinion nothing would please a hard-core member of the Communist Party more than to become a so-called martyr of the Communist cause, in exchange for an opportunity to lay hands on and to raid secret FBI reports.

The vital danger which results from the present application of the Jencks ruling by the district courts is found in the nature of the files of the various Government law-enforcement agencies. Reports of the FBI are all inclusive and cover the full investigation of every phase of a case. They include not only interviews with possible witnesses, but also confidential information relating to the national safety and security. It is obvious that disclosure would result in identification not only of confidential informants, but also of confidential investigative techniques. The same may be said for the reports of the Narcotics Bureau and the Secret Service, as well as the Post Office Department. These files also contain information concerning innocent people. They may, and do, contain unverified accusations against innocent people. It is evident that disclosure of such documents would result in serious damage to the reputations of such persons. J. Edgar Hoover himself has stated, on numerous occasions, that one of the most important factors in the success of the FBI in protecting our national security has been the ability of the Bureau to maintain the confidential nature of its files. No law-enforcement agency can long endure when its records are open to needless disclosures. As I previously indicated, it requires no imagination to understand how members of the Communist conspiracy would welcome this ruling so as to raid the files of the FBI in order to obtain the names of confidential informants. Our entire counterintelligence system is jeopardized by this situation. That is the reason why both the Department of Justice and the Post Office Department, as well as the Treasury Department, welcome this legislation.

I reiterate that the bill provides for a balance between the interest of the Government and that of the defendant on trial. It does so by establishing the following procedures:

First. It provides that only reports or statements which relate to the subject matter as to which the witness has testified are subject to production.

Second. It gives to the court the power to excise from any such statement or report matter which does not relate to the subject matter of the testimony of the witness who made it. Thus reports about other persons or transactions, information disclosing the techniques of investigation, and all other extraneous matter would be safeguarded by the court.

Third. The bill makes it clear that the Government needs produce only reports or statements of a witness which are signed by him or otherwise adopted or approved by him as correct.

Fourth. It provides that statements and reports to be used for impeachment of a Government witness are not subject to production until the witness has been called and has testified for the Government.

Fifth. It provides that if the Government declines to produce such a statement or report the court shall either strike out the testimony affected or order a mistrial. Since the Jencks decision courts have dismissed the prosecution completely where the Government has found compliance with a production order unacceptable.

I cannot emphasize too strongly the urgency for a solution of this problem. I also have the privilege of being chairman of a special subcommittee of the Judiciary Committee which was established to study recent decisions of the Supreme Court. That subcommittee is presently considering certain recent decisions and their impact on the law-enforcement agencies of the Federal Government. I am convinced by the hearings which we have held to date that decisions such as the Jencks case call for legislative action in order that our law-enforcement agencies will not be hampered in protecting the public.

Mr. YATES. Mr. Chairman, will the gentleman yield on that point?

Mr. WILLIS. I yield to the gentleman from Illinois.

Mr. YATES. With respect to that point, does not counsel for the defendant, however, have an opportunity to examine the testimony that is offered to the judge to determine whether or not to take an exception as to the materiality of evidence that is excluded?

Mr. WILLIS. No; that was the very point at issue. The practice was to the contrary. This is the language of the Supreme Court itself. Here is the Supreme Court admitting what was the practice theretofore. This is what the majority said:

> The practice of producing Government documents to the trial judge for his determination of relevancy or materiality without hearing the accused is disapproved.

That is the whole thing this bill reaches, to go back to the former practice. As the result of that holding, upsetting the practice which the majority opinion itself held had prevailed theretofore for 160 years, this is what Justice Clark in his dissenting opinion said would immediately result:

> Unless the Congress changes the rule announced by the Court today, those intelligence agencies of our Government engaged in law enforcement may as well close up shop, for the Court has opened their files to the criminal and thus afforded him a Roman holiday for rummaging through confidential information as well as vital national secrets. This may well be a reasonable rule in State prosecutions where none of the problems of foreign relations, espionage, sabotage, subversive activities, counterfeiting, internal security, national defense, and the like exist, but any person conversant with Federal Government activities and problems will quickly recognize that it opens up a veritable Pandora's box of troubles. And all in the name of justice. For over eightscore years now our Federal judicial administration has gotten along without it, and today that administration enjoys the highest rank in the world.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. CELLER. The gentleman is reading from the minority opinion?

Mr. WILLIS. I so stated.

Mr. CELLER. Only one voice spoke there, but there was the combined voice speaking in the majority opinion.

Mr. WILLIS. Not at all. The vote there was 5 to 4. It was not the combined voice.

Mr. CELLER. There were five judges that made this statement on pages 9 and 10 of the report:

> The necessary essentials of a foundation, emphasized in that opinion—

Citing *Gordon* v. *United States* (344 U. S. 414)—

> and present here, are that "(t)he demand was for production of * * * specific documents and did not propose any broad or blind fishing expedition among documents possessed by the Government on the chance that something impeaching might turn up. Nor was this a demand for statements taken from persons or informants not offered as witnesses."

It is interesting to note also that in the Senate the distinguished Senator from North Carolina, Senator ERVIN, made that very point.

He said that much of this misunderstanding stems from the statement of Justice Clark. Let me just read what he said. The distinguished Senator and many of the Senators agree with Senator ERVIN that this was not a case where the Court allowed them willy-nilly to go through the records of the FBI, but they are only permitted to go through specific records to see whether or not matters on which he may have made a statement are contradictory of the statement he made in the court.

Mr. WILLIS. May I say this? In the first place, the language that the gentleman just read is a quotation from another case.

Mr. CELLER. But it is right here. They reaffirmed the decision in this Court.

Mr. WILLIS. In the second place, the Supreme Court itself, and you cannot get away from it, admitted point blank that it was reversing the present practice. That is the point at issue. In the third instance, with reference to the action of the other body, obviously, it would be satisfactory if we did what they did there, that is, adopt the bill.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. CHELF. Does the gentleman not think it is rather significant that the Justice who delivered the minority opinion was the one Justice of the nine who had the most reason to know the most about the operation of the FBI, having served as a former Attorney General, and if he does not know his business, then none of them know their business?

Mr. WILLIS. The gentleman is eminently correct. This bill was drawn by the Department of Justice. All in the world it does is to go back to the former practice that had prevailed prior to the decision, namely, it provides a balance between the interest of the Government or the people and the interest of the man on trial. It simply restores the Federal judge in his traditional role of umpire between the accused and the Government and the people, because regardless of anything you can say, the judge always rules on the materiality, and that is all this bill does.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. CELLER. Mr. Chairman, I yield 3 additional minutes to the gentleman.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. CHELF. As the gentleman so aptly put it, this does not give anything new nor does it take anything away. It just leaves it where it has been for 160 years. What is wrong with that?

Mr. WILLIS. That is exactly it.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. FASCELL. I do not want to get into the question of materiality of evidence, because that is up to the judge and it should continue to be up to the judge. But I do want to touch on this question. Does not the bill say the question shall be determined only after the evidence has been submitted and that that is not now the practice?

Mr. WILLIS. Well, that was all that was in the Jencks case. The present practice, of course, is to have a request made for the production of outside documents during the course of a trial after the witness has testified.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. KEATING. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I ask unanimous consent that all Members may be permitted to extend their remarks on this bill during general debate.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, H. R. 7915, a bill designed to bring order out of the chaos left in the wake of the Supreme Court's decision in the case of Jencks against United States, deserves immediate and favorable action by this body.

The implications of that decision strike at the very heart of our chief Federal law-enforcement agency, the FBI. The importance of the work done by that organization in protecting the lives of our citizens—indeed the very life of our Nation—cannot be overemphasized. Any crippling interference with the effective and efficient operations of the FBI could well prove to be a victory for the criminal and the Communist at the expense of the law-abiding citizens of this country.

This is not to say that we should in any way impair the rights traditionally accorded the accused by our laws and by our Constitution. I would be the last to advocate such action, but I am convinced it is possible for Congress to establish rules of criminal procedure which will preserve the rights of the accused and, at the same time, protect confidential information in the possession of the Government. That is exactly what H. R. 7915 proposes to accomplish.

In order properly to understand the problems raised by the Jencks decision and the solution to those problems advanced by this bill, it is necessary to have a general knowledge of the facts in the Jencks case and the decision of the court.

Clinton Jencks was tried and convicted for falsely swearing, in an affidavit submitted as a union official, that he was not a member of the Communist Party. The Court of Appeals for the Fifth Circuit confirmed the conviction and the Supreme Court granted certiorari. During the trial, two Government witnesses, Matusow and Ford, testified as to Communist Party activities in which Jencks had participated. Under cross-examination they admitted that they had made reports of those activities over a period of time to the FBI. The defense, in the belief that some of those reports might be inconsistent with the witnesses' testimony at the trial, asked the court to order the Government to turn them over to the judge for his inspection to determine whether, and to what extent, the reports should be made available to the defense for use in impeaching the credibility of the witnesses.

The Government did not invoke its privilege against disclosure on the grounds that these reports were confidential documents. Instead, it objected to the motion to produce solely on the ground that the defense had made no showing that the contents of the reports in the file contradicted the testimony of the witnesses. The trial court refused to order the files turned over to the judge. The court of appeals affirmed the trial court's decision primarily on the ground that the defense had failed to show that the reports were inconsistent with the witnesses' testimony.

The Supreme Court reversed, holding that it was not necessary for the defense to establish that the reports in the file and the testimony of the witness were inconsistent. Citing the case of *Gordon* v. *United States* (344 U. S. 414), the Court clearly stated the necessary essentials for the production of a prior statement of a witness:

> The necessary essentials of a foundation, emphasized in that opinion, and present here, are that "(t)he demand was for production of * * * specific documents and did not propose any broad or blind fishing expedition among documents possessed by the Government on the chance that something impeaching might turn up. Nor was this a demand for statements taken from persons or informants not offered as witnesses" (344 U. S., at 419). We reaffirm and reemphasize these essentials (pp. 9–10).

That statement, in my opinion, is the crux of the decision in the Jencks case. The Court, in other words, said that the defendant need not prove, as a condition precedent to production, that a statement made previously by the witness contradicted his testimony on the stand. But the defense does have to specify, in its demand, the documents it seeks to examine. And the demand can relate only to statements of persons actually offered as witnesses. As the Court stated, the defense could "not propose any broad or blind fishing expedition among documents possessed by the Government on the chance that something impeaching might turn up."

Since the defense in the Jencks case had sought only reports made by Ford and Matusow, the Supreme Court stated:

> We now hold that the petitioner was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified at the trial. We hold, further, that the petitioner is entitled to inspect the reports to decide whether to use them in his defense. Because only the defense is adequately equipped to determine the effective use for purpose of discrediting the Government's witness and thereby furthering the accused's defense, the defense must initially be entitled to see them to determine what use may be made of them. Justice requires no less (pp. 11–12).

The Court does not grant a license to the defense to rummage through the whole prosecution file, but it did say the defense should have access to the report of a witness if it relates to the subject matter about which he has testified.

The problem is that FBI reports do not always cover just one specific subject matter. Information which does not relate in any way to the testimony of the witness at the trial may well be in a report which in other respects does touch on the events as to which the witness has testified. The parts of the report which do relate to the witness's testimony certainly should be produced. But those portions which do not, and especially those which normally are of a highly confidential nature, should be withheld, not only for security purposes but to protect innocent persons who may be named.

The most crucial problem created by the Court's decision in the Jencks case results from the interpretation placed upon that decision by the various lower Federal courts. Numerous instances of misunderstanding and misinterpretation of the decision on the part of many of the lower courts have already occurred. In a number of cases such misinterpretation on the part of the court has already resulted in the Government's case being dismissed or the Government's having to drop the prosecution of offenders altogether.

In a tax case in Atlanta, Ga., for instance, defense counsel moved for the production of an entire intelligence report after the first Government witness had testified. This witness had testified to details of the raid and the arrest involved in that case from his own personal knowledge. He had also testified that, as group supervisor, he had read the report of other agents who had not testified. The court ordered the production of the entire report. The Government refused to turn over the entire report, but offered instead to delete portions of the report that were not relevant and to turn over to the defendant the remainder. The court would not allow this and dismissed the action on the grounds that any deletion by the Government of nonrelevant parts of the report would not comply with the Jencks decision.

Another case, which clearly points up the necessity for action to remove the misunderstanding in this area, arose in Bowling Green, Ky. In a criminal fraud case involving the FHA, the defense

moved for a pretrial examination of all the documents, exhibits, and statements which the Government intended to use in its case. The court granted the motion, but the Justice Department instructed the United States attorney not to produce the contents of the file. When the FBI agent appeared in court with the United States attorney, the judge asked him why he had refused to turn over the file to the defense counsel. The agent advised the court that he had no authority to make the statements in the file available to the defendant. The court thereupon held the agent in contempt, imposing a fine of $1,000 which must be paid if the agent does not comply with the court's order by October 18.

That case is an example of how far the rule in the Jencks case can be carried. The court has so interpreted the rule as to enable the defense counsel to go through the Government file before the trial has even begun.

In perhaps the most unexpected and startling development, the Jencks decision has been applied to overturn two convictions already obtained, in spite of the fact that in neither case did the defendants move during the trial for the production of the statements of witnesses.

I refer to the ruling of Judge Day, in the District Court in Rhode Island, of August 19, in which the conviction of four kidnapers was set aside and the indictments against them dismissed. The grounds were that the Department had refused to obey an order which not only directed the Government to produce and permit the defense to inspect entire FBI reports prepared by agents who were witnesses at the trial, but also directed the production of written and oral statements of the victim and his wife. The order would have permitted the defense to copy or photostat the reports and statements, as well.

There is no question but that the Government had good grounds to refuse to produce in this case. And yet its refusal to divulge all the contents of its files has given freedom to persons convicted of one of the most heinous of crimes.

Defense counsel everywhere have been citing the decision in the Jencks case wherever the opportunity presents itself in order to pry into the prosecution's file at every stage of the proceeding. In a narcotics case in New York, for instance, the defense has demanded the notes made by the assistant United States attorney in preparing his case for trial. A court in Texas has indicated that, upon a motion by the defense, it will order the Government to produce its entire file for inspection by the defense so that the defense counsel can properly prepare his own case. Most chilling of all, defense counsel for Abel, the alleged Russian superspy, has indicated he will seek to invoke the Jencks edict if it will aid his client.

If this confused state of affairs is not remedied soon, it can have disastrous effects upon law enforcement in this country. It could, indeed, seriously imperil the security of this Nation by disarming our anticrime agencies.

The situation clearly calls for legislation on the part of Congress which will, within the bounds of the Constitution, and, as nearly as possible, within the decision of the Court in the Jencks case, establish rules to guide the lower Federal courts and the parties appearing before them. The bill before us strikes the proper and necessary balance.

H. R. 7915 would establish the following procedure: After a Government witness has testified, the defendant can demand that all previous reports and statements, which have either been signed or approved by that witness, relating to the subject matter as to which he has just testified, be produced for inspection by the court. The court must then determine what portions of the report relate to that subject matter, excise any portions which it deems have no relationship, and direct that the remainder be delivered to the defendant. If the case should later be appealed, all reports which the court had inspected would go to the appellate court, so that it could review the decision of the trial court with all the evidence before it.

I firmly believe the provisions of this bill represent a modest, sound and reasonable solution to the problems created by the Jencks decision. The bill is not intended to nullify or to limit the decision of the Supreme Court, but rather to establish a single workable procedure for the introduction in evidence of statements and reports. It guarantees the defendant access after a witness has testified to those parts of reports previously made by the witness which actually touch on the subject under consideration. At the same time it would protect the public interest by permitting the Government to withhold those parts of such reports which are clearly not related.

Mr. Chairman, there is a compelling need for this legislation now. Almost every day brings news of another instance in which justice has been foiled as another case runs aground on the rocks built up out of misunderstanding of the Jencks case. A great number of cases have been wrecked because the Government has wisely refused to be a party to any Isaak Walton expeditions.

Mr. Chairman, the American people have been alerted to the threat to their security and the security of this Nation posed by the present situation. The ever-mounting correspondence on my desk calls overwhelmingly for action now by this Congress. The President has clearly and vigorously expressed his support of this measure and has urged its enactment during this session. And the deep concern and frustration in the Department of Justice and security agencies of the Government grow with each day we remain idle. To delay any longer could lead to bankruptcy of our law enforcement agencies.

For these reasons I urge the support of every Member of this body for this most vital measure. We have a mandate we cannot in good conscience ignore.

Mr. Chairman, I would now like to read to the Members of the House a letter I received from the Acting Attorney General, Mr. Rogers:

OFFICE OF THE ATTORNEY GENERAL,
*Washington, D. C., August 27, 1957.*

Hon. KENNETH B. KEATING,
*House of Representatives,*
*Washington, D. C.*

DEAR MR. KEATING: The version of the bill establishing procedures for the production of certain Government records in Federal criminal cases (S. 2377) which was passed yesterday by the Senate contains such serious defects that it contributes little, if anything, to meet the legislative need.

Section (b) of the Senate version would require the Government to produce on demand of a defendant in a criminal case records of prior statements made by a Government witness which have never been signed by the witness or otherwise adopted or approved by him as correct. Such statements which have never been ratified or adopted by the witness could not possibly be used to impeach him. Their surrender by the Government to the defendant was not required or involved by the decision of the Supreme Court in the Jencks case, which was limited to consideration only of statements of witnesses which could be used for purposes of impeachment. Furthermore, the use of the word records in the context in which it appears in the Senate version will inevitably lead to the contention that it includes the Government's internal working papers, including Government counsel's memorandums of interviews, notes, and files of investigative agents, and even the grand jury testimony of witnesses called by the Government. This would be authorization of the very rummaging through Government investigative files that the legislation is intended to prevent.

In subdivision (a) of the Senate version the words "except, if provided in the Federal Rules of Criminal Procedure" are inserted, and this insertion will only cause confusion in the courts. The purpose of the legislation is to spell out the precise circumstances and procedures which entitle a defendant to demand and receive pretrial statements made by a Government witness to an agent of the Government. The legislation will fail of its purpose of producing certainty and uniformity of practice if it fails to provide that the procedures outlined are exclusive. The fact is that the Federal Rules of Criminal Procedure do not require the Government to surrender pretrial statements made by a Government witness to agents of the Government. Consequently, there is no need for the insertion in the statute of the above quoted language, and its inclusion can only cause unnecessary doubt and confusion as to whether the procedures of the statute are intended to be exclusive.

You may be interested in the views of Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, who has advised me as follows:

"It is my considered judgment that the enactment of this legislation which has been recommended by the Attorney General is vital to the future ability of the Federal Bureau of Investigation to carry out internal security and law-enforcement responsibilities. The FBI certainly cannot continue to fulfill its responsibilities unless the security of its files can be assured as has been the case prior to June 3, 1957. Prior to that date, informed people knew our files were inviolate. This was a powerful factor in our ability to secure information. Since the Jencks decision, however, we have faced one obstacle after another. We have experienced instance after instance where sources of information have been closed to our agents because of the fear that the confidence we could once guarantee could no longer be assured. We have also experienced a re-

luctance on the part of numerous citizens to cooperate as freely as they once did. This, of course, is understandable when photostats of statements and documents taken from the files of the FBI and made available pursuant to the Jencks decision have actually fallen into the hands of the Communist Party. While the need to protect confidential sources of information and investigative techniques is at once apparent, there is an equally compelling need to protect innocent individuals whose names inevitably crop up in an agent's investigative report and who on occasions must be the subject of investigation to establish truth or falsity of statements made pertaining to them. I, for one, would vigorously oppose the unwarranted release of such statements which would not serve the interests of justice and which inevitably would not protect the rights of a defendant."

H. R. 7915, as reported with amendments by the House Judiciary Committee on July 5, 1957, contains none of these defects. Its provisions are completely fair to defendants, while at the same time providing adequate protection for FBI and other Government files. It is considered by the Department to be a far more accurate statement than the Senate version of the procedure contemplated by the majority of the Supreme Court in the Jencks case. The Department of Justice strongly urges the passage by the House of H. R. 7915 as reported with amendments by the House Judiciary Committee on July 5, 1957, and opposes the adoption of S. 2377 in the form in which it was passed by the Senate yesterday.

Sincerely,

WILLIAM P. ROGERS,
*Acting Attorney General.*

I urge that this bill which we have before us today which does strike this fair balance between the protection of the files of our investigative agencies and the protection of the rights of every defendant who comes before the court receive the overwhelming approval of the Members of this body.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Briefly.

Mr. CHELF. I agree fully with the gentleman and am entirely aware of the terrific job that he has done in this field. I want to congratulate him and commend him for the work he has done and to ask him whether or not if we must err, for heaven's sake, should we not err on the side of America? Of course, we do not want to err, but if we must err, would it not be preferable to err on the side of protecting America?

Mr. KEATING. I do not think we do err in the terms of this bill.

Mr. CHELF. I do not, either.

Mr. KEATING. I entirely agree with the gentleman's position.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman.

Mr. YATES. When the gentleman read the Attorney General's letter, I was struck by the fact that the Attorney General stated that he disagreed with the version of the bill passed by the Senate, because it went too far. He said it allowed examination of oral reports, which is something the Jencks decision did not approve. I now read from the Jencks decision:

We now hold that the petitioner was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI touching the events and activities as to which they testified at the trial.

In this respect the Senate bill differs from the bill which is presented to the House today. The bill presented to the House today would permit a defendant to examine only written reports by a witness who is testifying against him at the trial; is not that correct?

Mr. KEATING. It is my opinion, and it is the opinion of the Attorney General, that in the Jencks case there was only a holding that the Government would have to produce statements which had been identified and approved in some formal way by the witness who was before the court; either signed by him, initialed by him, or taken down in a question-and-answer form and then approved by him. It was never intended that there should be turned over to the defendant any document which could not be used to impeach the credibility of the witness.

The CHAIRMAN. The time of the gentleman from New York [Mr. KEATING] has expired.

Mr. CELLER. Mr. Chairman, I yield myself 10 minutes.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. FASCELL. I would appreciate it if the chairman of the committee could answer this question; whether the bill before us now modifies rule 16 or rule 17C of the Criminal Procedures.

Mr. CELLER. Yes; it does. There is express language in the bill on page 3, lines 8 to 10 we have the following:

In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding.

Mr. FASCELL. Of course, that would have the effect of modifying the existing rule if, in fact, the language which follows does modify the existing rule.

Mr. CELLER. It affects the rule of discovery, rule 16 and rule 17C, I think it is. It militates against what we always call, what the gentleman in his practice calls, the rule of discovery. That is, the defendant shall have the right to a pretrial discovery of any statements that have been made by any prospective witnesses so that he can prepare for his defense. That is in the Rules of Criminal Procedure. Under the amended bill all pretrial discovery proceedings will be wiped out. The only time a defendant will be able to secure any Government record is after the witness has testified at the trial and not before. This bill does all that.

Mr. FASCELL. Will not the gentleman yield further, then? Perhaps I misunderstood. I am trying to get this clarified in my own mind.

Mr. CELLER. The gentleman is taking a great deal of my time in general debate. Will not the gentleman wait until we get to the 5-minute stage?

We heard much this afternoon that this bill would open up the FBI files to saboteurs and espionage agents, and that secret discussions that go on which are embodied in the FBI files would be opened up to spies, and so forth.

I defy anybody to point out to me in the Jencks case anywhere where anything like that is indicated. In truth and in fact, in the Jencks case you have this very significant language on pages 12 and 13:

In the courts below the Government did not assert that the reports were privileged against disclosure on grounds of national security, confidential character of the reports, public interest, or otherwise.

Where do you find any kind of implication that in this Jencks case there were involved secret files, files impinging on our national security? That is denied by this very language I have just read. So that this great house that has been built up by the gentleman from New York [Mr. KEATING] just falls to the ground.

Now, has the Department of Justice protection presently against disclosure of secrets or secret files? Has it protection against prying into those files? Let us read the record again. On page 13 the Court had this to say:

It is unquestionably true that the protection of vital national interests may militate against public disclosure of documents in the Government's possession. This has been recognized in decisions of this Court in civil causes where the Court has considered the statutory authority conferred upon the departments of Government to adopt regulations "not inconsistent with law, for * * * use * * * of the records, papers * * * appertaining" to his department.

Then significantly the Court states:

The Attorney General has adopted regulations pursuant to this authority declaring all Justice Department records—

Including FBI records—

declaring all Justice Department records confidential and that no disclosure, including disclosure in response to subpena, may be made without his permission.

Whose permission? The Attorney General's permission. That means the FBI situation, and whether or not it wishes to have the records made public. You must first get the permission from J. Edgar Hoover and/or the Attorney General before you can make any disclosure. What more protection is there for FBI files than that?

A whole hullabaloo has been made over this situation. There is nothing in here concerning national security, but there are emanating, unfortunately, from the FBI great waves of propaganda that indicate to the contrary, that there are national security records involved in the Jencks case.

There are none—so the Court said. The bill before us is aimed at confidential matters contained in FBI files and their preservation. That is what the report says which accompanied the bill. FBI files, as I indicated, are now protected if they impinge in the slightest degree on the national security. I do not think the FBI should unduly endeavor to influence legislation, as they have done in this instance. The FBI is a nonpolitical entity and should not exert pressure on Members or through

the press. I have great respect for a really and genuinely dedicated public servant, J. Edgar Hoover, and the FBI. But public relations on Capitol Hill should not be the forte of the FBI. That kind of approach can boomerang. I hope the FBI will not again indulge in this vast propaganda that has been generated to support this bill. They propagandized on the ground that the national security is involved and on the ground that the Jencks case is opening up these records to spies and espionage agents and saboteurs. These forebodings are unwarranted.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. LAIRD. I just want to ask the gentleman from New York about this pressure that he talks about from the FBI. I have seen no pressure from the FBI with reference to this legislation. I think the Hearst newspapers have done a magnificent job in bringing this problem to the attention of the public, but I have seen no pressure from the FBI.

Mr. CELLER. I think the gentleman is very naive if he has neither seen nor heard of any pressure.

Mr. Chairman, there is a very dangerous provision in this bill. Page 3, lines 8 to 14, contains a very dangerous provision. It is as follows:

(a) In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding, no statement or report of any prospective witness or person other than a defendant which is in the possession of the United States shall be the subject of subpena, discovery, or inspection,

Now, what does that mean? I tried to indicate before some illustrations of that. Take an antitrust suit, let us say, against General Motors or against the ABC Corp. It is a criminal prosecution for antitrust violation. The Government could seize or subpena the records and papers of any and all competitors of the General Motors Corp., or the ABC Corp., because person used in the bill means corporation. These papers that have been seized could be rendered impervious to the grasp and ken and vision of the defendant corporation. They are possessed by the Government. This provision I have read is broad enough to prevent the defendant corporation from even seeing those documents under the rule of discovery as we know it, rule 16 and rule 17 of the Criminal Rules of Practice. That is all changed by this bill. Therefore, what happens? You render it impossible or impractical or most difficult for a defendant in criminal prosecution for an antitrust violation, for example, to defend himself.

That is what you are doing here. The Senate bill has no such provision, and at the proper time I shall offer as a substitute the Senate bill, with that provision which I have read, eliminated as far as persons or corporations are concerned. Take for instance an income tax case. Any one of you might be caught in the switches. You might unfortunately be held for an income tax violation. An indictment has been brought against you. Under this very broad provision the Department of Justice, bent on getting a conviction and only bent upon getting a conviction, could subpena the records in possession of your accountant or some of your creditors or some of your debtors, and you would not get these documents that could be used to exculpate yourself, prove your innocence. You might only have the right to see these documents or evidence at the time of trial—too late for proper preparation for trial. That is what would happen. That is what you are voting for. I ask you to be very careful before you enter into that kind of danger and vote for such a provision.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. BELCHER. As I understand it, these records would be subject to being delivered to the court, unless they were records that had been taken from a witness which the Government was using in the prosecution. Is that not correct?

Mr. CELLER. Right. They would be presented in camera; in secret; in chambers of the court. The defendant could not see them until then—too late for effective preparation. The defendant would be at a dreadful disadvantage.

Mr. BELCHER. But unless the Government was using your own accountant to prosecute you, it would not be subject to this rule?

Mr. CELLER. Why not? It says "any person." There is no limitation.

Mr. BELCHER. It says "to impeach witnesses which the Government has been using."

Mr. CELLER. No; it does not say that. It does not say that. I would not be complaining if it had those limitations on it. I would not be complaining even then if they had a limitation limiting this whole matter to sabotage or espionage or treason. But this covers the waterfront. It covers any criminal prosecution. It covers any person other than the defendant.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. ROGERS of Colorado. What the gentleman has in mind is that by the wording of this bill it would do away with those rules of criminal procedure wherein the Government, having seized my property, there are rules that authorize that it will be returned to me; but if we adopt this very section to which the gentleman has referred, then it does away with that theory altogether, and we are bound by this particular section and none other.

Mr. CELLER. The gentleman is absolutely right. The gentleman is as right as rain in his conclusion.

Now, we heard a great deal about the lower court interpretations of the Jencks decision. There are interpretations both ways, but laterally judges are commencing to get the full import of the Jencks decision and they are deciding exactly as the Department of Justice wishes. A judge in my own bailiwick, Judge Palmieri in the United States District Court for the Southern District of New York, ruled exactly the way the Attorney General wanted. Another judge, George H. Moore, of the eastern district of Missouri, ruled exactly the way the Attorney General wanted in his interpretation of the Jencks case. In a Veterans' Administration fraud case, a Federal judge ruled exactly as the Department of Justice wished, and what more does the Department want? There have been one or two decisions which have gone against the Department. They were unfortunate decisions. The judges should not have misinterpreted the Jencks decision, but time is healing all that. Real intelligence and the proper interpretation of the Jencks decision is dawning upon judges throughout the length and breadth of the Nation, and the new decisions are proper. Now we are rushing in to change all that. It is hoped we will not do so. Let these cases go up on appeal. Let our appellate courts rule first what the Jencks decision really means. Why the haste?

I do hope, therefore, that the bill will be changed in accordance with the Senate version. At the proper time I shall offer the Senate version as a substitute.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. CURTIS].

Mr. CURTIS of Massachusetts. Mr. Chairman, as a member of the Committee on the Judiciary so ably presided over by the gentleman from New York [Mr. CELLER], who has just spoken, it is a real disappointment to find that he has changed his views since his committee reported this bill, as I remember, well nigh unanimously.

I realize, of course, that other events have taken place since then, and that the other body of the Congress has taken a somewhat different point of view, but I submit that the Members of this body have taken a very sound point of view on this legislation, and I certainly hope this body will not bow to the results of the other body without at least a conference between the two branches.

Mr. Chairman, I wondered if I was dreaming when I read the statements in the papers about the damage to the FBI files which would take place if some remedial action were not taken, because the gentleman from New York [Mr. CELLER] got up here and tried to tell us that that was all some sort of a nightmare; that, in fact, those files were inviolate and in no danger; and he read us a portion of the Jencks decision which I would like to reread because of a very interesting statement that follows what he read. I read to you the statement which he read, and I am quoting from page 13 of the decision:

The Attorney General has adopted regulations pursuant to this authority declaring all Justice Department records confidential and that no disclosure, including disclosure in response to subpena, may be made without his permission.

We are told that therefore these records are inviolate. But let me remind you of what the Court went on to say in the next sentence where it quotes with approval the following statement:

The Government can invoke its evidentiary privileges only at the price of letting the defendant go free.

Of course, the Government had a privilege as to these files, but it cannot

assert its privilege and at the same time prosecute those who are trying to subvert and practice treason against the United States.

The gentleman from New York also argued that the files of the FBI were not concerned because the Government did not assert its privilege in this case.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CURTIS of Massachusetts. Can the gentleman from New York [Mr. CELLER] yield me more time?

Mr. CELLER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from New York has 2 minutes remaining.

Mr. CELLER. I yield my 2 minutes to the gentleman from Massachusetts.

Mr. CURTIS of Massachusetts. I thank the gentleman.

Mr. Chairman, the Government did not assert its privilege because if it did it would lose the case.

As showing the danger to FBI files, let me quote what the Court said in the Jenck's case:

> We now hold that the petitioner, that is, the defendant in the case, was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified.

Those were two confidential agents of the FBI. The Court goes on to say that the petitioner is entitled to inspect such reports.

So in conclusion, Mr. Chairman, I hope this body will support the action of its Judiciary Committee; and I would like to agree with my colleague, the gentleman from Kentucky [Mr. CHELF], that if we are going to err, we should err on the side of the United States.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, about the only thing I can contribute to this debate that will help you form a decision is the fact that I was in charge of Federal prosecutions for crime in North Dakota for a number of years, and I have had experience in court. All the commotion about finding fault with the Supreme Court has risen from the fact that they have very few lawyers on that Court. If they had as good lawyers as I can pick out in this House this afternoon, some of these decisions would not have been rendered.

In prosecuting these criminal cases I discovered that the records I had, both accumulated by the FBI and myself and our State organization, contained the names of those I was going to use as witnesses. If a defendant was in court being prosecuted and he wanted to find out just what this witness had said in the record—whether he was telling the truth or not—if he could get hold of that record there would not be any more lawsuit because I have seen the time when I refused to call a man as a witness because I knew they would kill him. We are right out there where they do business. I refused to call him. But the mere fact they saw him going to the Federal district attorney's office was enough. That night he was killed.

Well, now, if you open up these records and find the names of 8 or 10 that maybe have some reference to the case, and they can get hold of those names, the next time there will not be any names in there. They will not contribute any information, because they would rather live than be shot. If you had experienced men on the Supreme Court of the United States that had been through all of these battles in trials you would not have any ridiculous decision like that to turn over all of the information to these whisky runners and murderers.

You can take your choice. You can turn this down or you can leave the law where it was before the Supreme Court forgot their duty as interpreters of the law and started to legislate. We must not turn this great Government over to Murder, Inc.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I would like to take my time to call attention first, to what exactly the Jencks ruling did and what our committee attempted to do to clarify that decision and to discuss some of the things that have been said with regard to this matter.

First, what did the Jencks case do? There principally were two rules of law of long standing changed in the Jencks decision. The first is that the defense was entitled, without laying a preliminary foundation of inconsistency, to an order directing the Government to produce for inspection all reports of Matusow and Ford, in its possession, written and, when orally made, as recorded touching the events and activities as to which they testified at the trial. That is the first thing it did.

I want to point out to those who are concerned about the rights of the defendant, the rights of the accused and the rights of the individual as compared and apparently are superior in some way to the rights of society, that our committee has done a constructive job in protecting individual rights in that it has written into this bill this additional rule of evidence as stated by the Court which had not theretofore been the law of the land to protect the rights of individuals. That is in this bill although I do not necessarily agree with this new rule of evidence.

Secondly, what did the Court do? The Court said that the defense is entitled to inspect the reports to decide whether to use them in his defense and the practice of producing Government documents to the trial judge for his determination of relevancy and materiality without hearing the accused is disapproved. The determination of what should be included in the trial of the case is not to be determined by the judge himself. The new rule is, it shall be determined by the defendant.

This rule is inconceivable, and as the the distinguished gentleman from Louisiana pointed out, that at no time in the past history of our jurisprudence the defendant has been the one who has been entitled to search through all the files of the FBI or any other Government agency for the purpose of determining what in his opinion is relevant to the case. That has been within the sole discretion of the judge.

All this bill does is to retain discretion where it has been for the last 160 years, that is, in the judge himself. That is what this bill does.

Now why is this legislation important? It is not because the FBI or J. Edgar Hoover or anybody else is raising a fuss about it. It is because of the decisions of the lower courts releasing many defendants. It is because the Jencks case decision was so broad in its scope and so hard to interpret in many respects that the lower courts themselves have in many instances completely misinterpreted, I believe, the intention of the Court. Let us read just 2 or 3 of the sentences of the Court. The Court alludes to reports when it says:

> Relative statements or reports in the possession of the Government should be turned over to the defendant.
>
> * * * statements orally made as reported by the FBI.
>
> * * * entitled to inspect the reports to decide.

The lower courts in reading the decision have so interpreted it as a matter of fact that since the decision has been handed down there have been some 17 criminals who have been permitted to go scot-free because the FBI did not feel that they could make known to the defendants and to the general public their methods and procedures and the informants they used—17 defendants. That is what we are trying to correct. I say to you this is an essential bill, it has been thoroughly considered, and it protects the rights of the defendant while recognizing the essentiality of also protecting the FBI law-enforcement methods necessary for the protection of the public.

Mr. KEATING. Mr. Chairman, I yield the balance of the time to the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Chairman, the very honorable chairman of the Committee on the Judiciary has pointed out in detail two particular reasons why he feels that this legislation perhaps is hasty. The gentleman from Massachusetts [Mr. CURTIS] has very capably, I believe, met one of the arguments of the distinguished chairman of the Committee on the Judiciary in that he said this: That the Attorney General has the prerogative of stating or electing not to disclose any of the confidential information contained in the files of the case.

The gentleman from Massachusetts went on to say, and pointed out the fact that if the Attorney General makes this election, he loses his case because the Government can only invoke the evidentiary privilege at the price of letting the defendant go free.

That is the Supreme Court speaking. The gentleman from New York also read to you paragraph (a) of the bill we are considering. He said:

> In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding, no statement or report of any prospective witness or person other than a defendant which

is in the possession of the United States shall be the subject of subpena.

He stopped there. He did not say "except as provided in paragraph (b) of this section."

And paragraph (b) is the germane section, the section which attacks the Supreme Court decision and protects the rights of the defendant in our courts, when it says:

After a witness called by the United States has testified on direct examination, the Court shall, on motion of the defendant, order the United States to produce for the inspection of the Court in camera—

Naturally, in private—

such reports or statements of the witness in the possession of the United States as are signed by the witness, or otherwise adopted or approved by him as correct relating to the subject matter as to which he has testified.

If I may respectfully refer you to the Court's opinion, I think the Court has pointed out to us very pointedly what it wants us to do. On page 15 of the decision of the Supreme Court in the Jencks case, the Court says:

The burden is the Government's, not to be shifted to the trial judge, to decide whether the public prejudice of allowing the crime to go unpunished is greater than that attendant upon the possible disclosure of state secrets and other confidential information in the Government's possession.

Actually a number of the members of this committee know and fully appreciate the rule stated by the Supreme Court, on page 14, when they say:

The rationale of the criminal cases is that, since the Government which prosecutes an accused also has the duty to see that justice is done, it is unconscionable to allow it to undertake prosecution and then invoke its governmental privileges to deprive the accused of anything which might be material to his defense.

In the legislation we are debating today, the defendant is protected and it does not deprive him of anything which might be material to his defense. In order to protect the files of the FBI, this bill must be passed in its present form as the best interest of our country demands it.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. MOORE] has expired.

Mr. POFF. Mr. Chairman, as one of the authors of legislation designed to accomplish the objective of H. R. 7915, I endorse the bill as reported by the Committee.

On June 3, 1957, in the case of *Jencks* v. *United States* (353 U. S. 657), the Supreme Court held, among other things, that, for purposes of discrediting Government's witnesses, defendants in Federal criminal prosecutions are entitled to inspect "all reports of Government witnesses in its possession touching the events and activities to which the witnesses testified at the trial." Conflicting interpretations by lower Federal courts as to the meaning of this statement and the necessity for a procedure which will be uniform throughout the Federal court system resulted in the introduction of legislation by several Members of Congress seeking to clarify the effect of this decision.

The problem which arises from the above holding of the Supreme Court is the insistence of some—although not all—lower Federal courts that entire reports of FBI and other Federal investigative agencies, such as the Narcotics Bureau and the Alcohol and Tobacco Tax Division of the Treasury Department, the Bureau of Immigration, the Defense Department, etc., be handed over to defendants even though only a small part of the reports relates to the pertinent testimony of Government witnesses. Under such circumstances, it is possible for confidential Government files containing information relating to the public interest, welfare, safety, and otherwise, to be disclosed even though such confidential and vital information has no material bearing on the case. Such insistence could lead to broad and harmful expeditions among documents possessed by the Government for purposes which have no direct bearing on the criminal prosecution for which they have been ordered produced.

To understand the seriousness of the situation, it is important to know what Government reports may contain. For example, reports of the FBI cover the full investigation of every phase of a case. They include not only interviews with possible witnesses but information received from confidential sources, volunteered statements, and all other information that has been obtained from the start of the investigation through the preparation of the case for trial. The reports necessarily include raw material of unverified complaints, allegations, and information. In some investigations it is necessary for the FBI to secure the most intimate details of the personal life of a victim of a crime to aid in the identification of the wrongdoer. Much of this information may subsequently prove to be wholly immaterial to the ultimate outcome of the investigation. Nevertheless, it is in FBI reports, and properly so, since FBI investigations record all information received, whether relevant or not and whether verified or not. The interpretation of some courts ordering the production of these reports in their entirety could seriously handicap the law enforcement of our Government agencies, in that, in addition to the disclosure of vital confidential information, the reports would also reveal law-enforcement techniques, intelligence sources, and the names of confidential informants, and could injure the reputations of innocent persons who have no real connection with the inquiry but whose names found their way into Government files because investigators who, in the interest of doing a thorough job, included them.

The Department of Justice, while accepting the main holding of the Jencks case, has expressed the view that by reason of what it considers loose interpretation by lower Federal courts of the Supreme Court decision, it is placed in a position where, if legislation is not introduced, it will have to abandon the prosecution of worthy cases in order to safeguard confidential information in the files of the Government.

Under the instant legislation, which the Department of Justice supports and the language of which it in fact suggested, a defendant in a Federal criminal prosecution, while he will be entitled to see pertinent reports and statements of Government witnesses which the Government has in its possession, he will obtain, instead of the entire reports or statements, only those portions which relate to the testimony of the Government witnesses at the trial. It should be emphasized that this legislation in no way seeks to restrict or limit the decision of the Supreme Court insofar as constitutional due process of a defendant's rights is concerned. While defendant will be entitled to pertinent portions of the reports and statements of Government witnesses which the Government has in its files, he will not be entitled to rummage through confidential information containing matters of public interest, safety, welfare, and national security. He will be entitled to so much of the reports and statements as is relevant to a witness' testimony for the purpose of attacking the witness' credibility. The instant legislation, in securing this entitlement to defendant, authorizes the trial court to inspect the reports and statements and determine what portions thereof relate to the subject matter as to which the witness has testified and to direct delivery of those portions to defendant for his use in the cross-examination of the witness.

There is nothing novel or unfair about such procedure, as Mr. Justice Burton notes in his concurring opinion in the Jencks case. According to Wigmore, and as quoted by Justice Burton, such a procedure is customary:

It is obviously not for the witness to withhold the documents upon his mere assertion that they are not relevant or that they are privileged. The question of relevancy is never one for the witness to concern himself with; nor is the applicability of a privilege to be left to his decision. It is his duty to bring what the court requires; and the court can then to its own satisfaction determine by inspection whether the documents produced are irrelevant or privileged. This does not deprive the witness of any rights of privacy, since the court's determination is made by his own inspection, without submitting the documents to the opponent's view (VIII Wigmore, Evidence (3d ed. 1940), 117–118).

Such provisions as this legislation contemplates effect a two-fold beneficial purpose. It protects the legitimate public interest in safeguarding confidential governmental documents and at the same time it respects the interest of justice by permitting defendants to receive all information necessary to their defense.

Mr. Chairman, I respectfully urge favorable action on this legislation.

Mr. BOSCH. Mr. Chairman, I and many other Members of this body, as well as the American people, have been seriously disturbed by the usurpation of Congressional authority by our highest tribunal. the Supreme Court of the United States. No one who is of the legal profession has a greater regard for the separation of the various branches of Government than do I, but I feel most strongly that this usurpation of Congressional authority by the Court is consti-

tutionally wrong, but, even to a greater degree, seeks to alter our system of government. The Jencks case is without doubt one of the outstanding examples in a long series of decisions of more legislative than judicial reasoning.

Prior to the introduction of my bill, H. R. 8243, dealing with this subject matter, I carefully read and analyzed the recent decisions of the Court, including the Jencks decision which appeared on the United States Supreme Court Calendar No. 23, October Term 1956, and in which decision was rendered June 3, 1957. I am of the opinion, Mr. Chairman, Mr. Justice Brennan, when he refers to the decision of Chief Justice Marshall in the *U. S.* v. *Burr* (25 Fed. Cas. 187), as a precedent, was in error for, as I see it, the opinion in that case, when read in toto, sustains the position of President Thomas Jefferson against Aaron Burr who wanted him held in contempt for failure to show a letter written by Attorney General Wilkinson relating to Aaron Burr's treason. In substance, this decision upholds the contention that the Federal Bureau of Investigation should have been compelled to submit informants' reports, some of them from FBI agents who were doing their patriotic work in the suspected organization of which Jencks was a former official in order that Jencks might compare this secret information with the trial testimony of the informants. It was only after serious thought and consideration, having in mind the long-standing rule that it is up to the trial judge to determine whether the defendant shall be allowed to examine relevant reports which incidentally is the precedent referred to in the dissent in the Jencks case, read by Mr. Justices Burton and Frankfurter, that I introduced H. R. 8243.

Mr. Chairman, I support H. R. 7915, the bill under consideration even though I might be happier with an even stronger piece of legislation. Its purpose simply, as stated in the report, "It protects the legitimate public interest in safeguarding confidential governmental documents and at the same time it respects the interest of justice by permitting defendants to receive all information necessary to their defense." I believe it is imperative that this legislation be overwhelmingly adopted as an expression by this body of its support of the long-established rules of jurisprudence and to uphold the hand of the Federal Bureau of Investigation in its ever-engaging fight against the subversive and criminal elements in our great country. To put it bluntly and clearly, Mr. Chairman, this bill is in the interest of our national security.

Mr. O'HARA of Illinois. Mr. Speaker, I regret that this measure is coming before us apparently as part of a two-piece package. On the day the Rules Committee voted a rule for the civil-rights bill it also voted a rule for a bill which is regarded by those opposing the civil-rights bill as a slap at the Supreme Court of the United States. On the same day the two bills are brought before us for brief debate and for passage. We have been in session since the first week in January; and now late in August in one day and in a couple of hours of debate we are to pass upon measures of large importance. It may be said by some that the bill now under consideration is not intended as a measure in criticism of the Supreme Court of the United States. But it is to be noted that many of those who are most ardently pressing for its passage with the most meager debate, are those who most ardently fought the civil-rights bill to the bitter end.

I trust that the committee will accept the Celler amendment. For that amendment, which is substantially the bill, passed by voice by the other body. I can vote in good conscience.

I do not like one provision that I, as a defense counsel in many trials, would regard as prejudicial to the defense of innocence.

I might say that in the many times that I have stood before juries in the defense of persons under indictment I never have represented a defendant of known or suspected professional criminal type. I have represented persons who had been caught in webs of circumstance, many times persons without the means to dig up the evidence to dissolve those circumstances, and I have sincerely felt every time that I addressed a jury that I was defending innocence. In most cases all that I had to work with was the fact that truth, given an opportunity to reveal itself through the laws of evidence intended to protect innocence, would rise to defend against a false chain of circumstance one who had lived and acted by the truth.

It is the duty of the prosecutor, whether it be in a State or a Federal court, as much to defend innocence as to convict the guilty. That is in the spirit and of the essence of American justice. When the prosecution puts on the stand a witness to swear away the life or the liberty of a defendant it is in the very spirit of justice that for purpose of protection against false testimony it should furnish the defense with the statements in its possession made by the witness that might be contrary to the statements at the time of trial.

It is proposed that the court can order the Government to present to the court's scrutiny previous statements of the Government's witness, and that in the failure of the Government to comply with such order of the court, the evidence of the witness may be stricken and the jury instructed to disregard.

But, Mr. Speaker, juries are human. When jurors are told a damaging story, one that may impress them deeply, they do not easily dismiss it from their minds. Even though they conscientiously seek to follow the instruction of the court to disregard the evidence given, there remains in their subconscious minds a motivating memory of that which with their own ears they had heard and from a witness who at a previous hearing or on a previous occasion may have made statements entirely contrary, but which were not brought to their attention and their hearing because the Government had refused to comply with the order of the court. It is this provision that I think with greater study could be perfected with less likelihood of injustice to innocence resulting.

The situation that we face did not result from a decision of the Supreme Court that would expose the files of the FBI that should not be exposed. It arises from the fact that some district courts have gone astray, and altogether too far astray, in their interpretations of that which the Supreme Court intended and actually said. This brings us face to face with a situation that is realistic and should have our best thought and attention in order that district and circuit courts in erroneous interpretations may not do further havoc before the Congress has met in a second session and before the matter can go back to the Supreme Court for further clarification.

I, like every other lawyer who has practiced in both State and Federal courts, have found some State judges and some Federal judges stubbornly grounded in their prejudices and in their own slanted interpretations of laws. During the early Roosevelt years, when the Congress was enacting many new laws that now are the accepted bulwarks of our welfare, I knew of one Federal district judge who on every occasion immediately found some litigation to give him the opportunity to declare unconstitutional a law passed by the Congress of the United States. As I recall it, there were more than 10 such occasions, and of the many laws this district judge so promptly found unconstitutional, not one failed to pass the approving scrutiny of the Supreme Court of the United States. So I know how far astray a district court can go, even though I say in all fairness, and in order that I may not be misunderstood, that I have known precious few judges, whether in State or in Federal courts, who did not measure up to the highest standards of integrity and of judicial deportment. But a few stubborn men can do a lot of mischief on and off the bench.

So, Mr. Speaker, I repeat that I in good conscience can support the Celler amendment taken as a whole. It was never the contention of the Supreme Court of the United States, as I read its words, that the files of the FBI should be opened for all the world to see. Everything that has been said on that score I agree with. Certainly if the FBI has gathered information that protects our country and our people from sedition, from subversive activities and from crimes, and it is unrelated to the specific testimony given by a Government witness in a criminal case, it should enjoy the privacy that it requires in protection of its usefulness and of the persons from which it was obtained. The Celler amendment will protect fully that privacy. It will act as a stopgap to prevent abuses springing from the erroneous interpretation of the Supreme Court's decision until the Court itself can clarify its language or the Congress after hearings by the Judiciary Committee of the length and scope demanded by prudence and the concepts of good lawmaking can make wise and constructive changes.

No matter how it is disguised, the import of the bill under discussion is to slap by implication at the Supreme Court

of the United States. It is part of a two-price package. The import of the Celler substitute bill is to meet the situation arising from erroneous interpretations by lesser courts, to protect the legitimate privacy of the FBI files from invasion threatened by such misinterpretations and at the same time to maintain unsullied and unweakened the authority of the Supreme Court of the United States and the safeguards of innocence that are part and parcel of American justice.

Mr. METCALF. Mr. Speaker, it is apparent that there has been considerable confusion as to the precise results of the Jencks decision. During the I have been pleased that some of the course of the debate here on the floor intemperate attacks that editorial writers and some columnists have made on this decision have not been repeated. Actually, as I read the case, the decision of the Supreme Court was a very correct one and one that was on a narrow issue.

Harvey Matusow, a self-confessed perjurer, and now under sentence for perjury, was one of the professional witnesses who testified against Clifton Jencks and whose testimony helped secure a conviction in the Jencks' case. Matusow testified that he had made oral and written statements to the FBI about Jencks. The Supreme Court held that the defense was entitled to an order of the trial court directing the Government to produce all reports made by Matusow and, one, J. W. Ford, as recorded, touching upon the events and activities which were the subject of their testimony at the trial. The decision specifically bars any broad or blind fishing expedition among documents possessed by the Government.

The Matusow chapter is one of the blackest in recent history of the Justice Department, and has dramatically pointed up the dangers to the rights of individuals in the use of paid informers and professional witnesses upon which to base a Federal conviction. The Supreme Court decision reaffirms the right of the individual American citizen fighting for his life or liberty to have access to the evidence in the possession of the prosecutor that is necessary to his defense.

I have read some of the statements that have emanated from the Department of Justice since the Jencks decision was handed down and I am unable to read into the decision a good many things the Attorney General says that he finds there. I am glad to learn that my colleagues on the Judiciary Committee also have been unable to foresee the dire results of the Jencks decision that have been forecast by some.

But, they say, as a result of the decision there have been various conflicting interpretations within the same circuit and sometimes within the same district so that it is necessary to have legislation to straighten this matter out. In fact the legislation proposed does just about what the Supreme Court decision did. It does adopt the majority principle of the Jencks decision insofar as it requires the Government to produce the reports of a Government witness either written, or when orally made, as recorded, touching the events and activities about which the witness has testified at the trial.

However, the legislation before us proceeds to write the rules under which the disclosure shall be made. I submit that this is within the prerogative of the judiciary under broad, general legislative principles heretofore adopted. There are State jurisdictions where the rule making power is in the legislature. My own State is one. But the Federal courts and their judicial councils exercise rulemaking power for those courts under specific legislative grant. In principle and logic that is a better way, in my opinion. We can rely upon the sound exercise of this rulemaking power to protect the rights of the people of the United States, as the complainant in a criminal action, and at the same time to preserve the traditional American rights of the accused.

Frankly I am not sure whether this legislation does preserve basic rights of the accused or not. I have listened to the gentleman from Colorado [Mr. ROGERS] and the gentleman from New York [Mr. CELLER] and I am impressed with their arguments that this legislation does change rules of procedure.

As I read the Jencks case and see that the basic principle of the decision is, by and large, in accord with this legislation I am reluctant to vote for a bill that might change the decision or the rules of procedure under which it was promulgated. It seems to me that the orderly way is to let the customary and traditional judicial process formulate the body of law around this decision, just as the law has been built around other decisions of the Supreme Court and interpretations of procedural matters. If, after mature consideration of the Supreme Court's interpretations and the district court procedures, the Congress does find that a change in the basic legislation is necessary then such a change can be made after a greater opportunity for study and consideration is given the Members than has been given us here today.

To me the case for urgency has not been proven. The case for careful deliberation of such a matter as affects basic constitutional liberties is always with us. Therefore, I shall vote against H. R. 7915.

Mr. COFFIN. Mr. Chairman, in deciding to vote with the small minority against H. R. 7915, which was devised to correct misunderstandings in the wake of the Jencks case, I was reminded of, and influenced by, the example set by Maine's great son, William Pitt Fessenden, who, notwithstanding popular clamor to impeach President Andrew Johnson, cast the first Republican vote of not guilty.

On questions of great moment, one is answerable in the final analysis only to his conscience. In my opinion, H. R. 7915 was such a question. It raised not only the issue of immediate wisdom but the issue of the way we have devised and maintained a Government which has at its best moments preserved and strengthened, rather than eroded and weakened, a separation of the powers of the executive, the legislative, and the judicial branches.

During my period as a Federal law clerk and as a frequent practitioner of the law in the Federal court of Maine, I suppose that I became as familiar as most lawyers in my State with the Federal Criminal and Civil Rules of Procedure. They have proved eminently successful because they were adopted only after an exhaustive consideration by both bar and bench. Each successive change in these rules has been made only after thorough exploration and discussion by the judicial council, and the bench and bar generally. In no instance, so it was revealed in the debate, since the inauguration of these rules, has Congress attempted to work its will on the body of rules so carefully wrought.

Now, in a near frenzy over the prospect of delay or acquittals during the next several months, we set ourselves the task of legislating a rule of court, during the hectic last-minute rush of this session, without having conducted any hearings in depth, without seeking or gaining the reasoned advice of bench and bar. And, allowing only 1 hour of general debate, we expect to add to the dignity and effectiveness of our system of justice.

The debate, short though it was, illuminated that the task we set ourselves was too much. Despite the protestations in the committee report that rules 16 and 17 (c), providing for discovery and subpena procedures, were not affected, it is clear from a careful reading that they are substantially changed. One example will suffice. Rule 16 allows the defendant a pretrial inspection of "papers * * * obtained from others by seizure or by process" which are in the custody of the Government. H. R. 7915 would prevent a defendant from inspecting before trial any paper in the hands of the Government, which comes from any other person than the defendant. This means that a corporation, sued in an antitrust action, could not have, as it now does have, the right to inspect documents of a competitor, either voluntarily given to or seized by the Government. This means that a businessman, sued in a wages and hours case, could not inspect, before trial, documents or receipts of allegedly aggrieved employees. Or, in an income tax evasion case, the accused taxpayer could not inspect, before trial, invoices or receipts of others as to his income or expenditures. These examples illustrate how far reaching this seemingly simple legislation is, and how profoundly it alters the existing rules.

I voted for the version of this legislation as it passed the Senate, because I felt that the existing structure of the rules had been left more nearly intact. Even then I did so most reluctantly, because I felt that this was not the way to proceed if we are to insure continued balance, practicability, and justice in these rules.

I have the conviction that in the long run the people of this country will reaffirm, as they did when an attempt was made to pack the Supreme Court, their faith in the Court as the irreplaceable guardian of the system of justice that has nurtured our greatness. In times to come they will look back on this as an ill-advised attempt to pack the rules of our courts.

We are being naive if we believe that the next 4 or 5 months will see the wholesale acquittal of subversives or other desperadoes. At the most there will be delay in bringing cases to trial. That delay, if used—as it certainly should and could be used—to invoke the judicial council and the advice of bench and bar throughout the country, is indeed a small price to pay for the sane and orderly improvement of our system of justice. The legislative cure is likely to prove a wonder drug leaving after effects worse than the ailment it seeks to remedy.

Mr. BECKER. Mr. Chairman, it is my firm conviction that this legislation will, for the time being at least, correct the ill effects of the Supreme Court decision affecting the disclosure of the FBI files.

In listening to the debate today, I am reminded that, through my years as a member of the New York State Assembly and since I have been a Member of the House of Representatives, every time legislation comes on the floor affecting the Communist conspiracy, the greatest legal, technical debate takes place. In no other legislation to my knowledge do the legal technicalities arise that have been injected here today.

I want it understood that I believe those arguing in opposition to this legislation have the best interests of our country and its security at heart. Nevertheless, I firmly support this bill as reported by the committee and, if any difficulties should arise in the near future, the Congress will be back in session again and can correct them, if necessary, but it is essentially vital for the internal security of our Nation that this legislation be passed at once.

I am happy that my statement of 2 weeks ago, which I made on the floor of the House, asking that this Congress not adjourn until this legislation had been completed is being carried out. I commend the Judiciary Subcommittee in drawing this bill and acting upon it in an expeditious manner, and I am sure it will pass by an overwhelming vote of this House.

Mr. ASHLEY. Mr. Chairman, Congress today is hurrying to pass a bill to restrict the Supreme Court's recent decision in the Jencks case which held that Federal Bureau of Investigation reports, under certain circumstances, could be made available to defendants in criminal cases.

The Court's view was based on the long-established right to counsel to impeach an opposing witness—that is, destroy his credibility—by producing earlier statements by him which may be at variance with court testimony.

But in the Jencks case the Supreme Court made this right of counsel specifically applicable to the hitherto sacrosanct files of the FBI. Up to then the FBI had always been able to maintain that its files must be kept secret. Since the Jencks case was decided, J. Edgar Hoover and Justice Department officials have been pressing for legislation to change the Jencks ruling.

It is extremely unfortunate, Mr. Chairman, that this pressure—exerted through press, radio, and other mediums—has resulted in eleventh-hour consideration of the bill before us. Because high administration officials have hinted broadly that the Jencks case opens FBI files to every whim and demand of defendants in espionage and other cases involving our national security, the legislative skids have been greased, the adjournment flag has been readied, and word has gone out that the bill is not really too bad after all.

Mr. Chairman, I am opposed to the legislation at hand because I do not believe that it has received sufficient consideration and because I resent the atmosphere in which it comes to this body. I feel strongly that Congress, with the perspective that comes from studying the effects of the Jencks decision, will be better able to legislate in the public interest on this matter in the next session of the Congress.

The CHAIRMAN. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That, section 1733 of title 28, United States Code, is hereby amended by adding the following additional subsections:

"(c) In any court of the United States and in any court established by act of Congress, any books, records, papers, or documents of any department or agency of the United States which, in the opinion of the Attorney General, contain information of a confidential nature, the disclosure of which the Attorney General in the exercise of his discretion, concludes would be prejudicial to the public interest, safety, or security of the United States shall not be admissible in evidence in any civil or criminal proceeding, over the objection of the Attorney General, unless—

"(i) such books, records, papers, or documents have been produced in open court and have been used or relied upon by a witness for the purpose of establishing a record of his past recollection, of any events being testified to, or

"(ii) such books, records, papers, or documents have been or are produced in open court and are being used or relied upon by a witness for the purpose of refreshing his present recollection of any events being testified to.

"(d) Whenever, in any civil or criminal proceeding in any court of the United States or in any court established by act of Congress, demand is made for the production of any books, records, papers, or documents of any department or agency of the United States which have been used or relied upon by a witness in the trial for the purpose of refreshing the witness' recollection, or as a record of his past recollection, such books, records, papers, or documents shall not be produced or admitted in evidence over the objection of the Attorney General unless the trial court, in its discretion and upon personal inspection thereof without disclosure to any party or counsel, determines that such books, records, papers, or documents should be produced in the interest of justice and for the protection of the constitutional rights of the party affected thereby."

Mr. KEATING (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with and that the committee amendment be read.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will read the committee amendment.

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause and insert the following:

"That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:

"'§ 3500. Demands for production of statements and reports of witnesses

"'(a) In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding, no statement or report of any prospective witness or person other than a defendant which is in the possession of the United States shall be the subject of subpena, discovery, or inspection, except as provided in paragraph (b) of this section.

"'(b) After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce for the inspection of the court in camera such reports or statements of the witness in the possession of the United States as are signed by the witness, or otherwise adopted or approved by him as correct relating to the subject matter as to which he has testified. Upon such production the court shall then determine what portions, if any, of said reports or statements relate to the subject matter as to which the witness has testified and shall direct delivery to the defendant, for use in cross-examination, such portions, if any, of said reports or statements as the court has determined relate to the subject matter as to which the witness has testified. The court shall excise from such reports and statements to be delivered to the defendant any portions thereof which the court has determined do not relate to the subject matter as to which the witness has testified. If, pursuant to such determination, any portion of such reports or statements is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire reports or statements shall be preserved by the United States and, in the event the defendant shall appeal, shall be made available to the appellate court at its request for the purpose of determining the correctness of the ruling of the trial judge.

"'(c) In the event that the United States elects not to comply with an order of the court under paragraph (b) hereof to deliver to the defendant any report or statement or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.'

"The analysis of such chapter is amended by adding at the end thereof the following:

"'3500. Demands for production of statements and reports of witnesses.'"

Mr. ROGERS of Colorado (interrupting the reading of the committee amendment). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I doubt very seriously whether the Congress of the United States can write legislation attempting to rectify what they claim has resulted from the Jencks decision.

May I point out that the Supreme Court in its decision on page 11 of Jencks against United States, after it was brought out that the two witnesses Matusow and Ford had testified that they had made certain statements to the FBI and the defendants' counsel asked that those statements be produced and they were not produced, stated:

We now hold that the petitioner was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified at the trial. We hold, further, that the petitioner is entitled to inspect the reports to decide whether to use them in his defense. Because only the defense is adequately equipped to determine the effective use for purpose of discrediting the Government's witness and thereby furthering the accused's defense, the defense must initially be entitled to see them to determine what use may be made of them. Justice requires no less.

Let us take that part of the decision and analyze the bill which we have here. It in effect says that when a witness has taken the witness stand and has admitted that he has given reports to the FBI, then we say in the second paragraph that instead of these reports being produced and turned over to counsel for the defense as provided in this decision, we say under this bill that it shall be given to the judge for him to ascertain what part of that report shall be turned over to the defendant. Let us see what the Supreme Court said, and the reason that I now say, it is virtually impossible for this House to write a rule of reason, so to speak, to apply to the Jencks decision. For the Supreme Court on page 12, after reciting the necessity of turning over the reports to defense counsel makes this statement:

The practice of producing Government documents to the trial judge for his determination of relevancy and materiality without hearing the accused is disapproved. Relevancy and materiality for the purposes of production and inspection with a view to use on cross examination are established when the reports are shown to relate to the testimony of the witness. Only after inspection of the reports by the accused must the trial judge determine admissibility.

The Court in that decision said that he is given his due process when he has an opportunity to inspect the reports that are in the files. We can talk all we want to about the security of the Nation and things of that nature. This is a rule that is laid down by the Supreme Court. They have laid it down. We attempt in this bill to take from him the right to inspect the files unless the judge approves. We say "You now revert back to the old rule and you will now give it to the judge and the judge shall determine rather than you being able to examine it yourselves and make that determination."

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, let us go one step further. The chairman of our committee has pointed out that if the first part of this bill as reported is adopted, then you are proceeding to change some of the rules of criminal procedure. That is not all that this bill would do—and I do not know what else can be done about it, but whenever you realize that under these circumstances, if the Court delivers to the defendant the files or the reports, understand that in the first instance we say in this bill "such reports or statements of the witness in the possession of the United States as are signed by the witness."

Now, that is No. 1, and continuing "or otherwise adopted or approved by him as currently relating to the subject matter to which he has testified."

The word "relate" goes a long way.

Now let us go one step further and see if we are actually, by this procedure, saying that we are amending the rule as it relates to wiretapping. It could very easily arise in this instance. Suppose that the FBI had placed a wiretap, and that that wiretapping has been put in their report, and it deals with a witness who is on the witness stand. We authorize the judge, under this procedure, to take that report because it relates to that witness, and he is in duty bound, under this procedure, to deliver it to the defendant's counsel. After it is delivered to him, then you run into the first big problem. Our Federal Communications Commission Act does not make it a crime to wiretap. It makes it a crime to expose and disclose the thing that you hear in the wiretap.

Here is a report which contains the wiretap information, which is given to a Federal judge in the first instance, and he, in the second instance, delivers it to counsel for the defendant. Is he privileged, then, under the law, to expose what he heard in that wiretap? That is something that we should consider. Certainly if he can, then he is violating the particular section which prohibits the exposure of the information heard in the wiretap.

There are a number of things we should consider in connection with this piece of legislation. What we have before us is a bill that was prepared by the Department of Justice in the first instance. When the other body considered this legislation and when they approved it yesterday, they did not adopt the provision of the Justice Department bill which you now have before you as an amendment to the original bill. The other body has amended it in several particulars.

Now here is the whole crux of the thing. What is a record? The bill as provided by the other body in effect says "a record." Is a record what is told to an FBI agent who in turn tells what he has heard? Does that become a record which must be passed to counsel for the defendant? The other body at the suggestion of the Justice Department had an amendment over there to change the word "record" to "recording," meaning thereby to make a limitation upon the thing that would be passed to the defendant. In other words, a "recording" means speaking what the man may have said that they have picked up. It would eliminate the question of the record itself.

I therefore believe that if we are to adequately meet this situation it would take a great deal more study than we have been able to give it. Otherwise you will run into a situation where due process has been denied.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. ROGERS] has again expired.

Mr. CELLER. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. CELLER: Page 1, strike out all after the enacting clause and insert:

"That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:

"'§ 3500. Demands for production of statements and reports of witnesses

"'(a) In any criminal prosecution brought by the United States, no statement or report of a Government witness or prospective Government witness (other than the defendant) made to an agent of the Government which is in the possession of the United States shall be the subject of subpena, or inspection, except, if provided in the Federal Rules of Criminal Procedure, or as provided in paragraph (b) of this section.

"'(b) After a witness, called by the United States, has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce any written statements previously made by the witness in the possession of the United States which are signed by the witness or otherwise adopted or approved by him, and any transcriptions or recordings, or oral statement made by the witness to an agent of the Government, relating to the subject matter as to which the witness has testified. If the entire contents of any such statements, transcriptions, or recordings relate to the subject matter of the testimony of the witness, the court shall order them delivered directly to the defendant for his examination and use.

"'(c) In the event that the United States claims that any statement, transcription, or recording ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness. With such material excised the court shall then direct delivery of such statement, transcription or recording to the defendant for his use. If, pursuant to such procedure, any portion of such statements, transcriptions, or recordings is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire text of such statements, transcriptions, and recordings shall be preserved by the United States and, in the event the defendant shall appeal, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge. Whenever any statements, transcriptions, or recordings are delivered to a defendant pursuant to this section, the court in its discretion, upon application of said de-

fendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statements, transcriptions, or recordings by said defendant and his preparation for their use in the trial.

"'(d) In the event that the United States elects not to comply with an order of the court under paragraphs (b) and (c) hereof to deliver to the defendant any statement, transcription, or recording, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.'

"The analysis of such chapter is amended by adding at the end thereof the following:

"'3500. Demands for production of statements and reports of witnesses.'"

Mr. CELLER. Mr. Chairman, this substitute embodies practically the bill that was passed in the other body yesterday.

At the outset I wish to indicate clearly that the Jencks decision made no reference whatsoever to the Federal Rules of Criminal Procedure. The bill before us changes the Federal Rules of Criminal Procedure. Those rules are time honored. They are prepared by the Justices of the Supreme Court under the guidance of the Chief Justice. As far as I can recall, we have never in this Chamber even attempted to amend those Federal Rules of Criminal Procedure. Those rules are submitted to us under authority we granted to the Supreme Court, and we are given usually, or rather, we are given actually 90 days in which to change those rules if we see fit. Never have we vetoed, canceled out, or amended any of the rules that have been submitted to us from time to time by the Supreme Court.

Now, in this backhand manner, without real and mature deliberation we are amending the Rules of Criminal Procedure.

The substitute I offer makes no mention of the Federal Rules of Criminal Procedure; therefore, it does not seek to amend them. It expressly states that it shall govern pretrial proceedings.

The substitute I offer expands the statements of Government witnesses to include transcriptions and recordings; that is, it covers the actual voice of those who have testified for the Government or who have expressed themselves on the files or records of the Government.

The Senate bill contained the word "records." I changed that word "records" to "recordings."

I think the Senate should have used the word "recordings," because "records" might include an entire file. Therefore I made the change from the Senate bill by dropping out the word "records" and substituting the word "recordings."

Thirdly, the substitute confines the application of its provisions to Government witnesses; it does not cover other witnesses, it must be Government witnesses. I tried to make clear in the statement I made heretofore the danger and pitfalls that would be involved if we included witnesses other than Government witnesses.

Also, there is embodied in the substitute the so-called Cooper amendment, offered by the distinguished Senator from Kentucky, which appears on page 3 of the Senate bill, lines 12 to 18, reading as follows:

Whenever any statements, transcriptions, or recordings are delivered to a defendant pursuant to this section, the court in its discretion, upon application of said defendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statements, transcriptions, or recordings by said defendant and his preparation for their use in the trial.

Simply stated, that would avoid surprise to the defendant's counsel. He would also have a breathing space, as it were, and if these recordings and transcriptions are offered for the record and they are sifted and culled out by the judge of a court in camera, then defendant's counsel shall have a reasonable respite or recess to examine them. That is all this particular Cooper amendment involves.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent (at the request of Mr. CELLER) he was allowed to proceed for 2 additional minutes.)

Mr. CELLER. Mr. Chairman, those are the changes and with those changes the substitute is exactly as is the bill before us.

Mr. SCHERER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Ohio.

Mr. SCHERER. Under the gentleman's amendment, would the district attorney have the right after a witness takes the stand, to then ask the defendant to reveal to the Government what the defense has in its files insofar as testimony of the particular witness that has been called is concerned?

Mr. CELLER. That, of course, is involved in this amendment.

Mr. SCHERER. Would that situation be allowed if we permitted the Jencks ruling to stand as it now does?

Mr. CELLER. The Government under the law today can seize an accused person's papers, and so forth.

Mr. SCHERER. Not after a witness has taken the stand can you ask the defendant to take from his files information concerning statements that that witness made.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. The gentleman is restating the Jencks decision. That is what we are trying to correct.

Mr. SCHERER. Does it apply in reverse?

Mr. CELLER. I doubt it since the Government has the burden of proof of proving guilt beyond reasonable doubt. Defendant may stand silent.

Mr. SCHERER. Would the district attorney have the right to get from the defendant the information that the defendant has?

Mr. CURTIS of Massachusetts. I do not think they would have that right because there is the matter of self-incrimination which is involved therein.

Mr. SCHERER. I am not talking about the defendant. I am talking about witnesses who may be called on behalf of the defendant.

Mr. CELLER. Does the gentleman ask me whether the Jencks decision affects that right or whether the substitute bill affects that right?

Mr. SCHERER. Both.

Mr. CELLER. The substitute amendment has nothing to do with that. It does not affect it.

Mr. SCHERER. Does not the same reasoning apply if you allow the Jencks decision to stand?

Mr. CELLER. I do not think so.

Mr. SCHERER. Would not the district attorney have the right to ask the defendant for the same information?

Mr. CELLER. No, because you will have to remember in all criminal cases the burden of proof is on the prosecution. The defendant need not do anything. The Federal Rules of Criminal Procedure do not now, I believe, provide for the production of such records in criminal cases.

Mr. SCHERER. If the defense is in the presentation of its case and it offers a witness to substantiate the defense, then cannot the district attorney ask defense counsel to produce from its files any statement that that particular witness may have made?

Mr. CELLER. I doubt that very much, for the reasons I have already given.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(By unanimous consent (at the request of Mr. CELLER) he was allowed to proceed for 1 additional minute.)

Mr. CELLER. I do not think so because you might have a case where the defendant might remain silent. If you compelled him to do that, that is not silence. He would be compelled to convict himself.

Mr. SCHERER. I think the gentleman is missing the point. I am saying that if witnesses who are supporting the defense, have given to the defendant's lawyer a contradictory statement, then does the Government have the right to go into the defendant's files?

Mr. CELLER. Neither the Rules of Criminal Procedure nor this amendment provides anything of that sort.

Mr. SCHERER. Should not the Government have that right?

Mr. CELLER. Whether it should or should not is a question not expressly present in this bill. I do not believe that it now has such right, at least at that time in the trial after a witness has testified.

Mr. SCHERER. Should it not work both ways?

Mr. CELLER. It does not.

Mr. WILLIS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, it should be realized that the amendment offered by the gentleman from New York [Mr. CELLER] would definitely affect and bring into

play the Federal Rules of Criminal Procedure. If you read his amendment you will see that it says:

In any criminal prosecution brought by the United States, no statement or report of a Government witness or prospective Government witness (other than the defendant) made to an agent of the Government which is in the possession of the United States shall be the subject of subpena, or inspection—

And here is the language—

except, if provided in the Federal Rules of Criminal Procedure, or as provided in paragraph (b) of this section.

That is except if provided in the Federal Rules of Criminal Procedure. Here is an indirect way to give lower Federal judges an additional post on which to hang their hats to compel the production of FBI records, not by virtue of the Jencks case, but "if provided in the Federal Rules of Criminal Procedure." Of course, the Federal Rules of Criminal Procedure do not have any provision for discovery, properly speaking. That applies only in civil cases.

For example, in a criminal case the defendant charged with crime has the right before trial to ask the Federal Government to produce to him and his counsel—what?—papers, books, documents, and other tangible evidence belonging to the defendant. In other words, if the defendant's books have been taken, if he has made a confession, he has the right to have those documents submitted to him. But certainly under the Rules of Criminal Procedure you have never heard of a right given to the defendant to go to the United States Attorney and say, "Look here, before I go to trial I want to see your files; I want to see the FBI reports; I want to know who the witnesses are going to be."

I say this is a temptation to the lower Federal judges to try to find another way to get at these reports indirectly when the idea of the bill is to stop it. I think it is dangerous language.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman.

Mr. CRAMER. I appreciate the statement of the gentleman and I concur in it wholeheartedly. I would suggest on page 7 of the committee report it very clearly shows that the bill before us, not the amendment of the gentleman from New York, but the bill does not affect the Rules of Criminal Procedure. It specifically says:

Rule 17 (c) relates to the production of documentary evidence and objects.

It has nothing to do with testimony on the part of the witness being used or statements made, but documentary evidence as is contained in rule 16, the discovery procedure and the subpena procedure. Then it goes on further to say in the committee report itself,

It does not—

That is the bill before the House, not as amended by the gentleman from New York.

It does not in any way restrict the application of rule 17 (c).

Mr. WILLIS. The gentleman is correct.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. CELLER. While it may be true you have a clause in there, "any rule of court or procedure to the contrary notwithstanding," the very import of the language in the bill itself is contradictory of rule 16 of the Rules of Criminal Procedure. For example, rule 16 is as follows:

Upon motion of a defendant at any time after the filing of the indictment or information—

"At any time"; it does not mean at the time of the trial—

the court may order the attorney for the Government to permit the defendant to inspect and copy or photograph designated books, papers, documents, or tangible objects, obtained from or belonging to the defendant or obtained from others by seizure or by process, upon a showing that the items sought may be material to the preparation of his defense and that the request is reasonable. The order shall specify the time, place, and manner of making the inspection and of taking the copies or photographs and may prescribe such terms and conditions as are just.

Then go on to rule 17 (c), entitled "For Production of Documentary Evidence and of Objects."

A subpena may also command the person to whom it is directed to produce the books, papers, documents, or other objects designated therein. The court on motion made promptly may quash or modify the subpena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents, or objects designated in the subpena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents, or objects or portions thereof to be inspected by the parties and their attorneys.

Mr. WILLIS. May I say to the gentleman that the books, papers, records, and documents are not of the type this bill speaks about at all.

Mr. CELLER. Why not?

Mr. WILLIS. Let me show the gentleman. Section (b) of the bill states—

After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce—

What?—

to produce such reports or statements of the witness in the possession of the United States.

It has nothing to do with the books or records referred to in the Rules of Criminal Procedure.

Mr. CELLER. What about doing all that on the pretrial discovery, and that is what this bill prevents? Here is where the difficulty comes in; by virtue of the fact it prevents that pretrial discovery, it amends the Federal Rules of Procedure.

Mr. FORRESTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is a little hard for me to be in opposition to my chairman, and maybe it is a little bit unusual for me to be joining with the gentleman from New York [Mr. KEATING]. On the other hand, it never has been a hard job for me to step over on any side when I think they are correct. I think the gentleman from New York [Mr. KEATING] is correct in his proposed legislation, to a degree. The only criticism I have of it is that he has not gone far enough and he is not meeting this issue realistically. Here is what this Congress is engaged upon in this legislation. There are nine other Communists waiting to be tried under the same kind of situation as Jencks was tried, and the Jencks case was upset by the Supreme Court of the United States, and the Communist defendant freed, upset yes, and the defendant discharged, and I say this to every Member of the House, and I challenge anyone to dispute me—upset and the defendant freed without a single precedent to sustain their ruling. As a matter of fact, absolutely and with complete uniformity every decision of the Supreme Court has been directly opposite to the decision rendered by the Supreme Court in the Jencks case. What I am saying to the gentleman from New York and what I am saying to the Attorney General is that this issue ought to have been met realistically. I want to say this, too. I am sorry that the testimony of the Attorney General, Mr. Brownell, was not incorporated in this RECORD. As a matter of fact, I do not think that the Attorney General's statement was exactly in accord with the testimony shown in the report that he said that we will accept the principle which is that you can demand that statements of a witness be turned over to a defendant without first making a showing or laying a predicate that contradictory statements have been made, because that rule requiring a predicate is the rule in the United States Supreme Court and in every other court in the United States. As a matter of fact, here is what Attorney General Brownell said. He says we are in a terrible situation right now, and we have to live with the decision and we want and need this legislation. But I want it recorded here and now that I do not think it was the sense of the Committee on the Judiciary to come out with any expression whatsoever that we are endorsing the principles laid down by the Supreme Court. Under no circumstances will I do it. Nor do I think the House Judiciary Committee will do it.

I think the Attorney General should have done as I have had to do when I was over there in the minority—I had to take positions against the Democratic Attorney General and against some of our other officials because sometimes they were wrong. I think that is what they ought to do. They ought to say, "I am sorry for the appointment of Justice Brennan who rendered this outrageous decision." "This decision is not law." I say this to you, Mr. Chairman. It was said by the gentleman from Colorado that he doubts that we can correct some of the decisions of the Supreme Court. Mr. Chairman, if we cannot, we might as well pack our baggage and we might as well go on home and wait for the deluge to come. Let me show you

what Attorney General Tom Clark said in this case. He reminds me of Jeremiah weeping at the wailing wall. He said, "This criminal action was dismissed." Can you get that? A case is thrown out of court and you cannot try that Communist any more and you have nine more in the same situation. Then he says, "This ruling fashions a new rule of evidence which is foreign to our Federal jurisprudence." Is there a man here who disputes that? As a matter of fact, he says that if you are going to make that holding, you should overrule *Goldman* v. *The United States* (316 U. S. 129), which was decided in 1942. He says if you adhere to this and unless you change this rule, the rule announced by the Court today, the intelligence agencies of the Government engaged in law enforcement may as well close up shop, if the court has to open the files to the criminal and afford to him a Roman holiday. No one with experience in the prosecutions of criminal cases can dispute the accuracy of Justice Clark's statements. This legislation is stopgap legislation to assist the Government in its efforts to prosecute criminals, to protect our files, and to protect the sources of information. As stopgap legislation I support it, but permanent legislation must be passed wiping the Jencks case off the books.

Mr. KEATING. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment. The gentleman from Louisiana has forcefully put his finger on the most serious objection to the amendment which seeks, in substance, to reinstate the bill adopted in the other body.

That objection has to do with this question regarding the Federal Rules of Criminal Procedure.

It has been contended that paragraph (a) of H. R. 7915 would change the Rules of Criminal Procedure with respect to pretrial discovery and inspection in criminal cases. There is no foundation for such a suggestion. Paragraph (a) of H. R. 7915 applies solely to statements or reports made voluntarily by a Government witness. The very words of rule 16, which the chairman has read to us, point out that that rule applies only to documents or papers obtained by the Government from a defendant, or others, by seizure or process.

Rule 17 (c) of the Federal rules provides that documents which have been subpenaed may, under order of the court, be produced before they are offered in evidence. Again this relates to documents which have been subpenaed and not to statements and reports voluntarily made—in other words, to documents specified in rule 16.

Rule 15 (a) gives the defendant the right to take the testimony of a prospective witness before the trial where it appears that that witness will be unable to attend the trial. Under that rule the court may order the deposition of the witness to be taken and designated books, papers, documents, or tangible objects, not privileged to be produced at the time and place of the deposition.

H. R. 7915 applies only to statements or reports made by Government witnesses. As a practical matter it is difficult to envision an instance in which the defendant would seek to take the testimony before trial of a Government witness on the grounds that he would be unable to testify at the trial. Only if the defendant wished to make the Government witness his own witness could he avail himself of rule 15 (a). Since H. R. 7915 applies only to statements of a witness called by the United States it would not affect rule 15 (a).

For the above reasons the provisions of H. R. 7915 would have no effect whatsoever on the established pretrial discovery and inspection procedures under the Federal Rules of Criminal Procedure.

H. R. 7915 would, therefore, in no way affect any rights of a defendant under rule 16.

The bill passed by the Senate, by placing the words "except if provided in the Federal Rules of Criminal Procedure" in paragraph (a), which words would be incorporated in the amendment offered by the gentleman from New York [Mr. CELLER], adds a phrase which would greatly weaken the bill which we are considering. Neither the Jencks case nor this bill has anything whatsoever to do with pretrial discovery and inspection. Yet the Senate has provided that no statement or report of a witness shall be the subject of subpena or inspection except if provided in the Federal Rules of Criminal Procedure. In other words, they are inviting the lower court by these words to hold that the Federal Rules of Criminal Procedure do allow a defendant to go prying through all the Government's evidence. Let us not give any indication that the Congress approves of the production of statements of Government witnesses prior to the time the witness has testified. Such action on our part could very well give the green light to the very rummaging through FBI files which the bill seeks to prevent. It could prove to be worse than no bill at all.

The way to handle this matter is to pass the bill which has been almost unanimously reported out of our committee. There was no objection in our committee on the part of the chairman to this bill which we have reported. Only 1 or 2 faint noes were voiced by those who share the view of the gentleman from Georgia [Mr. FORRESTER] that this bill as we reported it does not go far enough. Now let us not weaken it further.

I am happy to have the gentleman from Georgia [Mr. FORRESTER] on my side in this particular controversy. We should do nothing which could weaken this bill any further. It goes as far as we feel we can go to properly protect the rights of a defendant. And there is no question but what it does accord the defendant adequate protection. Certainly we should not adopt a completely new bill we know nothing about. That bill has been debated in the other body, but it has not been debated here. Nor has our committee had an opportunity to consider it. We should adopt, instead, a bill which we have fully considered and which had the overwhelming support of our committee.

The amendment that was read is a long document which follows the Senate bill, with 1 or 2 changes. To adopt the Senate bill in this manner is not a responsible way for us to legislate. We can handle this matter more properly in a conference. I am confident that if we adopt H. R. 7915 as reported out of our committee, and not the watered-down Senate bill, we can get together on a bill which will meet with the approval of both Houses and the Department of Justice. The gentleman from New York [Mr. CELLER] will be a conferee and can take part in hammering this out in conference instead of on the floor.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield.

Mr. CELLER. If the bill does not change the rules of procedure, why do you have the language "any rule of court or procedure to the contrary notwithstanding"?

Mr. KEATING. The purpose of this bill is to restate what is understood to be the law now. What I object to is injecting into it the implication that the Federal Rules of Criminal Procedure now allow a defendant in a criminal case to go rummaging through the files of the FBI.

The very thing we are trying to do is to make it abundantly clear that the defendant has no such right. We are establishing one exclusive procedure for the production of statements of Government witnesses. Why should we adopt something which negatives the very thing we are trying to do?

Mr. CELLER. Why do you use that language?

Mr. KEATING. I am not using that language; it is the gentleman from New York who seeks to insert the language "except if provided in the Rules of Criminal Procedure"——

Mr. CELLER. It is in the gentleman's bill. The gentleman uses the language "Any rule of court or procedure to the contrary notwithstanding." Why do you use that language if you do not include the Rules of Criminal Procedure?

Mr. KEATING. The bill does not intend to deal with, or to affect in any way the Federal rules. It attempts to establish a single procedure independent of those rules. We seek, by that language to make it clear that those rules do not apply to this situation. We establish the procedure in paragraph (b) and in (a) we state that that procedure is the exclusive procedure to be followed. The gentleman from New York supported this in the committee.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question is on the substitute offered by the gentleman from New York [Mr. CELLER] for the committee amendment.

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 55, noes 161.

So the substitute amendment was rejected.

The CHAIRMAN. The question recurs on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ENGLE, 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. 7915) to amend section 1733 of title 28, United States Code, pursuant to House Resolution 411, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MORANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 351, nays 17, not voting 64, as follows:

[Roll No. 215]

YEAS—351

Abbitt
Abernethy
Adair
Addonizio
Albert
Alexander
Allen, Ill.
Andersen, H. Carl
Andresen, August H.
Andrews
Arends
Ashmore
Aspinall
Auchincloss
Avery
Ayres
Baker
Baldwin
Baring
Barrett
Bass, N. H.
Bass, Tenn.
Bates
Baumhart
Becker
Beckworth
Belcher
Bennett, Fla.
Bennett, Mich.
Bentley
Berry
Betts
Blitch
Boggs
Boland
Bolling
Bonner
Bosch
Bow
Boykin
Boyle
Breeding
Brooks, La.
Brooks, Tex.
Broomfield
Brown, Ga.
Brown, Mo.
Brown, Ohio
Brownson
Broyhill
Budge
Burdick
Burleson
Bush
Byrd
Byrne, Ill.
Byrne, Pa.
Byrnes, Wis.
Canfield
Carnahan
Carrigg
Cederberg
Chamberlain
Chelf
Chenoweth
Chiperfield
Christopher
Chudoff
Church
Clark
Coad
Cole
Collier
Colmer
Cooley
Cooper
Corbett
Coudert
Cramer
Cretella
Cunningham, Iowa
Cunningham, Nebr.
Curtin
Curtis, Mass.
Curtis, Mo.
Dague
Davis, Ga.
Davis, Tenn.
Dawson, Utah
Delaney
Dellay
Dennison
Denton
Derounian
Devereux
Diggs
Dingell
Dixon
Dollinger
Donohue
Dooley
Dorn, N. Y.
Dorn, S. C.
Dowdy
Doyle
Durham
Dwyer
Edmondson
Elliott
Engle
Evins
Fallon
Farbstein
Fascell
Feighan
Fenton
Fino
Flynt
Fogarty
Forand
Ford
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Garmatz
Gary
Gavin
Granahan
Grant
Gray
Gregory
Griffin
Griffiths
Gross
Gubser
Hagen
Hale
Haley
Halleck
Hardy
Harris
Harrison, Nebr.
Harrison, Va.
Haskell
Hays, Ark.
Healey
Hébert
Hemphill
Henderson
Herlong
Heselton
Hess
Hill
Hoeven
Holland
Holmes
Holt
Hosmer
Huddleston
Hull
Hyde
Ikard
James
Jarman
Jenkins
Jennings
Jensen
Johansen
Johnson
Jonas
Jones, Ala.
Jones, Mo.
Judd
Kean
Kearns
Keating
Kee
Keeney
Kelley, Pa.
Kelly, N. Y.
Kilday
Kilgore
King
Kirwan
Kitchin
Kluczynski
Knox
Laird
Landrum
Lane
Lanham
Lankford
Latham
Lennon
Lipscomb
Long
Loser
McConnell
McCormack
McCulloch
McFall
McGregor
McIntire
McIntosh
McMillan
McVey
Macdonald
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magnuson
Mahon
Marshall
Martin
Matthews
May
Meader
Merrow
Michel
Miller, Md.
Miller, Nebr.
Miller, N. Y.
Mills
Minshall
Montoya
Moore
Morano
Morgan
Morris
Moss
Moulder
Mumma
Murray
Natcher
Neal
Nimtz
Norrell
O'Brien, Ill.
O'Brien, N. Y.
O'Hara, Minn.
O'Konski
O'Neill
Osmers
Ostertag
Passman
Patman
Patterson
Pelly
Perkins
Pfost
Philbin
Pillion
Poage
Poff
Polk
Price
Prouty
Rabaut
Radwan
Rains
Ray
Reece, Tenn.
Reed
Rees, Kans.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers
Roberts
Robeson, Va.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Mass.
Rogers, Tex.
Rooney
Roosevelt
Rutherford
Santangelo
St. George
Saund
Saylor
Schenck
Scherer
Schwengel
Scott, N. C.
Scott, Pa.
Scudder
Seely-Brown
Selden
Sheehan
Shelley
Sheppard
Shuford
Simpson, Ill.
Simpson, Pa.
Sisk
Smith, Miss.
Smith, Va.
Smith, Wis.
Spence
Springer
Staggers
Stauffer
Steed
Sullivan
Taber
Talle
Taylor
Teague, Tex.
Tewes
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wyo.
Thornberry
Tollefson
Trimble
Tuck
Ullman
Utt
Vanik
Van Pelt
Van Zandt
Vorys
Wainwright
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Widnall
Wigglesworth
Williams, Miss.
Willis
Wilson, Calif.
Wilson, Ind.
Winstead
Withrow
Wolverton
Wright
Young
Zablocki
Zelenko

NAYS—17

Anderson, Mont.
Ashley
Blatnik
Celler
Coffin
Karsten
Keogh
Knutson
McCarthy
McGovern
Metcalf
Multer
O'Hara, Ill.
Porter
Teller
Thompson, N. J.
Yates

NOT VOTING—64

Alger
Allen, Calif.
Anfuso
Bailey
Barden
Beamer
Bolton
Bray
Buckley
Cannon
Clevenger
Dawson, Ill.
Dempsey
Dies
Eberharter
Fisher
Flood
Gathings
George
Gordon
Green, Oreg.
Green, Pa.
Gwinn
Harden
Harvey
Hays, Ohio
Hiestand
Hillings
Hoffman
Holifield
Holtzman
Horan
Jackson
Kearney
Kilburn
Krueger
LeCompte
Lesinski
McDonough
Mailliard
Mason
Miller, Calif.
Morrison
Nicholson
Norblad
Pilcher
Powell
Preston
Robsion, Ky.
Sadlak
Scrivner
Sieminski
Sikes
Siler
Smith, Calif.
Smith, Kans.
Teague, Calif.
Udall
Vinson
Vursell
Walter
Wier
Williams, N. Y.
Younger

So the bill was passed.

The Clerk announced the following pairs:

Mr. Anfuso with Mr. Allen of California.
Mr. Preston with Mr. Clevenger.
Mr. Buckley with Mr. Harvey.
Mr. Hays of Ohio with Mr. Scrivner.
Mr. Holtzman with Mr. Sadlak.
Mr. Gordon with Mr. Norblad.
Mr. Powell with Mr. LeCompte.
Mr. Dies with Mrs. Bolton.
Mr. Walter with Mr. Alger.
Mr. Barden with Mr. Beamer.
Mr. Flood with Mr. Krueger.
Mr. Sikes with Mr. Hoffman.
Mr. Holifield with Mr. Smith of California.
Mr. Bailey with Mr. Hiestand.
Mr. Udall with Mrs. Harden.
Mr. Lesinski with Mr. Hillings.
Mr. Dempsey with Mr. Vursell.
Mr. Miller of California with Mr. Jackson.
Mr. Morrison with Mr. Robsion of Kentucky.
Mr. Vinson with Mr. Mailliard.
Mr. Pilcher with Mr. McDonough.
Mr. Green of Pennsylvania with Mr. Bray.
Mrs. Green of Oregon with Mr. Mason.
Mr. Wier with Mr. Horan.
Mr. Sieminski with Mr. Kearney.
Mr. Cannon with Mr. Teague of California.
Mr. Dawson of Illinois with Mr. Siler.
Mr. Fisher with Mr. Kilburn.
Mr. Gathings with Mr. Younger.

Mr. ASHLEY and Mr. TELLER changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2377) to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:

"§ 3500. Demands for production of statements and reports of witnesses

"(a) In any criminal prosecution brought by the United States, no statement or report of a Government witness or prospective Government witness (other than the defendant) made to an agent of the Government which is in the possession of the United States shall be the subject of subpena, or inspection, except, if provided in the Federal Rules of Criminal Procedure, or as provided in paragraph (b) of this section.

"(b) After a witness, called by the United States, has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce any written statements previously made by the witness in the possession of the United States which are signed by the witness or otherwise adopted or approved by him, and any transcriptions or records of oral statements made by the witness to an agent of the Government, relating to the subject matter as to which the witness has testified. If the entire contents of any such statements, transcriptions, or records relate to the subject matter of the testimony of the witness, the court shall order them delivered directly to the defendant for his examination and use.

"(c) In the event that the United States claims that any statement, transcription or record ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or record for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or record which do not relate to the subject matter of the testimony of the witness. With such material excised, the court shall then direct delivery of such statement, transcription or record to the defendant for his use. If, pursuant to such procedure, any portion of such state-

ments, transcriptions, or records is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire text of such statements, transcriptions, and records shall be preserved by the United States and, in the event the defendant shall appeal, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge. Whenever any statments, transcriptions, or records are delivered to a defendant pursuant to this section, the court in its discretion, upon application of said defendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statements, transcriptions, or records by said defendant and his preparation for their use in the trial.

"(d) In the event that the United States elects not to comply with an order of the court under paragraphs (b) and (c) hereof to deliver to the defendant any statement, transcription, or record, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared."

The analysis of such chapter is amended by adding at the end thereof the following:

"3500. Demands for production of statements and reports of witnesses."

Mr. CELLER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Strike out all after the enacting clause of the bill (S. 2377) and insert the provisions of H. R. 7915.

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7915) was laid on the table.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2377) with a House amendment thereto, insist on the amendment of the House and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none and appoints the following conferees: Mr. CELLER, Mr. WILLIS, Mr. BROOKS of Texas, Mr. KEATING, and Mr. CURTIS of Massachusetts.

## PRIVATE CALENDAR

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday next to call the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## HON. SAMUEL K. McCONNELL, JR.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN. Mr. Speaker, I know I voice the sentiment of Members on both sides of the aisle when I rise to pay my tribute to a man who has served here in Congress for many years with distinction and who is terminating his Congressional career tonight. I refer to the gentleman from Pennsylvania, Mr. SAMUEL K. McCONNELL.

It has been my privilege to know Mr. McCONNELL intimately for many years. I know of no one who participated in his work with greater enthusiasm, with more devotion, and with a single purpose only, and that was to serve his district, his State and his country. Mr. McCONNELL loved his work and he loved to serve his people and that wonderful desire made his career such a splendid one.

Mr. Speaker, we all realize we are losing a valuable Member as he goes to assume a very responsible position, a position where he can alleviate the sufferings of people. I am sure Mr. McCONNELL knows, as he enters into these important duties that lie ahead of him, he carries with him the ardent and best wishes of every Member of the House regardless of party. He has accepted a great challenge for service and we are all sad as he leaves this House where he has made such a fine record.

Mr. REECE of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Tennessee.

Mr. REECE of Tennessee. Although his career as a Member of Congress for the distinguished gentleman from Pennsylvania may be coming to an end today, the prestige he has gained from the work he has done here will stand for many years as a monument to him and to the people of Pennsylvania who sent him here. He has performed valiant service in many areas of important legislation. His resignation is a great loss to the Congress and to the country as a whole. Over the years we will remember him as an active, distinguished, able Member of Congress who served his country well.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I join with my friend from Massachusetts in the compliment paid by him to our distinguished friend and colleague from Pennsylvania [Mr. McCONNELL].

The middle aisle means nothing in our friendship; the middle aisle means nothing in our respect for one another. In my service in this body I know of no person who in the interest of the people of his district and in the interest of the people of the country as a whole has performed service which has commanded more respect than that rendered by the gentleman from Pennsylvania, able, honorable, trustworthy; a man of the highest integrity.

One thing that has already stood uppermost in our association with SAM McCONNELL in addition to his great ability, trustworthiness, and so forth, has been his faithfulness to promises. I think no finer tribute can be paid by one man to another than to say that a man's word is as good as his bond. His word was always as good as his bond.

Throughout the years the personal relationship existing between SAM McCONNELL and myself became very, very close. I am proud to honor him, and I am equally proud of that friendship. He has made great contributions during the years he served in this body, forward-looking, constructive, entertaining the views he did and the position he took on great questions in this body from the angle of intellectual honesty, mark him as an outstanding man. He served with distinction and in a manner that not only created strong friendships on the part of all who served with him but impressed in the minds of all who served with him a deep feeling of respect.

He leaves this body to go not to more responsible work, but probably to more interesting work, to the carrying out of his life's view, with the complete respect and the absolute friendship of every Member who ever served with him.

To you, Sam, and to your loved ones, speaking not only for myself personally, but I know I can, without being considered presumptuous, speak for the Democratic side of this body, we extend our wishes for happiness, for success throughout the coming years, and fruitful contribution to the progress of mankind.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield.

Mr. HALLECK. Mr. Speaker, it was a great surprise to me and also a keen disappointment when I learned of SAM McCONNELL's determination to leave his place here among us in the House of Representatives. I say disappointment, because SAM McCONNELL has been a most useful Member of the House of Representatives. His contribution has been considerable. To me he typifies the kind of Member of this body who should stay on here to help with the work that is so important to the welfare of the country. As I have sat here and listened to the deserved tributes that have been paid him, and knowing they were coming from the bottom of the hearts of the Members who spoke, I have tried to analyze why it is we feel as we do about SAM McCONNELL, why we are unhappy that he is leaving this body, wishing that he would stay on with us.

First of all, it occurs to me, he has always been fair and honorable in his dealings with all of us. Beyond that, I have never seen him exhibit any temper or any short action in connection with anything that might be going on. Further, SAM McCONNELL has another attribute that certainly has endeared him to all of us—that in whatever capacity he was cast here he did his homework. He knew what the proposition was all about when he got up to present it on the floor. It has been my great privilege to serve as majority leader in two Congresses, one of them when Sam was chairman of a very important committee of the House. It was always a pleasure to work with him because you were aware of the fact that he knew the subject at hand thoroughly. If a question was asked about a bill he could get up and explain it. That we have all watched

him do through the years he has been here, and we have all benefited from his intelligent presentations.

So, certainly, in my opinion, he typifies what I consider to be the best in representation here in the House. I dislike very much seeing him go but I think I can understand something of the motives that have brought about his decision to leave. Certainly I wish him the best of luck in his new assignment, confident as I am that in the activity to which he now goes he will establish the same record and do the same sort of distinguished job he has been doing here in the House of Representatives.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, it has been my very fortunate opportunity to serve with SAM MCCONNELL from the 80th Congress. I first served with him back in 1947 on a special committee that met in Pittsburgh. I knew his genius. After the many things that have been said about him here today, we should say one thing that has not been stated so far and that he is genial Sam.

When he was chairman, and also as ranking minority member of the committee, he always had that acumen to get the members of the committee together and say, "Boys, what shall we do?" and "When shall we do it?"

So, Sam, as you leave us, yes, we will miss you; America loses a great statesman. SAM MCCONNELL, who is a most astute politician, could have been Governor or Senator, but SAM MCCONNELL leaves us to serve the handicapped whom he loves. He always wanted to help people. Now God has called him to that field and I know the good Lord will bless him and we will look to him. So, Sam God bless you and we, the 435 Members of the House, will remember you always.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Speaker, there have been many fine things said here today about SAM MCCONNELL and I just like to add my humble voice to this praise. What I say here on the floor of the House today, I have said publicly during the last 12 years. I do not believe I have known anyone in the House of Representatives who has a finer reputation, who is a finer man, who is any fairer and who has been kind to everybody. SAM MCCONNELL's leaving the House, in my opinion, will be a great loss to the House of Representatives and a great loss to the country.

My colleagues in the Democratic Party in the adjoining county to Sam's county, Philadelphia, wish SAM MCCONNELL and his family the best of luck.

We are sorry to see you go, Sam. We all love you very much. God bless you.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Georgia [Mr. LANDRUM].

Mr. LANDRUM. Mr. Speaker, the country can ill afford to lose the services of a man possessing all the qualities that SAM MCCONNELL possesses. With the distinguished gentleman from Indiana [Mr. HALLECK] I, too, was disappointed to learn of his decision to leave this body. But I was not surprised to learn his reason for leaving. Having served with him and in close association, on the Committee on Education and Labor for some 5 years, it was obvious to anyone who had been that close to Sam that he would not delay for one moment the call to a service to which he is responding. It is typical of the man that he would go from this great body to that service to which he is going. That service will profit because of SAM MCCONNELL's qualities. I am sure that I, along with all Members, have also profited by having been associated with SAM MCCONNELL in this body.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I feel a little like the colored preacher who, after delivering a great sermon, finally stuttered a little bit and said, "Well, there is little more I can say, I think maybe I will quit." And somebody in the audience said, "Why don't you say 'Amen' and sit down?"

All these fine things that have been said about Sam I want to say are absolutely true. When we come to Congress we often times ask ourselves the question, "Why are we here?" I think it was expressed well not long ago by a Member who put it this way when he first came to Congress: "How did I ever get here?" And after he had been here 2 years he asked the question, "How did the other fellow get here?"

I am sure those of us who were here when SAM MCCONNELL came and who are now here definitely know why he came to Congress. It was because of his ability, because of his clarity of purpose, because of his sincerity, because his intent and purpose when he came here was to do good for his district, his State, and for his Nation.

I should like to mention one thing that I have noticed about SAM MCCONNELL that perhaps some of the rest of us do not have. That is his balance. That is what I have admired him for over the years and do today, this balance that few people have. At all times he knew what he was doing, he knew what he wanted to do. He had a purpose and an objective and he carried those out in the finest possible manner.

Let me say to SAM MCCONNELL, that I do regret his leaving the Congress and I trust sincerely that he will come back to see us. I offer him all good wishes in the job immediately ahead.

Mr. COUDERT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from New York.

Mr. COUDERT. Mr. Speaker, the gentleman from Illinois [Mr. ARENDS] in quoting the colored preacher said about all I intended to say. I concur in all the good things that have been said about Sam. There is only one thing missing in the pattern and I would like to supply it. Nobody has pointed out where Sam is going to be after he leaves the House. His departure is a loss to the House but a gain to the 17th Congressional District of New York, because Sam is going to be a neighbor of mine in Manhattan, N. Y. Welcome, Sam. I am looking forward to seeing you.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Pennsylvania.

Mr. JAMES. Mr. Speaker, I want to associate myself with all who have said these fine things about our colleague, SAM MCCONNELL. It happens that I am his nearest legislative neighbor. His district and mine join for some number of miles, and our people are pretty much the same kind of people.

It is a little difficult sometimes for us to separate them, and we often wonder where one district begins and the other ends. As a matter of fact, I get my mail at my home from a post office located in SAM MCCONNELL's district. That is how close we are.

The other thing I want to say today is this: SAM MCCONNELL is actually a product of Delaware County, Pa., of the 7th District, because he was born in my district. It is a great pity that he ever left it, from his standpoint, but it is a great boon to me that he did, because I feel quite sure that had he stayed there he would have been the Representative in the House from Delaware County and not I.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, there have been some fine things said about SAM MCCONNELL here today, but there is one thing about him, he has always been a fine friend. It should be remarked for the record that a lot of us have enjoyed his hearty smile and the twinkle in his eye that he always has when dealing with legislative matters or with friends. I am sure SAM will feel that he is still a part of the Pennsylvania delegation and part of Congress, and will remember us when he leaves. We wish him the best of success in his future work.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Speaker, I, for personal reasons as well as being a member on the other side of the Committee on Education and Labor, wish to say how very much I and all of my colleagues on the committee are going to miss SAM MCCONNELL, who is above all things a fine and distinguished gentleman. I happen to have had the honor of being married in his district to a girl who lived in his district during his first year here. I know many of his constituents and they respect him as well as Members on both sides of the aisle here do. We are going to miss him. He is going to be available to us for his advice, and I am afraid we are going to be hearing from SAM every now and then in the course of his work for the Cerebral Palsy Association. I guess SAM will make notes of all these things and come back to make sure that we make good on some

of these promises of esteem and assistance. All members of the Committee on Education and Labor, on both sides, respect him and know that when he makes a legislative or any sort of promise we have it in words that are as sound or even more sound than a Government bond. We will miss him very much.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, when I came to Congress in the 84th Congress I wondered sometimes how committees could work where the divisions of opinion were as sharp as they could be in committees such as the Committee on Education and Labor. I think the fine example which SAM MCCONNELL set as ranking minority member of that committee has taught many of us who had a lot to learn when we came here much that I hope we shall remember.

I add my tribute to him and hope that as a longtime friend in the years to come and as one who has given us inspiration and the knowledge that however our political philosophies may differ, working together we can accomplish much for the public good. In the future work that he will carry on, humanitarian as it is in its purpose, he will know that we all wish him the very best of luck.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Speaker, I should like to join in the many well-deserved tributes being paid here this afternoon to the distinguished gentleman from Pennsylvania [Mr. MCCONNELL]. One of the great rewards of my years of service here in the House of Representatives has been the acquaintance and friendship during all those years with the highly respected gentleman from Pennsylvania, SAM MCCONNELL. I have always admired SAM's ability and capacity for work and his reputation for trustworthiness. The fact that his word is his bond has never been questioned.

So, Mr. Speaker, I join in wishing SAM MCCONNELL Godspeed in his newly chosen career. I am sure he will be the great success in his new field of endeavor that he has been here faithfully representing the people of his district, his State, and his Nation.

Mr. MARTIN. I yield to the gentleman from Ohio [Mr. MCGREGOR].

Mr. MCGREGOR. Mr. Speaker, I concur in the very fine eulogy that is being given to one of our Members who is leaving on his own accord. But you know there is an old saying that whenever a neighbor says something nice about you, you really are a nice person. It has been my privilege to be SAM MCCONNELL's neighbor for many, many years in our legislative offices. Sam, may I say to you as a neighbor we hate to see you go, but we congratulate the organization to which you are going. From your neighbors we extend to you our kindest regards and best wishes.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FENTON].

Mr. FENTON. Mr. Speaker, it was indeed grand to hear the fine tributes paid by previous speakers to our good friend and colleague Congressman SAMUEL MCCONNELL.

As one of the senior members of the Pennsylvania delegation in the House of Representatives, and as chairman of the Republican delegation, I want the membership of the House, and the people of the country to know that we appreciate the wonderful statements made about SAM, regardless of partisanship.

To me, personally, it was with a touch of sorrow that we are to lose in this Congress a man of SAM MCCONNELL's character and ability. His service here has been outstanding and he has been a credit to his district, State, and Nation.

SAM MCCONNELL's background from his birth reflects the kind of person he is. Born in Eddystone, Pa., he is the son of a Methodist minister. He has been interested all his life in work with boys, particularly in settlement house and community centers. In his senior year at the University of Pennsylvania he was chief counselor for boys.

Sam is interested in Boy Scout work, and the great movement it is in building the future citizens of our Nation. He was a Scoutmaster for 8 years, and sent 6 boys—Eagle Scouts—to the International Jamboree in London.

As chairman of the second war loan drive in lower Merion Township, Montgomery County, Pa., he obtained $9 million when their quota only called for $3 million.

Mr. MCCONNELL was elected to the United States House of Representatives in December 1943 at a special election to fill the vacancy due to the untimely death of the beloved Congressman William Ditter. He has been reelected to all succeeding Congresses.

We all are aware of the fine work Sam has done as a member of the Education and Labor Committee of the House. As the ranking Republican member of that committee he was its chairman in the 83d Congress and has handled all education and labor debates for his party in the House since 1949. As such he has been eminently fair to all sides in any debate and therefore enjoyed the confidence of employer, employee, and the public.

Mr. Speaker, I could go on and on relating the fine attributes of SAM MCCONNELL and we are pleased and happy to know that he is to give of his future life to another position of great and humane importance—that of directing the work of the National Association for Cerebral Palsy.

While Sam will be severing his official duties on September 1, we all sincerely hope that his trips to the Capitol will be frequent and that as the occasions arise we will all have the benefit of his counsel, association, and continued friendship.

May SAM MCCONNELL's future work meet with outstanding success as it has done in the past, and that he will continue to find satisfaction in a job well done for the public and the America he loves so well.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Speaker, the Chinese have an apt saying that goes something like this: "With clothing, the new is best; with friends, the old are best." That is true of our experience here in the House of Representatives. New Members are constantly coming and we welcome them. But it is hard to lose the old—those who have been tested and tried and proved true. Some Members flash across the sky like a meteor but are soon gone. But some leave a permanent imprint on the Congress as well as on us who have been privileged to come to know them well. With friends the old are indeed best; and we hate to see SAM MCCONNELL leave us.

He has in an unusual degree the qualities that we most admire in others and wish for ourselves. First, a good mind. Whenever he gets up to speak on any issue, he knows what he is talking about and he explains it clearly. He has done his homework. He knows the fine print as well as the big print, and we can always count on what he says. It illuminates.

Second, a warm heart. He not only knows, but he cares about the needs of human beings and the well-being of our country.

Third, undergirding everything, he is a man of sterling character—unimpeachable and impressive.

It is a great loss, not only to us as his old friends but to our country, for him to leave this body. But it is an equally great gain to the work for the handicapped and the crippled youth of our entire country—now and in the years ahead. We wish SAM MCCONNELL Godspeed in this his new mission and we hope his work will bring him back to Washington and to the House of Representatives frequently.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission to extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAYBURN. Mr. Speaker, I join with many Members in expressing my deep regret that SAM MCCONNELL is leaving the public service as a Member of this House. May his coming days be happy ones.

Mr. HAYS of Arkansas. Mr. Speaker, I have listened with interest and deep appreciation to the tributes to our distinguished colleague, the gentleman from Pennslvania. I share the great admiration expressed here today for SAM MCCONNELL and I am happy to join in the praise of his outstanding service in the Congress. Shortly after I took the oath of office as a Member of the 78th Congress, he joined us as a new Member coming as the victor in a special election. He quickly carved out a place for himself and impressed all of us with his talents and his devotion to the public service. He is a dedicated person. It has been a privilege, Mr. Speaker, to be associated with such a man as SAM MCCONNELL.

Mr. ELLIOTT. Mr. Speaker, I am happy to have this opportunity to praise

the public service of the gentleman from Pennsylvania [Mr. McCONNELL].

I have enjoyed the rare privilege in recent years of serving in close relationship with SAM McCONNELL on the House Committee on Education and Labor.

I have worked with him when his party was in power in the House. I have worked with him when my party was in power.

I had the privilege of serving on his subcommittee that examined into the operations of the vocational rehabilitation law and of other legislation pertaining to the physically and mentally handicapped, in 1953 and 1954. I had the privilege of traveling with SAM McCONNELL and other members of the subcommittee in the fall of 1953 as we visited the outstanding rehabilitation centers in New York, in Virginia, in Alabama, and in Georgia. As I recall, we visited the Warm Springs Foundation on November 11, 1953, and while there visited the Little White House where Franklin Delano Roosevelt died.

Out of the work done by this subcommittee came the amendments to the Vocational Rehabilitation Act of 1954. Out of the many conversations I have had with SAM McCONNELL I know that he regards his accomplishment in the legislative field of vocational rehabilitation as perhaps the crowning achievement of his career. His vision, his determination, his tact, and his temperament enabled him to lead in the performance of a great public service in the passage of this 1954 act. The best proof of that is the fact that State funds appropriated for matching Federal funds for vocational rehabilitation have increased from $14 million in 1954 to $22 million in 1957, an increase of $8 million or an increase of 57 percent. In my own State of Alabama State funds available for vocational rehabilitation have increased from $400,000 in 1954 to $736,000 in 1957, an increase of $336,000, or 84 percent. Actually, this new Vocational Rehabilitation Act is just now getting into full swing, and it is my judgment that appropriations by the States, and by the Federal Government under this act will greatly increase in the future. Likewise, the number of people being completely rehabilitated under the act is growing in similar proportion. A completely rehabilitated handicapped person is considered as one who has become employed or reemployed.

Just last week Mr. McCONNELL told me that his interest in the new job that he will soon take grew directly out of the stimulation and interest generated by his work on this legislation in 1953 and 1954.

Another outstanding monument to the public service of SAM McCONNELL is the Coal Mine Safety Act of a few years ago. His leadership in the passage of this act was most unusual and most outstanding. He represented a district which I am sure had no coal mines, yet he realized that legislation to protect the lives and limbs of those who mine the Nation's coal had to be passed. His foresight and his judgment in sponsoring the coal mine safety bill to passage in the United States House of Representatives has resulted, even now, in a reduction of coal mine accidents by a flat 50 percent.

These two major pieces of legislation illustrate, I think, the character of SAM McCONNELL.

SAM McCONNELL has a broad-gaged mind. He is a fearless thinker. He has a sense of independence surpassed by few men. The Nation was thrilled when it learned that SAM McCONNELL spent the Congressional recess this year, traveling at his own expense, over sections of the country commonly regarded as being well-to-do sections to determine for himself whether or not this Nation needed to pass a bill providing Federal aid to the States for the purpose of building classrooms for America's schoolchildren. SAM McCONNELL found the facts. He found that America needed a school construction bill. He threw himself into the fight to pass such a bill, and had it not been for the unfortunate circumstances which occurred during the debate on that bill, the Congress would have passed a school construction bill. He was magnificent, however, in the defeat which the school construction bill suffered.

SAM McCONNELL's service in the United States House of Representatives has been most meaningful. He has built a record that will live through the ages. He leaves this body with the respect, admiration, and good will of all his colleagues. He carries their best wishes into his new career where they know he will accomplish many more great things for the benefit of mankind.

Mr. CHENOWETH. Mr. Speaker, I wish to join my colleagues in expressing regret on the resignation of our distinguished colleague from Pennsylvania, Mr. SAM McCONNELL. His departure is a great loss to this body, to his district, and to the Nation. However, I know that he is to assume a most responsible position and will continue to serve his country in the years ahead.

It has been a great privilege and pleasure for me to serve with Sam in the House. I have greatly enjoyed my association with him over the years. He has a genial and friendly disposition, and it was easy for him to make friends. I cannot recall that I ever heard him speak ill of anyone.

The State of Pennsylvania can be proud of men like SAM McCONNELL. I wish him success and much happiness for many years to come.

Mr. GAVIN. Mr. Speaker, I want to join with my colleagues in paying tribute to our mutual good and able friend, SAMUEL McCONNELL. It was with a bit of sadness and sincere regret that I heard he was leaving the Congress of the United States after many years to accept the position of director of the National Cerebral Palsy Foundation, a position for which I know he has a deep understanding and for which he is eminently qualified.

Sam has been a hard worker while serving in the Congress; conscientious in the performance of his duties, and his work in the House, and as one of the ranking members of the Education and Labor Committee, has won and deserves the hearty commendations of the Members on both sides of the aisle.

He is greatly admired by all who know him, and he has a host of friends. Sam is always glad to see one and is gracious and kindly to everybody. He is the kind of friend one seeks for advice and counsel, and I have always found him to be sympathetic and helpful.

Sam is the kind of fellow who adds comfort to our daily lives and always rejoices mightily when any little word or deed of his adds to the happiness of any of us.

I cannot in a short time attempt to grasp or sum up the aggregate of his service in public life; however, over the years I would say that Sam, by his toil and stimulated by his love and patriotism for his State and Nation, has produced a performance that has won for him the hearty acclaim of all who know him.

He is a firm believer in our American way of life. His great faith in the principles and ideals of our Government is a deep-rooted growth of many years. I know his one great ambition in life is to hand on to posterity and the generations of tomorrow a finer, greater America than was handed to him.

In a life such as Sam's, perhaps the thing most to be admired is that he is a fine Christian citizen and gentleman, a devoted and patriotic American, who has contributed much to the building of his own particular district, his State and his Nation.

I wish for Sam and his family great happiness, success for the future, and all the good things in life over the years ahead. I sincerely hope that some day he will again join us and serve in the Congress of the United States.

Mr. WOLVERTON. Mr. Speaker, there is a mingling of pleasure and disappointment as I make these remarks relating to our colleague, SAM McCONNELL, who leaves us to take up an important task of a great human welfare activity.

It is with a feeling of pleasure that the opportunity is afforded to me whereby I can express my high regard for a man as noble in character and as distinguished in public service as SAM McCONNELL. Never have I had the opportunity to be associated with any man, in either public or private life, who has adhered as closely to the principles of rectitude and morality in his everyday life with his fellow man, nor with one who has been so genuinely accepted and acknowledged by all who knew him as possessing all the qualities that make for true and abiding friendship.

In the performance of his public duties, sincerity, honesty of purpose and ability have characterized his entire service in the Congress of the United States. He met trying situations with courage and understanding. He brought not only ability to the solution of these problems, but did so in such a genial and friendly manner that he always gained and held the admiration and respect of even those who may have had differing views. His friendly smile disarmed an opponent and made him a friend.

It is a great achievement for anyone to serve in the Congress as many years as our friend and be able to leave it with the knowledge that he has offended no one, and, that every Member, regard-

less of party affiliation, honors and respects him as a man and is glad to acknowledge him as a friend. This is the achievement of SAM MCCONNELL.

I opened my remarks by saying there was a mingling of pleasure and disappointment as our friend leaves us today. I have expressed my reasons for a feeling of pleasure, based on friendship and regard for SAM MCCONNELL. My feeling of regret arises in the thought that Sam passes out of the lives of most of us today as he takes up other duties and activities. But, while he may go from us, yet, because of his sterling qualities, he will ever remain in our thoughts as one of the choicest of our memories.

May God's blessing go with him and give him many years of health, happiness and success.

Mr. AUCHINCLOSS. Mr. Speaker, SAM MCCONNELL and I came to Congress at the same time and a friendship developed between us from the start. I have rarely met anyone with such a congenial spirit, delightfully accompanied by a gentle wit and a great sense of responsibility. His colleagues soon found out that he was a man of great ability who took his job seriously and, as the years went by and he attained the responsibilities of leadership, he always conducted himself with fairness and courtesy. When SAM MCCONNELL addressed the House you knew that he was well versed in his subject and he never resorted to demagoguery or blatant oratory. He will be missed in many ways but I am sure the decision he has reached to accept the position of executive director of the United Cerebral Palsy Associations, Inc., was only done after most careful consideration. There is no doubt that this trustworthy and wholesome-hearted American citizen will do well in whatever position he may fill and he carries with it the sincere and wholehearted best wishes of the many friends that he has made in the Congress.

Mr. WIGGLESWORTH. Mr. Speaker, I want to join in the tributes paid to our able and distinguished colleague, Hon. SAMUEL K. MCCONNELL, of Pennsylvania, who is leaving us at this time to accept the position of executive director of United Cerebral Palsy Associations, Inc.

He has rendered outstanding service to his district and to the Nation during the past 14 years in which he has been a Member of this House.

He has made a very special contribution as a member of the House Committee on Education and Labor, and as its senior Republican member and its chairman at a time when the committee has had most difficult problems to deal with.

By his character, his ability, and his spirit of fair play at all times he has won widespread respect in all walks of life, regardless of party affiliation.

His colleagues on both sides of the aisle who have both high regard and affection for him will greatly miss his daily association.

Sam and I have been good friends ever since he came to the Congress.

I have greatly valued his friendship over the years.

I join in wishing him every success and happiness in the work ahead.



Mr. CANFIELD. Mr. Speaker, the distinguished gentleman from Pennsylvania we affectionately know as SAM MCCONNELL leaves the House this week to become executive director of the United Cerebral Palsy Associations, Inc.

Having felt the friendly and inspiring influence of this most characterful and dedicated legislator during his 13 years of productive service in this body, I wish to make these observations:

He is an unforgettable statesman and humanitarian.

He believes his mission in life is to add to the sum of human happiness, subtract from the sum of human misery.

He has been preeminent in legislative endeavors for the handicapped, the underprivileged.

He has exalted service above self in a quiet yet very persuasive way and he believes he has been truly called to his new and challenging work.

I shall always feel close to SAM MCCONNELL and I believe that those, young and old, soon to feel and understand his ministrations, will be uplifted and come to love him.

Mr. FISHER. Mr. Speaker, the entire Nation is the loser when Members of Congress like SAM MCCONNELL retire from office. The announcement of his resignation in order to accept the position of executive director of the United Cerebral Palsy Associations, Inc., ends a Congressional career of distinction by one of the most popular and able Members of this body.

Having served for several years on the same committee with Sam, I watched him in action and got to know him well. Equipped with a brilliant, analytical mind, he seemed to always be a little ahead of the field in finding loopholes, detecting weaknesses, and bolstering vital features of legislation. He was indeed a devoted public servant, thinking always of the public interest when controversial legislation was being considered.

In my humble opinion SAM MCCONNELL has been one of the most respected, sincere, and valuable Members who has served in this body since I came here 16 years ago. We need more men like him. I join with my colleagues in this deserved recognition and praise, and extend to Sam and his family Godspeed and all good wishes for the future.

Mr. SAYLOR. Mr. Speaker, one of our most valued and most respected Members will not be in the House when Congress convenes in January. It is SAM MCCONNELL'S own decision, and he is to be admired for accepting the directorship of the United Cerebral Palsy Associations, Inc., in which position he is further dedicating himself to the interests of his fellow men. Yet we who have been associated with him cannot help but be reluctant to see him take leave of his service in Congress, for SAM MCCONNELL has always been a courageous leader and an inspiration to his colleagues.

The Honorable SAMUEL K. MCCONNELL was a legislator whom I came to admire from the time that he joined the Pennsylvania delegation as a Member of the House. Upon my own election to Congress several years later I found him to be all that I had envisioned: a warm and enthusiastic individual, a conscientious and industrious Congressman. While we have a number of times disagreed on policy or legislation, I have nevertheless always appreciated his points of view and conclusions on all controversial matters. On most of the major issues that came before the House during the past 8 years, SAM MCCONNELL and I were in hearty accord, and I can assure you that having so able a combatant on the same side provides the confidence that is often necessary for a winning effort.

SAM MCCONNELL has established a record in Congress that will increase his stature in Pennsylvania and in the whole Nation with the passing of years. Meanwhile his contributions to mankind in the field which he is now entering will further establish him as one of the century's outstanding Americans. I join my colleagues in wishing him success and continued happiness.

Mr. BAILEY. Mr. Speaker, it is with extreme regret that I view the retirement of our esteemed colleague, SAMUEL K. MCCONNELL, JR. My regret is tempered with the knowledge that in his new post he will continue to promote the cause of humanity.

SAM MCCONNELL and I have been closely associated in working for the boys and girls of America. Beginning in 1950 when we established the principle of Federal obligation to assist education in impacted areas through July of this year when the lack of leadership from the head of his own party pulled the rug from under SAM MCCONNELL, we have worked closely to promote the cause of better education in the United States.

In the field of mine safety legislation, another important issue with which I have been closely associated, I can safely state that what progress has been made is a direct result of the interest and hard work of the gentleman from Pennsylvania.

As he leaves the Congress, I wish to pay my respect and tribute to a good friend and able ally and a conscientious Congressman.

Mr. SIMPSON of Pennsylvania. Mr. Speaker, I wish to join my colleagues from Pennsylvania and from other States in wishing SAM MCCONNELL the very best of everything as he leaves the Halls of Congress.

We will sorely miss him as our colleague in this House but he may be assured that the affection in which he is held here will not subside. We insist that he keep in touch with us and no doubt we will have opportunities to see him from time to time.

His devotion to his duties as a Member of this House and of the Education and Labor Committee is well known and need not be recounted here. National recognition has attended his efforts in behalf of the American people, and those who know him best are especially mindful of his sincerity of purpose.

SAM MCCONNELL has also rendered devoted and tireless service to his political party. His accomplishments as chairman of the Montgomery County Republican Committee have marked him as one of the most astute party leaders in the Commonwealth of Pennsylvania.

Undoubtedly, his activities on the county level have been a major factor in his thorough appreciation of the problems confronting State and local governmental authorities.

Since I became chairman of the National Republican Congressional Committee, I have worked closely with Sam on numerous Congressional campaign problems, particularly in Pennsylvania. He has been Pennsylvania's member on the Congressional committee, and I have sought his advice and assistance on a regular basis.

I will miss his wise counsel in this important area of my responsibilities. Pennsylvania Republicans will hope that Sam will maintain his interest in Republican affairs.

In his new position of trust, SAM MCCONNELL will give further evidence of his great ability in handling matters of vital public concern. We wish him well.

Mr. MARTIN. Mr. Speaker, I would like at this time to yield to the gentleman from Pennsylvania [Mr. MCCONNELL] and hope that he may want to say something to us in farewell.

Mr. MCCONNELL. Mr. Speaker, so often in life we feel we will be able to say the things we should say before we go—before we depart this life or before we leave a group with whom we have been associated. As Joseph Conrad the novelist stated in one of his interviews, it seems that the world creeps on us too fast to ever say the last word. That is how I feel today as I listen to these lovely statements of your regard for me and the complimentary things you have said about my service. They have made me feel very humble in one respect and very thankful deep in my heart in another way. I seem to have been destined by fate to have represented a very fine district and to have been associated in my public life with fine people.

Here in Congress I have been a most lucky man. Although I have been associated with the type of committee work which is emotionally controversial, as all of you know, nevertheless I leave you with a feeling that I do not have a single enemy among you. I know my heart has no enmity or bitter feeling in any way toward any person in this body.

This has been a marvelous education. On Monday I took my mother, who is 83 years of age, living with a nurse and not very well, my father being dead, I took her up to see her relatives. On our return trip she said, "You know, son, you have changed greatly since being a Member of Congress." She said, "It has broadened you. You seem to understand human problems and people better than you understood them before you went to Washington." Mother is quite correct. They know their sons. This Congressional life has changed me. I am a different man from when I arrived in Washington. Human beings as a whole are not bad. They are fundamentally decent, and if it were not so this world would crash within 24 hours. I know that so well. When I see an action at which others might look with disfavor, I say to myself do not be too disturbed, we are all heroes and cowards, saints and sinners. Qualities and emotions are so mixed up within all of us; the things we do and do not do. That is true. We do things that we ought not to do. We are such a mixture. It was for the glory of mankind and human beings that the Creator made us that way, because out of it develops real character.

So I leave you with joy in my heart, with respect in my heart; not only for you as individuals, because you have proven that by your devotion to your country, but I also leave this body with respect for our system of government, the American Republic.

I wish all of you well. If I can serve you in any way, it will be a joy. So I say goodby, au revoir, and may God be with you.

## GENERAL LEAVE TO EXTEND REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H. R. 7915 just passed.

The SPEAKER. Is there objection?

There was no objection.

## CONSTRUCTION, REPAIR, AND PRESERVATION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS

Mr. ROONEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2603) to amend the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have a brief explanation of this bill?

Mr. ROONEY. The purpose of this bill is to delete certain language from the act of June 3, 1896, limiting the width between the pier and the bulkhead lines on the south shore of Gowanus Creek in my Congressional District in Brooklyn, N. Y., and also to limit the area that can be filled with solid materials.

Under the act of June 3, 1896, the width of the piers between the bulkhead and pierhead lines on the south shore of Gowanus Creek and Fort Hamilton in Brooklyn is limited to 300 feet. There is also a limit upon the amount of solid fill that may be used in the construction of such piers. The mayor of the city of New York, Hon. Robert F. Wagner, the borough president of the Borough of Brooklyn, Hon. John Cashmore, and the New York City authorities are presently engaged in planning a shipping terminal in this area of the Borough of Brooklyn. The plan of development determined to be most economical and practical would be inconsistent with the provisions of the existing 1896 law.

The proposed plan provides for the construction of a pier 700 feet wide and the use of a greater quantity of solid fill than is allowed by the law. These restrictive provisions are outmoded in view of the nature of present-day terminal operations and the size of the modern ships which would berth at the terminal.

The estimated cost of the proposed development is about $10 million; while with pile construction for the substructure, rather than fill, the cost would be about $4 million higher. Leasing negotiations are now in progress. This new terminal would not entail the appropriation or use of any Federal funds.

Mr. GROSS. Nor is it contemplated for it to be an authorization which entails the use of Federal funds in the future?

Mr. ROONEY. Not at all. The Corps of Army Engineers have no objection to the pending bill, and the Bureau of the Budget has no objection.

Mr. Speaker, I trust the House will pass this bill S. 2603 which is identical to the provisions of H. R. 8700 introduced by the gentleman from New York [Mr. BUCKLEY] and H. R. 8784 introduced by me. Unless we do, action on this meritorious legislation will be postponed until next year.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That chapter 314 of the laws of 1896, entitled, "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, is hereby amended by deleting therefrom the following paragraph:

"And in order to meet the demands of the greatly enlarged size of vessels, and of increasing commerce, it is hereby further provided that such piers as may be built between 17th Street, on the south shore of Gowanus Creek, and Fort Hamilton may be constructed so that so much thereof as shall be between the pier and bulkhead lines may be of a linear width not to exceed 300 feet, and, whether, of that width or of less width, may be filled with solid materials when an equal tidal prism or space to receive the inflow of the tides is provided in compensation therefor, behind the authorized bulkhead line and adjacent to said piers."

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## ABSENCE OF AMBASSADORS FROM THEIR POSTS

Mr. MORANO. 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 Connecticut?

There was no objection.

Mr. MORANO. Mr. Speaker, the absence of some of our Ambassadors from their posts has been given a lot of publicity recently as a result of hearings held before a committee of the other body. Some commentators and even public officials who should have known better have made extravagant, and even misleading statements, on the basis of information supplied by the Department of State. In several cases the statements

reflect adversely on some of our chiefs of mission.

My purpose in speaking on this subject is to put the matter in proper perspective. I particularly want to call attention to a few points that have been overlooked.

Chiefs of mission are excluded from the provisions of the Annual and Sick Leave Act of 1951, as amended. Therefore, the detailed leave records pertinent to other officers and employees of the Department and the Foreign Service have not been maintained for chiefs of mission. In this connection, the statistical information which forms the basis for these recent statements was compiled under great haste in the Department from various bits and pieces of information it had readily available. Only a complete check at each post abroad would make possible a more thorough statistical analysis—and even then it may not always be complete.

It is not possible to draw a neat line between official consultation and home leave. Frequently an ambassador returns to Washington for consultation. This means he makes himself available for talks with Department officials. For example, an Ambassador may have an appointment with the Secretary of State on Tuesday morning, with the Under Secretary of State on Thursday morning, and with officials of another agency on Friday afternoon. Are the times when he has no official appointments official duty or vacation? If he visits his dentist or doctor on Wednesday, is this vacation or sick leave?

When an Ambassador is in the United States, whether on official duty or on home leave, he frequently assumes the responsibility of addressing various organizations. This is an important function in public relations and in my judgment is an official function.

In one case an Ambassador is listed as having an extraordinarily long vacation period. It is not generally known that his absense was made necessary by the critical illness of his wife. In another case the Ambassador himself required extensive medical treatment that could only be obtained in this country.

I offer these few observations in the hope that before any further charges are made, the individuals making them will take the trouble to check thoroughly. I have been advised that the Department of State is now requiring the posts to forward periodic reports on the absence of chiefs of mission. This should serve as a future safeguard against those who seek publicity at the expense of our representatives abroad.

## ACQUISITION OF LAND BY NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. DURHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3377) to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 3, after "tunnel," insert "taxi strip."

Page 2, line 3, strike out "$8,164,000" and insert "$8,914,000."

Page 2, line 20, strike out "$44,700,000" and insert "$45,450,000."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## SPECIAL ORDER

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 45 minutes today following the special orders heretofore entered, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. McBride, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9302. An act making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. SALTONSTALL, Mr. KNOWLAND, Mr. THYE, and Mr. DIRKSEN to be the conferees on the part of the Senate.

## MUTUAL SECURITY APPROPRIATION BILL, 1958

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9302) making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes, with amendments thereto, disagree to the amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PASSMAN, GARY, ROONEY, LANHAM, NATCHER, DENTON, ALEXANDER, SHEPPARD, TABER, WIGGLESWORTH, FORD, and MILLER of Maryland.

## THE HOME PORT OF THE U. S. S. "RANGER" SHOULD BE BREMERTON

Mr. PELLY. 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 Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, in the CONGRESSIONAL RECORD, under an extension of remarks on Monday, August 26, 1957, my good friend and highly imaginative colleague from the 18th District of California, which includes Long Beach [Mr. HOSMER], quotes a columnist, Virginia Kelly. Who Miss Kelly is or where her column appears I do not know; but she enters into the field of naval strategy, and suggests that the new *Forrestal* class carrier, U. S. S. *Ranger*, be home ported at Long Beach because of operational and flying conditions, alleged better living conditions for Navy families, and because of the drydocking facilities there. Miss Kelly's article compares Long Beach with San Francisco and the Puget Sound Naval Shipyard at Bremerton, Wash.

Mr. Speaker, the gentleman from California, in inserting Miss Kelly's statement indicates that in his opinion Long Beach should stand at the top of the selection list. His extension of remarks has a title, "U. S. S. *Ranger* West Coast Home Port: Why Not Long Beach?" The gentleman from Washington [Mr. PELLY] whose Congressional District includes the Puget Sound Naval Shipyard, will give the gentleman an answer. It is contained in the general debate on authorizing construction and conversion of certain naval vessels under date of February 1, 1956. This will be found in the CONGRESSIONAL RECORD, volume 102, part 2, pages 1837–1838.

Reference to the debate will show that the gentleman from Iowa [Mr. GROSS] raised the point of dispersal of aircraft carriers and stated that he had received a clipping from a constituent with a Chicago Tribune picture page under date of December 21, 1955, showing the carriers *Hornet, Princeton, Shangri-La, Lexington, Philippine Sea,* and the *Wasp*—all berthed within an area of about 2 miles in the harbor of San Diego. The gentleman from Iowa quotes correspondence he had had with the Secretary of Defense, and concluded with some comments of his own with which I at that time agreed, namely that such an undue concentration of our combat vessels was an open invitation to an enemy to destroy the backbone of our entire fleet with one bomb.

In turn, as the record will show, the very distinguished chairman of the Armed Services Committee, the gentleman from Georgia [Mr. VINSON], congratulated the gentleman from Iowa [Mr. GROSS] in calling this to the attention of the committee, and agreed with everything he said. The gentleman from Georgia said he could see no reason why aircraft carriers could not be berthed at Bremerton, Hunters Point, or San Pedro rather than concentrating

all at the port of San Diego. He said the point was well taken, and the Department should not, under any circumstances, berth the aircraft carriers all in one port at any one time.

I recommend, Mr. Speaker, that the gentleman from Cailfornia [Mr. HOSMER] read the entire discussion on dispersal contained in these pages of the CONGRESSIONAL RECORD to which I have referred. And likewise I recommend the careful reading of these pages to the columnist, Virginia Kelly, because already there are a great many combat vessels home ported at Long Beach, and in fact our entire Pacific Fleet, and I have expressed this view for a long time, is not properly dispersed. We always will be taking a calculated risk until such time as the suggestion of the gentleman from Georgia [Mr. VINSON] is put into effect and the other west-coast locations are utilized.

As the gentleman from California [Mr. HOSMER] knows so well, the construction of a new drydock especially designed for *Forrestal*-type carriers is due to commence early in 1958 at Bremerton. Most logically the U. S. S. *Ranger* should be home ported in Bremerton, and under date of August 15, 1957, I wrote to the Chief of Naval Operations, Adm. Arleigh Burke, urging the Bremerton selection.

Dispersal is no new idea as far as the gentleman from Washington [Mr. PELLY] is concerned. When the gentleman from Iowa [Mr. GROSS] in 1956 raised this issue I commended him, and said that during the previous session of Congress I had written the Secretary of the Navy urging dispersal on the Pacific coast, and then as now I expressed the viewpoint that we have a dangerous situation.

It is true, as Miss Kelly has indicated, that Long Beach offers good living conditions for Navy families. Long Beach has been drawing oil from under the Long Beach naval shipyard, causing it to sink, and I think with the $12 million yearly in profits the city is able to do a lot for naval personnel. But, Mr. Speaker, it is about time that the Navy instituted suit for damages, because it will cost the American taxpayers some $30 million to protect the Long Beach Naval Shipyard from being flooded due to sinking. I fail to understand why those who take the oil from beneath the shipyard should not pay for the damage. However, that is beside the point. There is fine housing and wholesome and unexcelled living in the Puget Sound area for naval families. Under existing conditions every naval vessel that is assigned to the Bremerton yard for overhaul before and after must go to southern California for morale purposes so that members of the crew can visit their families. It would be a great economy to have some of these families living in the Bremerton area so the ships could eliminate these unnecessary trips for sea trials after drydocking at Puget Sound.

Mr. Speaker, I hope this answers the question of the gentleman from California. Since he and I are good friends and both strong believers in the Navy as a deterrent to war, and since we agree on many issues, including the need for proper recognition of the Pacific coast and other matters equally important to the national welfare, I will conclude by suggesting that my friend from California sit down and allow me to explain to him the extremely cogent reasons why the U. S. S. *Ranger* should be home ported at Bremerton when it comes to the Pacific coast. I know that my fair-minded friend will see the vast area of Oregon, Washington, and Alaska where there are no fighting units of the fleet based, and thus there is a defense vacuum. I know that the gentleman from California will not want a situation to exist where we could have a second Pearl Harbor.

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## CANADIAN GAS—INTERNATIONAL WINDFALL OR DOWNFALL

Mr. SAYLOR. 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 Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, as this session of Congress nears adjournment, I suggest that we all take another look at the Trans-Canada Gas case which is before the Federal Power Commission. After a brief summer recess, the hearings will be resumed and very likely continue at least throughout the remainder of the year. I am happy to note that numerous other Members of the House and Senate have since April 11, when I first called attention to the perils inherent in the gas import proposals, joined in rising opposition to the Canada-United States pipeline. In addition, the present party in power in Ottawa apparently shares many of our suspicions about the practicability of the project.

While perennial animosities and sporadic outbursts persists among peoples over most of the world, the United States has been blessed in having such friendly, such understanding, and such highly respected neighbors to our north. We may have occasional squabbles about wheat and other commodities in international trade, or about jurisdiction over the rushing waters that divide our eastern boundaries, or about other items inconsequential to the overall perspective. They are of no greater significance than the occasional tiffs that occur between States of the Union. Maryland and Virginia, for instance, have their differences on fishing rights; intrastate freight rates are a source of continual contention among various States; and there is the age-old topic of water rights that inevitably leads to dissention regardless of how friendly neighbors may be.

The harmony that prevails between United States and Canada was well described in the August 5 issue of Time magazine's Canadian edition. It mentioned that most of Canada's population lives within 200 miles of the United States border, and that, collectively, Canadians travel into this country some 27 million times a year, with American visitors reciprocating at about the same frequency. The relationship—philosophically, culturally, and from the standpoint of education—is so close between American and Canadians that automobile license plates are usually the only mark of identification on these foreign tourists in either country.

The United States appreciates the friendship of the Canadian people, and we want to do nothing to jeopardize our relationships with the Dominion. Last year there was considerable to-do at the capitol in Ottawa regarding a venture on the part of private American interests into the natural gas business in Canada. With the election of a new Canadian Government, headed by Prime Minister John Diefenbaker, it now appears that this issue is not going to become as serious as had been indicated. The Prime Minister himself is apparently going to insist that the matter be settled to the satisfaction of the people of Canada, not to the satisfaction of the oil and gas millionaires from Texas.

Time magazine took notice of that issue in this manner:

> All the tensions generated by Canada's historic postwar rise vibrated through the House of Commons one day in May 1956, when the liberal government's economic czar, Trade and Commerce Minister Howe, brought in a bill to insure the construction of a gas pipeline from Alberta to eastern Canada. The franchise had already been granted to Trans-Canada Pipe Lines Ltd., a corporation controlled by United States oilmen; now Howe proposed to lend the company $80 million to start construction. In addition, Howe planned to set up a government corporation to build an uneconomic section of the line. Angrily, the Tories in the House tried to shout down the loan. If government aid were needed, argued Tory Leader George Drew, let it go to a company controlled by Canadians. Minister Howe bulled ahead; the liberals invoked a rarely used and unpopular closure motion to shut off debate and whip the bill through.

During debate in the House of Commons, Mrs. Diefenbaker revealed that American interests were behind the pipeline, and he alleged that the United States companies involved would benefit at the expense of Canada by $2 million a year for 25 years.

Mr. Diefenbaker asserted that prices to be paid for the gas by American pipelines would be far less than those charged to Canadian consumers.

Throughout the pipeline debate, Mr. Diefenbaker and the other Conservative Party Members of Parliament sought to determine for the people of Canada just what deals the management of Trans-Canada had entered into with its part owner, Tennessee Gas Transmission Co. The Conservatives knew quite well that any sale of large volumes of gas by Trans-Canada, which was then dominated by Tennessee Gas Transmission Co., to Midwestern Gas Transmission Co., which was and still is completely owned by Tennessee, would not be made with the welfare of the Canadian people in mind. At the same time the Canadian public was being asked to lend to the wealthy backers of Trans-Canada $80 million of public funds to get the lines started. The Canadian public was further being asked to build outright the $130 million uneconomic northern Ontario section of the line which would then be leased to Trans-Canada. Mr. Diefenbaker insisted that the imposition

of cloture by Mr. Howe denied to Mr. Diefenbaker and his associates their right to learn the facts.

During Canada's last election the voters let it be known that they sided with the Diefenbaker party and presumably they too want to know about the gas deals that the new Prime Minister believes were inimical to their rights and interests.

Now that Mr. Diefenbaker, whom Time describes as "proudly and confessedly a nationalist," is Prime Minister, he will unquestionably make a thorough and unbiased investigation of the dealings between Trans-Canada and its allied companies. Mr. Diefenbaker is certainly justified in his attitude, for if the American public were to be subjected to a similar deal, you can be sure that Congress would lose no time in asking where, when, who, why, how, and by what authority.

Even the most fervent American patriot is dubious of a deal which would allow Canadian gas to enter the United States at rates below those being charged to consumers in Canada, regardless of the fact that it appears to be a terrific bargain for the Americans. We admittedly have some excellent horse traders among our gas industry gentry, but no one can be so naive as to assume that Canadians will play dead if they feel they are being subjected to conscious discrimination. Anyone who has seen the Alouettes, Argonauts, Stampeders, or their Canadian opponents play football knows full well that you do not get away with sucker plays against them any more than you do in Pittsburgh, Detroit, Chicago, and points west.

Through some strange maneuvers, Midwestern Gas Transmission Co., whose application to import Canadian gas in one of the cases is now before the FPC, has contracted to pay an average of 27.76 cents per million cubic feet for Canadian gas during the 25-year period of its contract. At the same time, the Winnipeg & Central Gas Co., which is actually closer to the source of production, would be required to pay 35.68 cents per thousand cubic feet for the same fuel during the period of its contract. These figures are based on the contracted minimum load factors, but even under 100 percent load factors Midwestern would still have a decided advantage throughout the 25-year period.

Midwestern proposes to purchase the gas at Emerson, Minn., a point 48 miles farther from the gas fields than Winnipeg. To make the situation even more incongruous, the 48-mile line from Winnipeg to Emerson must be constructed by Trans-Canada Pipe Lines, Ltd., at a cost of between 3½ and 4 million dollars, a service for which, of course, the proposed United States consumers would pay absolutely nothing. As one observer at the FPC hearings recently remarked:

> It's nice work if you can get it, but the Canadian public is certainly too intelligent to permit itself to be taken in by this type of promotion once the facts become known.

It is true that the old medicine man could come into a town and peddle large quantities of colored water as a cure-all for everything from headache to chilblain, but he was always careful not to play the same circuit twice. The Canadian gas deal is a long-range proposition that precludes hit-and-run salesmanship. Sooner or later the people on the other side of the line are certain to object, and in the end those eager to take advantage of the loss-leader bait are apt to pay the consequences. The cheap gas from Canada may be very enticing to potential customers in the Midwest, but the savings accrued from the bargain rates could evaporate quickly if the Canadian Government decided to make up for the losses to its people by imposing an export tax to balance the books.

In all likelihood, Mr. Diefenbaker will carry his investigation right into the producing fields. He will learn that the price of Alberta gas to Trans-Canada Pipelines, Ltd., through December 31, 1958, is set at 10 cents per thousand cubic feet, with a slight rise to take place from year to year until it reaches 15.75 cents per thousand cubic feet in 1981, and is to remain at this price thereafter. He will ask, "How do these prices compare with the cost of natural gas which Midwestern's parent, Tennessee Gas Transmission Co., is paying elsewhere?" He will learn that Tennessee has recently agreed to purchase large volumes of gas located from 10 to 25 miles out in the Gulf of Mexico at an initial price of 22.4 cents per thousand cubic feet, including 1 cent Louisiana tax, through November 1, 1962; by 1986 this price will have risen to 36.46 per thousand cubic feet. He will also learn that it will cost Tennessee Gas Transmission Co. another 3 to 5 cents per thousand cubic feet to transport this gas to the Louisiana mainland where it can enter Tennessee between 25 to 27 cents per thousand cubic feet but will still be as far from the market area of Tennessee's affiliated Midwestern as is the 10-cent Canadian gas.

Mr. Diefenbaker will learn that the price agreed on between Tennessee and the Gulf of Mexico producing companies was the lowest possible; at least here is how Tennessee's counsel explained negotiations to the FPC on June 12 of this year:

> The negotiations between Tennessee and the producers began back in October 1955. It ended some 10 months later with the execution of the contract on August 17, 1956.
>
> Now, those 10 months involved the hardest kind of bare-knuckly bargaining as to price and as to other terms and conditions. The bidding for this gas, or the competition for this gas was keen. Four other major pipelines wanted this gas because it was well located, it represented the largest block of gas available in the gulf coast area, and was a very desirable reserve.
>
> We were satisfied with the price or else we would not have appended our signatures to the contract, although it is fair to say, and the record shows that we fought as hard as we knew how to secure a lower price.

Mr. Diefenbaker will surely be interested in the fact that Tennessee had to fight to buy gas from 26 to 39 cents per thousand cubic feet in Louisiana while its potential supplier and affiliate in Canada is getting gas from the Canadian producer at 10 to 15¾ cents per thousand cubic feet.

When the new Prime Minister's investigation is completed, the balloons advertising cheap Canadian gas for the United States may be quickly deflated. The natural gas which Midwestern and Tennessee want to buy at Emerson for 27.27 cents over a 25-year period can become considerably more expensive as quickly as legislation can be enacted in Ottawa. Or it can become completely nonexistent if Mr. Diefenbaker finds that cheap Canadian gas is not in excess of Canada's needs but is required to provide heat and power for the homes and businesses of the Canadians whose tax money was loaned to Trans-Canada to get the line started and whose tax money is being used to build the uneconomic $130-million northern Ontario section of the line.

The pipeline people who have ostensibly negotiated such an advantageous transaction with Trans-Canada are—as they have demonstrated before the FPC—most desirous that the commission expedite the hearings. And well they might hope for immediate approval of their applications. With Prime Minister Diefenbaker already having expressed himself so vehemently on the subject, the applicants realize that their primary hope lies in rushing a line from the border before the Canadian Government takes action that would invalidate the promises of cheap gas for the Midwest.

The pipeliners want the FPC to endorse their proposal immediately so that they can establish a reliance upon Canadian fuel before the blowup takes place in Ottawa. They recognize that the Canadian Government is empowered to obtain such supplies of gas for domestic use as are considered necessary, and that there is every chance the party in power will eventually decide that permitting natural gas to be sold outside the country at bargain rates is against the public interest and must be cut off. In that event, after a dependence upon this fuel had been established in the areas where the pipeline had snaked its way from the border, the United States consumer would be helpless to do anything but pay the piper whatever his new price might be.

The pipeline interests do not worry about boosting prices, for they know by experience that once their monopoly status has been granted the consumer has no alternative but to suffer through boost after boost. If Canadian gas preempts our Midwest markets on the loss leader basis, there will thereafter be no coal and oil products immediately available for the industrial and domestic producers to turn to in time or urgent need. Coal and oil dealers in the Midwest are no different from any other businessmen. They cannot afford to keep the store open if their patrons quit coming in. Once these businesses have been driven out, the customer loses any opportunity to complain about what he is going to pay for the monopoly fuel that has invaded the area and usurped the markets.

Mr. Speaker, we who represent coal areas will be watching the Canadian gas cases whether or not Congress is in adjournment. The gas pressure upon the FPC is tremendous, but we are confident that the Commission will not succumb to

it. It would be grossly unfair to allow a foreign fuel—subject to cutoff or price increase at any time—to displace a product which is the medium of employment for thousands of American coal miners, railroaders, dockworkers, truckdrivers, and other labor groups in allied industries and businesses.

I reiterate, Mr. Speaker, that we are proud of our associations with the people of Canada. When they are in need, we will always be ready to help, and I am sure that they would reciprocate if the situation were reversed. At the moment, however, the United States is not suffering from a shortage of fuel, and even if we were we would not expect Canada to give it to us at a price below that which their own citizens must pay. We value Canada's friendship, but we do not feel that it is necessary for her to offer us M. c. f.'s of B. t. u.'s at a percentage of what residents of Canada are charged for the same product.

## TO AMEND RAILROAD RETIREMENT ACT TO PROVIDE FOR INVESTMENT IN FEDERAL HOUSING MORTGAGES

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, I am today introducing a bill aimed at benefiting retired railroad workers and firming up the present soft lumber market.

The three major objectives of the bill are as follows:

First. To benefit retired railroad employees by increasing the railroad retirement fund. This would be accomplished by directing the Secretary of the Treasury to invest at least part of the fund in Government-insured mortgages, which bear interest at a considerably higher rate than the special-issue Government bonds to which the fund is now restricted.

Second. To help hundreds of thousands of families throughout the country to purchase their own homes, despite the tight-money policies of the administration, by making available not less than $1 billion from the retirement fund for investment in the secondary mortgage market.

Third. To give a much-needed boost to the sagging lumber industry of the Pacific Northwest, and especially southwestern Oregon, as an indirect result of the upswing in housing starts which would occur.

The title of the legislation reads: "A bill to amend the Railroad Retirement Act of 1937 to provide for the investment of not less than $1 billion of the amounts in the railroad retirement account in mortgages insured by the Federal Housing Commissioner."

I decided to introduce the bill before the end of the present session of Congress so that there would be time during the recess for the various Government agencies involved to study the legislation and prepare reports on it for the House committee to which the bill will be referred.

I recognize that there will be objections to this bill from the Department of the Treasury and possibly from other agencies. There may even be some opposition from certain members of the Railroad Retirement Board and from some representatives of the railroads and railroad labor groups. However, I believe this opposition can be met and overcome when the provisions of the bill are fully explained, understood, and, if necessary, revised in some respects.

Investment of money from the railroad retirement fund will net the fund a return of at least 1¼ percent more than it now gets from the special-issue Government bonds in which the fund must, by present law, be invested. These bonds return a guaranteed 3 percent interest. Under my bill the return could never be less than 3 percent on FHA insured mortgages and could be much higher, since the present interest rate on these mortgages was recently increased to 5¼ percent.

The bill directs the Federal National Mortgage Association to act as agent for the Secretary of the Treasury for the purpose of purchasing, servicing, and selling mortgages for the railroad retirement fund. FNMA would be allowed to deduct from the monthly interest payment the cost of such servicing, but not to exceed 1 percent.

Even if the service cost used up a full 1 percent, the net return to the fund from FHA mortgages would not be less than 4¼ percent and, since FHA mortgages are now selling at discounts in many areas of the country, the net return could actually be somewhat higher.

It is obvious that the railroad retirement fund could realize as much as $25 million a year more in interest from investment in these Government-insured mortgages than it now receives from the bonds. Furthermore, the investment, under the provisions of my bill, would be just as well protected as it has been in the past.

I do not feel that this bill, as written, is the last word. I expect the committee to come up with recommendations for amendments to modify the legislation after it has had a chance to make studies and hold hearings.

If the bill should become law as written, it would certainly have the effect of easing the tight-money market in the home-mortgage field, by making at least a billion dollars available for investment in FHA mortgages. This would undoubtedly lead to a significant increase in housing starts in most areas of the country and would expand the market considerably for western Oregon lumber products.

The bill is as follows:

A bill to amend the Railroad Retirement Act of 1937 to provide for the investment of not less than $1 billion of the amounts in the railroad retirement account in mortgages insured by the Federal Housing Commissioner

*Be it enacted, etc.*, That section 15 of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new subsection:

"(e) (1) The Secretary of the Treasury shall invest and reinvest not less than $1 billion out of the railroad retirement account by purchasing, and (in the case of loans on new construction) by making commitments to purchase, mortgages hereafter insured under section 203 of the National Housing Act. The price to be paid for any such mortgage shall not exceed the unpaid principal balance thereof plus accrued interest. No such mortgage shall be purchased under this subsection (A) except from the original mortgagee before any other sale thereof, (B) unless the sales price of the property securing such mortgage is $15,000 or less, (C) unless the construction of the housing covered by the mortgage is completed after the date of enactment of this subsection, and (D) unless the Secretary of the Treasury determines that the rate of the net return on such mortgage will exceed, whichever is higher, the average rate of interest payable on the interest-bearing obligations of the United States having maturities of 10 or more years most recently issued, or 3 percent per annum. Any mortgage so purchased may be sold for an amount sufficient to insure that the railroad retirement account will not have sustained any loss in connection with the purchase and sale of the mortgage. If any mortgage acquired under this subsection shall default, and the Secretary of the Treasury determines the default to be insoluble, he shall assign, transfer, and deliver to the Federal Housing Commissioner all rights and interests arising under the mortgage and all claims, assets, and documents in connection therewith. Upon such assignment, transfer, and delivery, the Commissioner shall pay in cash to the railroad retirement account the entire unpaid principal balance of the mortgage plus accrued interest. The Secretary of the Treasury is authorized to make such regulations (including regulations prescribing additional conditions for the purchase of mortgages under this subsection) as he may deem necessary or appropriate to carry out this subsection.

"(2) The Federal National Mortgage Association shall act for the Secretary of the Treasury with respect to the purchase, servicing, and sale of mortgages under this section. The Secretary shall reimburse the Federal National Mortgage Association for expenses incurred by it in carrying out its functions under the preceding sentence from the income derived under such mortgages; but such reimbursement shall not exceed an amount, payable from the interest portion of each monthly installment applicable to principal and interest collected, equal to 1 percent per annum computed on the same principal amount and for the same period as the interest portion of such installment."

## COMITY BETWEEN THE TWO BODIES OF CONGRESS

Mr. O'HARA of Illinois. 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 Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as I understand the rules of the House it would not be permitted for a Member of this House to refer to a measure passed by the other body as a steal, since such a word would imply that Members of the body who had voted for it were party to a crime.

The Illinois delegation, and I include the Democrats and the Republican Members, very much resent that which appears on page 15871 of the CONGRESSIONAL RECORD of yesterday. The head-

ing is "The Need for Continued Opposition to the Chicago Water Steal."

We appreciate that when there is no area of argument or opposition, resort is made to name-calling. This, of course, is evidence that there is no argument.

We do think that it is pretty bad taste on the part of the headline writers to put in such a headline as "The Need for Continued Opposition to the Chicago Water Steal."

## CLARIFY SUPREME COURT DECISIONS

Mr. PHILBIN. 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 Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I think it would be most unfortunate, indeed it could be disastrous in some respects, if Congress were to adjourn without enacting pending legislation designed to correct and adjust the effects of several recent Supreme Court decisions. The action we have just taken was most appropriate.

Our great and distinguished Supreme Court as head of one of the coordinate branches of our Government holds a high place in the estimation of the American people. Historically, this greatest of all democratic, judicial tribunals has been a valuable, stabilizing and interpretative force in providing balance and equilibrium between governmental branches and defining and interpreting constitutional limitations. It is as essential and indispensable as the executive or legislative departments. It must keep its proper relationship in our constitutional governmental arrangements. It must not assume legislative or executive functions.

Like other institutions, it is conducted and directed by human beings, and thus is a human agency, fallible and not infallible, subject to mistake and error like all other human beings.

It has been very disturbing for Congress and the American people to note the nature and consequences of some of the recent decisions of the Court. This is true, not only of one, but of several cases. It would appear that in some respects the Court is embracing an entirely new legal philosophy which departs radically from time-honored judicial precedents and constitutional concepts.

Some of these decisions have, in effect, crippled the conduct of Congressional investigations in the exercise of our remedial, lawmaking and informing functions. Another has taken from the sovereign States the historic right to protect themselves against subversion. Another, we have just acted upon, has hampered the FBI and has already resulted in the release of several persons accused of serious crimes. The FBI states in substance that this decision will have deepest repercussions upon its entire investigative process by destroying its system of securing evidence through informants and opening its most secret files to inspection.

Still another decision stripped local school boards of their right to select teachers of their own choice in whom they could have trust and confidence as to their character, fitness, and patriotism.

Still another decision seriously checked the power of Congress to punish subversive activities.

Several of these decisions, I repeat, have greatly disturbed the Nation.

Our great House Judiciary Committee has considered and reported measures to offset several of these decisions, and I cannot understand why all these bills have not been brought to the floor of the House for discussion, extended debate and action. I believe we have a distinct duty to apply the remedy and to cure the obviously confusing and undesirable aspects of some of these decisions.

I have carefully studied these decisions and noted that some of them read more like philosophical treatises than judicial opinions. They invoked strange doctrine, novel legal reasoning and no inconsiderable conflict with established precedents. They represent a neofunctional approach to constitutional problems.

The Court is entitled to formulate its opinions in terminology and language of its own choice, however puzzling and vague it may be to members of the bar who are well versed in constitutional legal principles. It is the effect of the opinions, however, that must give us all pause as well as resolve to do what we can with all due respect to bring about legislative adjustment.

I do not propose to indulge in personal criticism of the Court because I have respect for its membership. Like many others, I disagree with the results in some cases, and I do not believe that, if we are going to have a government of laws by men in this country, the lawmaking branch can afford not to move with all promptitude to enact laws that will make it very clear to our courts and our citizens what the legislative intent is regarding many grave questions affecting the security of the Nation, and the powers of Congress as well as the powers of our sovereign States.

I urge the House committees, and the Rules Committee, considering these measures to bring more of them to the floor before adjournment so that necessary action may be taken to apply proper remedies.

## INFLATION VERSUS DEFLATION

Mr. PHILBIN. 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 Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, even a casual survey of present price levels, interest rates, taxes and budget policy indicates beyond question that our economic and financial system is in the throes of dangerous inflationary pressures.

These conditions have been evident for some time past to Members of Congress who are called upon by their constituents to do something about rising prices and rising interest rates threatening the economic stability of ordinary working men and women as well as businessmen, particularly small-business men.

We are told by high officials of the Government that inflation comes from total demand exceeding total supplies, particularly in the money market where the demand for funds has badly outrun savings.

It is argued that to restrain further inflation there must be a moderation of spending, both governmental and private, until the demands for funds are balanced by savings. A larger budget surplus and an effective monetary policy to restrain the growth of bank credit are also suggested.

Admittedly, the causes of inflation are complex and the result of a variety of conditions in the economy. We know from sad experience that inflation leads ultimately to deflation, depression, unemployment and social ills and evils bringing untold hardship to every segment of the economy and all our people.

The Congress and the Government must make determined concerted efforts to combat the dangers of inflation. It is gratifying to note that this session of Congress has moved to curb unnecessary, wasteful spending, and to reduce the high budget, and it is to be hoped that this will lead to a substantial Federal surplus, and permit early tax relief.

Current interest rate policies are undoubtedly producing many undesirable effects. Business is feeling the pinch of shortened credit and tight money. The brunt of these effects appears to fall upon small business. Current credit and money shortages and high interest rates are penalizing and obstructing economic activity in many fields. We must be concerned lest this process may precipitate and release deflationary forces in the economy which will more than offset inflationary trends and cause business retrenchment and unemployment.

Of late, I have been greatly disturbed by some of the viewpoints expressed by high Government officials dealing with our credit and monetary problems and controls. At the same time I realize how difficult it is to execute policies in this field once that the inflationary spiral has gained substantial impetus.

One thing strikes me very definitely and forcibly however, and that is, that this Government cannot allow any of our efforts to check inflation to reach such proportions that they invite or produce deflation. It is most difficult to strike a balance, I know, and the problem of timing credit and monetary decisions are extremely challenging and complex. But it must be our purpose whatever we do in this field to retain a high level of prosperity and employment in our dynamic economy with its great potential for healthy expansion.

We are living in a period of rapid change. Politically, economically, socially, and in every other way the Nation is moving toward new frontiers of achievement. The population is growing

in leaps and bounds and has increased about 28 million since 1940. Almost incredible developments in the world of science and technology have opened up for the American people new vistas of opportunity. The prospects for progress, increased prosperity, and broader measures of opportunity and higher standards of living are improving every day. It would seem clear that the country is destined for additional marked growth and advancement in every field. Our aim must be, notwithstanding these great changes and readjustments, to keep the economy on a sound basis and to maintain it as a great free system of enterprise furnishing unbounded opportunities for all our people.

I do not agree with the philosophy which holds that in order to check inflation it is necessary to pursue policies that will bring economic losses to industry and individuals. In fact, I think this is the very end we should scrupulously seek to avoid.

It is to be recognized that in any system like ours, which is featured by venture and risk, that economic losses will occur in any event. Sometimes these losses are accompanied by reduced employment and depressed economic conditions. Such losses are in the nature of human endeavor since for one reason or another every venture cannot be successful and some are ill advised and not competently handled.

But on the whole, losses resulting from the ordinary risks of venture and enterprise are minimal, and not necessarily a part of major deflationary dislocation. It is the duty of this Government to encourage, and not to discourage, ambitious citizens and groups to strive for economic and professional success. It should be the policy of this Government not only to engender a national climate productive of this end, but also to see to it that no conditions are deliberately or consciously induced which may restrict free opportunity and induce deflationary influences and results in the economy.

The Government cannot be responsible for conducting or supporting the private business operations of its citizens. But it must assume responsibility at all times for setting up safeguards against the recurrence of widespread depression which we know from sorry experience brings heartache, privation, and misery to millions of people.

There is no more certain way to insure the success and growth of radical, political, and economic movements in this Nation than for the Government to reject its responsibility to encourage and maintain favorable economic conditions in the economy and the Nation.

If depressions are man-made, they can and must be man-prevented, and the Government simply cannot afford to allow them to develop, let alone by deliberate policy give impetus to monetary and economic influences which will inevitably produce them.

I hope that appropriate officials of the Government will keep these plain economic truths in mind because popular psychology is peculiarly sensitive to the application of harsh credit and monetary controls.

As economic history clearly discloses, the greatest losses and sufferings that result from depressed conditions fall upon small business units and individual citizens. Big and small business can both exist and prosper in this country, but this Government could not possibly pursue a worse or more disastrous economic policy than that of discriminating against small business in favor of huge aggregations of wealth and power which are usually well able to take care of themselves.

If we keep in mind the human, humane, and spiritual elements that are intertwined and so essential in our economic relationships, indeed in all our relationships, and safeguard the basic rights and liberties of the people, our advancement to these new frontiers of achievement, prosperity, and betterment will be assured.

I most respectfully urge upon the Government, the administration, and its high officials, that utmost care be exercised in applying credit and monetary controls and in developing all necessary safeguards and instrumentalities designed to promote our advancing economic prosperity and the continued employment of our citizens.

In a word, deflation can be even a greater threat to national welfare than inflation.

Let us recognize this fact and scrupulously avoid those policies which will promote deflation and its evils. We have the instruments available to accomplish this end. Let us use them.

## RICHARD ATTRIDGE—FAMED WRITER

Mr. PHILBIN. 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 Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I include as a part of my remarks a very thoughtful, ably written editorial by my friend and neighbor, Mr. Richard Attridge, famed writer, which recently appeared in the Saturday Evening Post.

Mr. Attridge, who has made many outstanding literary contributions is a regular contributor to this great national magazine, and his editorials and articles are invariably very well received and reflect many accurate, pertinent commentaries on contemporary American life. Mr. Attridge is extremely versatile, his writings cover a wide range and are widely and enthusiastically read. I am highly privileged to commend him for his fine work.

[From the Clinton (Mass.) Daily Item of August 23, 1957]

ATTRIDGE SAYS OUR NEIGHBORS KNOW ALL ABOUT US

A staff-written editorial by Richard Attridge, nationally known Clinton author, in a recent issue of the Saturday Evening Post, takes a quick look over the Nation's backyard fences, and comes up with some pros and cons on a great American institution: Neighbors.

"Even in the days of America's wide-open spaces, when Mark Twain was working on a western territorial paper, neighbors were always fair game for editorial writers," the Clinton commentator observes. "As our population booms, and people are piled on top of each other, they'll have greater responsibility for preserving privacy—their own and their neighbor's too."

The Post editorial, printed under the heading, "Neighbors Are All Right, When They're Not Too Darn Close," runs as follows:

"Neighbors are the people who live next door, some cynics think, too close for comfort. If they live across the street, they are usually the people whose picture window looks into our picture window. This unavoidable proximity of neighbors, and the tendency to make modern dwellings about 50-percent transparent, has given a new edge to the old saw: People who live in glasshouses shouldn't throw parties.

"America is undoubtedly the most neighborly country in existence, a fact that causes some consternation in many parts of the world where people go in for high hedges and solid walls around their property, put a premium on privacy, and feel that buying or renting a place next door hardly constitutes an introduction. Americans sentimentalize the word 'neighbor,' write songs and commercial jingles starting off 'Hi, neighbor,' and put a lot of semantic faith in almost any international good-neighbor policy.

"American neighbors must be credited with taking a sincere interest in each other's problems: How much, for example, the head of the house next door really earns, how much the lady of the house spends at the beauty shop, and how well Junior is doing in college—especially if he isn't. They are always sorry to hear about their neighbor's family troubles or dissensions, but, of course, they always hear about them. There is reputed to be more kindly neighborliness in the country and rural areas, but this may occur simply because the houses are farther apart. There is certainly much less in cities, where residents of a 200-family apartment house would have no time to make a living if they tried to be neighborly with everyone within shouting distance.

"On the whole, maybe the best thing about real neighbors in towns and smaller cities is that they know all about us—certainly everything to our discredit—and if they are still speaking to us after 6 months, they're probably our friends for life.

## GENERAL WOOTEN'S AWARD

Mr. PHILBIN. 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 Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I include as a part of my remarks a recent article from the celebrated Worcester (Mass.) Evening Gazette relative to the recent award to the distinguished commander of Fort Devens, Ayer, Mass., Brig. Gen. Sidney C. Wooten.

It will be recalled by Members of Congress and others interested in the program that General Wooten was in charge of the Refugee Reception Center at Camp Kilmer, N. J., last winter when 32,000 refugees from Hungary were processed and admitted to the United States.

There has been general commendation of General Wooten's fine work in

this activity, and this award, which is the second one of its kind which General Wooten has received, and one of the Army's highest noncombatant awards, was conferred upon him in recognition of this outstanding service.

Early this year General Wooten received the highest honor conferred by the holy father, the Benemerenti medal.

These awards were not only richly merited but they indicate the wide fields in which General Wooten has served and contributed with such great distinction. It is most reassuring for us to know that we have contemporary leaders in our Armed Forces who are rendering such conspicuous service to the Nation.

AUGUST 14, 1957.

Brig. Gen. SIDNEY C. WOOTEN,
*Commanding, United States Army Garrison, Fort Devens, Mass.*

DEAR GENERAL WOOTEN: Heartiest congratulations to you and your family upon the well-merited award to you of your second Legion of Merit, one of the Army's very highest awards.

I was very much pleased to learn that your outstanding service at Camp Kilmer was appropriately recognized since it is truly a monument of achievement and will long be remembered by the Nation.

With best wishes to you and yours, I am,
Sincerely yours,

PHILIP J. PHILBIN.

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ARMY HONORS DEVENS CHIEF

AYER.—Brig. Gen. Sidney C. Wooten, the new commander of Fort Devens, today was awarded his second Legion of Merit, the Army's second highest noncombatant award. He was honored for his work as commander of the refugee reception center at Camp Kilmer, N. J., last winter. The center processed 32,000 refugees from the Hungarian revolt. The Legion of Merit is the general's second honor for work at Camp Kilmer. He received the Vatican's highest honor, the Benemerenti medal, earlier this year.

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## ASSISTANCE TO TEXTILE INDUSTRY

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include a copy of a bill (S. 14), which passed the Senate by a voice vote on yesterday.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, on yesterday a bill (S. 14) offered by Senator MARGARET CHASE SMITH to assist the United States textile industry in regaining its equitable share of the world market, was passed by the Senate. The textile manufacturers of the South as well as the North, I am told, were anxious to have this bill passed. It is a very necessary thing if we are going to maintain our textile industry in the United States.

This bill would provide that our textile industry could compete in the world market in price and could continue manufacture in this country. There is interest all over the country in this bill and I only hope that some way may be found so that a bill may be reported hastily out of the Committee on Agriculture and pass the House. It has wide endorsement of many groups, I hear.

Mr. JONES of Missouri. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Did the gentlewoman inform us about cotton producers being interested in that bill?

Mrs. ROGERS of Massachusetts. I understood they were.

Mr. JONES of Missouri. I think the gentlewoman is mistaken.

Mrs. ROGERS of Massachusetts. It came out of the Committee on Agriculture of the Senate.

Mr. JONES of Missouri. It came out under rather unusual circumstances and it passed the other body under rather unusual circumstances.

Mrs. ROGERS of Massachusetts. I did not know that. I knew there was great interest in it and I think it will help the terribly distressed textile industry which must receive help if it is to survive.

A bill to assist the United States cotton textile industry in regaining its equitable share of the world market

*Be it enacted, etc.*, That it is the purpose of this Act to assist the United States cotton textile industry to reestablish and maintain its fair historical share of the world market in cotton textiles so as to (1) insure the continued existence of such industry, (2) prevent unemployment in such industry, and (3) allow employees in such industry to participate in the high national level of earnings.

SEC. 2. (a) In order to carry out the purpose of this Act the Secretary of Agriculture is authorized and directed to make available to textile mills in the United States during the fiscal year ending June 30, 1958, and each of the four succeeding fiscal years not less than 750,000 bales of surplus cotton owned by the Commodity Credit Corporation at such prices as the Secretary determines will allow the United States cotton textile industry to regain the level of exports of cotton products maintained by it during the period 1947 through 1952. Cotton shall be made available to a textile mill under this Act only upon agreement by such mill that such cotton will be used only for the manufacture of cotton products for export.

(b) The Secretary shall announce, not later than September 1 of each year for which surplus cotton is made available under this Act, the price at which such cotton is to be made available and thereafter for a period of thirty days shall accept applications from textile mills for the purchase of such surplus cotton. In the event the quantity of cotton for which application is made exceeds the quantity of such cotton made available for distribution under this Act, the cotton made available for distribution shall be distributed pro rata among the mills making application therefor on the basis of the quantities of cotton processed by such mills during the three calendar years preceding the year for which such distribution is made.

SEC. 3. The Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 4. Any person who knowingly sells or offers for sale in the United States any product processed or manufactured in whole or substantial part from any cotton made available under this Act shall be punished by a fine of not more than $5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment.

## A FAST, MODERN PASSENGER LINER FOR THE TRANSPACIFIC TRADE

Mr. TOLLEFSON. 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 Washington?

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, I have today introduced a bill to provide for the construction of a fast, modern passenger liner for the trans-Pacific trade. This bill would authorize the construction by the United States and the sale in accordance with existing provisions of the law to American President Lines of a 26-knot 1,400-passenger ship which would be the largest and fastest passenger ship ever to sail on the Pacific Ocean.

The highly publicized speed competition on the Atlantic Ocean has for many decades resulted in great public attention being paid to the desirability of providing outstanding passenger ships for the North Atlantic run. However from the standpoints of national prestige, availability for naval and military auxiliary service and maintenance of America's competitive position in foreign commerce, the introduction of fast, modern passenger ships on the Pacific run is equally important.

At the present time, the American-flag passenger ships serving the Pacific number but 10, have a total capacity for less than 5,000 passengers, average 20½ knots or less in speed and average 15 years of age. Such a fleet is inadequate from standpoints of national defense and of adequate support for our domestic and foreign commerce.

The American President Lines, which has the Government contract to operate the trans-Pacific passenger service, is required under the terms of its agreement with the Government to provide a replacement vessel for one of its three passenger ships during the year 1958. That ship should be the finest and best which can be provided for the Pacific run. The bill which I have introduced today follows strictly the national policy and the legislative machinery adopted by this Congress in the Merchant Marine Act of 1936, as amended by this Congress from time to time. The construction of a passenger ship at this time for the trans-Pacific trade will provide a great and valuable asset for the United States in the implementation of a merchant marine policy which has proven sound in both peace and war.

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## BRIEF STORY OF THE HOUSE OF REPRESENTATIVES AND RELATED EVENTS SINCE 1857

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, I have here some pictures that have to do with the history of the United States Congress. The reason I have asked for this time is because this year is the 100th

anniversary of our meeting in this Chamber in the Capitol. The pictures I have here show the different places where the Congress met in Washington, D. C., as well as the various buildings it met in.

I also have pictures of the two House Chambers well known to us. One is a picture of what is now known as Statuary Hall, taken at the time Abraham Lincoln was a Member of Congress. Alexander Hamilton, Stevens, and John Quincy Adams also served here. I have a picture, that was taken soon after the Congress moved into this Chamber, which I shall leave on this table for any of the Members who may want to see it.

Mr. Speaker, it is a deep conviction of mine that we ought at every opportunity to give attention to the important lessons that history teaches us. This year is the 100th anniversary since the House of Representatives first met in this Chamber. This seems to afford us an excellent reason to pause and reflect again on the rich heritage that is ours as a nation. In doing this, we can draw on the experience of thousands of men and women who have served their people in this Chamber and had a part in making our country the great Nation we know it to be. Some of these people were great—more were near great. Even more were above average in ability of the people who served here. The vast majority, however, were average American citizens. All, however, in their way made some contribution that helped our Nation progress. Many made mistakes of a minor nature. Some succumbed to the perils of appeals to the baser passions of men; some because they lacked information and understanding made great mistakes. Some of these mistakes are still a part of our problem today. However, it must be noted that in spite of the great difficulties and the challenge that has come with every generation and period, somehow we have gained strength, made great progress, and grown in stature among the nations of the world until now all the freedom-loving people of the world look to us for inspiration, help, and encouragement. Our system has also made tremendous gains for our people until now we have in a material way, and many believe morally, the highest standard of any nation in the world. To attain this great goal, our people through the years had to have direction, help, and encouragement. A large part of this help came from Congress—a creature of the Constitution, the document that the eminent Blackstone referred to as "The most wonderful work." Our Congress of which this House, in many respects, is more important than the other House and recognized by many students of government as the greatest legislative and deliberative body in the history of mankind.

Therefore, after much reading and studying and with the help of the Library of Congress and the Architects Office, the Department of History and Archives, I have prepared a very brief statement to be placed in the RECORD for future reference, as a guide for further study for anyone who might want to explore and study this history in more detail. This, of course, is not in any sense a complete history of any phase of the Capitol or Congress and its meaning. Rather, I would have you accept this only as a brief and sketchy outline of history of the Capitol and Congress. In this presentation I try to point out the historical importance of our Capitol, what it has meant to our people and what it means to the peoples of the world, some references to the significant commemorations of the past, a brief outline of what it seems were the outstanding events that happened on Capitol Hill arranged in chronological order. Then touch very briefly on the growth, changes, and progress in our Nation in the last 100 years. Also, a part of this calls attention to some of the significant physical improvements of our Capitol Building in the last 100 years. Then, in closing, I try to summarize and call attention to the importance of referring often to the foundations of our country as exemplified by what our forefathers said and did and point out that here are many of the answers to the difficult problems of our time.

Mr. Speaker, historically, the Capitol at Washington is the most amazing, awe-inspiring, interesting, and important edifice in the United States. It is also the busiest Capitol in the world. Here we find 531 elected public officials doing more with the aid of limited but efficient staffs for their people than any other group of elected legislators on earth. In addition, they are trying with great effort, dedication, and ability to represent the wishes of their people honestly and sincerely in the legislative halls. Here, more than any place in the world, what is done in the Capitol is important to more people of a nation and the peoples of the world than anywhere else. All of this makes our Capitol the most meaningful symbol of hope for liberty and freedom in the world. This, along with what we know through history about our heritage, may explain, in part at least, why ours is the most visited Capitol in the world—millions come here from every nation in the world, to see, study, and be inspired by the American story of self-government.

The seat of our Government is most unusual, too, in that it resembles to a great extent both the beginning and the growth of the greatest Nation on earth. Its growth and its capacity to change while protecting individual liberties are among its greatest virtues.

Since the laying of the cornerstone of this Capitol by George Washington in 1793, many great and significant things have happened here. Events that have made a difference and helped our people to a better way of life. The reading and study of our heritage and history indicates that it has been a great influence toward a better way of life for the liberty-loving people of the world.

Besides the laying of the original cornerstone in 1793, several commemorative celebrations have been held that mark the beginning of expanded facilities or commemorating significant anniversaries of our Capitol. These include the laying of the cornerstone for the expansion of the Capitol in 1851 and the celebration of the 100th anniversary of the laying of the cornerstone in 1893.

December 16, of this year, 1957, will be another very significant date in the history of this magnificent Capitol, for then it will be just 100 years since the House of Representatives began meeting in this Chamber. In commemoration of this event, there is a most interesting exhibit on the ground floor of the Capitol showing the various aspects of the building as it first appeared in and after 1800; as it looked following the British vandalism of 1814, and as it was before and after the extensive changes of 1851–65.

Illustrations of the United States Capitol are so frequently used as a visual symbol of our National Government that it must seem to many Americans that the Capitol has been here forever, just as it is. However, if one could transport himself back a few years before the Civil War, for instance, one would not have seen the familiar tall dome on the Capitol. Instead, there was a relatively low wooden dome sheathed with copper, which resembled an upside-down custard bowl. The present dome, with the Statue of Freedom, was not completed until about 1865.

Nor would one have seen, somewhat over a hundred years ago, the present separate House and Senate wings with their connecting corridors. The House extension was not ready for occupancy until 1857, and the Senate wing was not used until 1859.

We invariably think of Washington, of course, as our Capital City. Probably not one person in a thousand, however, could name all the places in which Congress has met.

The Continental Congress met in eight different cities and towns, namely:

Philadelphia: September 5. 1774, to December 12, 1776.

Baltimore: December 20, 1776, to February 27, 1777.

Philadelphia: March 4 to September 18, 1777.

Lancaster, Pa.: September 27, 1777.

York, Pa.: September 30, 1777, to June 27, 1778.

Philadelphia: July 2, 1778, to June 21, 1783.

Princeton, N. J.: June 26, 1783, to November 4, 1783.

Annapolis, Md.: November 26, 1783, to June 3, 1784.

Trenton, N. J.: November 1784 to December 24, 1784.

New York City: January 11, 1785, to March 4, 1789.

CONGRESS UNDER THE CONSTITUTION—FIRST CONGRESS

New York City: First session, March 4, 1789, to September 29, 1789; second session, January 4, 1790, to August 12, 1790.

Philadelphia: Third session, December 6, 1790, to March 3, 1791.

Second Congress, third session to the Sixth Congress, second session, the meeting place was Philadelphia. Since November 1800 sessions have been held in Washington.

Nor is it likely that many people could identify all the places right here in Washington, D. C., where the House of Representatives has met since 1800: in

the north wing of the old Capitol; the so-called oven in the uncompleted south wing of the old Capitol; the old oval-shaped Chamber in the south wing which was burned in 1814; Blodgett's Hotel; the Old Brick Capitol on the present site of the Supreme Court; the semicircular Chamber in the south wing, built after the British attack of 1814, which is now Statuary Hall; the present Chamber, which was remodeled in 1950; and the caucus room in the New House Office Building.

The House first convened in the Federal Building in New York City on March 4, 1789. It met in Congress Hall in Philadelphia from December 6, 1790, to May 14, 1800.

Congress convened for the first time in what is now a portion of the present building immediately north of the rotunda, on November 22, 1800. The House was then located on the principal floor, on the west side of the old building. A plaque on the wall marks the place, which is now occupied by the Senate Disbursing Office. The first House Chamber in the Capitol no longer exists, however, because this part of the Capitol was burned by the British in 1814. Theodore Sedgwick, of Massachusetts, was then Speaker of the House. House membership at that time totaled 106.

This Chamber was so crowded that a brick structure was erected in the unfinished south wing in 1801. This room, referred to as the oven, was utilized until the permanent walls of the south wing were completed in 1804. The House once again moved to the north wing, on the west side of the principal floor; and it remained there until 1807, when the south wing was available for occupancy. At this time, a wooden passageway connected the two wings; there was no rotunda or dome.

In 1814, a British raiding party under the command of Admiral Cockburn fired the Capitol, destroying the Chambers. Congress subsequently met in two places while its home was being restored: Blodgett's Hotel on E Street, between Seventh and Eighth Streets NW., and a hastily constructed building known as the brick Capitol on the site of the present Supreme Court Building.

Blodgett's Hotel had previously been taken over by the Government and was in use as the United States Patent Office at the time of the British raid. The so-called Old Brick Capitol was erected by a group of private citizens anxious to forestall efforts of various Members of Congress to move the Capitol to another city or to Georgetown. It was rented to the Government during the period the Capitol was being rebuilt. Later it was used as a hotel and rooming house. During the Civil War it was used as a prison for southern sympathizers. Henry Wirz, the commandant of Andersonville Prison, was briefly incarcerated in this building after the war.

The House moved to its present Chamber on December 16, 1857. This room was 139 by 93 by 42½ feet as compared to the 61 by 48 by 36 feet of the Federal Building in New York City. The chamber of the House is three times as large as that of the British House of Commons. The present Chamber was redecorated in 1950 and during that period sessions were held in the Ways and Means Committee room in the New House Office Building.

Now how did the House come to be in its present quarters? On May 28, 1850, the Committee on Public Buildings recommended an extension of the Capitol. It was by this time evident that the building was now too small to house the expanding Congress and to accommodate the increasing number of visitors. A competition was held late in 1850 for the architectural plans for the extension, a $500 prize being provided the victor. One of the competitors was Thomas U. Walter, who split the prize money with three other individuals and was appointed Architect of the United States Capitol Extension by President Fillmore on June 10, 1851. In general, the present House and Senate wings follow a modified plan laid down by Walter. Charles F. Anderson, one of the contestants, also long claimed credit for some of the features which appeared in the final plans.

On July 4, 1851, the cornerstone of the Capitol extension was laid with elaborate ceremonies. President Fillmore and other officials, including Walter Lenox, mayor of Washington—the City of Washington then had a mayor—participated. B. B. French, grand master of the Masonic fraternity, made a short address, and Daniel Webster, then Secretary of State, delivered an oration.

Fifty-eight years have elapsed—

Declared French—

and, in that comparatively brief space in the ages of governments, we are called upon to assemble here and lay the cornerstone of an additional edifice, which shall hereafter tower up, resting firmly on the strong foundation this day planted, adding beauty and magnitude to the people's house and illustrating to the world the firm foundation in the people's hearts of the principles of freedom, and the rapid growth of those principles on this Western Continent.

Yes, my brethren, standing here, where, 58 years ago Washington stood, clothed in the same Masonic regalia that he then wore, using the identical gavel that he used, we have assisted in laying the foundation of a new Capitol of these United States this day, as Solomon of old laid the foundation of the temple of the living God.

Among the papers deposited in the cornerstone was one by Webster which, in part, read:

If * * * it shall be hereafter the will of God that this structure shall fall from its base, that its foundation be upturned, and this deposit brought to the eyes of men, be it then known, that on this day the Union of the United States of America stands firm, that their Constitution still exists unimpaired, and with all its original usefulness and glory; growing every day stronger and stronger in the affections of the great body of the American people, and attracting more and more the admiration of the world. And all here assembled, whether belonging to public life or to private life, with hearts devoutly thankful to Almighty God for the preservation of the liberty and happiness of the country, unite in sincere and fervent prayers that this deposit, and the walls and arches, the domes and towers, the columns and entablatures, now to be erected over it, may endure forever.

God save the United States of America.

Webster's remarks are often quoted. Outlining the fundamentals of the American system of government, he imagines what Washington might have said, had he been present.

Ye men of this generation, I rejoice and thank God for being able to see that our labors and toils were not in vain. You are prosperous, you are happy, you are grateful; the fire of liberty burns brightly and steadily in your hearts, while duty and the law restrain it from bursting forth in wild and destructive conflagration.

Cherish liberty, as you love it; cherish its securities as you wish to preserve it. Maintain the Constitution which we labored so painfully to establish, and which has been to you such a source of inestimable blessings. Preserve the union of the States, cemented as it was by our prayers, our tears, and our blood. Be true to God, to your country, and to your duty. So shall the whole eastern world follow the morning sun to contemplate you as a nation; so shall all generations honor you, as they honor us; and so shall that Almighty Power which so graciously protected us, and which now protects you, shower its everlasting blessings upon you and your posterity.

Thus spoke one of America's greatest orators on this significant day.

Soon after this the Members of both the House and Senate complained that they were not being sufficiently consulted and requested what we in our day would call progress reports. Particular solicitude was expressed regarding the proper ventilation and the acoustical properties of the legislative halls. Acoustics was particularly important to the Members. In neither of the Houses' two previous Chambers, the oval Chamber burned by the British in 1814, or the semicircular Chamber built by Latrobe after the war with Britain, could a Member be heard distinctly. The decision to build it in an oblong shape eliminated the curved surfaces which had previously caused so much trouble.

A further object of interest to Members was the building stone used. The foundation stone, the House was informed, came from the Potomac River area, above Washington. A committee of experts ascertained that its average crushing strength was about 15,000 pounds per square inch. A special commission was appointed to select the marble for the exterior of the extensions. Marble from Lee, Mass., was selected, it being found that 22,702 pounds were required to crush a square inch.

Administratively, the older part of the Capitol was in charge of the Commissioner of Public Buildings and Grounds, William Easby, but the work of building the extension was originally directed by Walter, who was responsible to the Secretary of the Interior. Easby evidently felt chagrined at not having been placed in charge of the extension and helped encourage charges that the Government was being defrauded. Easby's complaints evidently had their effect, for the President, Franklin Pierce, transferred the superintendence of the building in 1853, upon assuming office, to the War Department.

Secretary of War Jefferson Davis detailed Capt. Montgomery C. Meigs to

take charge of the construction work. Meigs contributed several suggestions. It was he, for instance, who proposed that the House and Senate Chambers should be located in the center of their respective wings, as they are today.

Wide corridors were planned around the two Chambers, and large stairways were provided, in contrast with the narrow hallways and difficult staircases of the old building. By late 1855, about half of the columns and pilasters of the grand corridor of the House wing were in place, and one of the grand stairways commenced; the brick vaulting for the floors was leveled up for tiling; the roof trusses were completed and a number of them erected. A year later, the principal corridor in the House wing and the iron ceiling over the Chamber were completed.

Meantime, of course, work was also going on at the Senate end of the Capitol and also on the western side of the old building, which had been damaged by fire in 1851. This latter area was then occupied by the Library of Congress. It was in this fire that many of the books sold to the Government by Thomas Jefferson in 1815 for use in the Congressional Library were burned.

Plans were also being made for a new dome. When the original copper-covered wooden dome had been placed on the building, Congress and President Monroe's Cabinet had demanded a tall and distinctive dome. Now that the building was being extended, it was felt that a larger dome was needed.

Meanwhile, Walter, the Architect, and Meigs, the Army engineer, commenced bickering over their respective rights and prerogatives. Walter insisted that Meigs was attempting to supplant him as Architect. After much dispute, during the course of which Meigs was eventually overruled and appealed over the heads of his superiors to the President, Secretary of War John B. Floyd finally banished Meigs to the Tortugas, where he was put to work building fortifications. This, however, was in 1859, after the completion of most of the work on the Capitol.

Meigs was later Quartermaster General of the Union Army during the Civil War. Both Walter and Meigs have left their mark on our Capital City. Meigs later supervised plans for the National Museum and became the architect of the Pension Office building, and Walter remodeled the exterior of the Treasury and designed St. Elizabeths Hospital and the interior of the State, War, and Navy Building. He was not responsible for the "gingerbread" on the exterior of the latter, which was added later. Walter also proposed a center extension of the Capitol in order to give the large dome, which he designed, a better proportioned base. This latter proposal is still being discussed, a special Commission having been established in 1956 to study the question.

By November 1857, it was reported that the House Chamber was ready for occupancy. However, when the 35th Congress met on December 7, they were still in the old Chamber.

The House—

States Glenn Brown in his history of the Capitol—

at first questioned the propriety of meeting in the Chamber, as they feared ill effects from the dampness of the walls, and a special committee was appointed to investigate the condition of the hall, and reported December 14 that the hall was dry and everything ready for occupancy. The hall was first used for divine worship, December 13, 1857, Rev. G. D. Cumming conducting the services. December 16, 1857, the 237 members of the House of Representatives took formal possession and held their first session in their new hall.

At 12 o'clock noon on December 16, Speaker James L. Orr called the first session of the House in its new Chamber to order. Prayer was offered by the Reverend Andrew G. Carothers, who asked:

May this Hall now dedicated by thy servants, the Representatives of the people, as the place wherein the political and constitutional rights of our countrymen shall ever be maintained and defended, be a temple of honor and glory to this land. Let the deliberations and decisions of this Congress advance the best interests of our Government, and make our Nation the praise of the world earth.

The first item of business was a bill by Representative Justin S. Morrill, of Vermont, donating public lands to the various States and Territories to provide colleges for the benefit of agriculture and the mechanic arts. The bill was referred to the Committee on Public Lands. Representative Morrill later became a Member of the Senate and his proposal eventually became the Morrill Act of 1862, establishing the present system of land-grant colleges.

After several other routine items, Representative Sherrard Clemens, of Virginia, obtained the floor and sponsored a successful motion to order the Clerk of the House to draw from a box, one at a time, the name of each Member to establish priorities in the choice of seats. Other questions discussed during the brief session were admission of Chaplains of the House and Senate to the Library of Congress, printing of the President's message and compensation of Members.

The new Hall of Representatives—

Declared Harper's Weekly, 100 years ago—

which has been the subject of so much discussion of late in the press, is in the center of the first story of the nex extension, south. It is a room 139 feet long, 93 wide, and 36 feet high. The Members' desks, which number 300 altogether, are arranged in a semicircle; the reporters have seats behind the Speaker, and spectators are accommodated in a large gallery running round the room, and capable, it is said, of seating 1,200 persons. The desks and chairs of Members have been got up regardless of expense. The former are of plain oak, with carvings on the back; the chairs are antique, high-backed affairs, covered with red morocco.

Two objections have been taken to this new Hall. The first is, that it has no communication with the free air of day. It has no windows. Light penetrates through a stained glass square in the ceilings over which, at night, gas burners are lit. The idea of the architect is, that they can ventilate the Hall by pumping fresh air in, and providing an escape for the impure atmosphere which has been breathed by Members. But this diving-bell arrangement does not meet with general approval. It is urged that until fresh air, pure from the vault of heaven can be got into the Hall without the intervention of pumps and tubes, cases of paralysis must occur very frequently among Members who are attentive to their duties.

The following is a description of the ventilation system as described by Harper's Weekly:

The hot air, having passed through a hot-water sieve, in order to absorb sufficient moisture, will be forced into the Hall from above by means of a steam-fan. Meanwhile the foul air will escape through apertures near the floor, and its place will be occupied by the fresh warm air from above.

Some critics have cavilled at the profuse and gaudy decorations of the new Hall.

Continued Harper's Weekly.

It will be perceived, on glancing at the picture on the preceding page, that the wall is laid out in panels—each panel being intended to receive a historical painting in fresco. The moldings are painted in the brightest colors; and the stained glass in the ceiling, on the same plan, represents, in panels, the arms of the various States of the Union. "The general effect," says one of the Washington correspondents, "is dazzling and meretricious; one is reminded of a fashionable saloon in a gay capital, rather than the place of meeting of national legislators * * * Time, however, will do much toward softening the defects which these critics deplore. A few years will wonderfully mellow the bright colors of the panels and molding; the gilding will wear away, and a solemn dun hue will gradually overspread the Chamber."

In the life of nations, a hundred years is a comparatively brief span. What was happening in our Nation 100 years ago when the House first sat in its present Chamber?

In the year 1857, James Buchanan was inaugurated President of the United States. Several days following his inauguration, Chief Justice Taney announced the Dred Scott decision, in which he declared the Missouri Compromise of 1820 unconstitutional and extended Federal protection to slaveholders in the Territories. It was a year of financial crisis and economic depression. By the end of the year, 4,932 businesses had failed in the United States, business failures continuing at about the same rate for 2 more years. It was the year of the Mountain Meadows massacre in which 120 emigrants bound for California were killed by a band of Indians aroused by a Mormon fanatic, John D. Lee. The slavery issue in 1857 was coming more and more to the fore. The abolitionist leader William Lloyd Garrison was denouncing the continued presence in the American Union of slaveholders, while calling for a dissolution of the Union. In October and November, the Lecompton Constitutional Convention met in Kansas and framed a proslavery constitution. President Buchanan in his annual message upheld the legality of the disputed convention's actions. On December 21, shortly after the House first met in the new Chamber, the Lecompton Constitution was adopted in Kansas Territory, the free-State men not voting.

During 1857, Hinton R. Helper's The Impending Crisis in the South appeared.

In the field of education, the Michigan State College of Agriculture was authorized by a legislative act in Michigan, and the Cooper Institute first opened. The first issue of the Atlantic Monthly, edited by James Russell Lowell, appeared. Abe Lincoln was practicing law in Springfield, Ill.

Among the prominent Members of the House at the time were Alexander H. Stephens, of Georgia, later Vice President of the Confederacy; Schuyler Colfax, of Indiana, later Vice President of the United States; Anson Burlingame, of Massachusetts; Henry L. Sawes, of Massachusetts; Owen Lovejoy, of Illinois, brother of the martyred Elijah P. Lovejoy; Nathaniel P. Banks, of Massachusetts, later a Civil War general; Lucius Q. C. Lamar, of Mississippi, later Secretary of the Interior under President Cleveland and an Associate Justice of the Supreme Court; Francis P. Blair, Jr., of Missouri; Daniel E. Sickles, of New York, who several years later shot and killed the son of Francis Scott Key; George H. Pendleton, Clement L. Vallandigham, and John Sherman, all of Ohio; and Joseph Lane, of the Territory of Oregon and later United States Senator.

Also in the House at the time were three members of an extraordinary family, Representatives Israel Washburn, Jr., of Maine; Cadwallader C. Washburn, of Wisconsin, and Elihu B. Washburne, of Illinois. It was Elihu Washburne who, in 1861, proposed that Ulysses S. Grant, his fellow townsman of Galena, Ill., be appointed brigadier general of volunteers and gave Grant the initial boost in his Civil War career.

Among the luminaries in the other Chamber were Sam Houston, of Texas; his son Andrew Jackson Houston served also as Senator from Texas in 1941; Robert Toombs, of Georgia; Stephen A. Douglas, of Illinois; James Harlan, of Iowa; Judah P. Benjamin, of Louisiana, later attorney general of the Confederacy; Charles Sumner, of Massachusetts; Jefferson Davis, of Mississippi; William H. Seward, of New York; Benjamin Wade, of Ohio; Simon Cameron, of Pennsylvania; Andrew Johnson, later to succeed to the Presidency, and Hannibal Hamlin, who later became Vice President in Lincoln's first term. Douglas' colleague from Illinois was Lyman Trumbull, who had in 1855 won out over a lawyer named Abraham Lincoln for the senatorship in the balloting in the Illinois Legislature.

John C. Breckinridge, of Kentucky, was at this time Vice President, and James L. Orr, of South Carolina, was Speaker of the House.

EVENTS ON CAPITOL HILL 1857 TO 1957

The story of what happened on Capitol Hill in the 100 years we have been in the House Chamber would take volumes to relate, even if we tried to deal with it in a very brief and concise manner. This obviously makes it impossible to insert this story in any detail in the RECORD, but having studied this era in some detail, it occurred to me that it might be of interest to list the events that appear to me to be among the most important happenings on the Hill in that period. Some students will disagree with some of my listings and notations as being important. Others will no doubt point out that some important events have been omitted. In answer to each proposition, let me state that with further study I might agree with each of these assumptions, but I am sure all will agree that a good part of the following list would be among the most important events on Capitol Hill in the last 100 years, and I humbly submit this list, herewith, for whatever benefit it may be to a further study of this period of history.

It should be pointed out that each event has been listed because it was important at the time it happened, or the fact that it did happen made the event important later. In each case, in my opinion, these actions made a difference in the destiny of our country.

It will be noted that the events of the Civil War have been ignored. This is because, in my opinion, this era of history has not been neglected and because of its importance, it should be treated separately.

To those who are better students of this period than I have had time to be and who want in any way to amend this list, I will yield. The following is my list of important happenings of the last 100 years:

Army bakery established in United States Capitol, 1861.

Establishment of Joint Committee on the Conduct of the War, Senator Wade, chairman, December 1861.

Former House Chamber dedicated as a National Statuary Hall 1864.

House Appropriations Committee assumed authority over appropriations measures, formerly held by Ways and Means Committee, 1796–1865; Banking and Currency Committee also established as offshoot of Ways and Means Committee, 1865.

Appointment of Joint Committee on Reconstruction, beginning of period of Congressional reconstruction, December 1865.

Radicals won Congressional election of 1866, November 1866.

First attempt to impeach Johnson failed in House, December 1867.

Impeachment of Johnson by House, February 1868.

President Johnson acquitted by Senate, sitting as court to try him on House impeachment charges, May 1868.

Congressional investigation of New York election frauds, 1869.

Congressional investigation of New York Customs House frauds, 1872.

House committee under Representative Luke P. Poland investigated Credit Mobilier affair, recommended expulsion of Representatives Oakes Ames and James Brooks; House formally condemned conduct of Ames and Brooks, 1873.

King David Kalakaua, of Hawaii, addressed joint session, December 1874.

Select committee of House investigated whisky frauds, 1876.

Contested presidential election, Hayes versus Tilden; appointment of joint House-Senate-Supreme Court Electoral Commission; Justice Joseph P. Bradley cast deciding vote for Hayes, 1876.

James G. Blaine read from Mulligan letters on House floor, defending himself against using official position as Speaker of House to promote the fortunes of a railroad company, June 1876.

Death of Constantino Brumidi, painter of some of friezes in Capitol rotunda, many other Capitol paintings, 1880.

Charles S. Parnell, Irish political leader, addressed House, February 1880.

House investigation of charges brought in suit by rival claimants to annul Bell telephone patents, 1886. After the most prolonged and important litigation in the history of American patent law, including about 600 cases, the United States Supreme Court upheld all of Bell's claims.

Representative Daniel W. Voorhees sponsored bills to build new quarters for Library of Congress, 1886–89.

Senator Cullom launched investigation of railroads, made Interstate Commerce Committee important body; direct result was Interstate Commerce Act of 1887.

Nadir of the Presidency as political office. James Bryce declared in the American Commonwealth that a Presidential recommendation to Congress received no more consideration than an article in a prominent party newspaper, 1888.

Congressional investigation of transportation and sale of meat products, forerunner of pure food and drug legislation, 1889.

Speaker Reed's rules adopted by House; substituted a present for a voting quorum, reduced size of Committee of the Whole, increased power of Speaker, who became known as czar, February 1890.

President Cleveland secretly operated on for cancer in yacht cruising up East River; had Cleveland died, Vice President Adlai Stevenson, who differed from Cleveland on currency question, would have become President, 1893.

Income tax rider on Gorman-Wilson Tariff Act.

Jacob Coxey, leader of Coxey's army, advocate of public works program for unemployed, tried to speak from Capitol steps, jailed for walking on the Capitol grass, May 1894.

Library of Congress moved out of Capitol to new quarters, in present main building, 1897. Herbert Putnam, Librarian of Congress, 1899–1939; Librarian emeritus by special act of Congress, 1939–55.

Congress directed President McKinley to intervene in Cuba and bring about Cuban independence; Spanish-American War began, April 1898.

Senator Tillman and Senator McLaurin engaged in personal altercation on Senate floor; Senate motion of censure considered; President Roosevelt withdrew Tillman invitation to White House, 1902.

Cornerstone of Senate Office Building laid after senatorial offices at New Jersey and B NW., were condemned as a firetrap, 1906.

Old House Office Building completed, 1908.

National Monetary Commission appointed—joint committee of House and Senate—to recommend changes in monetary system and banking and currency laws, 1908.

"Uncle Joe" Cannon's authority as Speaker reduced; Rules Committee enlarged; Speaker denied membership on Rules Committee, henceforth elected by House, 1910.

Congressional joint committee investigated Interior Department and Forest Service—Ballinger-Pinchot controversy, 1910.

Pujo money trust investigation in House; subcommittee headed by Representative Arsene Pujo; counsel, Samuel Untermyer, 1912–13.

Arizona and New Mexico admitted to Union; CARL HAYDEN first elected to Congress, 1912.

House investigation of Taylor industrial speedup system, 1912.

Senate investigation, *Titanic* catastrophe, 1912.

Clapp campaign fund investigation of United States Senate investigated presidential campaign funds, 1912.

Senate declined to unseat Isaac Stephenson, Senator from Wisconsin, March 1912.

Senator La Follette demanded reopening of investigation of election by Illinois Legislature of William Lorimer to United States Senate, May 1912. Lorimer subsequently unseated; resultant publicity led to enactment of 17th amendment, providing for direct election of Senators, 1913.

Vice President Thomas R. Marshall reportedly remarked, "What this country needs is a really good 5-cent cigar," in Senate lobby, during speech by Senator Bristow, of Kansas, on needs of the country. Reported and popularized in syndicated Washington column by Fred C. Kelly, later author of Miracle at Kitty Hawk, now living in Kensington, Md., 1913.

Wilson broke precedent established by Jefferson, appeared in person before Congress to deliver first annual message, April 1913.

Federal Reserve Act, December 1913. Decentralized banking system established on basis of investigations of National Monetary Commission and Pujo Committee.

Congressional investigation of ship purchase bill lobby, 1915.

Federal-Aid Road Act, 1916. Established fund-sharing principle, basis of the so-called new federalism aspect of American governmental practice.

Sixty-fourth Congress ended in Senate filibuster against President Wilson's armed ships bill, March 1917.

Jeannette Rankin, first woman elected to Congress, took seat, March 1917.

Wilson's war message to Congress, April 1917.

Marshal Joffre addressed House and Senate, May 1917.

Marconi, inventor of wireless, addressed House, June 1917.

Secretary of War Baker drew first draft number from glass globe in room 224C, Senate Office Building, July 1917.

Viscount Ishii, of Japan, addressed Senate and House, August and September 1917.

President Wilson appealed for Democratic Congress; Republicans won Congressional elections, 1918.

Publication of A Synopsis of the Procedure of the House, by CLARENCE CANNON, 1918.

House investigation of a National Security League, 1918–19.

House denied Representative Victor L. Berger, Socialist, right to seat; sentenced by Judge Kenesaw M. Landis to 20 years in prison for opposing United States participation in World War I, 1919.

Sixty-fifth Congress ended in La Follette filibuster against coal and oil bill; Franklin D. Roosevelt and Josephus Daniels at Capitol anxiously following filibuster, which prevented passage of bill allowing private exploitation of naval oil reserves, 1919.

House and Senate committees investigated United States budgetary practices, 1919–20.

Publication of Procedure in the House of Representatives by CLARENCE CANNON, 1920.

Victor L. Berger reelected to Congress, 1920. Congress again declared seat vacant.

President Harding broke precedent by appearing before Senate on inauguration day, presenting his Cabinet for immediate confirmation; Senator La Follette's plan to organize opposition to appointment of Albert B. Fall as Secretary of the Interior thwarted, March 1921.

Budget and Accounting Act, advocated by Republican Party in 1920 election, authorized President to prepare and submit annual budget to Congress; created office of Comptroller General, General Accounting Office as adjuncts of Congressional branch of Government, 1921.

Charles G. Dawes, first Director of Budget, 1921.

House committee investigated escape of Grover Cleveland Bergdoll, World War I draft dodger, from Governors Island, N. Y., 1929.

Conviction of Representative Victor Berger reversed by United States Supreme Court, 1921.

Senator La Follette introduced resolution in Senate calling for Teapot Dome investigation, April 1922.

Mrs. Rebecca L. Felton, appointed to fill Senate seat of Thomas E. Watson, of Georgia, attended two sessions; first woman Senator, November 1922.

Congressional investigation of Veterans Bureau, 1923.

Representative Victor L. Berger seated in House as Member from Wisconsin, serving in 68th, 69th, and 70th Congresses, 1923–29.

Vice President Dawes stole inaugural spotlight by delivering unprecedented inaugural harangue to Senate against senatorial filibusters, March 1925.

Charles Warren, appointed by President Coolidge to be Attorney General, rejected by United State Senate; Vice President Dawes, absent from Capitol, failed to return in time to break vote, to annoyance of President Coolidge, 1925.

Senator Hiram Bingham censured for bringing lobbyist into executive session of Senate committee considering Smoot-Hawley Tariff, 1929.

Prime Minister Ramsay MacDonald of England addressed United States Senate, October 1929.

House Special Committee on Communist Activities in United States—Fish committee—appointed, 1930.

Democrats won control of 72d Congress; John N. Garner, Speaker, 1930–31.

Mrs. Hattie Carraway, first woman Senator elected to a full term—appointed, 1931, elected 1932, 1938.

New House Office Building completed, 1933.

Senator Huey Long shot by assassin, 1935.

House investigation of Townsend old-age pension plan, 1936.

Failure of Roosevelt court-packing plan, 1937.

President Roosevelt's attempted purge of Congressional opponents unsuccessful, 1938.

House Special Committee on Un-American Activities—Dies committee—established, 1938.

Poet and presidential speech writer, Archibald MacLeish, appointed Librarian of Congress, 1939.

President Roosevelt delivered war message to Congress, December 1941.

Queen Wilhelmina of Holland addressed joint session, August 1942.

Mme. Chiang Kai-shek addressed Senate and House, February 1943.

Winston Churchill addressed joint session, December 1949. Other appearances, May 1943 and January 1952.

Mrs. Hattie Carraway, first woman to preside over United States Senate, October 1943.

House investigation of governmental seizure of Montgomery Ward & Co., 1944.

Gen. Dwight D. Eisenhower addressed joint session following return from European theater, June 1945.

Prime Minister Clement R. Attlee of Great Britain addressed joint session, March 1947.

Gen. Jonathan M. Wainwright addressed House and Senate, September 1945.

President Truman delivered message on Greek-Turkish crisis to joint session, March 1947.

Under new Presidential Succession Act, Speaker of House and President pro tempore of Senate next in line of succession to Presidency following President and Vice President, July 1947.

Jawaharlal Nehru, Prime Minister of India, addressed Senate and House, October 1949.

Senator McCarthy in Senate speech, listed 81 alleged Communists in State Department, leading to Tydings investigation, February 1950.

Gen. Dwight D. Eisenhower addressed Members of House and Senate on NATO, informal joint session at Library of Congress, February 1951.

Gen. Douglas MacArthur addressed joint session, April 1951.

Representative ALVIN BENTLEY, four others, wounded on House floor by Puerto Rican terrorists in gallery, March 1954.

McCarthy hearings—Senate Subcommittee on Permanent Investigations investigated charges brought by Secretary of the Army Stevens against Senator McCarthy—April–June 1954.

Select Committee To Study Censure Charges Against Senator McCarthy appointed by Vice President NIXON, August 1954.

Senator McCarthy censured by United States Senate, December 1954.

EVENTS AND HAPPENINGS OUTSIDE THE CONGRESS, 1857 TO 1957

A study of what happened in our country as the result of, or in spite of what happened on the Hill is a story of great moment. But here, as in the discussion of what happened on the Hill, a presentation of any phase, even though done briefly and if I could do it properly, would take up more time and space than could be allowed for the RECORD, so with apologies to those who are better students of this era than I am, I present this list in the hope that it may add to the interest and study of our history. Here, as in the brief list of events on the Hill, I am willing to accept any amendment to add to, or take from, any part of this list.

It seems to me that a study of this period is most valuable in that it indicates among other things our struggle for survival, how our freedom promoted expansion and growth, how education and discussion of public affairs focused attention on our shortcomings, which resulted in many improvements, how depression and economic conditions forced us to have a concern for our fellowman and his economic welfare, and how exposing through a free press of abuses of opportunity and privileges lead to legislation to correct evils. It indicates, also, how freedom of expression to the various avenues caused the moral integrity of our basic fiber to demand that right should win and therefore a better political atmosphere.

Here, then, is this list:

Eighteen hundred and fifty-seven: Dred Scott decision: Missouri Compromise of 1820 declared unconstitutional.

Eighteen hundred and fifty-nine: John Brown's raid on Harpers Ferry; his purpose, to incite a slave revolt. First petroleum well opened in Titusville, Pa.

Eighteen hundred and sixty: Election of Abraham Lincoln and secession of South Carolina. First pony express service started between St. Joseph, Mo., and Sacramento, Calif.

Eighteen hundred and sixty-one: Secession of other Southern States and start of Civil War.

Eighteen hundred and sixty-two: McClellan's Peninsular campaign; Grant in Kentucky; battles of Shiloh, Antietam, and Fredericksburg.

Eighteen hundred and sixty-three: Emancipation proclamation. Battles of Chancellorsville, Gettysburg, Vicksburg, and Chickamauga. Lincoln's Gettysburg address.

Eighteen hundred and sixty-four: Grant in the Battle of the Wilderness; Sherman's march to the sea.

Eighteen hundred and sixty-five: Grant took Richmond; Confederate surrender at Appomattox. Assassination of Lincoln. Thirteenth amendment, abolishing slavery, adopted.

Eighteen hundred and sixty-six: Formation of Ku Klux Klan. Start of Congressional reconstruction.

Eighteen hundred and sixty-seven: Alaska purchase.

Eighteen hundred and sixty-eight: Impeachment and acquittal of President Andrew Johnson.

Eighteen hundred and sixty-nine: Black Friday, financial panic caused by gold corner. Junction of Central Pacific and Union Pacific at Ogden, Utah, completion of first transcontinental railroad. Woman's suffrage law passed in Wyoming territory.

Eighteen hundred and seventy-one: Settlement of Alabama claims against Great Britain. Henry M. Stanley, a naturalized American citizen, found the lost David Livingstone, a Scottish missionary, in central Africa. Chicago fire.

Eighteen hundred and seventy-four: Tweed scandals, New York City.

Eighteen hundred and seventy-six: Contest presidential election; Hayes declared elected by special electoral commission. Centennial exhibition, Philadelphia.

Eighteen hundred and seventy-seven: Terroristic "Molly Maguires" hanged in Pennsylvania coal region.

Eighteen hundred and seventy-eight: First commercial telephone exchange opened, New Haven, Conn.

Eighteen hundred and seventy-nine: F. W. Woolworth opened his first 5-and-10-cent store, Utica, N. Y.

Eighteen hundred and eighty-one: Assassination of President Garfield.

Eighteen hundred and eighty-three: Opening of Brooklyn Bridge; 12 people trampled to death.

Eighteen hundred and eighty-four: Financial crisis, New York.

Eighteen hundred and eighty-five: First electric street railway in United States opened in Baltimore.

Eighteen hundred and eighty-six: Seven police killed by bomb at Haymarket Square in Chicago during strike for 8-hour day. Geronimo, Apache Indian chief, surrendered to United States troops.

Eighteen hundred and eighty-seven: Statue of Liberty on Bedloes Island, now Liberty Island, N. Y., unveiled.

Eighteen hundred and eighty-nine: Johnstown flood; 2,200 lives lost.

Eighteen hundred and ninety: First electrocution for murder in New York State. Ellis Island opened as immigration depot.

Eighteen hundred and ninety-two: First American gasoline buggy demonstrated by Charles E. Duryea. Homestead steel strike; 18 died.

Eighteen hundred and ninety-three: World's Fair opened in Chicago.

Eighteen hundred and ninety-four: Depression; Coxey's army marched on Capitol to demand Federal work-relief program. Pullman strike. First public showing of Thomas A. Edison's kinetoscope, New York.

Eighteen hundred and ninety-five: Beginning of Cuban revolution.

Eighteen hundred and ninety-six: Intervention of United States in Venezuela boundary dispute with Great Britain.

Eighteen hundred and ninety-eight: Spanish-American War.

Eighteen hundred and ninety-nine: First Hague conference. Filipino insurrection.

Nineteen hundred: Prohibitionist Carrie Nation began destroying saloons with hatchet. Galveston hurricane and flood. Walter Reed began campaign to wipe out yellow fever.

Nineteen hundred and one: President McKinley assassinated. Commander Scott explored King Edward Land, Antarctica.

Nineteen hundred and two: Pennsylvania coal strike settled by President Roosevelt. End of American occupation of Cuba.

Nineteen hundred and three: First successful automobile trip across United States made by Dr. H. Nelson Jackson and Sewall K. Crocker. Panama revolution; President Roosevelt recognized Panama, signed agreement to build Panama Canal. First successful flight made by Wright brothers, Kitty Hawk, N. C.

Nineteen hundred and four: Louisiana Purchase Exposition, St. Louis. New York subway opened.

Nineteen hundred and five: Lewis and Clark Centennial Exposition, Portland, Oreg.

Nineteen hundred and six: San Francisco earthquake.

Nineteen hundred and seven: Jamestown, Va., Exposition opened.

Nineteen hundred and eight: Financial panic.

Nineteen hundred and nine: Adm. Robert E. Peary reached North Pole on sixth attempt. Hudson-Fulton Exposition, New York. Alaska-Yukon-Pacific Exposition, Seattle.

Nineteen hundred and ten: Dynamiting of Los Angeles Times. Boy Scouts of America formed.

Nineteen hundred and eleven: Triangle shirt waist factory fire, New York City; 145 killed. First transcontinental airplane flight by C. P. Rodgers, New York to Pasadena.

Nineteen hundred and twelve: Capt. R. F. Scott reached South Pole; died in tent during blizzard. Sinking of *Titanic;* 1,517 died.

Nineteen hundred and thirteen: Girl Scouts of America founded.

Nineteen hundred and fourteen: Panama Canal opened. United States Marines at Vera Cruz. Sinking of *Lusitania* by German submarine.

Nineteen hundred and fifteen: Panama Pacific International Exposition, San Francisco. Panama-California Exposition, San Diego. Galveston hurricane.

Nineteen hundred and sixteen: Preparedness Day bombing, San Francisco; Black Tom explosion at munitions docks, Jersey City, traced to German saboteurs.

Nineteen hundred and seventeen: Germany resumed unrestricted submarine warfare; United States entered World War I; Wilson signed Draft Act.

Nineteen hundred and eighteen: President Wilson's Fourteen Points made in speech before Congress; battles of St. Mihiel, Meuse-Argonne, St. Etienne.

Nineteen hundred and nineteen: German surrender; Versailles peace conference; Versailles Treaty, with United

States participation in League of Nations rejected by United States Senate. Steel and coal strikes.

Nineteen hundred and twenty: Sacco-Vanzetti case. Prohibition and woman suffrage amendments went into effect. Wall Street bomb explosion.

Nineteen hundred and twenty-one: Peace declared with Germany by joint resolution of Congress. Washington Arms Conference.

Nineteen hundred and twenty-two: Herrin, Ill., coal strike; 26 killed.

Nineteen hundred and twenty-three: First sound-on-film talking pictures shown by Lee De Forest.

Nineteen hundred and twenty-four: Dawes reparations plan announced. Evacuation of Ruhr.

Nineteen hundred and twenty-five: Scopes evolution trial, Tennessee; John T. Scopes found guilty of having taught evolution in Dayton, Tenn., high school; fined $100. Nine power treaty on arms limitation signed.

Nineteen hundred and twenty-six: Sesquicentennial Exposition, Philadelphia.

Nineteen hundred and twenty-seven: United States Marines in Nicaragua; 1,000 Marines in China during Chinese Civil War. Lindbergh flew Atlantic. First commercial talking picture, The Jazz Singer, shown.

Nineteen hundred and twenty-eight: Dirigible *Graf Zeppelin* flew with crew of 38 and 20 passengers, Lakehurst, N. J., to Friedrichshafen, Germany.

Nineteen hundred and twenty-nine: Kellogg-Briand antiwar pact. *Graf Zeppelin* flew around world. Albert B. Fall, former Secretary of Interior, convicted of taking bribe. Stock market crash, start of depression. Richard E. Byrd at South Pole.

Nineteen hundred and thirty: London Naval Conference.

Nineteen hundred and thirty-two: Kidnaping of Charles A. Lindbergh, Jr. Resignation of Mayor James J. Walker, New York. Franklin D. Roosevelt elected President.

Nineteen hundred and thirty-three: Bank holiday; New York Stock Exchange closed; abrogation of gold payment clause in public and private obligations. National Industrial Recovery Act passed; AAA established. Soviet Union recognized by United States Government. Chicago Century of Progress Exposition.

Nineteen hundred and thirty-four: John Dillinger, Hoosier desperado, captured, escaped, and shot attempting to evade recapture. Philippines Independence Act passed; Philippines to be free after 1945.

Nineteen hundred and thirty-five: Social Security Act. NRA declared unconstitutional.

Nineteen hundred and thirty-six: Supreme Court declared AAA unconstitutional.

Nineteen hundred and thirty-seven: Unsuccessful attempt of President Roosevelt to pack Supreme Court. Japanese bombed U. S. S. *Panay* in Yangtze River. Dirigible *Hindenberg* exploded, Lakehurst, N. J.; 36 died. Supreme Court ruled that Government had no right to divulge intercepted telephone messages.

Nineteen hundred and thirty-eight: "Wrong-Way" Corrigan flew Atlantic.

Nineteen hundred and thirty-nine: Golden Gate International Exposition, San Francisco. New York World's Fair. Townsend old-age pension bill defeated. Beginning of World War II.

Nineteen hundred and forty: Franklin D. Roosevelt elected to unprecedented third term.

Nineteen hundred and forty-one: President declared national emergency—United States in official state of emergency, 1941 to date. United States Marines in Iceland; United States and Britain preparing to occupy Azores when Hitler invaded Russia. Captive coal mine strike. Japanese attack on Pearl Harbor, United States in World War II. Lend-lease aid pledged Russia.

Nineteen hundred and forty-two: Georgia peonage law declared unconstitutional. First nuclear chain-reaction explosion at University of Chicago.

Nineteen hundred and forty-three: United States took over coalfields in coal strike. Pay-as-you-go income tax bill passed. Race riots, Detroit and Harlem.

Nineteen hundred and forty-four: Supreme Court upheld right of Negroes to vote in State primaries. Ringling Brothers Circus fire, Hartford, Conn.; 107 killed. President Roosevelt reelected for fourth term.

Nineteen hundred and forty-five: German surrender; atomic bombs dropped on Hiroshima and Nagasaki; Japanese surrender. Death of President Roosevelt. Formation of United Nations Organization. Establishment of World Bank.

Nineteen hundred and forty-six: First U. N. Assembly, London. United States Army Signal Corps reported a radar beam had reached the moon. German and Japanese war criminals executed. Bikini bomb tests. Russian demand on Turkey for share in control of Dardanelles. American airmen shot down over Yugoslavia. End of wartime price controls. Mine workers union fined $3,500,000 by Judge T. Alan Goldsborough for contempt of court; Supreme Court reduced fine to $700,000, on condition it cancel strike notice; Government seizure of coal mines.

Nineteen hundred and forty-seven: Truman doctrine of aid to Greece and Turkey announced. Secretary of State George Marshall announced Marshall plan of economic aid to Europe. Centralia mine disaster; John L. Lewis ordered 6-day shutdown of soft coal mines as protest against unsafe mining. Taft-Hartley Act passed. Unification of Armed Forces.

Nineteen hundred and forty-eight: United Mine Workers strike; union fined $1,400,000 for contempt of court. Berlin blockade and airlift. Peacetime selective service established. Hiss case.

Nineteen hundred and forty-nine: Hiss acquitted in first perjury trial. Japanese war leaders hanged. NATO pact signed. Chinese Communists gained control of most of China; Nationalist Government established on Formosa. Conviction of 11 Communist leaders under Smith Act.

Nineteen hundred and fifty: Hiss convicted of perjury in second trial. President Truman ordered United States Army to seize railroads in threatened general strike. Puerto Rican terrorists attempted to kill President Truman. Beginning of Korean war.

Nineteen hundred and fifty-one: MacArthur fired as Korean commander; appeared before Congress. Rosenberg case.

Nineteen hundred and fifty-two: Election of President Eisenhower. Explosion of first hydrogen bomb.

Nineteen hundred and fifty-three: End of Korean war.

Nineteen hundred and fifty-four: United States participation authorized in construction of St. Lawrence Waterway. Supreme Court declared segregated schools violated 14th amendment guaranties.

Nineteen hundred and fifty-five: Geneva Conference: President Eisenhower called for disarmament, aerial inspection plan. Eisenhower heart attack.

Nineteen hundred and fifty-six: Proposal for abolition of electoral college rejected by Congress. Middle Eastern crises; United States denounced British-French invasion of Egypt. Unprecedented prosperity in United States.

Nineteen hundred and fifty-seven: First civil-rights bill since Reconstruction Era got through Congress without filibuster.

A FEW OF THE CHANGES AND IMPROVEMENTS IN THE CAPITOL AND THE HOUSE IN THE PAST 100 YEARS

The Capitol is unique in that it both typifies the beginning and also marks the growth of the Nation—

Declares Charles Moore in his introduction to Glenn Brown's History of the United States Capitol.

Like the great Gothic cathedrals of Europe, its surpassing merit is not its completeness, but its aspirations. Like them, too, the Capitol is not a creation, but a growth.

Illustrative of this statement have been the changes in the past hundred years. On December 2, 1863, the statue of Freedom was placed on the dome, and in 1865, final work was completed on the dome itself. This completed most of the major changes made in the Capitol during the Civil War period. The next important change in the Capitol came in the 1890's when Frederick Law Olmsted, the landscape architect who designed Central Park in New York City and the Chicago World's Fair of 1893, was engaged to create the present pattern of sidewalks and landscaping in the Capitol grounds. Olmsted was also responsible for the imposing terrace and steps on the west side of the building overlooking the Mall.

During the period from 1949 to 1951 the old roof and skylights over the Senate and House wings, including the Senate and House connections, were replaced with a new roof of concrete and steel construction. The cast-iron and glass ceilings of the Senate and House Chambers were replaced with new ceilings of stainless steel and plaster. Alterations and improvements were also made to the interior of each Chamber. The design for the remodeling of the two Chambers was studies with motives

from the same sources of early Federal architecture used in the old Supreme Court and Statuary Hall sections of the Capitol and from other buildings of the early Republic.

Several years later, in 1955, a nondenominational Prayer Room was added for the use of Members.

Under the Legislative Appropriation Act, 1956, provision has been made for extension, reconstruction, and replacement of the east central portion of the Capitol and other improvements. To date, appropriations totaling some $17 million have been provided for carrying forward work under this project. Preliminary studies are now in progress under the direction of the Architect of the Capitol and the Commission for Extension of the United States Capitol.

Meantime, many changes, of course, have been made in the ventilation and lighting. About 1865, steam heat was introduced. In 1880 Congress investigated the possibility of using arc lights in the two Chambers. In 1885 incandescent lights were installed in the cloakrooms, lobbies, and stairways; in 1886 they were installed in the Senate extension; and in 1888 they were installed in the House wing. In 1897 arc lights were substituted for gas on the Capitol grounds. The grounds are now lighted by floodlights. Theatrical-type spotlights are now installed in the ceiling of the House Chamber.

Elevators were introduced into the building in 1874. Stables were removed from the grounds about 1875. Subways were built connecting the House and Senate Office Buildings with the Capitol in 1907 and 1908 and the electric monorail streetcar was built in the Senate Office Building in 1912, which is the only subway railway in Washington, D. C.

The art work in the Capitol has particularly grown in quantity over the years. Some formerly familiar pieces of sculpture have even been hauled away. W. W. Story's statue of John Marshall, for instance, which is on the west terrace of the Capitol overlooking the Mall, stands near the spot formerly occupied by the Tripoli Monument, a memorial to naval heroes who perished in the Barbary War in 1804. The latter, a familiar sight to visitors in the mid-19th century, was removed in 1860 to the United States Naval Academy, at Annapolis. Another familiar sight for many years was Horatio Greenough's controversial statue of George Washington dressed as an ancient Roman. This statue, which originally stood in the center of the rotunda, was in 1843 moved into the Capitol Plaza facing the east front of the building. It was still there when Coxey's army appeared on the Capitol grounds and got arrested for walking on the grass in 1894, but it has since been banished to the Smithsonian Institution.

At one time there was considerable Congressional sentiment in favor of removing the headdress from the statue of Freedom atop the dome. Freedom had originally been endowed in the artist's conception with a Phrygian liberty cap, symbol of freed slaves. Secre- of War Jefferson C. Davis, who in 1856 had supervision over the building of the extension and dome, had objected and suggested that Freedom wear a helmet. This supposed concession to proslavery sentiment so angered antislavery Members following the Civil War that they proposed that the statue be hauled down and altered; only the great inconvenience and cost of doing this caused the opposition to give up the idea.

In 1864, the former House Chamber, originally considered as an audience room, was set aside for the display of statues of two historic figures from each State. Additions are still being made to the statuary collection, which has now overflowed into other areas of the Capitol.

Other artwork and sculpture have been added right up to recent years. In 1916, the sculptures on the House pediment were unveiled. The Grant Memorial, on First Street, across the Capitol end of the Mall, was added in 1922, on the centenary of Grant's birth. The Brumidi friezes high up in the rotunda were only completed a few years ago. The Senate is now discussing a proposal to hang pictures of five of the most distinguished Senators in the Senate reception room.

The growth of membership in the House is reflected in the changing seating arrangements. Originally Members were entitled to permanent seats. Up to the 29th Congress, seats were taken on a first-come first-choice basis. Members living near Washington who arrived early for a session secured the most advantageous seats and kept them for the duration of the session. In the 29th Congress Members began to draw for their seats. In 1857, when the new House Chamber opened, Representatives had individual carved oak desks and chairs. In 1859, these were replaced by circular benches, with the parties arranged opposite each other. In 1860, however, the desks were restored. In 1873, and again in 1902, smaller desks were introduced; in each instance the reason was increased membership. By 1914 the membership stood at 435 and the House was forced to remove the desks and replace them with chairs arranged in bench construction. Today there are 448 medium-tan leather-covered chairs with walnut frames, bronze feet, and leather-padded arm rests. Members may now occupy any vacant chair.

So great has been the growth in complexity of the legislative process in the past hundred years that various activities once housed in the Capitol have necessarily had to be moved elsewhere.

With the growth of the House, for example, additional office space was required. Until 1908 a Member's desk was his office, except in the case of committee chairmen. Now there are two House Office Buildings and a Senate Office Building. Additional new House and Senate Office Buildings are under construction.

The Library of Congress was established by an act of April 24, 1800, which provided an appropriation for the purchase of books by Congress, required that a suitable apartment in the Capitol be set aside to house them, and established a Joint Committee on the Library to establish rules for their use. By 1815, there were only some 6,500 books in the Library, which had been sold to the Government by Thomas Jefferson after the British had burned the original Library; now there are over 11 million books and millions of other items in the Library of Congress, which occupies two buildings. The first of these, the present main building, was opened in 1897, and the second, the Library Annex, in 1939.

HEATING OF THE BUILDING

In 1904, the Capitol Power Plant at New Jersey and B Street SE. was opened. In 1952, work was commenced on a tunnel connecting many of the Capitol Hill buildings to the powerplant; the tunnel was completed in 1954. At present the plant serves only as a source of steam and refrigeration. Electrical energy is now purchased from a private utility company. During the past several years, the buildings of the Capitol complex have been gradually converting from direct to alternating current. Work is now in progress to enlarge the refrigeration capacity of the powerplant.

CONGRESSIONAL CEMETERY

Many people do not know that Congress has its own cemetery, located at 17th and E Streets SE., near Barney Circle. In 1816, they assigned 100 sites for the interment of Members of Congress. Congress appropriated money to encircle the area with a brick wall. An additional 70 sites were added later. One hundred and thirteen Congressmen have been buried in the Congressional Cemetery. Of these, 14 have been removed for burial in their native States. Tilman Bacon Park, of Arkansas, Representative from 1921 to 1937, who died in February 1950, was the last Representative to be buried in the Congressional Cemetery.

In the early history of Washington Parish—created in 1794—certain residents of the eastern part of the city of Washington purchased a plot of ground for a private cemetery. The date of this purchase is said to be about 1807, perhaps a few years earlier. A little later, finding that it was impractical to continue this project, the owners of this private cemetery tendered the property to Washington Parish. A deed to the land was delivered to the vestry of this parish March 30, 1812, and the cemetery was officially named Washington Parish Burial Ground. Later—possibly between 1840 and 1850—the name was changed to Washington Burial Ground which has continued as its official name ever since.

The cemetery soon became a semiofficial burying ground for United States Senators, Representatives, and other officials of the Government. In 1816, Congress purchased a section of the cemetery and reserved it for the interment of Government officials. Since then, the cemetery has been commonly known as Congressional Cemetery. The cemetery comprises about 30 acres of ground situated on the north bank of the Anacostia River, northeast of Pennsylvania Avenue and 17th Street SE.

From time to time during the early history of the cemetery, the vestry of Washington Parish donated several

hundred plots to the United States Government. In 1848, additional plots were deeded to the Government in return for a grant of about $5,000 for the construction of the wrought-iron fence which surrounds the north side of the cemetery. The brick wall surrounding the south side, the public vault, and the keeper's house, were also paid for by the Government. At the present time, 925 plots in the cemetery are owned by the Government.

During the early period of the cemetery's history, when a prominent United States official died, the Government erected in the cemetery a sandstone cenotaph in his honor. Often, the interment was not actually made in the Congressional Cemetery. The cenotaph was placed there merely as a memorial. There are at present about 176 cenotaphs in the cemetery. Few, if any, have been placed there for the last 60 years.

Recently I took advantage of an opportunity to visit this cemetery and while generally I am glad to report the cemetery is in good condition, the tombstones marking the present burial plots of the Members of Congress who are buried there are in very poor condition; and in my opinion should receive the attention of Congress at a very early date, restoring them and making them a more respectable appearing monument and tribute to deceased Members buried there. On visiting the cemetery I found that among the interred were Elbridge Gerry, a signer of the Declaration of Independence, William Thornton, the first Architect of the Capitol, Push-Ma-Ta-Ha, famous Choctaw Indian chief who fought under Jackson in the Pensacola campaign, John Philip Sousa, and 21 young women who perished in the explosion of the Federal arsenal on the site of the present National War College, during the Civil War.

GROWTH OF HOUSE MEMBERSHIP

Reflecting the increasing complexity of government, which has affected the legislative as well as the executive branch of government, there have been various institutional changes in Congress itself in the past century.

The number of House Members has increased from 237 in 1857 to 435 today. This latter figure is the number fixed by Congress after the admission of Arizona and New Mexico. Should Alaska or Hawaii be admitted to the Union, a temporary increase in seats, followed by a reapportionment, would probably ensue.

The meeting date of the Congress was changed by the 20th Amendment from the first Monday in December to the third day of January, unless Congress shall by law appoint a different day.

The House ceased to be an all-male club when Jeannette Rankin, Republican of Montana, took her seat in 1916. Since then 57 members of the fairer sex have been elected to Congress and the record shows that they all have served with better than average ability.

The salary of present Members of Congress is $22,500 per annum as compared with $6,000 per Congress in 1857. The additional allowances of the present Members of Congress are pretty well known, but what is not known, about 100 years ago is the fact that then the Congressman received 80 cents a mile each way for traveling expenses. It occurred to me that it might be of interest to have an analysis of a representative list of Congressmen and their expenses and then also to note that in 1857, if a Congressman was absent without excuse for any given day he was charged $8.22 for his absence which was his estimated daily pay based upon the salary allowed at that time. Same rules applied today on this matter would mean a deduction of approximately $62.50 per day.

*Salary and travel statements of representative group of House Members, 1857*

| Name | State | Total miles traveled, 2 sessions | Amount paid for travel, 1857-59 | Days absent | Deduction for absence | Salary, 2 years | Total salary and travel allowance less absence deduction, 1857-59 |
|---|---|---|---|---|---|---|---|
| James Orr, Speaker of the House | South Carolina, Craytonville | 1,408 | $1,126.40 | None | None | $12,000 | $13,126.40 |
| Joseph McKibbin | California, Sierra County | 14,306 | 11,444.80 | 5 | $41.10 | 6,000 | 17,403.70 |
| Justin Morrill | Vermont, Strafford | 1,022 | 817.60 | 11 | $90.42 | 6,000 | 6,727.18 |
| Nathaniel Durfee | Rhode Island, Tiverton | 1,016 | 812.80 | None | None | 6,000 | 6,812.80 |
| Albert Jenkins | Virginia, Green Valley | 1,040 | 832.00 | 3 | $24.66 | 6,000 | 6,807.34 |
| Lucius Lamar | Mississippi, Oxford | 3,114 | 2,491.20 | 4 | $32.88 | 6,000 | 8,458.32 |
| Alexander H. Stephens | Georgia, Crawfordville | 1,416 | 1,212.80 | None | None | 6,000 | 7,212.80 |
| Daniel Sickles | New York, New York City | 492 | 393.60 | 35 | $287.68 | 6,000 | 6,105.92 |
| John Sherman | Ohio, Mansfield | 1,334 | 1,067.20 | None | None | 6,000 | 7,067.20 |

Here are statements of three Washburn brothers:

| Name | State | Total miles traveled, 2 sessions | Amount paid for travel, 1857-59 | Days absent | Deduction for absence | Salary, 2 years | Total salary and travel allowance less absence deduction, 1857-59 |
|---|---|---|---|---|---|---|---|
| Cadwallader Washburn | Wisconsin, La Crosse | 4,080 | $3,264.00 | 10 | $82.20 | $6,000 | $9,181.80 |
| Elihu Washburne | Illinois, Galena | 4,000 | 3,200.00 | None | None | 6,000 | 9,200.00 |
| Israel Washburn, Jr | Maine, Bangor | 1,436 | 1,148.80 | None | None | 6,000 | 7,148.00 |

The House rules have been changed at various times. A particular difficulty was the fact that to obtain a quorum, Members had originally to answer the roll. In 1890, Speaker Reed introduced the so-called Reed rules, by which a quorum might be established by counting Members present who refused to answer rollcalls. The Speaker of the House was given so much personal power that he became known as a czar. In the person of "Uncle Joe" Cannon, the Speakership became, in the minds of some Members, an obstacle to desirable progressive measures. Attempts by William P. Hepburn, an Iowa Republican, in 1905, and by Champ Clark, a Missouri Democrat, in 1909, to strip Cannon of various powers, came to naught. In 1910, however, the Democrats, with the aid of 30 insurgent Republicans, stripped the Speaker of his membership on the Rules Committee, deprived him of the power to appoint members to this committee, enlarged the membership of the committee, and restricted his power of recognition. Further changes were made in 1911, when the election of members and chairmen of standing committees was taken from the Speaker and returned to the House.

SUMMARY AND COMMENT ON EDUCATION, CIVIL RIGHTS, AND LESSONS OF HISTORY

At the time the House moved to its part of the Capitol extension in 1857, there were 31 States in the Union. The population of the United States was about 28,000,000 as compared to an estimated 170,981,000 today. The center of population was southeast of Chillocothe, Ohio. It is now in southern Illinois. The country has grown correspondingly in its industrial facilities and its wealth. More Americans today have an opportunity to advance themselves through education and the freedom to put that education to work than ever before.

If there is one thing that has not changed since 1857, it is the conviction that our way of life is ideally suited to the happiness and prosperity of our people. Our belief in constitutional government, education, and freedom has not dimmed with the years. On the contrary, faith in our institutions has grown as their value has been demonstrated.

The period since 1857, as the period before it, has been a testing time for our concept of government. The Civil War, in which great national issues were decided, not by the peaceable means afforded by the Constitution, but by conflict, was a challenge of frightening magnitude. Other challenges have appeared, like the two terrible world wars to strike down tyranny, the threat of depression and the threat inherent in the spread of totalitarianism over much of the earth.

There have been times when violence and strife have threatened to disrupt our society. The raid of John Brown on the United States arsenal at Harpers Ferry, Va., the assassinations of Presidents Lincoln, Garfield, and McKinley, the activities of the Ku Klux Klan, the Haymarket riot of 1886 were ominous indications that there are always some members of our society who do not believe in the American concept of ordered liberty under law.

Yet our national belief in progress under the American system has not diminished. We have made progress sort of an American custom. Optimism has always been one of the distinguishing characteristics of our people. Sometimes our faith has been chastened by depressions and wars and atomic bombs, but the underlying American belief in the ability of ordinary mortals to improve themselves and their status in life and, in doing it, their society, is still strong.

It is perhaps not mere coincidence that as the opportunity of our people to obtain an education grew, and as American belief in the right of everyone to enjoy an equal opportunity to better himself grew, the prosperity of the country also grew.

Progress in education, for instance, has been great since the House of Representatives first sat in this Chamber 100 years ago. The great Morrill Act of 1862, establishing our system of land-grant colleges, was one of the most important pieces of legislation, in its ultimate effects upon our society, ever passed. The American college system a hundred years ago was just developing its postgraduate facilities. In those days colleges supplied only a general education. Today we have some of the best graduate schools in the world turning out our teachers and doctors and lawyers and engineers.

A hundred years ago the concept of free public schools had only recently taken root. Today virtually everyone in our Nation is assured of a free public education. This result has come about because of the great belief of the American people in the value of education. Virtually all of it has come about through the personal interest and intervention of ordinary people in the educational policies of their communities.

The period since 1857 has likewise been a great era in the development of the American belief in equal rights. We have had two great constitutional amendments, the 15th and the 19th, forbidding States to deny the right of suffrage on the grounds of race or sex. The 14th amendment forbade the States to deprive any person of life, liberty, or property without due process of law. This battle for civil rights is as old as our country. It began with the Revolution, when our people rebelled against the arbitrary government of King George III. Thomas Jefferson laid the theoretical basis for our rights and liberties in the Declaration of Independence. Traditional English concepts of individual rights were written into our Constitution and today Americans continue to believe in the concept of limited government. They continue to believe that their Government must not act in an arbitrary manner. They continue to believe in legal processes, that where law ends tyranny begins. Their belief in our governmental institutions is as strong and personal as their belief in education. Our way of life lives in the hearts and minds of our people rather than simply in the cherished document we call our Constitution. This is a fact that should forever be remembered by our teachers and our leaders as we promote the ideals we are pleased to call America.

Mr. Speaker, at the beginning of my dissertation I said that we ought at every opportunity to give attention to the important lessons taught by history. It is a deep conviction of mine that if all our citizens had a better knowledge and understanding of American history and the rich heritage that is ours because of the sacrifice to promote great ideas and ideals of our forefathers, there would be no need for concern for the future of our country. Also, if these great ideas were better understood and appreciated by our people, the fight against communism or any foreign ism would be much less difficult. This could mean much more and be more effective than any law that we could pass against any foreign ism. I think there are important lessons to be learned from history that can help us meet the challenge and find the answers to the many perplexing problems of this dramatic atomic age. This age that is fraught with great extremes: on the one hand, a terrible fear of the possible complete extinction of mankind; and the other extreme, an opportunity with this new power to promote peace, prosperity, and understanding never known to the human family before.

There are many expressions of our forefathers that lend encouragement and point the way to a better life for all of us. It is impossible to quote many of them, so I shall quote very briefly some of the pertinent thoughts given to us by three of our greatest—Washington, Jefferson, and Lincoln.

In discussing the life of George Washington, there are many things that come to mind that are exciting. For the purpose of this dissertation, I should like to refer briefly to a part of his Farewell Address that I think is important and because it was noted by our country through the years, we were able to grow and prosper materially and spiritually. I am referring to the moral undergirding that is necessary for our system to function. Without it, in my opinion, our way of life would soon fail. This is what George Washington said on that subject:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

This is indeed a great fundamental truth.

In my opinion, Jefferson's greatest contribution came to our way of life after he had served us so well in so many ways, including the Presidency of the United States. When he made it his business to go back to Monticello to spend the rest of his life promoting the educational system for his country, he did more to shore up the great foundations of our Nation and assure the perpetuity of our Government than any man in that time. Examples of his attitude toward education and understanding is found in almost all of his writings. Among them I like this best:

> I am not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with the progress of the human mind, for that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times, we might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors.

It seems that fate has always provided leaders for this country that seem to fit the difficult challenge that presents itself and no better example can be found of this, in my opinion, than the story of Lincoln and his contribution to the saving of the best last hope of mankind. He more than anyone else has captured the hearts and minds of the people of our country. Yes, I believe, the people of the world. Reading the life story of this man as it relates to our country is always a great thrill. He spoke so simply and understandably and seemed to know how to say the right thing at the right time. Among the thoughts he left with us, to my mind, that are important, are the following. Speaking of the Civil War, he said:

> This is essentially a people's contest. On the side of the Union, it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuit for all—to afford all an unfettered start, and a fair chance, in the race of life. Yielding to partial and temporary departures, from necessity, this is the leading object of the Government for whose existence we contend.

Here, I believe, is the best statement on the objective of government, and especially the principal objective of our Government ever stated by anyone.

Then he points out how our Government is referred to as an experiment. While he was speaking then of the terrible Civil War, I submit the following has its application in our time as well:

> Our popular Government has often been called an experiment. Two points in it our

people have already settled—the successful establishing, and the successful administering of it. One still remains—its successful maintenance against a formidable internal attempt to overthrow it. It is now for them to demonstrate to the world that those who can fairly carry an election can also suppress a rebellion—that ballots are the rightful and peaceful successors of bullets; and that when ballots have fairly and constitutionally decided, there can be no successful appeal back to bullets; that there can be no successful appeal, except to ballots themselves, at succeeding elections. Such will be a great lesson of peace: Teaching men that what they cannot take by an election, neither can they take it by a way—teaching all the folly of being the beginners of a war.

In this paragraph is a citation and a statement that ought to be read, reread, and studied by all the peoples of the world and especially by those attending the Disarmament Conference in London these days.

Finally, I submit that Lincoln's statement at the second inaugural, the last paragraph sums up some thoughts that we need to think about. Let me quote:

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

Let me point out that this paragraph has threescore and 12 words. Fifty-nine of these words are 1-syllable words—12 are 2-syllable words and 1 is a 3-syllable word and its name is charity. This, it seems to me, is the world's greatest need.

Let me suggest as we contemplate the terrible possibility of total destruction in our time on the one hand and the great opportunity for peace on the other, that maybe what this age needs more than anything else is a re-dedication to the fundamental truths of our forefathers and from their experience come to a realization that we need much less promotion and production of missiles with atomic warheads that might lead to complete destruction of humanity and much more effort that will promote calm heads that will promote the use of reason and therefore understanding.

Finally, let me suggest that all of us as Members of this legislative body and as we contemplate our duties and responsibilities that we remember the challenging words of Henry Wadsworth Longfellow's poem entitled "The Builders" where he says that—

"All are architects of Fate,
Working in these walls of Time;"

and the words of another seer of ancient time, reminded us that—

"No doctrine, faith or knowledge is of value to man except as it bears fruit in action."

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Indiana.

Mr. HALLECK. I commend the gentleman on the fine work he has done. It has been my observation that many of us in places such as this tend to take for granted the things we see around us. Certainly it will be very interesting and I think helpful for us to have the opportunity to read carefully and to understand the information the gentleman is giving.

Mr. SCHWENGEL. I thank the gentleman very much.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield.

Mr. CUNNINGHAM of Iowa. I commend the gentleman on the work he is doing and has done in preparing a record and history of this wonderful institution, the Capitol of the United States of America. I have known for some time that the gentleman has been greatly interested all of his life in the history of America. As a citizen of the State of Iowa, he did much in the way of research about our country. He has made speeches to many great organizations all over the United States as well as his home State about the history of this great land and this great Government of ours. So I was really not surprised when the gentleman came to Congress to find him turn his attention to one of the greatest things about our country, this Capitol, these buildings, and the background of them.

I was interested a few days ago in looking through his book to notice that he had pictures of the original Capitol, the building in the town that was used when Congress met after the center of this structure was burned by the British, also the building that was used for a time for the Congress to meet in, located where the Supreme Court now is.

When I read all these things, and of the work the gentleman was doing, I realized why he was able to accomplish so much, and what his early work as a citizen and a patriot at home in the study of the history of America had meant to him and has proved to us here and for the benefit of everyone. I thank the gentleman for the work he has done.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Iowa.

Mr. JENSEN. I am happy that the gentleman from Iowa [Mr. SCHWENGEL] has taken on himself this task of bringing here in black and white form the thing which is very dear to the hearts of most Americans, especially the Members of Congress, and that is the history of the Congress of the United States, the greatest legislative body on earth. I hope the gentleman will have his remarks and the pictures he has on the history of Congress and of the many men who have served in this body put in book form, because I am sure almost every schoolchild in America would be greatly benefited by reading such a book as the gentleman is well able to put together. So I am happy and proud of the fact that this great historian, Congressman FRED SCHWENGEL, of my own State of Iowa, has done this fine work.

Mr. SCHWENGEL. I thank the gentleman.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from New Jersey.

Mr. CANFIELD. Mr. Speaker, when I learned that our distinguished colleague from Iowa, Mr. SCHWENGEL, planned to address the House today on the subject, One Hundred Years in This Chamber, I made a few inquiries.

I learned that my predecessor in this body a century ago was the Honorable John Huyler, a Democrat, of Hackensack, N. J., who was known as a proslavery Congressman. His district at the time embraced the area of my own and several other New Jersey districts. He was a building contractor, a farmer, and a lumber merchant and after entering the field of politics, he became president of the Bergen County Board of Freeholders, speaker of the New Jersey State Assembly, and later a judge of the New Jersey Court of Appeals. According to the CONGRESSIONAL RECORD, "He was felled by assassins in 1870." His successor in the 36th Congress was Dr. Jetur Riggs, a Republican, of my home city of Paterson.

Congressman Huyler's task as a legislator could not have been an easy one in the emotionally charged atmosphere of a country struggling to maintain its economic equilibrium through the panic of 1857, bitterly divided over the Dred Scott decision and wracked by scandals in the Midwest where Kansas Territory had a record of four changes in executive administration in one 3-year period. The powerful forces that swept the Nation into the bloody War Between the States were even then building up and the Congressman must have often wished for the pastoral peace of north Jersey.

What did the New York Times of December 17, 1857, say about the first meeting of the House in the new Chamber, the day before?

The Times reported that "amid much confusion the Members proceeded to select their seats by lottery."

Following a debate on the admission of Kansas, according to the Times, the House approved a resolution to print 16,000 copies of the report of the Secretary of the Treasury and another resolution to make arrangements necessary to accommodate reporters in the new Hall. On the day before, the Times in its page one dispatch had criticized severely the Architect or Superintendent for not providing any accommodations whatever for the press.

Getting back to my predecessor of 100 years ago, I am sure that he never dreamed that communication and transportation, then exceedingly slow, would in our day link the entire world in a matter of minutes and hours. When I left Newark, N. J., to come to Washington by plane yesterday, the trip was negotiated in less than 45 minutes. Congressman Huyler in 1857 used both train and ferries to make the same trip which involved several days.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I would like to commend the gentleman for his extremely interesting

speech. I think it will do a great deal of good, because hordes of people go through the Capitol here and do not have a chance to really see everything.

The gentleman made reference to the Congressional Cemetery. Some years ago Senator Gary had a very distinguished ancestor buried there and we were instrumental in securing a small amount of money to put a fence around that cemetery. It was horribly neglected at that time. It took one entire day to go by horse-drawn vehicle from the White House to the cemetery and back again.

Mr. SCHWENGEL. I thank the gentlewoman for her contribution and also thank the gentleman from New Jersey [Mr. CANFIELD].

Mr. CANFIELD. Mr. Speaker, will the gentleman yield further to me?

Mr. SCHWENGEL. I yield to the gentleman from New Jersey.

Mr. CANFIELD. The gentleman has referred to members of the fair sex sitting in this body. I am sure he knows, as I do, that the distinguished gentlewoman from Massachusetts [Mrs. ROGERS] has served in this body for 33 years. She has served in a legislative parliament longer than any other woman in all legislative history.

Mr. SCHWENGEL. I thank the gentleman for his contribution. I was aware of that, and I am glad the gentleman mentioned it as part of the record. I think it is a high compliment to the lady's ability.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. May I add that the gentlewoman from Massachusetts is embedded deep in the hearts of the veterans of America. No love was ever greater than that they give to her. I was deeply moved only yesterday when as we neared the close of the session she was not forgetful of the Spanish War widows who are in such need and put in a word prodding the other body to follow the good example of the House.

Mr. SCHWENGEL. I thank the gentleman from Illinois. The gentleman is absolutely correct in that statement.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. I have been wondering how Congressmen in that day were able to spend as much as $3,000 a year. When I was a boy eggs sold for 7 and 8 cents a dozen, and milk for 4 and 5 cents a quart. A pound of the best meat was 10 cents and they gave you liver and all the rest of it free of charge. A man had to be pretty smart to spend as much as $3,000 in a year.

Mr. SCHWENGEL. I think that is a very interesting observation. I am having the Library of Congress compare the dollar values of that time with those of today. I had hoped to have it here today, but unfortunately I do not. I think the gentleman has made a very interesting observation.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Wisconsin.

Mr. REUSS. I know every Member here this afternoon and everyone who reads the CONGRESSIONAL RECORD will be in debt to the gentleman from Iowa [Mr. SCHWENGEL] for helping to commemorate the hundredth anniversary this year of the founding of our Nation's Capitol in the form we now know it. We are deeply in the gentleman's debt for his scholarly research. It is a great privilege to serve in this body with a Member who has the instinct for history the gentleman from Iowa has.

To me, a citizen of the great State of Wisconsin, right across the Mississippi River from the State of Iowa, it has been an especial privilege to be here this afternoon because it has brought to my mind one of Wisconsin's great contributions to these halls, the late Senator Robert Marion La Follette, Sr., who served, as the gentleman knows, three terms in this House, between 1885 and 1891, and then from 1906 until his death in 1925 was a Member of the other body, and always, in whatever body, a great friend of the plain people of America.

When Senator La Follette died, and his personal effects were taken account of in his desk in the Senate, among them was found a note which well sums up his political and social philosophy. In that last note he said:

> I would be remembered as one who in the world's darkest hour kept a clean conscience and stood to the end for the ideals of American democracy.

I am very grateful to the gentleman for evoking some of those great memories of the past this afternoon.

Mr. SCHWENGEL. I thank the gentleman very much for his fine contribution.

I have here a whole series of biographies of Members of the Congress. I have right here with me a list of those who I think are among the five very greatest in history. I am afraid to present that list at this time because someone may want to challenge me as to those whom I have included on this list. I do not want to put it in the RECORD now, because I am not quite ready to defend it, although in some instances I am.

There are two gentlemen, however, with whom it is your privilege and mine to serve in this Congress, and they stand out among the greatest. They are none other than our leader, JOE MARTIN, and your leader and our Speaker, SAM RAYBURN, who, as most of you know, now holds the record for continuous service in the Congress and, if he lives out this term, will hold the record for longevity of service. Also, of course, he holds the record for having been Speaker longer than any other Member. He has served with more Members of Congress than any man in history, probably more than any man will ever serve with.

So many times in my short time here I have noted that as to both him and Joe there were times when party politics was second to them. The cause of their country was first. I thank God we have leaders of that type in this country to help us through these difficult and dangerous times.

Mr. O'HARA of Illinois. Mr. Speaker, if the gentleman will yield further, I wish to join with the gentleman from Wisconsin and others of our colleagues here in commending the distinguished gentleman on his scholarly and inspired address. It has been a fitting observance of the hundredth anniversary of the founding of this Capitol Building. The gentleman has rendered a great service.

I wonder if the gentleman would consider it provocative of greater interest in the past and in the great men and women who have served in this body if he would make up a list of the 25 or maybe 30 Members whom he regards as the greatest Members of this body in all the history of this House. Then he might wish to submit his list to other Members so that we could have a provocative debate to stir up interest in the past, because it is that interest in the past that gives virility, drive, and purpose to the present.

Mr. SCHWENGEL. I thank the gentleman for his observation. I have thought of doing the very thing he has suggested. But at this point in my list and with my limited reading—and it is quite a task reading the biographies of the Members of the Congress—there have been books written about many of them, but, of course, not about all of them—it is a rather difficult task and I hope to tackle it some day, and I may advise with you further on that.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield.

Mr. CUNNINGHAM of Iowa. I wish to concur in what the distinguished gentleman from Illinois [Mr. O'HARA] suggested to the gentleman from Iowa. I think it is an excellent suggestion. I think the gentleman from Iowa is well equipped to start on the project. If he needs help, he can get it. I certainly hope he will undertake it when he can in the future, because he has made a wonderful contribution this afternoon.

Mr. SCHWENGEL. I thank the gentleman.

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## USDA ATTITUDE TOWARD ACP ENDANGERS HUMAN NUTRITION AND SOIL CONSERVATION

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Ohio [Mr. POLK] is recognized for 30 minutes.

Mr. POLK. Mr. Speaker, during the recent consideration by the Congress of the Department of Agriculture Appropriation Bill for the 1958 fiscal year, there was some discussion concerning the advisability of continuing conservation payments to farmers for the use of agricultural limestone. From what I heard of this discussion, it seems to me that a number of administrators and critics of the agricultural conservation program through which farmers receive assistance for the use of agricultural limestone not only misunderstand Congressional intent, as shown by the passage of the Soil Conservation and Domestic Allotment Act, but also fail to

understand the importance which agricultural limestone plays in the total conservation picture. Even more important is the key role of this vital material to the health of all of our people—not just to plants and animals. For agricultural limestone is not just a conditioner of the soil but the supplier of that most important element to all life—calcium.

It is a well-known fact that the use of agricultural limestone on farmland greatly improves crops both in quantity and quality. While the Nation is vitally interested in the economic welfare of farmers, which is affected materially by the increased use of agricultural limestone, it is even more concerned that adequate supplies of this material be used because of its tremendous contribution to the health of our people. It is really only in recent years that we have become fully aware of the fact that we are what we are because of what we eat and that the better we eat the better individuals we are. It was not so long ago that we thought an adequate diet merely meant that we were not hungry. Now we know that it is not enough to merely fill our stomachs, but that the quality of the food is of extreme importance.

This agricultural limestone, which agronomists have long recommended as fundamental to a sound agriculture, now looms as one of the most important elements necessary for the adequate health of our people. Not only does it neutralize sour soils, but more important it supplies tremendous quantities of calcium, which; first, greatly improves the crops; and, second, vastly improves the livestock which feeds from them, and, third and most important, greatly improves the health of the people in our Nation. We all know that we need adequate amounts of calcium to build sound skeletal frames. Calcium is also a very essential element in the production of proteins which play such an important part in the formulation of our muscles and nerves. We are now finding that many human diseases are traceable directly to the fact that the diets of the individuals have been deficient in important minerals.

Dr. E. A. Louder, of Greenville, Ill., testifying before the House Select Committee to Investigate the Use of Chemicals in Food Products said:

> The four essential nutrients most likely to be lacking in sufficient amounts in the American diet, are in order of their critical need, calcium, riboflavin, high quality protein, and vitamin A.

Back in 1936 when the Congress passed the Soil Conservation and Domestic Allotment Act which is still in effect it said, and I quote:

> It is hereby recognized that the wastage of soil and moisture resources on farm, grazing and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health and public lands.

In discussing further agricultural conservation policy this statement continued:

> It is hereby declared to be the policy of this act also to secure, and the purposes of this act shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources.

Mr. Speaker, the officials in the Department of Agriculture formulated the specific practices, which the Federal Government had been directed by the Congress to assist farmers in carrying out to effectuate the policies of this act, by consulting with both the farmer-elected committees throughout the Nation and agronomic specialists at the various State colleges. Without exception, it was the recommendation of the people in the humid area that the use of agricultural limestone was essential to any well-rounded conservation program.

At that time the 5 million farmers of the Nation were using about a million tons of agricultural limestone in their normal farming operations. The Extension Service, which, as we all know, was started by an act of Congress in 1914, had been urging farmers to utilize more agricultural limestone from that time until this Federal-aid program was begun. With the payments beginning in 1936 to assist the educational teachings, farmers then began to use more liming material until a peak of 30 million tons was reached in 1947. Since that time, because the funds for the program have been cut by the Congress and because of administrative restrictions written in by the Department of Agriculture, the use has declined until now it stands at about 20 million tons a year.

In September 1952 the Department of Agriculture issued a bulletin in which it stated that it would take 395 million tons of limestone to adequately treat the Nation's soils and bring them up to the level which the agronomists of the Nation had indicated was satisfactory. Once this was done, this bulletin states, it would require an annual application of 47 million tons a year to maintain a desirable level of lime content in the soil. Obviously we are falling far short of what our scientists claim is the optimum in spite of all the educational work being done throughout the Nation and in spite of the fact that there are payments available under the agricultural conservation program to stimulate the use of this material.

Now, Mr. Speaker, I should like to address myself to the question of why the use of agricultural limestone is important to the Nation and why each and every citizen should be vitally concerned not only with the expansion of the agricultural conservation program, which is currently reaching over a million farmers a year but also with the use of agricultural limestone on our soils in the humid area. It seems to me in considering our farm legislation we all too often lose sight of the fact that these programs are devised for the general welfare and not just for the individual benefit of farmers. There is no question that by using agricultural limestone farmers become better farmers in the long run by producing better crops and better livestock. I use this term better advisedly which I should like to develop at a later point. All too frequently we think in terms of increasing our farm production in pounds or tons or bales, but we also need to improve our agricultural production from the standpoint of quality of the product. More minerals in the soil mean more minerals in the plants and eventually the animals and animal products and ultimately more minerals in the human diet.

In 1950 a witness appeared before a House select committee of the 81st Congress pursuant to House Resolution 323. He was Dr. W. A. Albrecht, chairman, Department of Soils, University of Missouri, Columbia, Mo., an international authority on soil fertility. In his statement he said:

> It is hereby contended that human, animal, and plant nutrition—and thereby the health of all these—cannot be maintained at a high level unless the fertility of the soil is correspondingly maintained by the judicious use of fertilizers on the soil.

He later said:

> Nutritional science has only recently turned its attention to the problem of growing the body. Past attention has centered mainly on the fuel values, the energies, the calories delivered by foods. This criterion of calories has permitted carbohydrate delivery by failing soil to hold our interest. It has not called attention to failing body growth in muscles, bones, reproductive capacities, and so forth, that call for proteins, calcium, phosphorus, nitrogen, vitamins, and so forth, all of which can be assembled and synthesized into body-building feeds and foods only by plants on fertile soils.

You will note that Dr. Albrecht here points up that fertile soils produce quality feeds that have a direct bearing on not just plants and animals but most important, upon human health. And what is the No. 1 element in his list? It is calcium. And where does calcium come from? Calcium originally came from the mineral-rich soils with which this Nation was so abundantly blessed. However, since the first settlers arrived in this country we have had an era of continuous exploitation whereby we have literally mined our soils. Today they are not capable of producing the high quality foods we need to maintain the health of our people without having mineral supplements added to the soil. Calcium today either gets in our body from properly limed soils or from the drug store—or we have less than perfect health.

Dr. Albrecht further stated degenerative diseases of man as causes of death in the United States rose from 39 percent in 1929 to 60 percent in 1948, while infectious and general diseases fell from 41 percent to 17 percent. Better nutrition more than medicine would be expected as the means of warding off degenerative diseases. Protein deficiencies in terms of soil fertility more than in terms of the purse have not yet been suspected.

In an article that Dr. Albrecht wrote in 1946 entitled "Agricultural Limestone for Better Quality of Foods" he said:

Perhaps you have never thought that your own body contains the calcium equivalent of about 6 pounds of agricultural limestone. Probably you have not connected limestone with the calcium that plays such a vital role in the natural synthetic processes that result in protein products both in plants and animals. And it may not be commonly recognized that this nutrient element as put into the soil by applications of pulverized lime rock should have a big share in determining the quality of food for man and beast and thereby the health of both. We are just now coming around to recognize the greater health value in the quality of foods that are grown on the more fertile soils. The use of agricultural limestone is one of the helps in making our soils more fertile. This practice is, therefore, one of the means of gaining better health by building it from the ground up.

It has long been general practice to use limestone in connection with the growing of various legumes, the nitrogen-fixing crops, or those protein-rich crops that can provide a part of their nitrogen needs by using this element from the extensive gaseous supply in the soil, air and atmosphere. Liming is readily connected with these crops considered able to synthesize air nitrogen into combination with hydrogen and carbon as organic compounds. It is these that put the nutrient nitrogen into circulation for soil improvement when the protein aceous residues of the plants are put into the soil for decay. Soil improvement by means of legume crops is dependent on the services of calcium as a protein-maker, more than on any changes this compound as lime carbonate may bring about in the degree of acidity of the soil.

I well remember studying under Dr. Firman E. Bear who was then in the Department of Agricultural Chemistry and Soils of Ohio State University and who has since become a world-renowned authority in his field. Back in 1922 he wrote an article for the November Farm and Fireside from which I would like to quote. The title was "Why Men Grow Bigger in Some Parts of the Country." He said:

Aside from the fact that lime makes some crops grow bigger and better, did you ever stop to wonder if its effects went farther than just increasing yields? Did you know that the limestone in your field affected your livestock and even yourself and your family? From the standpoint of health, strength, and physical growth, I mean. How can we account for recognized types like the Kentucky mountaineer, Texas ranger, and the Minnesota football player? It must be environment and the soil is one of the most important environmental factors. Virgin limestone soil tends to produce big bones, large shoulders, well-muscled men with large feet and hands.

He further stated:

It might even be possible to determine the needs for lime from a study of the people themselves.

He said:

I am confident that the lack of carbonate of lime in the soil can be detected from the study of the people as well as the animals and the vegetation a locality produces.

We have come a long way since Dr. Bear's statement in 1922 and the evidence which we have now developed in the nutritional field proves him to be a prophet. For example, during the last war we found that seven out of ten draftees were accepted from Colorado and seven out of ten were rejected from one of the Southern States where we have a major deficiency in calcium in the soil. As you know, the Colorado soils have one of the highest calcium ratios in the Nation. Neil Clark in a Saturday Evening Post article entitled "Are We Starving to Death?" points out that even though the American people are apparently eating better than anywhere else in the world many of our people have hidden hunger because of our mineral-depleted lands. He says this condition stalks us invisibly, strikes silently, is almost as hard to believe in as germs were when Pasteur revolutionized medicine by revealing their role in disease. This condition is not dramatic. It appears that the disease of the soil is directly transmissible to man but, unlike its devouring cousin erosion, it silts up no rivers to cause billion-dollar floods, digs no gulleys to swallow up farms. It works away but leaves no clear-cut sign. Fields that always have been green may be green still but the same life is no longer in them.

Calcium is one of the two nutrients in which American diets most often fall below the recommendation of the Food and Nutrition Board of the National Research Council. Calcium deficiencies in nutrition are much more frequent than physicians commonly realize because there is no good way of detecting them. In fact, a condition which nutrition research has now shown to be one of shortage, as viewed in the light of the full-life history, is still commonly counted as within the range of the normal. In the light of present knowledge of lifetime relationships it is now apparent that we are all born calcium-poor. That is, the human body at birth has not only a much smaller amount but also a much smaller percentage of calcium than the normal fully developed body contains.

In order to develop normally, the child needs not only to increase the amount, but also to increase the percentage, of calcium in his body, at the same time the body weight is increasing rapidly. This means an accentuated need for calcium as compared with the need for other body-building materials.

Without a relatively high calcium intake, the body must remain calcium-poor. Sometimes, it always remains so. People may thus go through life with calcium-poor bodies, partly because there is no method of directly diagnosing this condition. It can, however, be studied by research methods.

The National Research Council now recommends that a child be provided with a diet that has from 1.0 to 1.0 grams of calcium per day. Adults should be provided with at least a gram a day. Inasmuch as 99 percent or more of the calcium in the body is in the form of relatively insoluble bone mineral, the question naturally arises how this can have such an important influence upon individual and family well-being.

An interesting explanation is found in the fact that when food calcium is more liberal there results a better development of the internal structure of the bones. This is particularly true within the porous ends of long bones, where it means a greatly increased surface of bone mineral in contact with the circulating blood, and therefore a much more prompt and effective restoration of the blood calcium to full normal concentration after all the many small wastages that occur in everyday life as well as under various conditions of extra strain.

Even though the fluctuations of blood calcium concentration are small from the viewpoint of our ability to measure them, yet the more quickly and completely the blood recovers from every decline in its calcium content the better the body maintains its highest degree of health and efficiency. Thus it is very important to the welfare of every country that its people get a good calcium supply from their food and drinking water.

The only source of this necessary food element, calcium, is the lime in our soils from which hay and pasture crops, in fact all plants, derive their calcium, and in turn supply the calcium in milk and in fruits and vegetables.

Certainly this is of sufficient importance to health to warrant the use of Federal funds through the ACP to encourage farmers to apply more lime to their soils.

In addition to the importance of lime in the field of human nutrition and the health of people generally, there is a very important feature of soil conservation where lime is equally indispensable.

To illustrate what I mean I shall read a brief excerpt from the testimony of Dr. Ralph W. Cummings, director of research, North Carolina Agricultural Experiment Station, before a select committee of Congress in 1950.

He said:

A small watershed in Buncombe County, N. C., had become too poor and too severely eroded for immediate reestablishment of forest cover a few years ago. Without treatment, vegetation was very sparse and consisted principally of weeds and poverty grass. Lespedeza would germinate but would not grow. A moderate application of lime and superphosphate made possible the establishment of a lespedeza cover and increased the total production of vegetation more than threefold. The dominant vegetation was changed from poverty grass and weeds to lespedeza and shortly thereafter, palatable grasses such as bluegrass and orchard grass could get established. By more liberal applications of lime, superphosphate, and potash, it has been possible recently to establish Ladino clover and tall fescue on similar lands on the college farm near Raleigh, with resulting yields in digestible nutrients equivalent to around 90 bushels of corn per acre. Thus land which was producing practically nothing of value has been changed by chemical fertilizers and lime to a condition in which it produces good yields of milk and meat. The effects of this change on human nutrition should be obvious when put into widespread use in North Carolina and other Southern States.

You will note that a moderate application of lime and superphosphate made possible the establishment of a lespedeza cover and increased the total production

of vegetation more than threefold. Furthermore, by more liberal applications of lime, superphosphate, and potash, Ladino clover and tall fescue were established on similarly eroded soils.

The point I wish to make is that it is necessary to use lime in conjunction with chemical fertilizers. Fertilizers alone will not restore most soils, but when used with sufficient amounts of lime remarkable results can be obtained.

In order to encourage farmers to use this conservation practice of liming eroded soils, Congress has provided funds through the ACP for this purpose.

Unfortunately, it appears that some persons in the USDA who administer the ACP and related conservation programs are not fully aware of the need and the desirability of expanding this very worthwhile phase of soil conservation.

In dealing with the subject of soil fertility and its implication on our health it is essential that one establish certain facts and principles at the outset and then follow through as they seem to have causal connections with the phenomena under consideration.

The first fact that may well be considered is the observation that under moderate temperatures the increase in annual rainfall from zero to 60 inches, for example—as is the range in going across the United States from near the coast range eastward—gives first an increased weathering of the rocks. That change represents increased soil construction. Going east from zero rainfall means increasingly more productive soils until one reaches about the midcontinental area. Then with still more rainfall, there comes excessive soil development under the higher rainfall which means increased soil destruction in terms of soil fertility considered both in quantity and in quality.

Consequently, if we are to reverse this trend of nature and not only conserve our present soil resources in the humid area but improve the fertility of these soils as directed by the Congress in the Soil Conservation and Domestic Allotment Act, we must continue the encouragement by all means—educational and ACP payments—to get agricultural limestone used in the quantities recommended by our soil scientists on the Nation's farms to insure the health of all our people.

In conclusion I should like to refer briefly to the recent hearings before the Joint Committee on Atomic Energy. AEC Commissioner Libby and other scientists pointed out in their testimony that, on the basis of present information, the danger from strontium 90 fallout is not as great when soils are adequately limed. They indicated that strontium 90 is very similar to calcium. When plants have a choice, they prefer calcium to strontium 90. The present evidence is that when adequate amounts of calcium are present in the soil, plants only take up 25 percent as much strontium 90 as when there is a shortage of calcium.

The greatest danger from fallout of strontium 90 is not what you get on your body but what you get from the food that you eat. For example, sheep on calcium-deficient soils in Wales have 4 times as much strontium 90 as sheep in this country on soils with adequate calcium. The Atomic Energy Commission has indicated that 100 sunshine units is the maximum the human body can absorb before the danger of bone cancer or leukemia may develop. They have estimated that some areas which are calcium deficient could approach the tolerance limit for large populations by the beginning of the 21st century.

If adequate amounts of calcium—agricultural limestone—will reduce the uptake of strontium 90 by plants 75 percent, is it not good insurance for us to expand the use of agricultural limestone to the optimum recommended by the atomic and agronomic scientists? It seems to me that in the face of the facts as presented by the agronomic scientists concerning our health and the atomic scientists concerning our protection, the Congress and the administration should be doing everything in their power to encourage the use of agricultural limestone on the Nation's farms.

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## FIRST SESSION OF THE EIGHTY-FIFTH CONGRESS

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Indiana [Mr. MADDEN] is recognized for 15 minutes.

Mr. MADDEN. Mr. Speaker, the 1st session of the 85th Congress is about to adjourn. With the exception of sessions during the war, this has been the longest in 25 years. Legislation involving domestic problems, appropriations, numerous bills dealing with our business economy and committee work have kept the Members busy. I wish to report on but a few of the problems which this Congress has acted upon or failed to act upon since January 3, 1957.

### SCHOOL CONSTRUCTION

The major disappointment was the defeat of the school-construction bill by the close margin of six votes. I was assigned the task of handling the rule and opened the 3-day debate on this important and necessary legislation. The Washington Post in its August 18 edition gave a factual account of the defeat of this bill; I hereby quote excerpts therefrom:

> The House finally considered the Kelley bill authorizing $1.5 billion for construction of schools. This was a compromise measure.
>
> In advance of the voting, President Eisenhower was described as not being altogether satisfied with the compromise bill but willing to accept it "as a starter." However he made no ringing appeal for its passage; in fact, he said nothing.
>
> While the bill was under consideration in the House, advocates of school construction became fearful that it would be defeated. Representative WILLIAM H. AYRES, Republican, of Ohio, dusted off President Eisenhower's own program and offered it as an amendment. Liberal Democrats, who wanted some kind of a school bill, arose one after another to voice support of the Eisenhower-Ayres program.
>
> Then Representative HOWARD W. SMITH, Democrat, of Virginia, came up with a motion to strike out the enacting clause of the Kelley bill; in other words, to kill it. The House did kill it, by a vote of 208 to 203. Among those who voted to do this were three administration stalwarts: Representative CHARLES HALLECK, of Indiana, assistant Republican leader, Representative LESLIE ARENDS, of Illinois, Republican whip, and Representative LEO E. ALLEN, of Illinois, ranking Republican on the Rules Committee.
>
> Had these three voted to keep the legislation alive—as they might very well have done at some urging from the White House—the way would have been opened for a vote on President Eisenhower's own program as embodied in the Ayres amendment and there would have been a good chance of passage.
>
> A day or so later, at a news conference, the President was reminded that Democrats had switched and lined up behind his school program. "I never heard of that," he said. "If that is true, why you are telling me something I never heard."
>
> Why the President hadn't heard—what happened to the vaunted liaison between Capitol Hill and the White House—has never been explained.

The Democratic and Republican platforms in the last presidential election endorsed Federal financial aid for school construction. Candidate Eisenhower in 1952 in his campaign speeches said, "We need 340,000 schoolrooms." Almost 5 years have passed but the White House has made no serious effort to carry out that campaign promise. The false propaganda circulated to the effect that passage of this bill would place control of our schools under the Federal Government was unfortunate. The bill provided only for building construction aid for a period of 5 years with all control of construction in the local and State authorities.

### CIVIL RIGHTS

This session of Congress enacted the first legislation on civil rights since the Civil War reconstruction days. The bill in its final form was not the broad, effective legislation that passed the House. It is hoped that the right to vote will now be exercised by all Americans without the curbs and barriers which have existed in the past. I have stated on many occasions that as long as unlimited filibustering is permitted in the Senate, a complete and effective civil rights bill cannot be enacted. On two occasions, first on January 7, 1953—the first week of the new Eisenhower administration—a motion to change rule 22 and curb unlimited filibuster was defeated in the Senate. Forty-two Republican Senators, including Senators CAPEHART and JENNER, joined with southern Members to defeat Senator ANDERSON's amendment. On January 4 of this year—the first week of the second Eisenhower term—the same amendment of Senator ANDERSON to defeat rule 22 was presented and defeated. Twenty-nine Republicans, including Senators CAPEHART and JENNER, joined the southern Members this time and voted against curbing unlimited debate. The power of the White House was not used on either occasion to influence Republican senatorial leadership to amend rule 22, and thus lay the foundation for effective civil-rights legislation.

On yesterday the Rules Committee reported out a resolution recommending the House agree to some amendments. This resolution has today passed the House with a vote of 278 to 97. This civil-rights legislation will be the forerunner to more expanded legislation in the future.

HIGH COST OF LIVING

Each month for over a year, the Government has announced additional increases in the cost of living. The executive department has refused to initiate any plan or take effective steps to curb this devastating raid on the consumer public. In fact the Republican leadership in the House opposed the legislation this session which would bring about a full-scale investigation of Secretary Humphrey's financial policies including high interest rates and other causes for inflation. The Eisenhower administration's economic policies have in 4½ years made the farmers, consumers, wage-earners, retired groups, and small-business men bear the brunt of the skyrocketing cost of living and rising inflation.

AGRICULTURE

Six hundred thousand families left their farms since the Eisenhower-Benson farm policy was launched in the spring of 1953. During President Truman's administration the farmer was receiving 100 percent parity and today the Benson program has reduced parity to almost 80 percent.

It is estimated that the farmers lost 12 billion in income during this 4½-year period and their livestock inventory has lowered to 8.7 billion. Secretary Humphrey's high interest policy has also dealt the farmer a heavy blow.

NATIONAL DEBT

Unfortunately the press fails to remind the people that President Eisenhower and his campaigners in 1952 promised to reduce the national debt. The facts are that on January 15, 1953, our national debt was $266.7 billion, while today it has increased to $274.2 billion. Also with the aid of Secretary Humphrey's increased interest rate policy the American taxpayer is paying $927 million more annual interest on our national debt than 4 years ago.

LABOR

The Eisenhower administration through Secretary of Labor Mitchell, has both directly and indirectly curbed legislative action on amendments to the Taft-Hartley law; and also opposed increasing and expanding coverage under the minimum wage law. Secretary Mitchell expounded hollow promises and lipservice in opposition to the so-called and phony labeled right-to-work laws. The Eisenhower-Mitchell combination make convincing speeches wooing the support of labor, but wholly neglect to offer any program to carry out their promises.

In 17 States the so-called right-to-work laws have been locked around the neck of union labor. In those States wage earners and employers are prohibited from sitting around the collective bargaining table; they are estopped from making agreements on wages, hours, and working conditions. In these 17 States union security is restricted and the basic strength of union labor is undermined. The antilabor provisions of the right-to-work laws enacted in some States go further than the rigid provisions in the Taft-Hartley law, which gives to strike-breaking employees the right to vote in union elections and disputes, replacing the qualified union member on strike. Labor must unite and concentrate its force and power in the next session of Congress. The Secretary of Labor should act favorably or remain neutral on necessary labor legislation. It is difficult to combat powerful antilabor lobbys. When the administration and its Labor Department give undercover support to antilabor forces, it is extremely difficult for labor to secure justice and equity on labor laws.

All honest and sincere officers and members of organized labor endorse the efforts of Congressional committees to expose and punish crooks and racketeers in union labor. Millions of dues-paying members of labor organizations must be protected from dishonest labor leaders. Considering the number of officers in labor unions over the country, the percentage of crooks is on a par with any other business or profession.

The AFL–CIO organization has over 16,000 full-time paid officers and in addition over 60,000 officers of local unions. Other labor unions would add to this number of labor-union officials throughout the country. The dozen or so labor leaders called before the McClellan and Douglas committees is but a small fraction of 1 percent of the total; these investigations should expose, not only labor racketeers, but also dishonest employers who deal with the guilty labor leaders.

ECONOMY

Certain newspapers reprint the Congressional Quarterly report on the votes of Congressmen on various appropriations items and thereby classify a Member's economy record. This voting yardstick is both inaccurate and unfair. To oppose reductions for veterans' hospitals, medical care and aid for veteran's dependents, women's division in labor department, medical and welfare, postal salary increase, conservation funds, and so forth, are labeled by this publication as anti-economy votes. A Member's vote against reducing the activity of departments like the above are small items compared to the amount of money saved by opposing the gas bill, the lumber, mineral, metal subsidies and tax write-offs which amount to billions of dollars.

All the domestic and international problems which the Congress has considered in this session cannot be discussed adequately in one review. When the second session of the 85th Congress meets in January 1958, I hope that the Members will have canvassed public sentiment in their home districts and be in a mood to complete the unfinished business which was promised the American people during the last presidential campaign.

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## EFFECT OF LOBBYISTS' PROPAGANDA UPON OUR SUPREME COURT

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Texas [Mr. PATMAN] is recognized for 45 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, a proper functioning judiciary is respected. Indeed, a proper functioning judiciary is necessary to the protection of the rights of the individual.

My firm beliefs and efforts have supported strongly the principle of the separation of powers upon which our Government was founded. Because of my adherence to that principle throughout the period I have served as a Member of the Congress, I have tried meticulously to avoid doing anything that could be construed as an unwarranted trespass by a Member of the legislative branch upon or in the direction of the judiciary. My faith in the importance of the principle of separation of powers in our Government requires my continued care in that respect. I subscribe to and respect not only that principle but also the principle that requires a proper functioning judiciary to afford each of the opposing parties full opportunity to test in the Court and on the record the arguments of the other before the Court undertakes to subscribe to or reply upon such arguments.

Notwithstanding what I have said about the principle of the separation of powers, I do not consider that Congress is required to bury its head and refuse to take note of the standards, methods, and factors relied upon by the Federal judiciary in reaching important decisions and results. And when there appears to be real reason to question the propriety of standards, methods, and factors utilized by the judiciary, we in the legislative branch should not hesitate to do so.

A number of the Members of the Congress who are lawyers have expressed amazement at some recent decisions of our Federal judiciary. We all know that some of the recent decisions and results reached by our Federal judiciary are so important as to vitally affect our entire people. We wonder what factors were taken into account and relied upon to reach the announced decisions. Particularly the Supreme Court has been singled out for criticism in that connection. Many prominent lawyers have indicated that they are unable to determine what factors prompted the Supreme Court to decide certain cases as it did. In the past our difficulties in that respect were less pronounced. Formerly, we had every reason to expect that decisions by our Supreme Court would be controlled by the standards outlined by the Constitution, the law, the facts of the case and by the sound reasoning of the justices. In the past even though we felt the Court had decided a case wrongly we nevertheless felt that we could understand that the Court had a basis in the record of the hearing in the case for its decision. We could detect known factors which had been argued before the Court by the opposing parties as factors relied upon by the Court for its decision in the case. Today we cannot be so sure that the Court is restricting itself to the use of such known factors, standards, and

methods. We now have reason to believe it will not restrict itself to considering information of record presented to the Court by the parties.

Today we are finding that an additional factor is creeping in to influence the thinking and action of the Supreme Court of the United States. That factor is the Court's consideration of unknown, unrecognized and nonauthoritative text books, Law Review articles, and other writings of propaganda artists and lobbyists. In some instances it appears that the Court has considered and adopted such questionable writings in an ex parte fashion because counsels' arguments and briefs made no reference thereto. Apparently therefore the Court itself uncovered and utilized the articles written by these lobbyists without having notified counsel of its intention so to do. If as indicated such a procedure was followed a situation would be presented wherein counsel would have enjoyed no opportunity to meet the arguments of these theorists and lobbyists. In adopting and relying upon such psuedo legalistic papers disseminated by the lobbyist-authors thereof the result is that the theories advanced by these pretended authorities were presented and received by the Court in an ex parte fashion.

In other cases however it appears that some of the articles written by the lobbyists were mentioned or cited in the brief by counsel for defendants and later cited in the Court's opinion. In such instances it seems to me that here again the Court has acted in an ex parte fashion unless it gave affirmative notice to opposing counsel that it intended to use and rely upon the miscellaneous nonauthoritative writings of the lobbyists and theorists referred to hereinabove. This is true, it seems to me, because counsel is entitled to assume that the Court will not pay attention to citations or writings not theretofore accepted by the Court as authoritative. The Law Review articles, treatises, and so forth, prepared and disseminated by the lobbyists command no respect, have no standing as legal authorities, and therefore warrant no consideration by opposing counsel. If the rule were otherwise counsel would be rendered helpless because their arguments would become diluted heavily with extraneous miscellaneous matter designed to overcome the various theories advanced by the lobbyists posing as legal authorities.

Perhaps many will be quite surprised to hear that the Supreme Court is being lobbied by persons who are partisan advocates. More surprising is the fact that some of that partisan ex parte advocacy has had telling effect on decisions which vitally affect our people and which will continue to affect them adversely for years to come.

It has been noted hereinabove that the arguments of partisan theorists have been relied upon by the Supreme Court of the United States to sustain some of its most important recent decisions. That is true even though the arguments in question were received by the Court in the fashion described above which in turn means that the lobbyists in question have managed to get the ear and reach the mind of the Justices of our great Supreme Court ex parte.

The procedure in question is something new in the long history of Anglo-Saxon jurisprudence. Never have the high courts of England resorted to such dubious conduct and until recently such was never done by the Supreme Court of the United States.

When and how did this new concept of relying upon such ex parte arguments creep into the decisions of the Supreme Court of the United States? It appears that it gained substantial acceptance when certain Justices of the Court commenced turning to the Harvard Law Review and other publications during about 1940 for advice on how the Supreme Court of the United States should decide antitrust cases.

Research conducted by the Library of Congress regarding all of the decisions made by the Supreme Court of the United States in antitrust cases from 1890 to 1957 discloses that in no antitrust case prior to 1940 had the Supreme Court cited as an authority a law review article on the point in issue and upon which it relied for decision in the case. However, the study has shown that commencing in 1940 the influence of law-review articles and of other publications has grown steadily with the Supreme Court of the United States in its consideration and decision in antitrust cases. The following tabulation sets forth the results of that study including the first antitrust case, *U. S.* v. *Socony-Vacuum Oil Co., Inc.* (310 U. S. 150, decided in May 1940), in which the Supreme Court of the United States cited and relied upon writings appearing in law and economic reviews. References to some of those writings do not disclose the names of individuals who were the authors. For example, in the opinion of Justice Frankfurter in the case of *Automatic Canteen Company of America* v. *Federal Trade Commission* (346 U. S. 61), there appears a reference to "Notes, 65 Harv. L. Rev. 1011, 1013–1014," and in the opinion of the court in the case of *Times-Picayune Publishing Co. et al.* v. *U. S.* (345 U. S. 594), there appears the reference "Comment, 61 Yale L. J. 948 at 977, n. 162." In the first of those instances the reference is to notes on the subject in question appearing in the Harvard Law Review without revealing the names of the authors. In the second instance the reference is to "comment" on the subject in question appearing in the Yale Law Journal and without specifying or revealing the name of the author making the "comment." This explanation applies to other similar references appearing in the following tabulation:

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Prior to 1940 the argumentative writings and dissertations of students and theorists appearing in law review articles and similar works had limited influence. Principally they were used by students and theorists who were free to utilize any and all materials upon which they were able to lay hands. Such writings and works had not been accepted as a basis for decisions by the Supreme Court of the United States. As pointed out they had not been relied upon by that Court in any Federal antitrust law case prior to 1940.

At this time I shall point to examples where this lobbying of the Supreme Court has been used in the important area of our antitrust laws. In that area of public policy against monopoly the lobbying has apparently influenced the Court materially in recent years. As a result, it appears that the public has lost a number of important cases which were brought to curb monopoly and monopolistic practices.

Through our research we learned that once it became apparent to the would-be lobbyist that the Supreme Court of the United States would pay attention to and rely upon arguments contained in law review articles, books, and other works of law writers without inquiring into the background of the authors, the supply of such propaganda multiplied. The increase in the supply of arguments in law review articles brought an increase in their influence upon some members of the Court. An example of that is in the opinion written by Justice Frankfurter in the case of the *Automatic Canteen Co. of America* v. *the Federal Trade Commission* (346 U. S. 61). In that case Justice Frankfurter—formerly a professor of law at Harvard Law School—included citations to six law review articles. One citation was to notes written by the editors of the Harvard Law Review. Other citations were to articles written by advocates in causes which were served by that decision as rendered by Justice Frankfurter. In other words, the device of presenting arguments in law review articles with an appearance of objectivity influenced a decision furthering the causes of the law writers but the parties were not duly advised beforehand that the Justice would consider such arguments. Therefore, the arguments well could be said to have been presented and considered ex parte. Not only were the arguments considered by Justice Frankfurter ex parte, but in fairness to him it should be said it appears that he had no notice that the writers of some of the arguments he cited and relied upon were partisans with axes to grind.

One of the most devastating blows suffered by those provisions of our antitrust laws designed to nip monopolistic practices in the bud and before they arrive at full bloom was the decision by the Supreme Court of the United States in the case of *Standard Oil Company of Indiana* v. *Federal Trade Commission* (340 U. S. 231) in 1951. In that case the Supreme Court cited a number of authorities it relied upon in arriving at its conclusion and decision against the Government and in favor of the Standard Oil Company of Indiana. Among those authorities were arguments which had been made by various persons in speeches, law review articles, and in testimony before committees. Prominent in the reasoning of the Court and important to its decision in that case in

favor of the Standard Oil Company of Indiana was the Court's reasoning that the Robinson-Patman Act, the antitrust law under which that case had been brought, was inconsistent with the Sherman Antitrust Act. In that connection it cited an authority. In a footnote at page 249 appears the following:

It has been suggested that, in theory, the Robinson-Patman Act as a whole is inconsistent with the Sherman and Clayton Acts. See Adelman, Effective Competition and the Antitrust Laws, 61 Harv. L. Rev. 1289, 1327–1350.

Writings by Adelman propagandizing against the application of the antitrust laws to monopolistic practices were reprinted and widely distributed by the Great Atlantic & Pacific Tea Co. Undoubtedly that propaganda assisted A. & P. in defending an antitrust case. Big business concerns contributed to a fund from which Adelman was paid to help in the preparation of writings on this subject.

Much of the lobbying directed to the Supreme Court in recent years has taken the form of law review articles, pamphlets and books presented as if they were objective works of unbiased, unprejudiced, nonpartisan writers. Actually, many of them have been carefully planned and devised by opponents of our public policy against monopoly with a "view to formulate future antitrust policy." In that connection recommendations were made for "coordination and revision" of our public policy against monopoly and our antitrust laws. Those recommendations in those works were directed principally to our Federal judiciary and with a view to influencing the thinking and action of the Supreme Court of the United States. Much of the activity of the lobbyists in that regard is outlined in detail at pages 11 to 53 of House Report No. 2966, 84th Congress, 2d session. That report was made by the Select Committee on Small Business of the House of Representatives regarding the background, the composition, the purposes and the action of the Attorney General's National Committee to Study the Antitrust Laws. Also in that report it is detailed how a report prepared by that Committee of the Attorney General was sent to every Federal judge who has jurisdiction for deciding an antitrust case. However, those judges were not informed either in the report or by the Attorney General in any accompanying letter that a majority of all of the members of the Attorney General's Committee who wrote the report have been actively engaged in opposing the application of our antitrust laws.

The report of the Attorney General's Committee to Study the Nation's Antitrust Laws, to which I have made reference, at page 181 states:

This Committee approves the result of the Standard Oil decision as consonant with the Nation's antitrust policy.

Mr. Adelman and Mr. McAlister, to whose writings reference was made by the Supreme Court of the United States in the opinion of the Standard Oil case, were members of the Attorney General's Committee and were, therefore, in part responsible for the statement in the report of that Committee concerning the Standard Oil case. Thus, they and others who have opposed the application of our antitrust laws to price discrimination situations provided not only some arguments from which the Supreme Court in the Standard Oil case reasoned its opinion and decision but also later took advantage of what was thus achieved. They used the result of the Standard Oil case through the report of the Attorney General's Committee to propose similar action by all other Federal courts.

It appears the full impact of this lobbying of the Supreme Court by agitators against our antitrust laws was realized last year when the Court handed down its decision in the case of the *United States* v. *E. I. DuPont de Nemours & Company* (351 U. S. 377) sometimes referred to as the Cellophane case. As many as 15 citations were made by members of the Court in the opinions and decisions of that case to law review articles and other writings as "authorities" from which it appears stemmed considerable reasoning by the Court providing a way for the decision against the Government and against the application of the antitrust laws in that case. Law review articles by one of the cochairmen of the Attorney General's Committee were cited by the Court in that case as was the report of the Attorney General's committee. There were a number of citations to the latter.

It is not possible for us to appraise the extent and the significance of the damage which has been done by virtue of the fact that the report of the Attorney General's National Committee To Study the Antitrust Laws has been accepted and relied upon by the Supreme Court of the United States as an authority in deciding the more important antitrust cases. One thing we do know—the Supreme Court in relying upon that report has accepted as an authority a collection of arugments compiled by a group, a majority of the members of which have opposed our public policy against monopoly and monopolistic practices. It was the announced determination of that group to formulate future antitrust policy. It is clear that a part of its plan to effect that result was to reeducate the Supreme Court and the public into believing that certain monopolistic practices, including the practice of price discrimination, are merely competitive and that our antitrust laws which were designed to curb those practices are therefore anticompetitive.

The House Small Business Committee in the 84th Congress held extensive hearings concerning the report of the Attorney General's National Committee To Study the Antitrust Laws. On the basis of those hearings the House Small Business Committee submitted to the House of Representatives House Report No. 2966 on December 19, 1956. Appearing at pages 219 to 228 are the committee's findings regarding the report of the Attorney General's National Committee To Study the Antitrust Laws. Those findings are to the following effect:

Notwithstanding the wealth of factual and other information heretofore considered by the Congress upon the basis of which it has made legislative findings concerning the practical and economic significance of the practice of price discrimination, users and defenders of price discrimination have argued that the practice is not evil; that it is a competitive practice and that laws prohibiting it—including the Robinson-Patman Act—are anticompetitive.

Arguments to that effect were advanced by representatives of big business and users of the practice of price discrimination in their opposition to the passage of the Robinson-Patman Act. Immediately after its passage and before its enforcement was undertaken, those arguments were renewed. When made directly and in such manner as they could be readily appraised, they impressed the public no more than they had impressed the Congress when it was considering passage of the Robinson-Patman Act. However, as the Federal Trade Commission stepped up its efforts to enforce the law against price discrimination, the attacks on the Robinson-Patman Act and other antidiscrimination laws became more vigorous and also more subtle.

No longer was the attack on the Robinson-Patman Act direct and in the form of a frontal assault. It became veiled in a clever scheme of propaganda. That propaganda was part and parcel of a public-relations program (see pp. 16–38 and appendix A of this report) designed to reeducate the public and others concerned with laws against price discrimination. That program aimed at reeducation was designed to convince the public and others concerned with our laws against the practice of price discrimination, that price discrimination is not bad but is actually a competitive practice, and that laws against it are anticompetitive.

In order to supply a basis for their arguments, the defenders of monopoly hired prominent professors of economics, who were teaching in a number of our large and fine educational institutions, to assist in building a new body of literature on the subject of price discrimination in the field of economics.

First, the hired professors appeared and testified in a number of cases in behalf of law violators, and there argued that the discriminatory practices involved were not anticompetitive from the viewpoint of economists. They argued that instead, price discrimination should be expected to occur in situations where we find workable or effective competition. They argued that it was only under the economic concept of pure or perfect competition that economists did not expect price discrimination to be evident, therefore, the argument continued, since we do not now have any situation of pure or perfect competition, we should expect the practice of price discrimination. To those arguments Prof. Holbrook Working, of Stanford University, has provided an answer. In his testimony he said:

"Consider why the theory of perfect competition was constructed. Its purpose was to analyze the effects of competition under conditions which are somewhat artificially simplified for purposes of analysis but which were supposed to fairly well approximate actual or attainable conditions in a considerable part of the economy. The results of this analysis were to show that competition of the sort considered had desirable results. Among those results that were considered desirable are some that depend directly on absence of price discrimination. The belief that price discrimination tends to be objectionable runs as a thread through all the history of economic thought on the effects of competition. Any implication that economists have held only that price discrimination was objectionable under the peculiar and special conditions of perfect competition, and under those conditions only, is untrue."

When arguments did not prove successful enough to acquit law violators in the in-

stances where they were used in litigated cases, the defenders of monopoly arranged for the presentation of the arguments in other forums where they would appear as objective statements by writers who were unbiased. The arguments began to appear in highly respected publications in the form of law review articles and economic reviews.

Through such writings, the defenders of monopoly have presented the practice of price discrimination in a new dress which gives it an appearance of respectability. The economists, who have been hired to defend the practice have described it is a normal competitive practice. In order to provide a basis for that, they have built upon and polished up a bit the arguments which were advanced by them but rejected in litigated cases—namely, the old argument that price discrimination is to be expected in situations of workable or effective competition.

Lobbyists were hired by defenders of monopoly to further their arguments against antitrust laws prohibiting price discrimination. Those lobbyists proceeded to argue that laws against price discrimination are anticompetitive and should be repealed or modified.

The monopolistic practice of price discrimination has been defended through speeches and writings which have been published in highly respected law reviews and economic reviews. Publication of writings thus arranged for by the defenders of monopoly have in a measure secured the results intended. Since such writings often were published without disclosure of the author's partisanship, persons in high places were impressed. On occasions persons were influenced by the arguments in favor of price discrimination and against the laws which prohibit that practice. Actually, enforcement officials and even members of courts have been found citing as authorities the writings of these partisans to support decisions in favor of the cause of the same partisans. It is inconceivable that enforcement officials and members of the courts would have given so much credit to such partisan writings if the bias and partisanship attached to such writings had been fully known and recognized for what they are. Be that as it may, without the knowledge that such writings were purely propaganda, they have been accepted and have influenced decisions which have had the effect of crippling our laws against price discrimination. (See Appendix D of this report entitled "Tabular Showing of How the Robinson-Patman Act Has Been Interpreted Away.")

This report (pp. 11–38) details the evidence of record showing how the lobby in defense of the practice of price discrimination was conceived, planned, formulated, and operated. It shows how that lobby and its fellow travelers carefully and subtly prepared the basis from which to attack the Robinson-Patman Act. They presented their writings as if they were neutral, objective writers working for the public interest.

From such a group came the idea for the creation of a Committee on Revision of Antitrust Policy. Shortly after that idea was advanced, the Attorney General, on July 9, 1953, announced the appointment of the Attorney General's National Committee To Study the Antitrust Laws. He has stated that in the creation of that committee:

"Our aim was to gather articulate spokesmen for responsible points of view to formulate future antitrust policy" (see p. 52 of this report).

The articulate spokesmen who were selected by the Attorney General to be members of that committee "to formulate future antitrust policy" found that a majority of their number were or had been representing violators of our antimonopoly laws (see pp. 43–51 and appendix B of this report). Thus, the Attorney General's National Committee To Study the Antitrust Laws was stacked from the outset with persons whose experience was in opposition to our antitrust laws and our antimonopoly policy.

Therefore, the committee concludes and find that—

1. The Attorney General's National Committee To Study the Antitrust Laws was not fairly composed to represent the diverse national interests which are injured by monopoly and protected by our antimonopoly laws and which, accordingly, have a fundamental equity in the vigorous enforcement of these laws and their revision as necessary to meet the fast-changing conditions of the world in which we live.

2. The 61-man committee appointed by Attorney General Brownell with the approval of President Eisenhower was dominated by corporation lawyers who had spent a substantial part of their careers representing large corporate defendants charged with the violation of the antimonopoly laws. Thus, of the 46 lawyers on the Committee, 39 had represented corporate defendants in cases involving charges of antitrust violation and 26 of these had pending cases of this character during their service on the Attorney General's Committee.

Of the remaining members of the Committee, one-third of the law professors who were members, had appeared as advocates for alleged violators of antitrust laws in proceedings and investigations in the past, and almost one-half of all the economists included the membership of the Committee had appeared as advisers or otherwise as advocates in defense of antitrust law violators.

Almost all of the other economists who were members of the Committee dissented in some respect from the position of the report. When one deducts the law professors, who had appeared for antitrust law violators, one finds only a small number of the remainder actually subscribed to the position taken in the report. Two of these law professors wrote sharp dissents to the position taken in the report by the Attorney General's Committee. The Attorney General and his cochairmen of the Committee refused to have these dissents published in full as a part of the report of the Committee.

There was only 1 member of the 61-man committee who could possibly be described as a representative of American small business. There was no representative of American labor; there was no representative of American farmers; there was no representative of American consumers.

3. The Attorney General's Committee was largely a one-sided committee, representing almost exclusively the large business interests of the United States, who, of course, are the principal violators of our antimonopoly laws and who represent the principal monopoly threat in this country.

4. The Attorney General's Committee also contained, among its most active members, lawyers who had been well-known lobbyists for monopoly, big business. Thus Mr. William Simon was a key member of the Attorney General's Committee. Mr. Simon has been probably the most energetic lobbyist in the country for the monopolistic basing-point lobby. He was a registered lobbyist for this monopoly-minded special-interest group in the period of 1949–51.

Another member of the Attorney General's Committee was Mr. George Lamb, a Washington lawyer, who in 1948 was the author of a lobby blueprint, laying down the outline of what a basing-point lobby should consist of and how it should operate in order to restore to legality the monopolistic practice of basing-point pricing. This blueprint was written by Mr. Lamb and his associate, Mr. Sumner Kitelle. It was then placed in the hands of Mr. William Simon, who at that time was the general counsel of the Capehart committee, which was studying basing-point pricing practices in the light of the Supreme Court's decision in the Cement case earlier in 1948 which had outlawed such pricing practices as a principal tool of monopoly.

Mr. William Simon, in his capacity as chairman of the antitrust section of the American Bar Association, following the publication of the report of the Attorney General's Committee in 1955, presented a resolution to the house of delegates of the American Bar Association which would have placed it on record as endorsing the principles enunciated in the report of the Attorney General's committee. In February of 1956 the house of delegates adopted this resolution.

5. When the operations of the lobby provided for in the Lamb "lobby blueprint" of 1948 are considered, along with the operations of the Attorney General's National Committee To Study the Antitrust Laws, they all appear to be part and parcel of the same scheme for lobbying against our antitrust laws.

6. The Attorney General's Committee did not even attempt to study, much less answer, the basic questions which confront the Nation in the monopoly field; namely, where does the United States stand today with respect to monopoly and economic concentration? How far have we gone in that direction? How serious is the situation? What should we do about it?

Indeed, the committee, in the report it issued and caused to be published, stated:

"Our aim is not to add to the storehouse of statistical data or to survey the economic effects of antitrust applications to specific industries * * * [rather] to make out as clearly as possible the path that antitrust has traveled and what it augurs for the future." (See p. 52 of this report.)

The report demonstrates that the Attorney General's committee adhered to that aim except where it proceeded to make recommendations for future antitrust policy. This report (pp. 60–72) contains an analysis of a number of the recommendations made in the report of the Attorney General's committee and shows how they contrast with the recommendations which were contained in the final report of the Temporary National Economic Committee. The TNEC made a study of our economy problems and the concentration of economic power in the hands of a few. It made recommendations designed to remedy that situation. Among those recommendations were those for strengthening our antitrust laws. In contrast, the report of the Attorney General's committee made no findings concerning the monopoly conditions in the country and most of its recommendations were for weakening rather than strengthening our antitrust laws.

In the words of one of the members of the Attorney General's committee, who dissented from the majority views presented in the report of that committee, Prof. Louis B. Schwartz, of the University of Pennsylvania Law School:

"The majority report would weaken the antitrust laws in a number of respects, and, even more important, it fails to adopt necessary measures for strengthening the law so as to create a truly competitive economy in this country. On 30 specific issues discussed in this dissent, the report takes a position inimical to competition, either by approving existing narrow interpretations or by suggesting additional restrictions."

Professor Schwartz and others who dissented took the position that the Attorney General's National Committee To Study the Antitrust Laws had missed a great opportunity to render a public service. In that connection it was pointed out that there had been a failure to study the monopoly problem and to make recommendations for the strengthening of our antimonopoly laws. (See pp. 4–5 and appendix C of this report.)

A statement on the character of the report of the Attorney General's committee was made by Senator ESTES KEFAUVER, a

member of the Judiciary Committee, United States Senate, and a widely recognized authority on problems relating to small business and monopoly.

Senator KEFAUVER said: "To paraphrase General Bradley, the basic thing wrong with the majority report is that it asks the wrong questions, at the wrong time, of the wrong people. Among the right questions to which the report should have been directed are these: What is to be done about monopolistic control in those industries where it is not merely a threat to the future but is with us here and now? What should public policy be toward those industries where monopolistic control has already been established by the Big Three, the Big Four, the Big Five? What should be done about the continuing trend of concentration to even greater heights? What steps need to be taken in order to halt the wave of mergers now sweeping the country? Why have so few mergers been proceeded against under the new antimerger law, the Celler-Kefauver law, which was referred to in the report as the antimonopoly law of 1950?

"Does responsibility lie with Congress for failing to appropriate enough money, with some organic defect in the law, or with the present administration for failure to enforce the law? What should public policy be toward the problem of price leadership, where one big company calls the tune and everyone else follows? If the law against price discrimination is rendered completely ineffective, will not the power to obtain price concessions replace efficiency in determining economic survival.

"These, Mr. Chairman, are just a few of the fundamental questions which the committee, that is the Attorney General's committee, passes over or handles in such a way as to give us no helpful clue for the framing of public policy. The report is written as if its authors were completely out of touch with reality—with the nature of the world in which we live and have our being.

"The report of the majority of the Attorney General's committee does not even recognize this most ominous of trends. And, since it ignores what is obvious to everyone else, it can afford to ignore, as it does, the important related questions: What have been the causes of this upward trend in economic concentration? To what extent has it been due to mergers, to the use of predatory practices, such as price discrimination, to the use of swollen reserves made posssible by fabulous profits, to changes in the tax laws which have favored big business, to the procurement policy of the Defense Department, to the failure of the administrative agencies to enforce the law, and to other causes? And what should be done to arrest this onward march of monopoly? What new legislation needs to be passed to halt the growth of giant monopolistic corporations while there is still time? On all of these questions, which represent the essence of the monopoly problem, the report is silent. Like the ostrich, the committee apparently operated on the basis of the assumption that that which it chose not to see does not exist. (See pp. 5 and 6 of this report.)

Although the Attorney General's Committee To Study the Antitrust Laws and the report of that committee admitted that it was not its purpose or function to study and report upon the economic and business conditions which require our antimonopoly policy, the report of the Attorney General's committee nevertheless seeks to lend respectability to and peddle the new economic concept of "workable" or "effective" competition. That concept, as previously noted, originated with and was sponsored by writers defending violators of our antitrust laws.

It originated in the arguments of industries hard pressed by public resentment and by legal necessity to rationalize their basing-point systems. In connection with cement, steel, glucose, and conduit, the monstrous conclusion was reached that the matching of delivered quotations by a number of sellers at a given destination was the inevitable result of competitive behavior.

Almost invariably, these economic "analyses" have reasoned in effect: (1) perfect competition results in a single price in any one market; (2) all buyers at a given destination pay identical amounts to all sellers who sell on a delivered basis; (3) therefore, basing-point systems providing for and resulting in a matching of delivered-price quotations by a number of sellers are competitive. The causal sequence implicit in this series of nonsequiturs has been developed by a judicious application of a few competitive principles alternately to one side of the market or the other, as the rationalization required, but never to both sides at once.

For instance, consider the definition of "price" which is crucial to their conclusion. The report of the Attorney General's committee defined the relevant price to be the "actual, laid-down cost to the buyer." This would be all right, as far as it goes, except that it entirely ignores the seller's side of the market, without which obviously no competition can exist.

In averring that competition is present, on the other hand, the arguments switch to the other side of the transaction, and claim that delivered pricing systems are made competitive by the presence of many sellers quoting in a given market. Here, the buyer's side of the market is conveniently overlooked. On closer scrutiny, it is plain that the multibuyer characteristic of the competitive arrangement is absent, and the "market" contemplated is the individual buyer's destination.

Much has been made of the homogeneity of products, for instance in the Cement and Conduit cases. In the Cement case, it was found that this alleged homogeneity was mainly myth. But even if it were true that the physical qualities were unvarying as among suppliers, still the element of transportation has been excluded from the characteristics of the product, but included in the price—the "actual, laid-down cost"—which the buyer pays for that product. Thus, the "relevant" price which is supposed to derive from this "effective" competition bears no relationship to the "homogeneity" whose presence is presumed to contribute to the competitiveness of the situation.

This discrepancy was dismissed by the Attorney General's committee with the magnificently irrelevant remark that such theoretical refinements leave the buyer cold, since he is not interested in costs or receipts of the seller, but only in the cost to himself. If the buyer were free to bargain separately for the homogeneous product and for its delivery service, it is highly unlikely that he would long remain cold to this technicality. For example, in the case of the glucose basing-point systems, it was hardly a matter of indifference to buyers in Decatur who received delivery from Staley's Decatur plant, that they paid for glucose-plus-freight from a Chicago basing point.

Moreover, this product homogeneity led to the conclusion, argued explicitly in the Conduit case, that "no buyer will pay more for the product of one seller than he will for that of another." The germ of truth in this half of the story is, however, not relevant to the delivered pricing situation. For if competition exists in a meaningful sense, there is an inevitable corollary: That no seller will take less for the product from one buyer than from another. The pretense that mill net is not relevant merely because it is not quoted only serves to veil the obvious fact that in delivered pricing systems, the seller does indeed receive varying amounts from buyers at different locations.

Thus, the conclusions of effective competition rest on selective use of competitive characteristics, and the arguments leap with agility from one side of the market to the other. Because delivered prices are uniform at a given destination, the market is so defined at the buyer's location. This ignores the fact that competition requires not only many sellers but also many buyers. Clearly, there are not many buyers at the individual buyer's doorstep, where the actual laid-down cost to the buyer constitutes the relevant price. The arguments ignore the fact that homogeneity of a product means homogeneity of services supplied by the seller, as well as homogeneity of services received by the buyer. They ignore the fact that the term "price" applies not only to the amount the buyer pays, but also to the amount the seller actually receives for the product he sells. While it is true that a buyer will not pay more to one seller than to another, it is equally true that in a competitive market a seller will not accept less from one buyer than from another. Thus when the market is viewed as a two-sided relationship, it is clear that the tests imposed by effective competition are no test of competitiveness at all.

7. The report of the Attorney General's committee was released on March 31, 1955, with considerable fanfare and publicity. There were speeches of praise by the Attorney General of the United States, Assistant Attorney General Stanley N. Barnes, and his cochairman, Prof. S. Chesterfield Oppenheim, when they addressed an evening meeting of the antitrust section of the American Bar Association in Washington, D. C., on the day the report was released. Immediately, thousands of copies of the report were printed by the Government Printing Office and were distributed widely. At the suggestion of Professor Oppenheim, Attorney General Brownell took steps to distribute copies of the report to every judge who would have jurisdiction over, and be responsible for making decisions, in future antimonopoly cases. Likewise, educational leaders, who would be expected to teach what our antimonopoly laws are and should be, were supplied with copies of the report. Also officials of Government agencies who are charged with the responsibility of determining what action should be brought under our antimonopoly laws were supplied with copies of the report. (See pp. 60–63 of this report.)

8. The purpose in publishing and distributing the report of the Attorney General's committee in the manner and to the extent utilized was to affect the thinking and views of enforcement officials, judges, and others who would be concerned about our antitrust laws and antitrust policy. (See p. 61 of this report.)

One of the prominent members of the Attorney General's committee, when asked as to whether the report of the Attorney General's committee as distributed to the Federal judges would impress them, answered, "I hope so" (p. 61 of this report).

One of the witnesses who testified in the hearings before the House Small Business Committee with reference to the report of the Attorney General's National Committee To Study the Antitrust Laws stated that report is "a headline-saturated document that is going to affect and color the thinking of American courts and American lawyers and law school students and law school professors for many years to come."

9. The report of the Attorney General's National Committee To Study the Antitrust Laws is being cited in pending cases in the courtroom to influence the decisions of the courts. One remarkable aspect of such citations is that the Attorney General's report is being cited as an authority to support in court the views of those who helped write it. One instance of that has occurred in an antimonopoly case pending in a United

States Circuit Court of Appeals. In that case, an attorney who was a member of the Attorney General's committee cited the report of that committee which he helped write as an authority to support the position which he was taking in the case at bar. In that connection he failed to disclose to the court that he helped write the document upon which he was relying. The report of the Attorney General's Committee has been cited and relied upon in other court cases. (See pp. 62–63 of this report.)

Other lawyers who have cases in court involving problems arising under the Robinson-Patman Act are busy writing law-review articles in which they are paraphrasing and summarizing attacks upon the Robinson-Patman Act in the Attorney General's report. In addition to citing, as an authority, the report they helped write, they also cite and rely upon other writings of others who were members of the Attorney General's committee. Some of that self-lifting technique is utilized without informing the readers that the authors of the writings are partisans advocating the same causes in pending court cases. Perhaps this is not the rule-of-reason approach, but certainly it is an approach in the direction of an effort of one to try his lawsuit not in the newspapers but in law reviews.

Recently there appeared in the Yale Law Journal an article written by an attorney who was a member of the Attorney General's committee. That article adroitly failed to disclose that the author is affiliated with a law firm presently opposing the Government in a pending case arising under the Robinson-Patman Act. The article attempts to deprecate the Robinson-Patman Act and proceeds to argue many issues of fact and law arising under that act and present in pending litigation. It is copious in its use of footnotes citing "authorities" upon which it relies for support for the position presented. A substantial number of all of the authorities thus cited, a total of 57, were either to statements contained in the report of the Attorney General's committee or to writings by members of the Attorney General's committee. Actually the author of the article appearing in the Yale Law Journal cited seven times his own writings as authorities. If this matter were not so serious as to its probable effect upon future enforcement and interpretation of our antimonopoly laws, this instance could be dismissed lightly as an amusing incident of one attempting to lift himself by his own bootstraps and the bootstraps of his colleagues.

10. The committee deplores these efforts to influence the weakening of the enforcement and interpretation of our antitrust laws and our antimonopoly policy.

11. The antimonopoly laws are essential to the preservation not only of our economic but also of our political liberty. A nation in which all economic power is concentrated in the hands of a relatively few giant business firms cannot long survive as a political democracy. The history of other nations makes this clear. Given a choice between private socialism in the form of business monopoly, or public socialism in the form of government monopoly, or some other form of totalitarianism, a nation will always eventually select the latter. If we are to preserve, therefore, our political liberty, we must make certain that economic concentration of power does not get beyond the danger point in the United States.

12. A fair and searching study of our antitrust laws and the monopoly situation in the United States is essential. It is made more essential by the appearance and distribution of the stacked and loaded report of the Attorney General's committee with the great prestige accorded that committee by the fact that its membership was personally approved by President Eisenhower at the instance of Attorney General Brownell.

Reference is made to the fact that approximately two-thirds of all of the practicing lawyers who were included in the membership of the Attorney General's committee have appeared directly or through their law firms as advocates for alleged violators of antitrust laws in proceedings and investigations in the past.

From the records of the hearings relating to the composition of the Attorney General's National Committee to Study the Antitrust Laws there has been compiled a listing of the members of that committee along with a showing of the antitrust cases in which they or their law firms had appeared in opposition to the application of the antitrust laws.

According to the membership list appearing in the report of March 31, 1955, the personnel of the Attorney General's National Committee to study the antitrust laws consisted of 61 members and 2 cochairmen. Part I, below, is a listing of the members of the committee who directly or through their law firms have appeared for alleged antitrust law violators in proceedings and investigations which are now pending. This listing is divided so as to show separately the lawyers who are engaging in practice regularly, those who are teaching law, and the members who are economists.

Part II is a list of the members of the committee who directly or through their law firms have appeared as advocates for alleged violators of antitrust laws in proceedings and investigations in the past.

PART I: PENDING CASES

*Practicing lawyers*

H. Thomas Austern, Covington & Burling, Washington, D. C. Antitrust cases: Du Pont Co., cellophane case; Du Pont Co., Chicago divestiture case (GM, United States Rubber); Watchmakers of Switzerland, Information Center (represented by firm); Michigan Tool Co. (criminal and civil).

Wendell Berge, Berge, Fox & Arent, Washington, D. C. Antitrust case: Joseph A. Krasnov.

Bruce Bromley, Cravath, Swaine & Moore, New York, N. Y. Antitrust cases: International Business Machines Corp., Lee Shubert.

Hammond E. Chaffetz, Kirkland, Fleming, Green, Martin & Ellis, Chicago, Ill. Antitrust cases: Du Pont Co., Chicago, divestiture case (GM, United States Rubber); Darling & Co.; Employing Plasterers Association; National City Lines; *Zenith* v. *RCA et al.*

John W. Davis, Davis, Polk, Wardell, Sunderland & Kiendle, New York, N. Y. (Although Mr. Davis is deceased he is listed because the firm continues in the active representation of defendants in pending cases.) Antitrust case: Standard Oil Co. (New Jersey).

George E. Frost, Chicago, Ill. Federal Trade Commission case: E. Edelmann & Co.

Edward F. Howrey, chairman, Federal Trade Commission, Washington, D. C. Federal Trade Commission cases: Rubber Tire Industry; Quantity Limit Proceeding, file 203–1; Investigation of the Firestone Tire & Rubber Co.

Edward R. Johnston, Johnston, Thompson, Raymond & Mayer, Chicago, Ill. Antitrust cases: Butane Corp.; Fannin's Gas Co.; National City Lines; *Zenith* v. *RCA et al.*

A. Stewart Kerr, Crawford, Swenny & Dodd, Detroit, Mich. Antitrust cases: Kelsey, Hayes Co., Logan Co. (represented by firm); Michigan Tool Co. (criminal and civil).

Kenneth Kimble, McFarland & Sellers, Washington, D. C. Federal Trade Commission case: 203–1, quantity limits, rubber tires, National Association of Independent Tire Dealers, Inc.

Francis R. Kirkham, Pillsbury, Madison & Sutre, San Francisco, Calif. Antitrust case: Standard Oil of California.

George P. Lamb, Kittelle & Lamb, Washington, D. C. Federal Trade Commission cases: Chain Institute, Inc., et al.; Pet Milk Co.

Mason A. Lewis, Lewis, Grant, Newton, Davis & Henry, Denver, Colo. Antitrust case: General Mills (represented by firm).

Breck P. McAllister, Donovan, Leisure, Newton & Irvine, New York, N. Y. Antitrust cases: Standard Oil Co. (New Jersey); watchmakers of Switzerland Information Center (represented by firm).

James A. Rahl, Snyder, Chadwell & Fagerburg, Northwestern University, School of Law, Chicago, Ill. Antitrust case: *United States* v. *E. I. duPont de Nemours & Co., et al.* (civil action No. 49C–1071 N. D. of Ill., E. D.); Federal Trade Commission case: D. 6175, National Dairy Products Corp. et al.

Charles B. Rugg, Ropes, Gray, Best, Coolidge & Rugg, Boston, Mass. Antitrust cases: Lawrence Fuel Oil Industries, Inc. (represented by firm); Lowell Fuel Oil Dealers (represented by firm).

Albert E. Sawyer, New York, N. Y. Federal Trade Commission case: Crown Zellerbach Corp. et al.

Herman F. Selvin, Loeb & Loeb, Los Angeles, Calif. Antitrust case: Twentieth Century-Fox (represented by firm).

Whitney North Seymour, Simpson, Thacher & Bartlett, New York N. Y. Antitrust cases: International Boxing Club; *Zenith* v. *RCA et al.*

Morrison Shafroth, Grant, Shafroth & Toll, Denver, Colo. Antitrust case: Union Carbide & Carbon (indictment and information).

William Simon, Washington, D. C. Federal Trade Commission case: Warren Petro Corp.

Blackwell Smith, Smith, Sargent, Doman, Hoffman & Grant, New York, N. Y. Antitrust case: American News Co.

Jerrold G. Van Cise, Cahill, Gordon, Reindel & Ohl, New York, N. Y. Antitrust cases: Pan American World Airways (represented by firm); Procter & Gamble Co.; Radio Corporation of America; Standard Oil Co. (New Jersey); *Zenith* v. *RCA et al.*

Curtis C. Williams, Jr., Jones, Day, Cockley & Reavis, Cleveland, Ohio. Federal Trade Commission: Thompson Products, Inc.

Laurence I. Wood, counsel, apparatus sales division, General Electric Co., New York, N. Y. Antitrust case: *Zenith* v. *RCA et al.*

*Law professor*

S. Chesterfield Oppenheim, cochairman. (Pending investigation at the Federal Trade Commission relating to Firestone Tire & Rubber Co., for alleged violation of the Clayton Antitrust Act including the Robinson-Patman Act and the Federal Trade Commission Act.)

PART II: CASES IN PAST LITIGATION

(NOTE.—Where name of firm and address are not shown see part I for that information.)

*Practicing lawyers*

Cyrus Anderson, assistant counsel, Pittsburgh Plate Glass Co., Pittsburgh, Pa. Antitrust case: Libby-Owens-Ford Glass Co.

Douglas Arant, White, Bradley, Arant & All; White, Bradley, Arant, All & Rose, Birmingham, Ala. Federal Trade Commission cases: D. 5449, Metal Lath Manufacturers Association et al.; D. 5508, American Iron & Steel Institute et al.

H. Thomas Austern. Antitrust cases: American Can Co.; Bendix Aviation Corp.; Henry S. Morgan; A. B. Dick Co.; Imperial Chemical Industries, Ltd.; Phillips Screw Co.; the Sherwin-Williams Co. Federal Trade Commission cases: Van Kannel Revolving Door Co.; California Packing Corp. et

al.; American Tobacco Co.; Agricultural Insecticide and Fungicide Association et al.; Automatic Canteen Company of America; National Biscuit Co.; Independent Grocers Alliance Distributing Co. et al.; E. I. du Pont de Nemours & Co., Inc., et al.; Association of Coupon Book Manufacturers et al.; J. Richard Phillips, Jr., & Sons, Inc., et al.; American Chicle Co.; the Larsen Co.; Malleable Chain Manufacturers Institute et al.; Sylvania Electric Products, Inc., et al.; Atlas Supply Co. et al.; H. J. Heinz Co. et al.

Cyrus Austin, Appell, Austin & Gay, New York, N. Y. Federal Trade Commission cases: Standard Oil Co.; Acme Asbestos Covering & Flooring Co., et al. (court proceedings only); Ruberoid Co.

Wendell Berge, Posner, Berge, Fox & Arent; Berge, Fox, Arent; Berge, Fox, Arent & Layne. Federal Trade Commission case: D. 5356, International Association of Electrotypers & Stereotypers, Inc., et al.

Bruce Bromley. Antitrust cases: Allegheny Ludlum Steel Corp.; Bendix Aviation Corp.; Electrical Apparatus Export Association (represented by firm); General Electric Co. (incandescent); General Railway Signal Co.; Hartford Empire Co. (represented by firm); Henry S. Morgan (represented by firm); Univis Lens Co. (represented by firm); DeBeers Consolidated Mines; National Lead Co.; U. S. Alkali Export Association; U. S. Gypsum Co. Federal Trade Commission cases: Paramount Famous Lasky Corp.; West Coast Theaters, Inc., et al.

Hammond E. Chaffetz. Antitrust cases: American Optical Co. (represented by firm); Armour & Co.; Chicago Mortgage Bankers Association; Yellow Cab Co.; Swift & Co.; Wilson & Co., Inc.; Association of Limb Manufacturers of America. Federal Trade Commission cases: Retail Coal Merchants Association, et al.; Standard Oil Co. (Indiana); National Tea Co., et al.; B. F. Goodrich Co.; Atlas Supply Co., et al; B. F. Goodrich Co.

Herbert W. Clark, Morrison, Rohfeld, Foerster & Clark, San Francisco, Calif. Antitrust cases: Food Machinery & Chemical Corp. (represented by firm); National Association of Vertical Turbine Manufacturers (criminal); National Association of Vertical Turbine Manufacturers (criminal); Northern California Plumbing & Heating Wholesalers Association; Outdoor Advertising Association of America (represented by firm). Federal Trade Commission case: Cement Institute et al.

Thomas F. Daly, Lord, Day, & Lord, New York, N. Y. Federal Trade Commission cases: D. 5502, Corn Products Refining Co. et al.; D. 5587, Colgate-Palmolive-Peet Co.

John W. Davis. Antitrust cases: Henry S. Morgan; Breaklining Manufacturers' Association (3 cases); Mortgage Conference of New York; New York Central Railway; Paramount Pictures, Inc; DeBeers Consolidated Mines (civil). Federal Trade Commission cases: Butterick Co. et al.; Eastman Kodak Co. et al.; General Electric Co. et al.; Radio Corporation of America; Rubber Manufacturers' Association, Inc. et al.; Standard Brands, Inc. et al.; National Biscuit Co.; Allied Paper Mills et al.; American Iron & Steel Institute et al.; Atlas Supply Co. et al.

Raymond R. Dickey, Danzansky & Dickey, Buckley & Danzansky, Washington, D. C. Federal Trade Commission case: D. 5482, Carpel Frosted Foods, Inc. et al.

Charles Wesley Dunn, New York, N. Y. Federal Trade Commission cases: Beech-Nut Packing Co.; Lautz Brothers & Co.; Goodall Worsted Co.; Armand Co.; Armand Co., Inc. et al.; Penick & Ford, Ltd. et al.

George E. Frost, Chicago, Ill. Federal Trade Commission case: D. 5770, E. Edelmann & Co.

Fred E. Fuller, Fuller, Harrington, Seney & Henry, Toledo, Ohio. Antitrust cases: Libby-Owens-Ford Glass Co.; Hartford Empire Co. Federal Trade Commission case: American Surgical Trade Association et al.

Robert W. Graham, Bogle, Bogle & Gates, Seattle, Wash. Antitrust cases: Alaska Steamship Co.; Chrysler Corp. Parts Wholesalers, Northwest Region; K. & L. Distributors, Inc. Federal Trade Commission cases: Carl Rubenstein et al.; New England Fish Co. et al.; Washington Brewers Institute et al.

Benjamin H. Long, Dykema, Jones & Wheat, Detroit, Mich. Federal Trade Commission case: D. 6107, Blotting Papers Manufacturers Association, et al.

Edward F. Howrey. Federal Trade Commission cases: Robinson Clay Products Co. et al.; American Refractories Institute et al.; Automatic Canteen Co. of America; Structural Clay Products, Inc. et al.; Luden's, Inc.; F. B. Washburn Candy Corp.; Kimball's Candy Co.

Edward R. Johnston. Antitrust cases: Chicago Mortgage Bankers Association; National Association of Vertical Turbine Manufacturers (criminal) (represented by firm); Northern California Plumbing & Heating Wholesalers Association; Wallace & Tiernan, Inc. (criminal and civil); Central Supply Association; International Harvester Co.; National Cheese Institute. Federal Trade Commission cases: United States Maltsters Association et al.; Youngs Rubber Corp.; Metal Lath Manufacturers Association et al.; American Surgical Trade Association et al.

Francis R. Kirkham. Antitrust cases: Food Machinery & Chemical Corp.; Cement Institute (represented by firm); Walter Kidde & Co. (represented by firm); Northern California Plumbing & Heating Wholesalers Association (civil); Northern California Plumbing & Heating Wholesalers Association (criminal).

George P. Lamb. Antitrust cases: Diamond Match Co.; Johnson & Johnson. Federal Trade Commission cases: Card Clothing Manufacturers' Association et al.; American Veneer Package Association et al.; Wire Rope & Strand Manufacturers Association, Inc., et al.; Tag Manufacturers Institute et al.; Rubber Manufacturers Association, Inc., et al.; American Iron & Steel Institute et al.; National Paper Trade Association of the United States, Inc., et al.; Vitrified China Association, Inc., et al.; Advertising Specialty National Association et al.

Mason A. Lewis. Antitrust case: Cement Institute. Federal Trade Commission case: Ideal Cement Co. et al.

Breck P. McAllister. Antitrust cases: Eastman Kodak Co. (represented by firm); Electric Storage Battery Co. (represented by firm); Henry S. Morgan; Technicolor, Inc. (represented by firm); Diamond Match Co.; Imperial Chemical Industries, Ltd.; New York Great A. & P. Co.; Paramount Pictures, Inc.; Wallpaper Institute. Federal Trade Commission case: Cement Institute et al.

Parker McCollester (deceased). Federal Trade Commission cases: Corn Products Refining Co. et al.; Corn Products Refining Co. et al.; Colgate-Palmolive-Peet Co.

Gilbert H. Montague, New York, N. Y. Federal Trade Commission cases: Shredded Wheat Co.; Bureau of Statistics of the Book Paper Manufacturers et al.; Cudahy Packing Co.; Cudahy Packing Co.; Mennen Co.; Philadelphia Wholesale Drug Co. et al.; Paramount Famous Lasky Corp.; Oneida Community, Ltd.; New York State Sheet Metal Roofing and Air Conditioning Contractors' Association et al.; General Electric Co. et al.; Metal Window Institute et al.; Biddle Purchasing Co. et al.; Joseph Dixon Crucible Co. et al.; Salt Producers Association et al.

James A. Rahl (for name of firm see part I). Federal Trade Commission case: D. 5979, American Surgical Trade Association et al.

Charles B. Rugg. Antitrust cases: Gamewell Co.; General Electric Co. (incandescent); Minnesota Mining and Mfg. Co.[1] (represented by firm); Boston Fruit and Produce Exchange; H. P. Hood & Sons, Inc.; Library Binding Institute.

Albert E. Sawyer. Federal Trade Commission cases: Allied Paper Mills et al.; Tag Manufacturers Institute et al.; Rubber Manufacturers Association, Inc. et al.; American Biltrite Rubber Co., Inc.

Bernard G. Segal, Schnader, Harrison, Segal & Lewis, Philadelphia, Pa. Antitrust cases: Baugh & Sons Co.; Phildaelphia Association of Linen Suppliers; Record Dealers' Association.

Herman F. Selvin. Antitrust case: Union Ice Co. (represented by firm).

Whitney North Seymour. Antitrust cases: American Can Co.; Bausch & Lomb Optical Co.; General Electric Co. (incandescent); General Electric Co. (fluorescent); Scophony Corp. of America (represented by firm); American Optical Co.; Optical Wholesaler's National Association; Permutit Co.

Morrison Shafroth. Antitrust case: Cement Institute.

William Simon. Federal Trade Commission case: Building Material Dealers Alliance et al.; Daniel A. Brennan et al.; Salt Producers Association et al.; Standard Oil Co. (Indiana) [2]; General Motors Corp. et al.

Blackwell Smith, Smith, Sargent, Domon, Hoffman & Grant Wright, Gordon, Zachry & Parlin Wright, Gordon, Zachry, Parlin & Cahill. Federal Trade Commission cases: D. 3764, Chilean Nitrate Sales Corp. et al.; D. 4610, Crouse-Hinds Co. et al.; D. 4900, American Refractories Institute et al.

Jerrold G. Van Cise. Antitrust cases: Electrical Apparatus Export Association; Hartford Empire Co.; Libby-Owens-Ford Glass Co.; Henry S. Morgan; New York Great A&P Tea Co.; Rubber Manufacturers Association, Inc. (represented by firm); Times-Picayune Publishing Co. (submitted amici curiae brief in Supreme Court) (represented by firm); General Cable Corp.; Linde Air Products Co.; Metropolitan Leather & Bindings Association, Inc.; Mortgage Conference of N. Y. Federal Trade Commission cases: Champion Spark Plug Co.; American Surgical Trade Association et al.

Curtis C. Williams, Jr. Antitrust cases: Timken Roller Bearing Co. (represented by firm); Allegheny Ludlum Steel Corp. (represented by firm); General Electric Co.; Republic Steel Corp.; Rubber Manufacturers' Association.

*Law professors*

Prof. Milton Handler, New York, N. Y. Antitrust case: A. B. Dick Co. (involving an investigation of a member of the liquor industry); Jack I. Levy, Sonnenchein, Berkson, Lautmann, Levenson & Morse, Chicago, Ill. Antitrust case: Uhlemann Optical Co.; American Optical Co.; Federal Trade Commission case: Independent Grocers Alliance Distribution Co. et al.

S. Chesterfield Oppenheim, cochairman (represented Burroughs Adding Machine Co. in connection with an investigation that was made of it under the antitrust laws).

*Economists*

Prof. Morris A. Adelman, economic department, Massachusetts Institute of Technology, Cambridge, Mass. (He wrote articles defending the position A&P took in its defense in antitrust proceedings, which articles were then distributed by A&P).

Prof. John Maurice Clark, Westport, Conn. (Was employed by the Cement Institute and in that connection assisted in preparing the

[1] This appearance was for the purpose of service of process on the defendant only since the case was tried in Boston. A New York law firm, however, handled the case throughout.

[2] Court proceedings only.

economic defense in the Cement Institute case.)

Dean Ewald T. Grether, School of Business Administration, University of California, Berkeley 4, Calif. (Was employed by the Cement Institute to testify in its defense in the Cement Institute case.)

Prof. Clare E. Griffin, School of Business Administration, University of Michigan, Ann Arbor, Mich. (Was employed by the Cement Institute to testify in its defense in the Cement Institute case. He also was employed by the defendants to testify in their defense in the Rigid Steel Conduit case and the American Tobacco case.)

I have called attention to the fact that Morris A. Adelman was a member of the Attorney General's National Committee To Study the Antitrust Laws. Also I have referred to the fact that he received pay to produce propaganda in opposition to the application of our antitrust laws to price discrimination situations and that he wrote law-review articles which furthered that propaganda. Then it was shown how the Supreme Court cited and relied upon some of those writings by Adelman.

Also I have called attention to the fact that the Supreme Court in the case of *United States* v. *E. I. du Pont de Nemours & Co.* (351 U. S. 377 (1956)), commonly referred to as the Cellophane case, decided against applying the antitrust laws to the Du Pont Co. and in so doing cited and relied upon the report of the Attorney General's National Committee To Study the Antitrust Laws and writings by members of that group as authorities for the Court's position.

The instances I have cited are not isolated. Propaganda in the form of the report of the Attorney General's National Committee To Study the Antitrust Laws and the writings by members of that group are continuing to be cited and relied upon as "authorities" in court cases. Those who oppose the application of our antitrust laws to situations involving monopoly and monopolistic practices are making much use of such "authorities." It is for that reason that the matter appears so serious.

Hon. Thurmond Arnold, former Assistant Attorney General of the United States and a former judge of the United States court of appeals, testified before the Select Committee on Small Business of the House of Representatives October 31, 1955, concerning this matter. In that connection he stated:

I have been arguing a case on the Robinson-Patman Act in New York, and I found the report of the Attorney General was the principal authority used against me, and the court, whether taking the report or not, instructed the jury that you could justify a price discrimination by a study made years after the discrimination was put into effect, and that part of the cost justification could be the fact that larger competitors could finance the sale of the article more easily than the smaller competitors (transcript of record of hearings before the House Select Committee on Small Business, House of Representatives, October 31, 1955, pp. 10 and 11).

The gentleman from Ohio [Mr. McCULLOCH], a member of the Select Committee on Small Business, during the course of those hearings, made some observations dealing with that subject. Those observations are quoted as follows:

Mr. McCULLOCH. Mr. Chairman, I would like to make this fact clear. This is not the Attorney General's report, or is it? Isn't it the report of a committee to study the antitrust laws?

The CHAIRMAN. That's right.

Mr. McCULLOCH. It could create a false impression.

Mr. ARNOLD. You could. I will change that to the Attorney General's National Committee. If I am permitted to change that in my testimony, I will (transcript of record of hearings before the House Select Committee on Small Business, House of Representatives, October 31, 1955, p. 35).

Mr. McCULLOCH. It is my memory that a number of States of the Union have, down through the years, by their officials, appointed commissions to study matters of public concern with the request that the commission study those problems and make recommendations to the State officials.

* * * * *

Mr. McCULLOCH. That does not mean by what I have said heretofore, that I agree with the conclusions or the recommendations of the committee or any part of it. It does not mean, on the other hand, that I disagree. It does mean that if there is to be a change in the statutory law of the country, I shall expect the Attorney General of the United States to make his recommendations known in a manner that has long been established in this country.

Primarily that is through communications to the Speaker of the House of Representatives and, as I said yesterday, in other instances, to the chairmen of committees responsible for legislation dealing with the question in accordance with the Reorganization Act of 1946 (transcript of record of hearings before the House Select Committee on Small Business, House of Representatives, November 2, 1955, pp. 512 and 513).

When Prof. Louis B. Schwartz was testifying before the Select Committee on Small Business, House of Representatives, October 31, 1955, the matter of the distribution of the report was brought to his attention and the gentleman from California [Mr. ROOSEVELT], a member of the committee, inquired about the possible effect the report would likely have. A portion of the transcript of the testimony dealing with that is quoted as follows:

Mr. ROOSEVELT. Mr. Chairman, isn't it true, however, that that report will be in a lot of school libraries and will be referred to in court in many instances and will have a considerable influence?

Professor SCHWARTZ. I think that is not only true, but that was in a sense the desired object.

Mr. YATES. Desired object by whom?

Professor SCHWARTZ. By—I am expressing my sense of how most committee members felt this report would probably work. I can't speak for them. But we were all aware that lawyers would be citing this report in their briefs, and that the real impact of this might very well be in the decisions made by courts and administrative agencies. Not many people were sanguine about getting Congress to make changes, for example, in the Robinson-Patman Act, but it was hoped that by approving certain administrative tendencies and by putting this out as a rather authoritative statement of what is, and at the same time what ought to be, a long-range influence would be had. Of course, it has already happened (transcript pp. 149 and 150).

The Antitrust Subcommittee of the Committee on the Judiciary, House of Representatives, also held hearings concerning the report of the Attorney General's National Committee To Study the Antitrust Laws. During the course of those hearings on May 16, 1955, after information had been received dealing with the propriety of the use of copies of such report in court proceedings, the gentleman from New York [Mr. KEATING], a member of the Judiciary Committee, made some observations about the matter. They are quoted as follows:

Mr. KEATING. Well, they have no probative value, do they?

Mr. McCONNELL. They didn't in this instance, but they may have in some other cases, I don't know. It depends on how much weight a court wants to give them.

Mr. KEATING. Well, no court worthy of its salt would ever give any weight or cite in its opinion a recommendation of some committee which had no legal force and effect whatever.

The CHAIRMAN. I think the statement of the gentleman from New York is absolutely sound, but I can prognosticate that many of the conclusions of this Attorney General's Committee are going to be cited in all manner and kinds of briefs in the future.

Mr. McCONNELL. Why certainly.

Mr. KEATING. In briefs? (P. 405 of the printed record of hearings before the Antitrust Subcommittee of the Committee on the Judiciary, House of Representatives, pt. I, May 16, 1955, serial No. 3.)

On Thursday, March 31, 1955, the report was released with considerable fanfare and publicity. It consisted of 393 printed pages and was made the subject of praise in speeches by Attorney General Brownell, Assistant Attorney General Stanley N. Barnes, and Prof. S. Chesterfield Oppenheim when they addressed a meeting of the antitrust section of the American Bar Association in Washington, D. C., on March 31, 1955.

Immediately thousands of copies of the report were printed at the Government Printing Office, the cost of which was borne out of funds which had been appropriated by the Congress to the Department of Justice for the use of its Antitrust Division in the enforcement of the antitrust laws. The thousands of copies thus printed were distributed widely.

Attorney General Brownell, at the suggestion of Professor Oppenheim, took steps to distribute copies of the report to every judge who would have jurisdiction over and responsible for making decisions in future antitrust cases. Likewise educational leaders who would be expected to teach what our antitrust laws are and should be were supplied with copies of the report. Officials of Government agencies who are charged with the responsibility of determining what actions should be brought under our antimonopoly laws also were supplied with copies of the report.

When one of the leading members of the Attorney General's committee was testifying in the hearings before the Select Committee on Small Business, House of Representatives, it was put to him that because of the manner in which this report had been prepared, that is, under

the auspices of the Attorney General—although he has disavowed that it represents the official views of the Department of Justice—and caused to be distributed by him to every Federal judge, it would naturally be looked upon by a judge as something pretty powerful. The member of the Attorney General's committee who was testifying replied "I hope so."

That witness was not the only member of the Attorney General's National Committee to Study the Antitrust Laws who entertained and held to the "hope" that the report of that committee would serve to influence the courts in deciding antitrust cases. Another prominent member of the Attorney General's committee, Mr. George Lamb, of Washington, D. C., was prosecuting a case in the United States Court of Appeals for the 8th Circuit—Chain Institute Inc. et al. against Federal Trade Commission, No. 14,821—in 1955 when the report of the Attorney General's National Committee to Study the Antitrust Laws was prepared. He, as a member of that committee, helped prepare the report. Then, he, as a lawyer in the case in the United States Court of Appeals for the 8th Circuit, to which reference has been made, cited and quoted the report of the Attorney General's National Committee to Study the Antitrust Laws which he had helped prepare as an "authority" to support the position he was arguing in court. He did that without informing the court that he and other writers similarly situated had prepared the "authority" upon which he was relying.

However, that effort on the part of Mr. Lamb and his law partners was not his first effort to propagandize against the application of the antitrust laws in that case. He started his propaganda when the investigation of his clients in that matter was first undertaken by the Government in 1948.

Mr. Lamb testified under oath before the Select Committee on Small Business, House of Representatives, in Washington, D. C., November 4, 1955—transcript page 904—that he and his law partners, Summer S. Kittelle and Frazer F. Hilder, collaborated and participated in the preparation of a most amazing document. That document has been referred to in the open hearings before the Select Committee on Small Business, House of Representatives, as a blueprint for lobbying and as a master plan for lobbying in the interest of propagandizing the positions held by Mr. Lamb and his law partners. According to the information elicited from Mr. Lamb, the document in question, that master plan for propagandizing his position, was prepared during the summer of 1948. In that connection he testified:

> We thought it was a very objective statement with regard to the problem involving delivered pricing methods, and I think if we had a chance to go back and look at it, I think I would still be just as proud of it today (transcript, pp. 904–905 of the record of the hearings before the Select Committee on Small Business, House of Representatives, November 4, 1955).

Mr. Lamb also testified that in preparing the master plan he talked with his clients and with other people similarly situated and that he considered the work he did in that respect would benefit them, although he received no pay for doing that work except those amounts received as fees in the cases in which he represented them as counsel.

Now what does Mr. Lamb's blueprint for lobbying or master plan for lobbying and propagandizing provide, and what are its objectives?

It is believed that one can best be informed in that respect through quotations from the contents of that document, as follows:

> SUGGESTED PROGRAM TO REESTABLISH THE LEGALITY OF DELIVERED-PRICE MARKETING METHODS
>
> In considering what should be the objective, it is wise to remember that certain things, no matter how logically they may be defended will never be politically popular because they just do not look right. One of these is the kind of so-called phantom freight which results from the Pittsburgh-plus system or from the existence of non-basing points mills in a multiple-basing-point system. The public just will not stomach the thought of a buyer in Chicago buying from a Chicago factory and being forced to pay freight from Pittsburgh.
>
> Another thing which is politically difficult to defend is the type of zone system in which, for example, the lowest price is charged in the East, a higher price in the Middle West, a still higher price in the Far West, and a still higher price on the Pacific coast, where there are mills located in all or most of those zones. Such a system is merely a modification of Pittsburgh-plus, and will be so recognized without difficulty by the man in the street if he takes any interest in the subject at all (p. 3).
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> * * * * *
>
> The first step in marshaling evidence is to determine what one wishes to prove. An equally important step is to determine what the opposition will seek to establish so as to be prepared to rebut it. These determinations would, of course, be made and crystallized in the trial brief to be presented to the Capehart subcommittee before the hearings.
>
> The fact that there will be bitter opposition, and the nature of such opposition, should be kept in mind at all times (p. 9).
>
> * * * * *
>
> A single-purpose organization will provide the best means of carrying the foregoing program through to a successful result. It has been seen that existing organizations such as NAM and the United States Chamber of Commerce are not in a position to undertake the stewardship of such a program, and there appears to be no other organization tailormade for the task. An organization formed for the one specific object of expressing the view of business on the delivered-pricing question and of frankly presenting business' ideas for legislation would have the advantage of singleness of purpose and a clean slate public-relationswise (p. 14).

Mr. Lamb and other counsel who joined with him on the main brief for petitioners, Chain Institute, Inc., and others, in the case to which I have referred, not only prepared that master plan for lobbying and propagandizing to relegalize the delivered pricing systems of price fixing they were defending before the court, but also moved into other active lobbying roles in that respect. They wrote law review articles which furthered their propaganda and their arguments against the application of the antitrust laws to their clients. In those writings they did not inform the courts and others to whom their arguments were directed that the writers of the arguments were partisan advocates whose clients would benefit from acceptance of the arguments.

Fortunately, the Select Committee on Small Business of the House of Representatives during the 84th Congress was able to investigate, hold hearings, and issue a report dealing with this important matter. That report was then made available to each of the judges of the Federal judiciary to whom the Attorney General of the United States had sent a copy of the report of the Attorney General's National Committee To Study the Antitrust Laws. Many of the judges who received a copy of the Small Business Committee report learned for the first time about the background, the purposes, and the nature of the propaganda of the report of the Attorney General's National Committee To Study the Antitrust Laws. Some of those judges expressed their gratitude for the action of the House Small Business Committee in advising them about the matter. The contents from one of the many letters received from the judges expressing such gratitude is quoted as follows:

> Thank you for sending me the report of your Select Committee on Small Business on Price Discrimination, the Robinson-Patman Act, and the Attorney General's National Committee To Study the Antitrust Laws.
>
> I had of course received and read the Attorney General's committee majority report and I have read with particular interest the dissenting statement or opinion of Professor Swartz.
>
> Thank you very much for affording me this privilege. I have laid your report alongside the Attorney General's report for future reference. I do not suppose it would be appropriate for me to make further comment.

Earlier, I spoke of the principle of separation of powers upon which our Government was founded. My support of that principle is well known. However, as I have pointed out, adherence to that principle does not require that the legislative branch ignore faults or needs of the judiciary. The Constitution imposes upon the legislative branch the responsibility and the duty to act when circumstances warrant for the preservation of an independent and proper functioning judiciary. Neither the independence nor a proper functioning of the judiciary can be expected if the legislative branch continues to ignore efforts of pressure groups to propagandize and mold the thinking and decisions of the judiciary. Even if the judiciary could and should undertake to move and curb writings of pressure groups designed to propagandize the judiciary, the latter would need the help of the legislative branch. That is true because unless the legislative branch should act to help protect the judiciary from such pressure groups, then the pressure groups would eventually utilize their power and influence to destroy the judiciary. We have seen pressure groups use the smear when their coaxing failed.

We have seen how some pressure groups have organized to destroy the quasi-judicial regulatory commissions when those commissions failed to "follow the line" of the pressure groups. The judiciary is the next step from the

quasi-judicial regulatory commissions. It has been noted how pressure groups with the help of the Attorney General of the United States recently made "recommendations" to the judiciary regarding the general application of laws on public policy. We do not want the pressure groups to propagandize, "stack pack," take over, or destroy either the quasi-judicial regulatory commissions or the judiciary.

It has been suggested that committees of the Congress should proceed, under their presently constituted powers, to investigate the extent and degree of participation by individuals and groups in the formation of a new body of literature upon the basis of which to propagandize the Supreme Court and to persuade that Court to rely on such literature and propaganda for its reasoning and decisions. It is my view that an investigation of that character is long overdue. I believe the record should be complete and clear concerning those who agitate and who lobby to get special consideration ex parte from the Supreme Court of the United States.

Not only has it been suggested that committees of the Congress should proceed to investigate the extent and degree of participation by individuals and groups in formulating propaganda and using it to influence the Supreme Court of the United States but also deep concern has been expressed recently about the willingness of the Supreme Court of the United States to rely upon such propaganda for its reasoning and decisions. Criticism of the Court has not stopped with that. Prominent Members of the House and the Senate have felt compelled to voice their concern about this matter. For example, Senator WATKINS, of Utah, on July 15, 1957, CONGRESSIONAL RECORD, page 11653, in addressing the Senate, stated:

> Mr. President, the recent divided Supreme Court decisions on subjects of major national concern has led to considerable public confusion and a searching new study of our highest Court and its decisions.

On the same day the gentleman from Michigan [Mr. HOFFMAN], presented a statement in which great concern was expressed about the manner in which the Supreme Court of the United States recently has undertaken to perform its functions.

On June 20, 1957, as is shown by the CONGRESSIONAL RECORD at page 9887, the gentleman from Georgia [Mr. DAVIS] addressed the House. He pointed out that for over a century and a half our Supreme Court enjoyed a public esteem and respect unsurpassed by any institution of Government but that the standards, methods, and factors used recently by the Supreme Court in arriving at its conclusions had cast the Court in a questionable light. Earlier the chairman of the Judiciary Committee of the United States Senate in the 1st session of the 84th Congress on May 26, 1955, in addressing the Senate as is shown by the CONGRESSIONAL RECORD, volume 101, part 6, pages 7119–7124, documented a charge he made to the effect that the Supreme Court of the United States had departed from approved and accepted methods and standards through its ex parte consideration and reliance upon textbooks and writings not subjected to the test of cross-examination or arguments of opposing parties during the course of hearings on the cause before the Court.

One June 11, 1956, the gentleman from New York [Mr. MULTER] in addressing the House, as is shown by the CONGRESSIONAL RECORD, volume 102, part 7, pages 10044–10045, pointed to dangers inherent in the plans and programs of partisan advocates to propagandize our courts and to influence them in weakening the application of our antitrust laws.

In conclusion, I repeat that an investigation of plans, programs, and schemes to propagandize and influence our Federal judiciary against our public policy is long overdue and should be undertaken by a special investigating committee of the Congress without further delay.

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## THE 1ST SESSION OF THE 85TH CONGRESS AND ITS MOST IMPORTANT ISSUE

Mr. NATCHER. 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 Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, the virtually unprecedented public interest in the budget for fiscal year 1958 lends special significance to its designation as the most important issue of the 1st session of the 85th Congress. In considering the accomplishments of this first session, we must remember the many long hours spent on such subjects as the $71.8 billion budget, school construction assistance, civil rights, foreign aid authorization and appropriation, and the atomic-energy program for 1958.

Many issues were presented in the House of Representatives through the introduction of some 10,409 bills and resolutions. Only a few were acted upon, but the remainder will stay alive for the 2d session of the 85th Congress. Some of the major bills enacted into law were the Middle East doctrine; United States membership in the International Atomic Energy Agency; Federal housing; extension of the life of the Small Business Administration; maintaining a personnel ceiling of 2.8 million men for our Armed Forces through July 31, 1960; providing for additional military construction for the preservation and security of our Nation; extension of the authority of the Export-Import Bank to June 30, 1963; increasing the compensation for veterans with service-connected disabilities; extension of termination date of sales of surplus commodities for foreign currency and relief for disaster areas to June 30, 1958, with the limitation on sales for foreign currency increased to $4 billion and the limitation on relief for disaster areas increased to $800 million; increasing Federal participation in payments of old-age assistance, aid to the blind, dependent children and totally disabled; approving the Niagara power project; housing assistance for veterans in rural areas and small towns; compulsory inspection of poultry and poultry products; and increasing the borrowing power of the St. Lawrence Seaway Development Corporation. A number of other bills were passed which will prove beneficial to our country. The bills setting forth the budget requests for 1958 received much attention and time.

The budget message of the President for fiscal year 1958 was received by Congress on January 16, 1957. An alltime record peacetime expenditure of $71.8 billion was requested with the proposed expenditure increases distributed broadly and consisting for the most part of many small increases. Budget receipts were estimated at $73.6 billion, based partly on the assumption that surpluses would exist both in 1957 and 1958. A casual examination of this budget clearly showed that it was in precarious balance depending on postal rate increases and other anticipations, which will probably not take place plus the hope for a steadily rising income. The people generally believed this budget to be inconsistent with good government so they demanded that cuts be made, thereby stabilizing and encouraging the sound growth of our economy.

When you examine the Federal budget, you really study three budgets: the expenditure budget; the budget of new authorizations and appropriations; and the budget of unexpended balances in prior appropriations from which expenditures may be made during the coming year without any current action by Congress.

In comparing the 1958 budget with amounts approved for prior years, we find that for 1957, $60,647,000,000 was approved; for 1956, $53,124,000,000; for 1955, $47,464,000,000; for 1954, $54,539,000,000; for 1953, $75,355,000,000; for 1952, $91,059,000,000; for 1951, $84,982,000,000; and for 1950, $37,825,000,000 was approved.

Federal spending on the scale proposed would have an inflationary effect on our whole economy, and higher living costs would be inevitable. A continually rising trend in expenditures poses a great threat to the economy of this country. Our people expressed their opinion concerning this budget, and their resentment reflects the emotional antipathy toward high taxes which is so general today.

In examining this budget, we find that the Federal payroll for civilian employees, including foreign nationals, amounts to slightly over $1 billion per month. Our Government is the largest business in the world, and it requires nearly 2½ million employees to operate it. Along with our big Government, we have the largest debt in the world, $275 billion, which is more than the debts of all the other countries combined.

The budget deals in terms of billions. A billion is a formidable figure and almost beyond our comprehension. One of the fine newspapers in my district carried an editorial recently entitled "Billion Minutes Since Christ's Birth." This editorial aids in our conception of a billion by showing that if you multiply 60 minutes times 24 hours times 365 days times 1,957 years, the answer is

1,028,599,200 minutes. Should you multiply this figure by 60 to obtain the number of seconds since Christ's birth, you will find that the proposed expenditure for 1958 is still larger.

This budget estimates that the revenue will be received from these sources: 29 percent from corporation income taxes, 51 percent from individual income taxes, 12 percent from excise taxes, and 8 percent from other taxes. This budget seeks appropriations expending this revenue as follows: 59 percent for national security, 10 percent for interest, 7 percent for veterans, 7 percent for agriculture, 2 percent for debt retirement, and 15 percent for other governmental functions.

Appropriations must originate in the House. Shortly after the President's budget message was submitted, the Committee on Appropriations, of which I am a member, divided into 13 subcommittees to pass upon the requests of the different departments and agencies of our Government. Our committee is composed of 50 members, 30 Democrats and 20 Republicans, who are assigned to the following subcommittees: Agriculture and Related Agencies; Department of Defense; Commerce and Related Agencies; Foreign Operations—Foreign Aid; General Government Matters; Independent Offices; Interior and Related Agencies; Labor and Health, Education and Welfare; Public Works; Justice, State and Judiciary and Related Agencies; Treasury and Post Office; District of Columbia; and Legislative Appropriations.

The three subcommittees on which I serve are agricultural appropriations, foreign operations appropriations, and District of Columbia appropriations. We start first with agricultural appropriations and consume some 60 days in hearings. After our bill is approved by the full committee and passed in the House, it is sent to the Senate. The procedure for the District of Columbia appropriations bill and foreign operations bill follows the same pattern. Ordinarily the foreign operations bill is the last appropriations bill received by the House of Representatives before adjournment.

The main difficulty faced by the members of the Committee on Appropriations and Congress in making reductions in this budget stems from the fact that much of the money to be expended has already been provided for in authorizations and appropriations permitting the purchase of goods to be paid for on delivery and the expending of borrowed funds. Another deterrent is the fact that so many expenditures are fixed by basic law. With more than 57 percent of the 1958 spending program thus out of reach, Congress operates at a considerable handicap in trying to cut the budget.

The high level of expenditure proposed for 1958 simply means no tax reductions for our people this year. A drop of less than 2 percent in receipts would cause serious budgetary repercussions. An increase in revenue has been largely absorbed by increased spending, thus precluding both tax reductions and significant retirement of the public debt.

Our committee called upon the President, the Bureau of the Budget and heads of departments to suggest places where reductions in this record peacetime budget could be made. We proceeded with our hearings and reductions were made.

The House of Representatives so far has appropriated $56,215,000,000 for Treasury and Post Office; Interior; General Government Matters; Independent Offices; Labor, Health, Education, and Welfare; District of Columbia; Commerce; State, Justice and Judiciary; Agriculture; Legislative; Department of Defense; Public Works; Supplemental for Post Office; Supplemental for 1958 and Mutual Security. The total requests for all of these departments and items amounted to $61,416,229,615. This is a reduction on the part of the House of Representatives of $5,200,714,309 or 8.4 percent. The Second Supplemental and Deficiency Appropriations for 1957 request amounted to $55,100,000, and we reduced this 11.1 percent, appropriating $48,990,000. The Urgent Deficiency Appropriation bill requesting $327 million was approved in the House in the sum of $320,090,000 for a cut of 2.1 percent. The Third Supplemental Appropriation bill for 1957 requested $206,699,320, and the House approved $94,840,788 for a reduction of 54.1 percent.

The price of peace is high. There is no indication of immediate relaxation of international tensions between the Communist East and the Free West. None of us would jeopardize our Nation's defenses. Our defense cost this fiscal year totals $33,759,850,000, and we must expect such costs until peace prevails throughout the world. We can save some $5 to $6 billion each year on our defense expenditures when we have complete and full unification of our military services in this country. Our President is the man to bring this about. A military leader who has witnessed duplications, wastes and extravagances costing this country billions of dollars is now in a position to demand and enforce complete unification in our armed services. So far nothing has been done to unify the extravagant purchasing system of the different military arms. We must continue to eliminate nonessentials in our budgets. We can spend our country into destruction. Our use of the paring knife on this distended budget was proper in every respect.

Mr. Speaker, the budget for 1958 was the most important issue presented during the 1st session of the 85th Congress, and its reduction was our greatest achievement.

## LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. WALTER of Pennsylvania (at the request of Mr. MCCORMACK), indefinitely, on account of illness.

Mr. PILCHER, for 10 days, on account of official business.

Mr. VINSON, for 10 days, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. SULLIVAN, for 40 minutes, on tomorrow.

Mr. HESELTON (at the request of Mr. MARTIN), for 30 minutes, on tomorrow.

Mr. MEADER (at the request of Mr. TABER), for 10 minutes, tomorrow.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. KING (at the request of Mr. BARTLETT).

Mr. CEDERBERG and to include an editorial.

Mr. RHODES of Arizona and to include extraneous matter.

Mr. WESTLAND and to include extraneous matter.

Mr. MACK of Illinois and to include extraneous matter.

Mr. DINGELL (at the request of Mr. BLATNIK) and to include extraneous matter.

Mr. POWELL (at the request of Mr. BLATNIK) in three instances and to include extraneous matter.

Mr. TALLE and to include extraneous matter.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 314. An act to assist the United States cotton-textile industry in regaining its equitable share of the world market; to the Committee on Agriculture.

S. 479. An act to convey right-of-way to Eagle Creek Intercommunity Water Supply Association; to the Committee on Agriculture.

S. 628. An act to direct the Secretary of the Army to convey certain property located at Boston Neck, Narragansett, Washington County, R. I., to the State of Rhode Island; to the Committee on Armed Services.

S. 1040. An act to amend the acts known as the Life Insurance Act, approved June 19, 1934, and the Fire and Casualty Act, approved October 9, 1940; to the Committee on the District of Columbia.

S. 1245. An act to provide a right-of-way to the city of Alamagordo, a municipal corporation of the State of New Mexico; to the Committee on Agriculture.

S. 1294. An act for the relief of Maria del Carmen Viquera Pinar; to the Committee on the Judiciary.

S. 1728. An act to provide certain assistance to State and Territorial maritime academies or colleges; to the Committee on Merchant Marine and Fisheries.

S. 2042. An act to authorize the conveyance of a fee simple title to certain lands in the Territory of Alaska underlying war housing project Alaska-50083, and for other purposes; to the Committee on Banking and Currency.

S. 2110. An act for the relief of Shirley Leeke Kilpatrick; to the Committee on the Judiciary.

S. 2352. An act for the relief of Deanna Marie Greene (Okhe Kim); to the Committee on the Judiciary.

S. 2353. An act for the relief of Charles Frederick Canfield (Kim Yo Sep); to the Committee on the Judiciary.

S. 2488. An act for the relief of Kim, Hyun Suck; to the Committee on the Judiciary.

S. 2606. An act to amend Private Law 498, 83d Congress (68 Stat. A108), so as to permit the payment of an attorney fee; to the Committee on the Judiciary.

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

S. Con. Res. 45. Concurrent resolution authorizing the printing of additional copies of the hearings on the mutual security program for fiscal year 1958 for the use of the Committee on Foreign Relations; to the Committee on House Administration.

S. Con. Res. 47. Concurrent resolution to print additional copies of part 1 and subsequent parts of hearings entitled "Investigation of the Financial Condition of the United States," held by the Committee on Finance during the 85th Congress, 1st session; to the Committee on House Administration.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 38. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of casein;

H. R. 110. An act to amend section 372 of title 28, United States Code;

H. R. 277. An act to amend title 17 of the United States Code entitled "Copyrights" to provide for a statute of limitations with respect to civil actions;

H. R. 499. An act to direct the Secretary of the Navy or his designee to convey a 2,477.43-acre tract of land, avigation and sewer easements in Tarrant and Wise Counties, Tex., situated about 20 miles northwest of the city of Fort Worth, Tex., to the State of Texas;

H. R. 896. An act to amend title 10, United States Code, to authorize the Secretary of the Army to furnish heraldic services;

H. R. 1214. An act to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Korean conflict;

H. R. 1318. An act for the relief of Thomas P. Quigley;

H. R. 1324. An act for the relief of Westfeldt Bros.;

H. R. 1394. An act to authorize the sale of certain keys in the State of Florida by the Secretary of the Interior;

H. R. 1591. An act for the relief of the Pacific Customs Brokerage Co., of Detroit, Mich.;

H. R. 1733. An act for the relief of Philip Cooperman, Aron Shriro, and Samuel Stackman;

H. R. 1937. An act to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of a stadium in the District of Columbia, and for other purposes;

H. R. 2136. An act to amend section 214 (c) of title 28 of the United States Code so as to transfer Shelby County from the Beaumont to the Tyler division of the eastern district of Texas;

H. R. 3367. An act to amend section 1867 of title 28 of the United States Code to authorize the use of certified mail in summoning jurors;

H. R. 3877. An act to validate a patent issued to Carl E. Robinson, of Anchor Point, Alaska, for certain land in Alaska, and for other purposes;

H. R. 4144. An act to provide that the commanding general of the militia of the District of Columbia shall hold the rank of brigadier general or major general;

H. R. 4191. An act to amend section 633 of title 25, United States Code, prescribing fees of United States commissioners;

H. R. 4193. An act to amend section 1716 of title 18, United States Code, so as to conform to the act of July 14, 1956 (70 Stat. 538-540);

H. R. 4609. An act to further amend the act entitled "An act to authorize the conveyance of a portion of the United States military reservation at Fort Schuyler, N. Y., to the State of New York for use as a maritime school, and for other purposes," approved September 5, 1950, as amended;

H. R. 4992. An act for the relief of Michael D. Ovens;

H. R. 5061. An act for the relief of Harry V. Shoop, Frederick J. Richardson, Joseph D. Rosenlieb, Joseph E. P. McCann, and Junior K. Schoolcraft;

H. R. 5810. An act to provide reimbursement to the tribal council of the Cheyenne River Sioux Reservation in accordance with the act of September 3, 1954;

H. R. 5811. An act to amend subdivision b of Section 14—Discharges, When Granted—of the Bankruptcy Act, as amended, and subdivision 2 of section 58—Notices—of the Bankruptcy Act, as amended;

H. R. 5920. An act for the relief of Pedro Gonzales;

H. R. 6172. An act for the relief of Thomas F. Milton;

H. R. 6868. An act for the relief of the estate of Agnes Moulton Cannon and for the relief of Clifton L. Cannon, Sr.;

H. R. 7636. An act to provide for the conveyance to the State of Florida of a certain tract of land in such State owned by the United States;

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;

H. J. Res. 230. Joint resolution to suspend the application of certain Federal laws with respect to personnel employed by the House Committee on Ways and Means in connection with the investigations ordered by House Resolution 104, 85th Congress;

H. J. Res. 313. Joint resolution designating the week of November 22-28, 1957, as National Farm-City Week; and

H. J. Res. 351. Joint resolution to establish a Lincoln Sesquicentennial Commission.

H. J. Res. 430. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1153. An act for the relief of Zdenka Sneler;

S. 1167. An act for the relief of John Nicholas Christodoulias;

S. 1175. An act for the relief of Helene Cordery Hall;

S. 1241. An act for the relief of Edward Martin Hinsberger;

S. 1290. An act for the relief of Lee-Ana Roberts;

S. 1293. An act for the relief of Eithaniahu (Elton) Yellin;

S. 1306. An act for the relief of Pao-Wei Yung;

S. 1307. An act for the relief of Toribia Basterrechea (Arrola);

S. 1308. An act for the relief of Carmen Jeanne Launois Johnson;

S. 1335. An act for the relief of Sandra Ann Scott;

S. 1370. An act for the relief of Wanda Wawrzyczek;

S. 1387. An act for the relief of Rebecca Jean Lundy (Helen Choy);

S. 1421. An act for the relief of Ansis Luiz Darzins;

S. 1482. An act to amend certain provisions of the Columbia Basin Project Act, and for other purposes;

S. 1496. An act for the relief of Nicoleta P. Pantelakis;

S. 1685. An act for the relief of Sic Gun Chau (Tse) and Hing Man Chau;

S. 1736. An act for the relief of Rosa Sigl;

S. 1767. An act for the relief of Eileen Sheila Dhanda;

S. 1783. An act for the relief of Randolph Stephan Walker;

S. 1804. An act for the relief of Marjeta Winkle Brown;

S. 1815. An act for the relief of Nicholas Dilles;

S. 1817. An act for the relief of John Panagiotou;

S. 1838. An act for the relief of Charles Douglas;

S. 1848. An act for the relief of Michelle Patricia Hill (Patricia Adachi);

S. 1896. An act for the relief of Maria West;

S. 1902. An act for the relief of Belia Rodriquez Ternoir;

S. 1910. An act for the relief of Salvatore Salerno;

S. 1962. An act to authorize the Secretary of Agriculture to convey a certain tract of land owned by the United States to the Perkins chapel Methodist Church, Bowie, Md.;

S. 2003. An act for the relief of Jozice Matana Koulis and Davorko Matana Koulis;

S. 2063. An act for the relief of Guy H. Davant;

S. 2095. An act for the relief of Vaclav, Uhlik, Marta Uhlik, Vaclav Uhlik, Jr., and Eva Uhlik;

S. 2165. An act for the relief of Gertrud Mezger;

S. 2229. An act to provide for Government guaranty of private loans to certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport aircraft by such carriers, and for other purposes;

S. 2434. An act to amend the act entitled "An act to provide books for the adult blind";

S. 2438. An act to amend the District of Columbia Business Corporation Act; and

S. 2460. An act to authorize the transfer of certain housing projects to the city of Decatur, Ill., or to the Decatur Housing Authority.

## BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on August 26, 1957,

present to the President, for his approval, bills of the House of the following titles:

H. R. 2580. An act to increase the storage capacity of the Whitney Dam and Reservoir and to make available 50,000 acre-feet of water from the reservoir for domestic and industrial use;

H. R. 2938. An act for the relief of Cooperative for American Remittances to Everywhere, Inc.;

H. R. 4336. An act for the relief of the First National Bank of Birmingham, Ala.;

H. R. 5851. An act for the relief of the legal guardian of Mrs. Mattie Jane Lawson;

H. R. 6363. An act to amend the act of May 24, 1928, providing for a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., to provide for the construction of another bridge, and for other purposes;

H. R. 7864. An act to amend the act of May 4, 1956 (70 Stat. 130), relating to the establishment of public recreational facilities in Alaska;

H. R. 8126. An act to amend section 16 (c) of the Revised Organic Act of the Virgin Islands;

H. R. 8646. An act to amend the Alaska Public Works Act (63 Stat. 627, 48 U. S. C. 486, and the following) to clarify the authority of the Secretary of the Interior to convey federally owned land utilized in the furnishing of public works;

H. R. 8679. An act to provide a 1-year extension of the program of financial assistance in the construction of schools in areas affected by Federal activities under the provisions of Public Law 815, 81st Congress;

H. R. 9023. An act to amend the act of October 31, 1949, to extend until June 30, 1960, the authority of the Surgeon General to make certain payments to Bernalillo County, N. Mex., for furnishing hospital care to certain Indians; and

H. R. 9379. An act making appropriations for the Atomic Energy Commission for the fiscal year ending June 30, 1958, and for other purposes.

## ADJOURNMENT

Mr. O'HARA of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to. Accordingly (at 6 o'clock and 30 minutes p. m.) the House adjourned until tomorrow, Wednesday, August 28, 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:

1169. A letter from the Chairman, the United States Advisory Commission on Educational Exchanges, transmitting the 18th semiannual report on the educational exchange activities for the period January 1 through June 30, 1957, pursuant to Public Law 402, 80th Congress (H. Doc. No. 236); to the Committee on Foreign Affairs and ordered to be printed.

1170. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for salaries and expenses, Bureau of Old-Age and Survivors Insurance for the fiscal year 1958, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1171. A letter from the Secretary of Defense, transmitting a report on real and personal property of the Department of Defense as of December 31, 1956, pursuant to the National Security Act of 1947, as amended; to the Committee on Armed Services.

1172. A letter from the Acting Secretary of Commerce, transmitting a report of all claims paid by the Department of Commerce during fiscal year 1957, pursuant to section 404 of the Federal Tort Claims Act (28 U. S. C. 2673); to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. GREEN of Oregon: Joint Committee on the Disposition of Executive Papers. House Report No. 1260. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. COOPER: Committee on Ways and Means. H. R. 6006. A bill to amend certain provisions of the Antidumping Act, 1921, to provide for greater certainty, speed, and efficiency in the enforcement thereof, and for other purposes; with amendment (Rept. No. 1261). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H. R. 8863. A bill to remove the present $1,000 limitation which prevents the settlement of certain claims arising out of the crash of an aircraft belonging to the United States at Worcester, Mass., on July 18, 1957; without amendment (Rept. No. 1262). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. Report pursuant to House Resolution 94, 85th Congress, pertaining to a Special Subcommittee on Coal Research; without amendment (Rept. No. 1263). 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 XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H. R. 8139. A bill for the relief of Mrs. Catherine Pochon Dike; without amendment (Rept. No. 1245). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 281. An act for the relief of Jaffa Kam; without amendment (Rept. No. 1246). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 684. An act for the relief of Ilse Striegan Bacon; without amendment (Rept. No. 1247). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 880. An act for the relief of Necmettin Cengiz; without amendment (Rept. No. 1248). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 882. An act for the relief of Pauline Ethel Angus; without amendment (Rept. No. 1249). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1456. An act for the relief of Refugio Guerrero-Monje; without amendment (Rept. No. 1250). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1467. An act for the relief of Itsumi Kasahara; without amendment (Rept. No. 1251). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1582. An act for the relief of Helen Demouchikous; with amendment (Rept. No. 1252). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1635. An act for the relief of Maria Talioura Boisot; without amendment (Rept. No. 1253). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1636. An act for the relief of Delfina Cinco de Lopez; with amendment (Rept. No. 1254). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1835. An act for the relief of Maria Domenica Ricci; without amendment (Rept. No. 1255). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1921. An act for the relief of Maria Goldet; without amendment (Rept. No. 1256). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2028. An act for the relief of Sherwood Lloyd Pierce; without amendment (Rept. No. 1257). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2041. An act for the relief of Sala Weissbard; without amendment (Rept. No. 1258). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2204. An act for the relief of Margaret E. Culloty; without amendment (Rept. No. 1259). 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 Florida:

H. R. 9455. A bill to amend section 710 of the Merchant Marine Act, 1936, to require a payment bond from persons who charter certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT of Michigan:

H. R. 9456. A bill to amend title II of the Social Security Act to provide that an individual's disability insurance benefits under that title shall not be reduced because of any periodic benefits payable to him by the Veterans' Administration; to the Committee on Ways and Means.

By Mr. BOW:

H. R. 9457. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. BROOMFIELD:

H. R. 9458. A bill to exchange certain lands in the city of Detroit, Mich.; to the Committee on Government Operations.

By Mr. BROYHILL:

H. R. 9459. A bill to amend section 1161 (b) of title 10 of the United States Code to provide that retired commissioned officers

dropped from the rolls shall not thereby forfeit their retired pay; to the Committee on Armed Services.

By Mr. SAYLOR:

H. R. 9460. A bill to encourage and stimulate the production and conservation of coal in the United States through research and development by creating a Coal Research and Development Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURNS of Hawaii:

H. R. 9461. A bill to amend the joint resolution of the Legislature of the Territory of Hawaii, as amended by the act of August 23, 1954, to permit the granting of patents in fee simple to certain occupiers of public lands; to the Committee on Interior and Insular Affairs.

H. R. 9462. A bill to amend the Hawaiian Homes Commission Act, 1920, to authorize the Hawaiian Homes Commission to approve and guarantee loans not exceeding $10,000 made to Hawaiian homes homesteaders by private financing institutions; to the Committee on Interior and Insular Affairs.

H. R. 9463. A bill authorizing the donation of certain surplus personal property to the Territory of Hawaii; to the Committee on Government Operations.

By Mr. BYRD:

H. R. 9464. A bill to prohibit Government agencies from acquiring or using the National Grange headquarters site without specific Congressional approval, to provide for renovation of the old State Department Building, and for other purposes; to the Committee on Public Works.

By Mr. CEDERBERG:

H. R. 9465. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide for retirement of certain officers and employees involuntarily separated from positions in the Canal Zone Government and the Panama Canal Company, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COFFIN:

H. R. 9466. A bill to repeal the authority of Federal Reserve banks, under section 13 (b) of the Federal Reserve Act, to make business loans, and to amend the Small Business Act of 1953 to assist State programs for small business; to the Committee on Banking and Currency.

By Mr. FORAND:

H. R. 9467. A bill to amend the Social Security Act and the Internal Revenue Code so as to increase the benefits payable under the Federal old-age, survivors, and disability insurance program, to provide insurance against the costs of hospital, nursing home, and surgical service for persons eligible for old-age and survivors insurance benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. HALE:

H. R. 9468. A bill to provide certain assistance to State and Territorial maritime academies or colleges; to the Committee on Merchant Marine and Fisheries.

By Mr. KEARNEY:

H. R. 9469. A bill to regulate the foreign commerce of the United States by establishing quantitative restrictions on the importation of knit handwear; to the Committee on Ways and Means.

By Mr. McCARTHY:

H. R. 9470. A bill to prohibit Government agencies from acquiring or using the National Grange headquarters site without specific Congressional approval, to provide for renovation of the old State Department Building, and for other purposes; to the Committee on Public Works.

By Mr. PORTER:

H. R. 9471. A bill to amend the Railroad Retirement Act of 1937 to provide for the investment of not less than $1 billion of the amounts in the railroad retirement account in mortgages insured by the Federal Housing Commissioner; to the Committee on Interstate and Foreign Commerce.

By Mr. REECE of Tennessee:

H. R. 9472. A bill relating to the promotion of certain officers and former officers of the Army of the United States, or of the Air Force of the United States, or of any component thereof, retired for physical disability; to the Committee on Armed Services.

By Mr. ROBESON of Virginia:

H. R. 9473. A bill to authorize the construction and sale by the Federal Maritime Board of a superliner passenger vessel equivalent to the steamship *United States;* to the Committee on Merchant Marine and Fisheries.

By Mr. SHELLEY:

H. R. 9474. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of Mississippi:

H. R. 9475. A bill to terminate the authority for third-class bulk mail; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H. R. 9476. A bill to regulate the foreign commerce of the United States by establishing quantitative restrictions on the importation of knit handwear; to the Committee on Ways and Means.

By Mr. TOLLEFSON:

H. R. 9477. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. EDMONDSON:

H. R. 9478. A bill to encourage and stimulate the production and conservation of coal in the United States through research and development by creating a Coal Research and Development Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

H. R. 9479. A bill to amend the Internal Revenue Code of 1954 to increase the depletion allowance for coal and lignite; to the Committee on Ways and Means.

By Mr. SAYLOR:

H. R. 9480. A bill to amend the Internal Revenue Code of 1954 to increase the depletion allowance for coal and lignite; to the Committee on Ways and Means.

By Mr. SIMPSON of Pennsylvania:

H. R. 9481. A bill to amend the Internal Revenue Code of 1954 so as to provide accounting procedures whereby dealers in personal property may exclude from gross income amounts withheld by banks and finance companies on notes purchased from such dealers employing the accrual method of accounting; to the Committee on Ways and Means.

By Mr. FULTON:

H. R. 9482. A bill to encourage expansion of teaching and research in the education of mentally retarded children or mentally or emotionally ill children, and to encourage the development of programs of rehabilitation for such children through grants to nonprofit institutions and to State educational agencies; to the Committee on Education and Labor.

H. R. 9483. A bill relating to certain inspections and investigations in metallic and nonmetallic mines (excluding coal and lignite mines) for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes; to the Committee on Education and Labor.

H. R. 9484. 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.

H. R. 9485. A bill to amend the public assistance provisions of the Social Security Act to eliminate certain inequities and restrictions and permit a more effective distribution of Federal funds; to the Committee on Ways and Means.

H. R. 9486. A bill to prohibit unjust discrimination in employment because of age; to the Committee on Education and Labor.

By Mr. BOYKIN:

H. J. Res. 452. Joint resolution to permit the utilization of existing structures on the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. HARDY:

H. Res. 412. Resolution to authorize the House Committee on Government Operations to conduct studies and investigations outside the United States during the 85th Congress; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H. R. 9487. A bill for the relief of Mrs. Tyra Fenner Tynes; to the Committee on the Judiciary.

By Mr. BOW:

H. R. 9488. A bill for the relief of Stefanos Frengos; to the Committee on the Judiciary.

By Mr. BURNS of Hawaii:

H. R. 9489. A bill for the relief of Mrs. Ivy Leong Lowe; to the Committee on the Judiciary.

By Mr. CURTIS of Massachusetts:

H. R. 9490. A bill for the relief of Sidney A. Coven; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H. R. 9491. A bill for the relief of Harry and Lena Stopnitsky; to the Committee on the Judiciary.

By Mr. FOGARTY:

H. R. 9492. A bill for the relief of Paula Dorian; to the Committee on the Judiciary.

By Mr. MORRISON:

H. R. 9493. A bill for the relief of Meir Sutton; to the Committee on the Judiciary.

By Mr. NIMTZ:

H. R. 9494. A bill for the relief of Cecilio Williams; to the Committee on the Judiciary.

By Mr. PHILBIN (by request):

H. R. 9495. A bill for the relief of Cho Hung Choy; to the Committee on the Judiciary.

By Mr. POWELL:

H. R. 9496. A bill for the relief of Mrs. Ruth Feuer and her minor son, Ejlat Feuer; to the Committee on the Judiciary.

By Mr. SCOTT of Pennsylvania:

H. R. 9497. A bill for the relief of Albert R. Sabaroff; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H. R. 9498. A bill for the relief of Eduard Benc, his wife, Hilde Benc, and their minor children, Elfride, Judith, and Maria Benc; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

337. The SPEAKER presented a petition of the secretary, Sons of the American Revolution, Patrick Henry Chapter, Austin, Tex., requesting that they be placed on record as favoring legislation which will rectify the Supreme Court decision generally referred to as the Jencks case, which was referred to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## Lebanon Celebrates Its 14th Anniversary of Independence

EXTENSION OF REMARKS

OF

### HON. ADAM C. POWELL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. POWELL. Mr. Speaker, when I came back from the Bandung Conference, I announced that I would address the United States Congress each time there was an anniversary of one of the 29 participating nations in the Asian-African conference on friendly relations with the United States.

Inasmuch as the Congress will not be in session at the time of the event, I wish to take this opportunity to extend my sincere felicitations to the people of Lebanon, President Camille Chamoun, and His Excellency Victor A. Khouri, Ambassador of Lebanon, on the occasion of the 14th anniversary of the independence of Lebanon, November 22, 1957.

Lebanon, which gave to civilization the alphabet, navigation, glass manufacturing, and the first stone building in the world, is one of the smallest modern states—little more than half the size of New Jersey—and yet one of the richest in beauty and picturesque sceneries.

Though the Lebanese population is Arab, she is the only Middle Eastern country that is officially Christian. Lebanon became the Christian center of the Middle East in the late 19th century. Christians were being massacred in the Druse Mountains and around Damascus. France sent a squadron of warships to Beirut, and the Christians flocked down to the coast for protection. When their independence was recognized in 1943, the Lebanese made an agreement among themselves to insure protection of the rights of all religious communities.

After having heroically opposed in different epochs numerous invasions, the Lebanese still stand firm for their freedom and independence. With varying fortunes they maintained a high spirit of liberty. Grave crises have arisen to plague the new government, but these occasions of friction have had the effect of strengthening rather than weakening Lebanon's independence. Lebanon wants above all to be left in peace to attend to her own affairs. Foreign Minister Charles Malik has made it clear that on one hand Lebanon is an Arab country prepared to help defend the rights of all Arabs, but on the other she is a sovereign state defending her own interests and following her own conscience, not willing to obey blindly the dictates of other Arab states any more than those of the West. Lebanon has taken the lead in welcoming President Eisenhower's proposal for economic aid and military support to Middle Eastern states.

## New Federal Prison Is Urgently Needed To Keep Overcrowding of Dangerous Criminals From Reaching the Explosive Stage

EXTENSION OF REMARKS

OF

### HON. PETER F. MACK, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. MACK of Illinois. Mr. Speaker, Congress has seen fit to refuse an appropriation this year for construction of a new maximum-security prison in the Midwest. It was another victim of the economy ax. This institution is urgently needed by the Federal Bureau of Prisons to keep overcrowding of the most dangerous criminals from reaching the explosive stage. I am confident, therefore, that Congress soon will provide money for its construction, perhaps in the next session.

With this in mind, I would like to acquaint the House with a strange paradox that has come to my attention in connection with an area that has been proposed as a site for the new prison. The businessmen of Taylorville, in the 21st Congressional District of Illinois, have taken an option on a tract of land which they have offered to donate free to the Government as a site for the prison. Taylorville is the seat of Christian County.

The paradox to which I referred is that Christian County is Illinois' leading coal-producing county but at the same time is an area of considerable unemployment, largely as a result of mine shutdowns.

The first three paragraphs of this news story in the Illinois State Journal of Saturday, June 15, tell the story:

> Christian County remained far out in front during May as the top coal-producing county, according to a report yesterday by Ben H. Schull, State directors of mines and minerals.
>
> Christian's two mines, with 1,269 workers, produced 589,886 tons.
>
> In second place was Williamson County where 25 mines and 15,575 miners turned out 460,212 tons.

So in this age of rapidly increasing mechanization we have a case where 29 percent more coal is produced by one-twelfth as many miners.

What has this situation done to the economy of Christian County?

A survey, made at my request, showed that of a total Christian County labor force of 13,600, 6 percent were unemployed in April 1957. During that month, too, Christian County led the State in coal production.

With this number of unemployed, Christian County would be eligible for Federal classification as an area of substantial labor surplus if it were not for one purely arbitrary factor. In order to be considered for such a classification an area must have a total labor force of at least 15,000. Christian County's labor force is 13,600, according to the April survey made by the Illinois Division of Placement and Unemployment Compensation in pursuance to a request made by me through the Bureau of Employment Security of the United States Department of Labor.

The proportion of unemployed in Christian County would be much higher than 6 percent if it were not for the fact that hundreds of men thrown out of work by coal mine shutdowns have found employment at industrial plants in Springfield and Decatur.

These jobs have two serious disadvantages. First, Taylorville is 29 miles from Decatur and 27 miles from Springfield. Commuting to these cities imposes a personal hardship and an additional expense on the Christian County worker. Second, skilled coal miners who have taken anything they could get to do at the Springfield and Decatur plants are the first to be laid off in slack production seasons because they lack seniority.

Mr. Speaker, the United States is said to be enjoying a period of unparalleled prosperity. Yet 6 percent of the workers of Christian County, Ill., are without jobs and many others are forced to commute long distances to earn an income. The coal industry is booming, but many miners are without jobs in the largest coal-producing county of Illinois. This is the paradox that I want to bring to the attention of the House.

## For Liberty of People To Bear Arms

EXTENSION OF REMARKS

OF

### HON. RALPH W. YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

*Tuesday, August 27, 1957*

Mr. YARBOROUGH. Mr. President, the Alcohol and Tobacco Division of the Internal Revenue Department is holding a hearing today on its proposals for a registration law requiring all manufacturers and dealers in firearms to keep a record of all sales of firearms, and another proposed regulation, proposing to require every person who buys a gun or any ammunition to sign a receipt for it.

Mr. President, I regard this proposed regulation as unnecessary, burdensome, and unduly restrictive of the rights of the American people. I oppose it, and presented a statement at the hearing today in the Department of Commerce Auditorium before the Alcohol and Tobacco Tax Unit of the Bureau of Internal Revenue. I ask unanimous consent that the statement be printed in the CONGRESSIONAL RECORD.

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

> These proposed regulations would require all dealers to maintain a permanent record of all firearms received and disposed of, and

would require every person who buys a gun or a box of shells to sign a receipt therefor. In my opinion these are unnecessarily burdensome restrictions on our people.

The people of Texas generally are accustomed to use firearms. This proposed law would require every farm boy to register his gun and have a receipt for every shell or cartridge bought if he wanted to hunt a buck, turkey, squirrel, dove, quail, or rabbit, or shoot a rattlesnake or wildcat. The rural homeowner would need a Federal receipt to protect his chicken farm from a chicken hawk or from a rabid fox.

Our people are a loyal people. They can be trusted by the Government. Who is afraid of the people? This regulation smacks of a police state. It would be more reasonable to require a permit to go swimming in navigable waters than to require a shotgun and shell permit to hunt rabbits, because the swimming is more dangerous than the hunting.

The oldest shooting club in the United States is at New Braunfels, Texas. The familiarity of our people with firearms has been a strong factor in the ability of our citizen soldiers to prepare speedily for battle in time of war. A nation of outdoorsmen is a healthy, vigorous nation. These restrictive and burdensome regulations would make it more expensive to keep and use guns and rifles. They would lessen the zeal of our people for outdoor sports in time of peace and effective military service in time of war.

These regulations put bureaucracy in every gun closet in every home in America, and if adopted, would end the ancient concept that "every man's home is his castle," because it would invade the right to defend that home.

I hope that this regulation is defeated. The taxpayers do not need a new burden to hire a new group of agents to keep count of all the shotguns and rifles and shells purchased for every home in America.

## Federal Aid for School Construction

EXTENSION OF REMARKS

OF

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. RHODES of Arizona. Mr. Speaker, everyone wants to build schools. The Members of this body, and indeed the citizens of our country, do not all agree on the proper method of building schools, nor on the responsibility for their construction. One segment of our population believes that only local authorities should build the schools. Another segment believes that it should be a combination of local and State authorities. Still another group feels that there is a Federal responsibility involved, and that the Federal Government should assume part of the responsibility for school construction.

As a member of the Education and Labor Committee, I have always maintained that provided the Federal Government does not control education, it is immaterial as to who builds the schools. The only material factor is that they actually be constructed, and that no American child receive a substandard education because of lack of facilities.

The records will show that the local authorities, in almost every section of the country, are doing their utmost to build schools. Only in very rare instances do we have a school district which is not ready and willing to tax its last resources to provide schools. However, try as they will, the local authorities have not in all cases been able to provide schools needed to educate an increasing school age population.

In many States, the State itself has stepped into the breach and has helped the local school districts in the construction of schools. In almost every instance in which this has occurred, the problem of providing schools has been solved. In fact, I am satisfied that the problem can be solved by any State if it desires to render substantial financial aid to the local school districts.

If the States would face up to their responsibilities, we would not need to even discuss the possibility of Federal aid to school construction. Or, if more builders, or just plain citizens, would feel that it was their responsibility to help provide schools, there would be no need for Federal aid to school construction.

A fine example of a builder facing up to what he deems to be his responsibility is set forth in the following editorial from the Arizona Republic. In this editorial is recounted the story of how the Cartwright School District, as hard pressed a school district as there is in this country, was helped by a progressive builder, John F. Long, of Phoenix, to meet its existing classroom shortage. The editorial follows:

EXAMPLE AT CARTWRIGHT

Now that Congress has killed the Federal school aid bill, local communities are faced with the necessity of meeting their own classroom shortages. A lot of them could take a lesson from the Cartwright School District in Phoenix. Like a few other districts in Arizona, Cartwright is in serious straits because it has bonded itself to the legal limit and still faces a classroom shortage. It has been caught on the merry-go-round of a population growing so fast that increases in assessed valuation can't keep pace.

Cartwright is fortunate in one respect. It counts a progressive home builder among its greatest assets. He is John F. Long, who has turned the farms out on West Indian School Road into modern housing developments with hundreds of homes.

Appreciating the school problem to which his developments have contributed, Mr. Long has started construction of a 12-classroom school for the Cartwright district. He has provided the land, and has even furnished the architectural work. He says the final bill will be about half of the standard price. The school building will be turned over to the district on a lease-purchase agreement, thus removing the need for a bond issue (which the district can't issue) and permitting for payment in the form of rent (which the district can pay because it will receive State aid based on the increased average daily attendance).

The only place where Federal school aid ever made sense was in such population-impacted areas as the Cartwright district. But the district's school board, with the help of Mr. Long, is showing how even the most rapidly growing areas can overcome the classroom shortage if they quit sitting around and waiting for Uncle Sam to do it. The lease-purchase scheme should be widely adopted through the country, thus ending for all time the annual request for a handout from Washington, a handout that local taxpayers will have to pay in the long run anyway.

If more builders would face up to this responsibility, and more States would face up to their responsibility, there would be no school problem. Realizing that the States need to enter this field, the Republican Party of the State of Arizona included the following plank in its 1956 platform:

EDUCATION

The future of our State rests with our children; therefore, their education is of prime importance. The tremendous expense involved dictates efficiency and economy. We pledge our support to the highest standards of education with equal opportunity for all children.

Many rapidly growing school districts in the State have reached the limit of their bonded indebtedness, and yet are unable to build adequate school facilities. We recommend the establishment of a State school building authority to render financial assistance through lease-purchase agreements to districts currently unable to provide essential school buildings.

The ever-increasing needs of higher education are so important and their cost so great, we believe that Arizona must approach the problem without sectional bias. We shall seek to provide for such needs, utilizing all available resources within a statewide framework.

Mr. Speaker, my own private platform for building schools is set forth in this extension of remarks. First, let every school district do its utmost to solve its own problem; second, let responsible private individuals realize that they are a part of the problem, and do what they can to help solve it; third, let the States themselves, through school building authorities or other means, help the school districts; fourth, if all of these measures still do not build sufficient schools, then the responsibility must in the end rest upon the Federal Government.

Can the Federal Government afford to help build schools? There is only one thing which we cannot afford in this country. We cannot afford to raise even one generation of uneducated or partially educated children. In this 20th century world with its complexities, its unveiling of scientific mysteries heretofore undreamed, its competition between ideologies, its deadly threat of an end to life in the shadow of a mushroom cloud, an educated population is our last, best weapon. To allow this mighty sword to corrode, or to lose its luster, would be to condemn the world to death, or to generations of Communist slavery. These things must not happen.

## More Power to Us

EXTENSION OF REMARKS

OF

### HON. JACK WESTLAND

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. WESTLAND. Mr. Speaker, under leave to extend my remarks, I would like to bring to the attention of my colleagues an announcement that should be of great interest to them as Members of the Congress.

In recent months there has been a great outcry by certain Members of the House and the other body that the Pacific Northwest was being sold down the river, in this case the Columbia and its tributaries, by Congress not reaching down into the sock and appropriating vast sums for grandiose dam building at the last undeveloped power site in the Northwest.

I would like to bring to the attention of my colleagues the fact that while these power politicos were noisily generating confusion and bluster, a group called the Puget Sound Utilities Council was quietly and firmly going ahead with plans to give the Northwest all the power it needs through its own efforts and through partnership with the Federal Government in sound, solid, feasible, economically reasonable projects throughout the Northwest.

But this group is not going to come running to Washington, hat in hand, to demand a governmental subsidy for all its power development. This group is going to spend $1 billion of its own money during the next 12 years in developing hydroelectric power from sites that the blockaders, the Federal-or-nothing powermongers, have claimed do not exist. Engineers hired by this group, which is composed of private, municipal, and public utility district power organizations, have shown that there are several good sites with power potentials that can be developed at costs that will not require a huge raid on the public treasury. The Federal Government will be called on to augment this expenditure, as the Federal Government has an interest and a role in the development of our water resources. However, the generating facilities created through the efforts of this group will have $1 billion of its money invested, and industrial development and the continued low power rates which accompany an abundant supply will continue throughout the Northwest.

I recently entered in the RECORD an article by William Hard who wrote it for the Reader's Digest. This article described the work of the Puget Sound Utilities Council in laudatory terms. After this article appeared, the gloom-and-doom brigade immediately denounced it as looking at the picture through rose-colored glasses, and again repeated their doleful predictions that unless the Government took over the burden of providing power for the Northwest exclusively, things would go to rack and ruin within a decade.

I am proud that the Snohomish County Public Utility District, which serves my home Snohomish County, is a member of this council, a group that has put aside the senseless wrangling over ideology concerning power generation, and has embarked on a bold, imaginative, hard-thought-out program to provide the crackling of kilowatts on the power lines of the Northwest, rather than the powerless bugling of laments and threats, the foot stomping and hand wringing which has characterized much of the attitude of those who have chosen to make power a political device rather than what it was intended, a source of constructive energy.

Herewith is the text of an Associated Press story concerning the announcement by the Puget Sound Utilities Council:

BILLION DOLLARS FOR NW POWER FORECAST

SEATTLE.—An outlay of $1 billion for more power during the next 12 years was forecast Tuesday by the Puget Sound Utilities Council.

A report by the council said the money would be spent by its members to assure enough energy to meet the growing domestic and industrial needs of the Puget Sound-Cascade Mountain area.

The council, organized 3 years ago for joint planning, is made up of Seattle and Tacoma City Light, Puget Sound Power & Light Co., and the Snohomish and Chelan County Public Utilities Districts.

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## The Immigration Problem

EXTENSION OF REMARKS

OF

## HON. JOHN F. KENNEDY

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

*Tuesday, August 27, 1957*

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD an editorial from the Jewish Times, of Massachusetts, and an editorial from the Pilot, the archdiocesan paper of Boston, regarding Senate bill 2792, the immigration bill.

In addition, I ask that there be printed in the RECORD an explanation of Senate bill 2792.

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

[From the Jewish Times]

NEW IMMIGRATION BILL

Some cracks of light were cast on the shadows of our immigration policy last night with the favorable action by the Senate on Massachusetts Senator JOHN F. KENNEDY'S immigration bill. This bill, which is said also to have the support of Chairman FRANCIS E. WALTER, of the House Immigration Subcommittee, would aid in the reunion of families, lift mortgages on quotas, and grant authority to admit orphans adopted by United States citizens.

Most important, the Senate finally has acted on that portion of the Kennedy bill which proposed the admission of Egyptian Jews and other beleaguered refugees through utilization of 14,000 of the unused visas provided under the Watkins Refugee Relief Act of 1953. Certainly the Egyptian Jewish refugees were as much victims of totalitarianism as those from Hungary and deserve such favorable treatment.

The piecemeal action contained in this legislative measure again highlights the crying need for a complete overhaul of our immigration system, which this newspaper has so continuously and consistently urged. Aside from the aspects of fair administrative procedure in the immigration mechanism, the vile national origins quota, the dynamic growth of this Nation's population, and the disappearance of physical frontiers calls for new attention to the philosophy governing immigration policy. Bills such as the one under discussion deserve passage because they correct bad situations, but their very minimum nature whets the appetite for some overall action in the field of immigration.

[From the Pilot, Boston, Mass.]

S. 2792

This week, at long last, an immigration bill was allowed to pass in the Senate, and it will now go to the House for further action. Senator KENNEDY, through very unpromising days, continued to press for some effective legislation and although this new bill (S. 2792) is not all that he wanted, it is probably the very best that could be had at the present. The reallocation of basic quotas had to be abandoned, and the regularization of parolees was also dropped from the legislation. This last item remains a blot on our generous gesture toward the fighting Hungarians last year and and should be attended to without delay.

We must, however, in these matters count our blessings, and in this case blessings won by diligence and insistence on the part of the junior Senator. Between the civil-rights fracas and the foreign-aid confusion it seemed for a while that there would be no immigration bill at all this session. The Senator's bill, among other provisions, will permit entrance of from sixty to seventy thousand people on the family reunion basis, by which near relatives are given preference through the allocation of special quotas in their regard. At the same time, every heart will warm to the provision which will allow an unlimited number of children under 14 to come to America if adopted by United States citizens. Besides this, the unused quotas from the Refugee Relief Act, which may run as high as 18,000 (though estimates vary), will be redistributed. These three items alone should encourage those who have labored so hard to bring charity and justice into our present legislation.

The struggle is far from over yet, all the same. It is just possible that some elements unfriendly to the philosophy of charity represented in this bill will aim at giving it trouble in the House. There are many champions in that body who can rise to its defense and we feel certain that the representatives from this area, now, as in the past, will be heard. The bill should be passed, and we are confident that it will be acted upon favorably at once.

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ANALYSIS OF KENNEDY IMMIGRATION BILL, S. 2792

Section 1: Under existing law some children are unable to accompany their parents because it is not clear that the term "stepchild" includes illegitimate children. The section clarifies existing law.

Section 2: Amplifies the definition of "child" as contained in the basic statute so as to include illegitimate children and children adopted while under the age of 14.

Section 3: Makes clear that spouses and children of aliens admitted to the United States under the skilled workmen provisions of the law shall be entitled to first preference, thereby allowing families to be reunited.

Section 4: Allows an unlimited number of orphans adopted by United States citizens to enter the United States during next 2 years. It is estimated that approximately 5,000 orphans will be ready to come to the United States within the 2-year period.

Section 5: Vests the Attorney General with discretionary authority to admit the spouse, child or parent of a citizen or an alien already in the United States, notwithstanding the fact that the relative may have committed some offense which is a bar to entry into the United States.

Section 6: This section would permit the Attorney General to authorize a visa for, and to admit to the United States, under such controls as he deemed necessary, the spouses, parents, and children of United States citizens or of lawfully resident aliens, notwithstanding the fact that such relative

is afflicted with tuberculosis. This is another measure primarily designed to alleviate hardship and to prevent the unnecessary separation of families.

Section 7: Forgives certain aliens misrepresentations which they made in connection with their applications for immigration. Most of these persons made these misrepresentations in order to avoid forcible repatriation by the Communists to countries behind the Iron Curtain.

Section 8: This section would grant discretionary authority to the Secretary of State and the Attorney General to waive the requirement of fingerprinting on a reciprocal basis, for aliens coming to the United States on a temporary basis.

Section 9: This section grants the Attorney General discretionary authority to adjust the status of certain skilled specialists who are in the United States temporarily but whose services have been deemed to be urgently needed in the United States. Spouses and children of those aliens would also be granted nonquota immigrant status. This section applies only to foreign skilled specialists who are in the United States on July 1, 1957.

Section 10: This section cancels the mortgages imposed on the quotas of certain countries pursuant to the Displaced Persons Act and other legislation. It is estimated that the lifting of these mortgages will result in approximately 8,000 quota numbers being made available each year, particularly in countries such as Latvia, Lithuania, Estonia, and others whose quotas were heavily mortgaged.

Section 11: Section 323 of the Immigration and Nationality Act, relating to the naturalization of children adopted by citizens of the United States would be amended by this section so as to authorize the naturalization of children adopted by United States citizens in those cases in which the parent is stationed abroad in the Armed Forces or in the employment of the United States Government, or of an American firm or international organization when it is intended that the child reside abroad with the parent until the parent's employment is terminated.

Section 12: This section would permit persons who are in the first, second, or third preference categories and who have made application to the Attorney General before July 1, 1957, to enter the United States immediately. This section would permit the reunion of members of families who have been separated by the workings of the Refugee Relief Act and other laws and would permit the admission of about 33,000 aliens including 20,000 Italians and 3,500 Greeks.

Section 13: This section would permit a limited number of Government officials and their immediate families who have come to the United States in a diplomatic status to have their immigration status adjusted at the discretion of the Attorney General when such an adjustment is in the best interest of the United States. This provision is designed to enable diplomatic and other officials of Communist governments who have defected to remain in the United States as permanent residents.

Section 14: A technical provision making certain definitions contained in the Immigration Act applicable to the Kennedy bill, S. 2792.

Section 15: Provides that approximately 18,000 nonquota visas which were authorized under the Refugee Relief Act of 1953 but which remained unused when that act expired in December of 1956 would be available to bona fide refugee-escapees who have fled because of persecution on account of race, religion, or political opinion. These nonquota visas would be available for refugees throughout the world, including refugees from Egypt and north Africa, those located in Spain, the NATO countries, Austria, and the Far East. Under this provision Jewish refugees from Egypt and Hungarian refugees who are in Western Europe could enter the United States.

Section 16: Provides that a short period of overseas residence by a child admitted for permanent residence shall not constitute a break in United States residence for purposes of naturalization.

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## Communist Propaganda Broadcasts

EXTENSION OF REMARKS

OF

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. DINGELL. Mr. Speaker, whenever we read what Communists are peddling in their propaganda broadcasts in the Middle East, in Asia, and in Africa we wonder how some people can be deceived by their obvious falsehoods and prevarications. Communist propaganda presents us as an imperialist country and yet there is not 1 inch of ground under our flag where the people do not enjoy real freedom. We have no satellites such as Poland with its Poznan riots, no Hungarys where the people are murdered because they want liberty. We are pictured as aggressors and yet we sacrifice the flower of our youth and our resources to help maintain the peace and security of the world. Soviet Russia makes all sorts of promises to help other nations and the world knows Russian performance is conspicuous by its absence.

It is not for us, Mr. Speaker, to speak of our economic aid to Europe, of our help to Greece and Turkey, of our intervention in Korea, of our aid to other peoples all over the world, assistance that has made it possible for them to maintain their sovereignty and integrity as independent nations against the encroachments of communism. But I believe it is not out of place to speak before we adjourn this session of Congress of how we do not forget our friends, of our gratitude to those who have shown their loyalty to the ideals of democracy which we cherish and uphold.

I wish to refer particularly to the Philippines. Here is a country that is linked with us by the closest ties of friendship. When the war broke out in the Pacific, when we were going from disaster to disaster, the Filipino people stood by us and fought for us. That loyalty we cannot forget. When we intervened in Korea, the first Asian nation to send its troops to fight side by side with our own was the Philippines. This is loyalty without price. In our fight against communism, the one nation in Asia that has cast its lot unreservedly with us is the Philippines. Nor can we forget the voice of General Romulo speaking always on the side of the United States before the United Nations. It is an understatement to say that his words in the United Nations have been the best answer for the propaganda mouthed by the Soviet Union and its stooges in the battle for men's minds in Asia and the world. Here is loyalty of the highest order.

After the war, the Congress enacted the Philippine Rehabilitation Act and we helped the Filipinos to reconstruct their public buildings, roads, and bridges and we paid individual war-damage claims which we did not do for our own countrymen after the Civil War. We extended the Philippine Trade Act when General Romulo came to Washington as President Magsaysay's special and personal envoy, and the same act was amended in accordance with the wishes of the Filipino people. A long history of mutual fidelity and trust was maintained unimpaired.

In this session of Congress we have shown our Filipino friends that we are a grateful people. When their able and distinguished Ambassador, Gen. Carlos P. Romulo, one of America's real friends in this troubled world, presented to us through the State Department the Philippine plea for the removal of the 3-cent processing tax on coconut oil, when he convinced us of the justice of his cause, this Congress removed the tax knowing that it will mean a loss to our Treasury of some $15 million a year.

Efforts to exclude Philippine plywood from the American market were defeated as well as the attempt to exclude Filipino laborers in Guam from the advantages of the minimum-wage law. The Philippine Scouts legislation was approved as well as the aid for Philippine war orphans. This Congress has exerted its utmost to show that we do not forget and that we appreciate deeply the loyalty of our Filipino allies and friends. We have confidence in the present administration in the Philippines and we have the highest regard for General Romulo, the incumbent Philippine Ambassador to the United States.

Mr. Speaker, I include in the RECORD the following article by Mr. Oland D. Russell, one of America's leading correspondents, which was published by the Scripps-Howard newspapers on August 23, 1957, and which describes how this session of Congress treated the Philippines:

(By Oland D. Russell)

WASHINGTON, August 23.—The late Vice President Barkley used to say: "When Churchill or Romulo come to town, we'd better double the guard at Fort Knox."

Philippines Ambassador Carlos P. Romulo put an emphatic point to that axiom this week when the House completed legislation on a bill that will mean $15 million a year to the Philippines, and that much less in revenue to us.

It removed the United States 3-cents-a-pound processing tax on coconut oil. The Philippines have been battling for 23 years to get this tax withdrawn from an old tariff law.

It was laid on in the first place with the support of the dairy and butter lobby, fighting oleomargarine. Twenty years ago the Scripps-Howard newspapers fought long and hard for removal of this tax.

A more immediate benefit to housewives will be the greater use of coconut oil in soaps, which will improve their lathering qualities.

In a little noticed move on Wednesday the House, without rollcall, completed action on a Senate bill to amend the Tariff Act of 1930.

The amendment, among other things, suspended through June 30, 1960, the tax on processing coconut oil. The House concurred with the Senate amendment and sent the bill to the White House.

The action is of vital importance to the Philippines economy and will benefit the livelihood of 8 million Filipinos who depend on the coconut-growing industry.

It was due to the persistent efforts of General Romulo that this was accomplished. In order to get favorable action he had to overcome initial objections and gain the support of a half dozen influential American interests. These included the American Farm Bureau, the National Cattlemen's Association, the National Grange, and the Western Meat Packers Association, and soap manufacturers.

In addition, he conferred repeatedly with the leadership in both Senate and House and the committees concerned. He was seen so often on Capitol Hill in the past few weeks, one Congressman twitted him: "Are you a Member of Congress or an Ambassador?" Both the State and Agriculture Departments approved the bill and in the end it was attached to a measure providing for the free importation of certain tanning extracts.

Ambassador Romulo today attributed his success to the real friendship Congress has for America's true friends and allies. The present Congress, he said, may be in a mood for strictest economy, "but I am happy to say that it has been kindly and generously disposed toward the Philippines, a country which has shown its loyalty to the democratic way and has proved a stanch ally in Asia. It shows confidence in the present administration."

Originally the tax proceeds were turned over to the Philippines Commonwealth Government but when the country gained its independence, this source of revenue was lost.

The coconut oil fight is not the only successful campaign General Romulo has waged in his country's behalf during this Congress' session. He fought an attempt to exclude Philippine plywood from the United States, and he succeeded in getting Filipino laborers working for the Navy on Guam to be included in the United States minimum-wage law.

He has also seen the enactment—in this economy-minded Congress—of several bills benefiting Filipino army veterans, one of them granting back pay and allowances to the old Philippine Scouts. Another grants aid in education to some 3,600 Filipino war orphans.

As a prewar elected but nonvoting Philippines delegate to Congress he still retains floor privileges. More important is his loyal war record as aide to General MacArthur which is highly admired in Congress. With this advantageous position, it is safe to say no other Ambassador to Washington has been so close to the legislative processes here. In addition to his ambassadorial duties, he is also his country's delegate to the United Nations Security Council.

## Iraq Celebrates 25th Anniversary of Independence

EXTENSION OF REMARKS

OF

### HON. ADAM C. POWELL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. POWELL. Mr. Speaker, when I came back from the Bandung Conference, I announced that I would address the United States Congress each time there was an anniversary of independence of one of the 29 participating nations in the Asian-African Conference States.

on friendly relations with the United

Congress will not be in session when Iraq celebrates her 25th anniversary of independence on October 3, 1957, hence, I wish to take this opportunity today to salute the people of Iraq, His Majesty King Faisal, and His Excellency Moussa Al-Shabandar, Ambassador of Iraq, in honor of this occasion.

On October 3, 1932, Iraq was admitted to the League of Nations as a full-fledged and sovereign member. Thus began her life as a new independent nation. Although small in population, Iraq has become one of the leading states of the Arab world. Since independence, the people of Iraq have continually devoted considerable efforts in the complex area of economic development with a view toward bettering conditions and raising living standards.

Iraq has been genuinely concerned with the Communist threat and seeks United States assistance to strengthen its defenses. Recent events have tested the stability of the Iraqi Government, but its anti-Communist stand and friendship with the United States have not been impaired.

As one who deeply believes in freedom, democracy, and the importance of achieving a better understanding among all nations, I want to take this opportunity to wish Iraq every success as she embarks upon a new year of independence.

## Statement of Congressman Cecil R. King in Opposition to Certain Proposed Revisions of Internal Revenue Service Regulations Relating to Interstate Traffic in Firearms and Ammunition

EXTENSION OF REMARKS

OF

### HON. CECIL R. KING

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. KING. Mr. Speaker, today a public hearing is being held by the Director of the Alcohol and Tobacco Tax Division of the Internal Revenue Service in Washington, D. C., on the proposal to amend and reissue regulations relating to interstate traffic in firearms and ammunition.

A number of the proposed regulations have been considered by the Congress and intentionally excluded from the Federal Firearms Act. Should any such regulations be deemed worthy of consideration, they should be properly presented to the Congress for possible inclusion in legislation, rather than being promulgated as administrative regulations of doubtful validity.

Mr. Speaker, I wish to submit my views in opposition to these proposed revisions:

The Federal Register for May 3, 1957, and for July 10, 1957, published notice of proposed revisions in the Internal Revenue Service Regulations pertaining to the enforcement of the Federal Firearms Act. In neither publication did there appear any general statement of the basis and purpose for the new regulations being proposed as is provided for in the Administrative Procedure Act, title 5, United States Code, section 1003 (b). In the absence of such statement of basis and purpose, certain of the new proposals would appear to be unnecessary, unduly restrictive and improper. Sections 177.50, 177.51, 177.52, 177.54, and 177.55 have received widespread public opposition. In view of this opposition, I believe that the Internal Revenue Service should carefully review its position. My own views on the sections in question are as follows:

I. IDENTIFICATION OF FIREARMS SECTION 177.50

Each manufacturer and importer of a firearm shall identify it by stamping (impressing), or otherwise conspicuously placing or causing to be stamped (impressed) or placed thereon, in a manner not susceptible of being readily obliterated or altered, the name and location of the manufacturer or importer, and the serial number, caliber, and model of the firearm. However, where imported firearms are identified by the foreign manufacturer in a manner prescribed in the foregoing sentence, additional stamping will not be required if the information prescribed by this section appears. None of such information may be omitted except with the approval of the director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C.

From the time of the enactment of the Federal Firearms Act to the present, it has not been the practice of manufacturers to impress serial numbers of every firearm manufactured. In fact, a majority of all firearms are and have been manufactured without serial numbers and without some or all of the information called for by this section. The law provides that it shall be unlawful to transport or receive in interstate or foreign commerce a firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported or received in interstate commerce in violation of the law. Thus, it was clearly the intent of Congress that a penalty should attach to the possession of a firearm from which the manufacturer's serial number had been removed, obliterated, or altered. Congress did not attach this penalty to the possession of a firearm which had been manufactured without a serial number nor did Congress require, in the law, that serial numbers be impressed on all firearms manufactured. The failure of Congress to include such a requirement in the Federal Firearms Act, especially in view of the prevailing business practice, seems conclusive that Congress did not intend to require every firearm to have a serial number or to carry the additional information which would be required by section 177.50 of the proposed regulations.

In my opinion, the provisions of the statute are plain and unambiguous and the Internal Revenue Service does not have the authority to extend or to amend the provisions of the statute by regulation.

In *Koshland* v. *Helvering* (298 U. S. 441, 80 L. Ed. 1268), the Supreme Court

discussed an administrator's power to issue regulations in the following language:

Where the act uses ambiguous terms, or is of doubtful construction, a clarifying regulation or one indicating the method of its application to specific cases not only is permissible but is to be given great weight by the courts. And the same principle governs where the statute merely expresses a general rule and invests the Secretary of the Treasury with authority to promulgate regulations appropriate to its enforcement. But where, as in this case, the provisions of the act are unambiguous, and its directions specific, there is no power to amend it by regulations.

The Federal Firearms Act is plain and unambiguous; it needs no clarification in this respect. The proposed regulation actually extends the coverage of the act and is therefore not a proper regulation.

II. FIREARMS RECORDS (SEC. 177.51)

This proposed section contains three objectionable requirements which will be discussed separately. It provides:

Each licensed manufacturer or dealer shall maintain complete and adequate records reflecting the receipt (whether by manufacture, importation, acquisition from other licensees, or otherwise), and the disposition, at wholesale or retail, of all firearms (including firearms in an unassembled condition, but not including miscellaneous parts thereof) physically or constructively received or disposed of in the course of his business. Entries in such records shall be posted at the time of each transaction, or in each instance not later than the close of business on the day next succeeding the day on which the transaction occurs. The records prescribed by this subpart shall be in permanent form, separate and distinct from records pertaining to other merchandise handled by the licensee, and shall be retained permanently on the business premises until discontinuance of business by the licensee.

The Federal Firearms Act provides:

Licensed dealers shall maintain such permanent records of importation, shipment, and other disposal of firearms and ammunition as the Secretary of the Treasury shall prescribe.

The term "permanent records" as used in the act, was obviously used to mean records in permanent form as contrasted with temporary records such as sales slips. The language "permanent records" cannot logically be construed to mean permanent records permanently retained as this section of the proposed regulations would require. That this was clearly the intent of Congress in the matter is borne out by past administrative regulations which have required the retention of dealers' records in permanent form for at least 6 years. There can be no question that dealers' records should be retained so long as they may be needed and useful in carrying out the provisions of the act. However, the statute of limitations applicable to offenses defined in the Federal Firearms Act is 5 years. It is difficult to see how the dealers' records would be of value in carrying out the provisions of the Federal Firearms Act after the 5-year statute of limitations. This proposed regulation would make each dealer and each manufacturer a permanent public archives. Such a requirement is unrealistic and unreasonable.

Equally objectionable is the provision in section 177.51—and this applies equally to section 177.52—that manufacturers are required to keep and retain such records. The statute requires only dealers to maintain records and the application of the statute to dealers was obviously deliberate. In the bill, S. 3, 74th Congress, which was amended and became the Federal Firearms Act, the following language was contained in section 3 (d):

Licensed "manufacturers" and dealers shall maintain such permanent records of "manufacture," importation, shipment, and other disposal of firearms and ammunition as the Secretary of Commerce shall prescribe.

The quoted language was omitted in the bill as enacted. Thus Congress did not intend to require manufacturers to maintain records and the proposed regulation, being contrary to the will of Congress, should not be adopted.

Also objectionable under section 177.51 is the requirement that records of receipt of firearms and ammunition be maintained. The statute requires the keeping of records of "importation, shipment, and other disposal of firearms and ammunition." Regulations necessary to carry out this provision would be proper. Section 177.51, however, goes beyond this and requires the maintenance of records not required by Congress. Clearly, neither production nor receipt are included in the statute, the language of which is plain and unambiguous.

III. AMMUNITION RECORDS (SEC. 177.52)

Section 177.52 provides:

Each manufacturer and dealer shall maintain, on the licensed premises, complete and adequate records reflecting the production or receipt and the disposition at wholesale or retail of all pistol or revolver ammunition. The ammunition shall be described as to manufacturer, type, caliber, and quantity and the identity of the persons from whom received and to whom sold must be shown.

Objections to the inclusion of "manufacturer" in the above regulation and objections to the application of the regulation to the "production or receipt" of pistol or revolver ammunition have been covered under section 177.51 and are equally applicable to section 177.52. It is my opinion that this proposed regulation will place an intolerable burden on manufacturers and dealers. That such records will be required to be kept forever compounds its unreasonableness. An infinitesimal fraction of all pistol and revolver ammunition produced and sold is used illegally. The doubtful value of the regulation is far exceeded by the tremendous burden which would be imposed upon thousands of honorable and legitimate businessmen throughout the Nation. As an indication of the doubtful value of this regulation, I would point out the fact that it is commonly accepted business practice for small-arms ammunition to be handled by thousands upon thousands of very small local hardware and general dry-goods merchandisers. Many of these neither ship nor receive firearms or ammunition in interstate commerce but deal entirely with jobbers within their own State. It is conservatively estimated that as many as 50,000 such small rural dealers may not be licensed under the Federal Firearms Act and would not be subject to its controls.

IV. OVER-THE-COUNTER SALES TO INDIVIDUALS (SECTION 177.54)

Section 177.54 provides:

Where disposition of firearms or ammunition is made by over-the-counter sale or distribution to individuals, the persons to whom the firearms or ammunition are sold, distributed or delivered will be required to acknowledge receipt thereof in their own handwriting in the record prescribed by this subpart.

This provision runs counter to the purpose of the act as reflected in its legislative history. Stripped of its veil, it is nothing more nor less than a requirement of registration of persons who purchase firearms or ammunition. Congress refused to incorporate such a provision in the National Firearms Act and in the Federal Firearms Act. During the hearings on S. 3, April 16, 1935, the then Assistant Attorney General Keenan wanted a more drastic bill in which such a provision as this would be a feature. Congress did not include such a provision and the hearings make it clear that had such a feature been included the bill would not have passed. The Commissioner will clearly have exceeded his authority if he adopts this proposed regulation in light of the Congressional history of this act.

A further objection is the fact that the proposed regulation transcends the act and the power of Congress in that interstate transportation has ended when the original package containing the firearm or ammunition has been opened to make a sale to a consumer. Thus, when an individual makes a purchase in a local sporting goods store the entire transaction, including the seller's and purchaser's activities, is wholly local in nature and not subject to the commerce power of Congress.

Numerous court decisions differentiating between interstate and intrastate commerce make it clear that the proposed regulation is an attempt to control a sphere of local activity which is immune from Federal control. If the Federal Firearms Act is and can be extended into this field it should be done by Congress and not by an administrative ruling by the Commissioner of Internal Revenue.

V. AUTHORITY TO EXAMINE RECORDS (SEC. 177.55)

Section 177.55 provides:

Any internal revenue officer designated by the Director shall have authority to examine the books, papers and records kept by a licensee pursuant to the regulations in this part, and to examine his premises and stock, during regular business hours in the daytime. When such premises are open at night, such authorized officers may enter them while so open in the performance of such authorized official duties.

There is no objection to the portion of this section which provides for the inspection of records kept pursuant to the act. However, that portion of the section which authorizes internal revenue agents to inspect premises and stock without a search warrant is illegal and unreasonable.

To enforce a statute which requires the maintenance of records of importation, shipment, and disposal of firearms, it would seem reasonable to provide by regulation for the inspection of such records. Only by extending the statute to require records of manufacture, production, and receipt could there be any purpose or any need for free inspection of a businessman's premises and stock. The history of the enforcement of this act indicates no necessity for such a regulation. Congress was not trying to correct abuses by dealers and/or manufacturers. Congress was interested solely in the criminal element in our society. The provisions of section 177.55, if adopted, will depart from the Congressional purpose in this regard and will subject legitimate businessmen to searches without a warrant. If such is to be the law the responsibility of skirting the fourth amendment should lie with Congress and not with the Commissioner of Internal Revenue.

## Facts on the Republican Post Office Record

EXTENSION OF REMARKS

OF

### HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. CEDERBERG. Mr. Speaker, my distinguished colleague, the gentleman from Oklahoma [Mr. EDMONDSON], placed in the RECORD August 1, 1957, what he chose to call the Post Office Record Republicans will not be reporting.

In reviewing what he portrays to be the Republican record on postal affairs I find the presentation of these six items, which the gentleman from Oklahoma facetiously calls accomplishments, are riddled with misinformation.

Personally I would have no hesitancy in presenting the facts on these items to the people of my district. I believe the people are entitled to facts and not distortions.

I am happy to present the facts with respect to the operation of the postal service under the Republican administration and to answer item by item the presentation that was made in the RECORD.

Item 1:

Unmentioned accomplishment No. 1 is the fact that Mr. Summerfield not only failed to live within his legal budget, but made unnecessary terminations of mail service to the people in order to blackjack additional funds out of the Appropriations Committee. Never before have we had the spectacle of rural mail carriers reporting in for work and being ordered to sit around the post office and not do their job—and no amount of bright new paint will gloss over the fact that this administration is the first in history to stop delivering the mail to the people in any kind of emergency.

EFFICIENT OPERATION SAVES TAXPAYERS MONEY

Answer: The Postmaster General has never failed to live within his legal budget. During the first 3 years of the present administration the Department returned the following sums to the Treasury:

| | Million |
|---|---|
| Fiscal year 1953 | $83.6 |
| Fiscal year 1954 | 108.7 |
| Fiscal year 1955 | 43.0 |

In fiscal 1956, because of the unprecedented growth in residential areas it was necessary for the Department to obtain a supplemental appropriation to provide additional city delivery service not anticipated in the original budget. This supplemental appropriation was obtained toward the close of the year and after the appropriation for the next year—1957—had been passed. It was thus apparent at the start of the 1957 fiscal year that additional funds would be required for that year for the same reason.

The Department endeavored to obtain a supplemental appropriation in July 1956 by an amendment to a supplemental appropriation bill at that time before the Senate Appropriations Committee. The Department was advised that it should defer its request until the next session of Congress, which it did.

In January 1957 the House Appropriations Committee was advised that the Department would require additional funds for 1957. By then it was apparent that a supplemental appropriation would be needed, not only because of the growth in the city delivery service but also because of a general increase in the volume of mail and increase in cost due to recently enacted salary legislation. Request for such funds was formally transmitted to the Congress in March 1957.

Since by the start of the fourth apportionment period, April 6, 1957, Congress had not passed the supplemental appropriation requested, it was necessary for the Department to curtail postal services to a limited extent to avoid violation of the antideficiency statute. These services were immediately restored when sufficient funds to complete the year were obtained.

One of the curtailments that would have the least adverse effect on the public was the elimination of Saturday delivery of mail and the closing of post offices on Saturday. In the rural areas this saved the travel expense of the rural carriers but effected no saving of their salary because they were paid on a 6-day-week basis. In order to make the maximum use of their time on that Saturday, they were required to report to their local post office where they worked sorting mail and performing other duties to the extent possible.

It was with the greatest reluctance that the Department made these temporary curtailments of service but it had no other alternative under the law.

Item 2:

Republican accomplishment No. 2 is the fact they have shut down many post offices in smaller communities across the country, thereby depriving residents of these small towns of many postal services.

BETTER SERVICE AT A SAVING

Answer: Post offices have been discontinued where as good or better service can be provided by rural carrier, star route carrier, city delivery service, rural station, contract station or classified station and at the same time result in a material savings for the taxpayer.

When many of these offices were established they were the only means of delivery of mail to patrons. With better roads and the establishment of rural delivery most of those patrons chose to have mail delivered by rural carrier, who also collects mail, sells stamps and money orders. The function of such offices as a means of service to patrons thereby diminished. When railroads were supplanted by star route as a means of supply, such offices also lost their function as a source of distribution of mail to other offices.

In other areas larger cities have expanded and extended city delivery service contiguous to the area served by these small post offices. Such small offices themselves did not meet the requirement for city delivery service and the only means of according city delivery service to these patrons is through consolidation of the post offices.

Item 3:

They have recommended the termination of the postal savings system which has been of great service to millions of Americans, which would compel those citizens to place their savings in private banks, or in a sock at home where no bank is available.

IN LINE WITH HOOVER COMMISSION RECOMMENDATION

Answer: The Comptroller General of the United States, in his reports to the Congress on the audits of the Postal Savings System since 1951, has consistently recommended that the Congress should give consideration to the question of whether, under present conditions, there is need for the Postal Savings System, stating that by and large the main purpose and justification of the system are no longer applicable. In May 1955 the Commission on Organization of the Executive Branch of the Government, the Hoover Commission, in its report to Congress on business enterprises in Government, recommended that after some reasonable period no further postal savings deposits be received and that depositors be given an opportunity, during a period not to exceed 5 years, to place their savings in United States savings bonds or other amply secured, guaranteed bank, and savings and loan deposits.

The original purpose of the Postal Savings Act of 1910 was to provide depositors a place for depositing savings at interest with the security of the Government for repayment thereof. Its main purpose has been superseded by the availability of United States savings bonds and the ample security of guaranteed bank and savings and loan deposits up to $10,000. It is evident that the public is finding adequate security for its savings in other than postal savings. This conclusion is based on the fact that the amount on deposit in the Postal Savings System has dropped from $3.4 billion in 1947 to $1.5 billion in 1957, and continues to decline.

It is believed that the discontinuance of the Postal Savings System will not work a hardship on those who now have deposits, or discourage thrift, because 98 percent of the deposits are made at first- and second-class post offices where banks or savings institutions are located or

are readily available by mail. For outlying communities, banking facilities are usually available at the point where the other business of the community is transacted.

Item 4:

They have forced the removal or resignation of thousands of postmasters whose only sin was being appointed by a Democratic administration.

FRAUDULENT PRACTICES BRING FIRINGS, NATURALLY

Answer: Actually, only 824 postmasters have been removed during the period January 20, 1953, to July 31, 1957. Of these, 441 were removed for embezzlement and fraudulent practices, 241 for inefficiency and generally unsatisfactory operations, 80 for failure to perform appropriate duties or devote the required amount of time to duty, and 52 for unbecoming conduct. Removals are effected only after formal charges are preferred in accordance with civil-service rules and all removal actions are subject to review by the Civil Service Commission.

Item 5:

They have used up millions of buckets of red, white, and blue paint in a costly redecoration program which is strangely inconsistent with their repeated talk about economy.

WHY DO DEMOCRATS OPPOSE THIS SAFETY MOVE?

Answer: The so-called "red, white, and blue" paint program involving mail boxes and trucks was undertaken by the Department after a most careful study of all pertinent factors.

In regard to motor vehicles we faced at the outset the fact that the fleet was badly in need of a planned rehabilitation and maintenance program. The olive green color of vehicles presented a drab, unattractive appearance. Truck waxing had been ordered stopped in the fall of 1952. There was no planned truck repainting program. Equipment was deteriorating rapidly. The accident record of the truck fleet was deplorable. In the latter part of 1953 we began studies to determine the answers to these problems.

Our first problem was to reconsider the color of paint to be used in a formalized repainting program. Safety considerations and comfort of employees dictated that the top and upper part of the vehicle be of a light color. It was proved that white cabs and bodies substantially reduced interior heat in hot weather and tests showed that such cabs were 8 to 11 degrees cooler in hot weather than drab colors. Safety considerations suggested a high visibility material and the familiar red reflecting sensitized tape now in wide use by owners of motor vehicles was selected because of its greatly improved nighttime visibility. A dark blue for the lower portion of the vehicle seemed a logical final step, just as the older vehicles were all in three colors of green and cream, with black on fenders.

Application of the new color scheme was inaugurated at the beginning of 1955 only as repainting of an individual vehicle is required. This program will cover a period of several years before completion, at a cost that compares favorably with the old cost.

Results achieved from the vehicle paint program may be summarized as follows:

(a) Shop time required for a complete vehicle turn-around for repainting has been appreciably reduced.

(b) We have a vehicle which affords our employees greater comfort. Cabs are cooler in hot weather. Employee morale and pride in the equipment has improved.

(c) We have a color scheme and quality of enamel which stands up longer, maintains its luster, and does not show road dust so readily.

(d) We have changed from a camouflage color to a high visibility color scheme more easily seen both day and night. This has been a major factor in our accident prevention program. The accident rate—day and night—of the white, red, and blue vehicle is substantially lower than the rate of vehicles painted olive drab. As a matter of fact, it is one-third of previous accident rates.

In regard to the mail-box program the Department for years has received complaints from the public about the street corner collection boxes. People have confused them with relay or storage boxes used exclusively by postal employees and some have actually put their letters in city trash boxes where shape and color were similar to the collection boxes located on street corners. Others complained that the mailboxes could not be found. All of these complaints stemmed from the camouflage color of the old boxes. For repainting as needed, we required a color that was (a) easily identifiable, different from any other public receptacles; (b) representative of the United States mail and the national services of the Department; (c) consistent and compatible with other postal markings; (d) of lowest possible original cost; and (e) low in maintenance cost.

The present colors were selected and became standard in August 1955, matching the truck fleet. The lack of cost figures in former years precludes a comparison but we have made every effort to keep cost to the minimum required for proper maintenance.

The new box colors show public acceptance as it is now easier to find and identify the mailboxes. The new attractive easy-to-find color scheme has received widespread commendation from postal patrons.

Item 6:

They have talked and boasted for 3 years about their great new lease-purchase program to build new post offices, and wound up after 3 full years with a start on one small post office under this program.

LEASE-PURCHASE PROGRAM FILLS BUILDING NEED

Answer: The lease-purchase program originated with the Congress and not the Post Office Department. Lease-purchase legislation was originally passed by the 82d Congress only to be vetoed by the President.

Lease-purchase was not intended to be a substitute for a public works building program nor a huge construction project. It is designed as a highly selective technique to use moneys which would have to be spent for rent anyway, as purchase moneys over the period of the lease.

The building construction needs of the Department are being satisfactorily and economically met under a commercial leasing program. Since January 1953 over 1,700 newly constructed buildings have been acquired under such leasing agreements. Leasing with various terms of occupancy provides the needed flexibility for the Department to meet the problems of urban growth and population shifts.

## Turkey Celebrates 34th Anniversary of the Declaration of the Republic

EXTENSION OF REMARKS

OF

### HON. ADAM C. POWELL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. POWELL. Mr. Speaker, when I came back from the Bandung Conference, I announced that I would address the United States Congress each time there was an anniversary of one of the 29 participating nations in the Asian-African Conference on friendly relations with the United States.

Inasmuch as the Congress will not be in session at the time of the event, I wish to take this opportunity to send greetings to the people of Turkey, President Jelal Bayar, and His Excellency Suat Hayri Urguplu, Ambassador of Turkey, on the occasion of the celebration of the 34th anniversary of the declaration of the Republic of Turkey, October 29, 1957.

Turkey has enjoyed uninterrupted independence since the formation of the Ottoman Empire in 1299. Republic Day stands for the Turkish people for what an independence day stands for any free nation. It is a day consecrated to celebrations in remembrance and confirmation of the principles of the Ataturk revolution, which made the continuation of the independence of Turkey possible and on which the existence, freedom and way of life of modern Turkey is based.

Modern Turkey dates from October 29, 1923, when it formally became a republic with Mustafa Kemal as its first president. The creation of the new Republic marked the birth of the new Turkey.

Seldom in history has any nation gone so far so fast as has modern Turkey since May 19, 1919. That was the day when Mustafa Kemal Pasha, who was renamed Ataturk—father of the Turks—by a grateful people for his leadership, landed at Samsun on the Black Sea and plunged into the task of transforming a series of medieval communities into a new country. No one can fail to admire the courage with which this country has tackled its huge tasks. Turkey, under Mustafa Kemal Ataturk, set out to be a modern nation and became a healthy republic with amazing vitality. In 1924, the office of Caliphate and the rule of religious courts were abolished.

The charter of the new republic was a constitution and a bill of rights similar to that of the United States with the same concept of individual liberty and law. Almost overnight a social revolution, bloodless, and with an unprecedented speed, ushered in a new way of life in Turkey. All Ottoman titles, such as pasha, bey, and effendi, were abolished. The wearing of a fez, which denoted allegiance to the old Ottoman empire, the laws requiring women to veil their faces, and the oriental splendor were all things of the past. The modernization of Turkey, which was the goal of Kemal Ataturk, has been continued by Ismet Inonu, who followed Ataturk in the presidency, and by Mahmut Jelal Bayar, the current president, through the adoption of many other far-reaching reforms along Western lines.

During these past few years a rapid, overall harmonious growth has characterized the Turkish scene. This development has been secured by means of concerted policies directed toward utilizing the natural resources of the country, expanding the industrial potential and introducing new incentives for breaking inertia.

The greatest of all the resources of modern Turkey is the spirit of her people. They are determined that nothing shall stop them from getting ahead. The courage and optimism with which they are attacking their new task are infectious. Much that they are undertaking is new to them, and although they learn modern techniques quickly, they urgently need more people trained in the essential skills of an industrial society.

Ever since its inception, the new Turkish State has been based on democratic foundations. The clause in the Turkish constitution which affirmed that "Sovereignty belongs unconditionally to the Nation" became the factor which guided Turkey's entire administrative machinery. Later, the principles of the Turkish State, confirming as they did that Turkey is Republican, populist and secular, emphasized even more clearly the truly democratic character of the young republic. Turkey is going through a period of rapid expansion. Like every growth, this has its pains, and history teaches us that it is natural that it should be so. But, in recent months some observers of the Turkish scene have taken these symptoms as the substance of Turkish life—forgetting the truth expressed in the old Turkish proverb, "Falling blossoms indicate ripening fruit."

Turkey is virtually a bridge between East and West both geographically and culturally. The Dardenelles and the Bosporus are the Soviet Union's only outlets to the Mediterranean. Possession of Istanbul and the Straits would enable an aggressive power to use Turkey as a base to control the eastern Mediterranean and make air attacks on shipping there and all along the sea lanes which pass through the Suez Canal. Turkey's strategic importance is, therefore, fully recognized by all major powers. The United States has a high stake in Turkey, not only in terms of military and economic investment, but also in terms of good will and friendship. Turkey is one of America's strongest and most reliable friends, a bulwark against Soviet expansion.

Turkish loyalties are true and intense. Above all, they believe in the future of their country and not in a narrow nationalistic sense, for the Turkey of the future will serve the welfare of the entire world through her strength and the wisdom of her leaders.

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## Salute to the U. S. S. "Iowa"

EXTENSION OF REMARKS

OF

### HON. HENRY O. TALLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 27, 1957*

Mr. TALLE. Mr. Speaker, a few days ago the Department of the Navy announced that the great battleship U. S. S. *Iowa* was to be decommissioned. Immediately I felt that special recognition of its gallant service to our country should be shown. Accordingly, as chairman of the Iowa delegation in the House of Representatives, I proceeded, with the approval of my State delegation in the Congress, to make arrangements with the United States Navy for our group to be received aboard the U. S. S. *Iowa* for the purpose of paying her appropriate honor. I thereupon had a parchment scroll prepared which was signed by every Member from Iowa now serving in the Congress.

Consequently on last Saturday, August 24, I, together with some of my colleagues and other interested persons from Iowa, had the honor and privilege of visiting the battleship, U. S. S. *Iowa*, now stationed at Norfolk, Va., but scheduled to be retired from active service later this year. It was an experience I wish every Member of this body might have shared.

I was especially impressed with the high caliber of the men we met aboard the *Iowa*, particularly her skipper, Capt. F. Julian Becton, and her executive officer, Comdr. T. C. "Ted" Siegmund. They are a genuine credit to the United States Navy and to the *Iowa*.

I was also immensely pleased to meet 22 young men from the State of Iowa who are presently serving aboard the ship and who I feel are a great credit to their State. They are:

E. A. Schoenfelder, CWO, from Marengo; Fred W. Adams, PN3, Elliott; Richard T. Anderson, FN, Creston; Edgar L. Beebe, EMP3, Des Moines; Glen G. Butler, ETRSN, Soldier; Charles W. DeCook, IC3, Wadena; T. A. Ditsworth, FN, Humboldt; Charles E. Dorl, BT3, Clarinda; R. O. Eick, SN, Waverly; Larry K. Gahring, EM3, Belle Plaine; C. B. Heithoff, TD3, Reinbeck; Richard C. Holts, BM1, Boone; Donald W. Leith, SA, Waterloo; Gary O. Marlin, FN, Creston; T. G. McAllister, SN, Cascade; Leroy A. Nelson, ETRSN, Webster; Quinn R. O'Brien, EM3, Council Bluffs; Charles E. Otto, EM3, Clinton; Clarence W. Moyers, SN, Burlington; Adar P. Reid, CS2, Wilton Junction; R. E. Richey, SN, Council Bluffs; and Larry B. Thomassen, EMFN, Leighton.

As part of the Saturday ceremonies aboard the ship, Mr. Speaker, it was my proud privilege to present to Captain Becton a scroll signed by every Member of the Iowa Congressional delegation. The parchment scroll will be made a part of the permanent archives of the U. S. S. *Iowa* and reads as follows:

> On the approaching retirement of the great battleship U. S. S. *Iowa* (BB 61) the undersigned Members of the Iowa delegation in the Congress of the United States express their appreciation to that magnificent fighting ship and those who have served in her for bearing with honor, dignity, and courage the name of our sovereign State.

Mr. Speaker, the U. S. S. *Iowa*, one of the famous battleships of the Navy, will be decommissioned at the Philadelphia Navy Yard beginning October 14, 1957. It seems particularly appropriate at this time to review briefly the history of this mighty vessel.

The U. S. S. *Iowa* which we visited at Norfolk is the fourth Navy ship designated as the *Iowa*. The first, a 3,200-ton vessel, was commissioned in 1864 and was stricken from the Navy Register 18 years later. The second was an 11,346-ton ship which performed blockade duty off Cuba and fired the first shot at Santiago Bay during the Spanish-American War. The third *Iowa*, a battleship planned to be almost as large as the present one, was canceled in the midst of construction in accordance with the Washington treaty which limited naval armament.

It should be noted, Mr. Speaker, that the ship's silver service, which is now on display in the captain's cabin, was purchased by an appropriation of the General Assembly of the State of Iowa and presented to the second *Iowa* on June 19, 1897. In making the presentation, C. G. McCarthy, State auditor of Iowa, said in part:

> While we hope that our Navy shall never turn from the face of any enemy, may we not indulge the larger hope * * * that the *Iowa* * * * shall somehow find a place as a messenger of peace rather than of war * * * be herald of human progress rather than foeman to international strife.

However desirable this wish was, it was not destined to be fulfilled. Less than a year later, the Cuban situation and the sinking of the *Maine* brought on the Spanish-American War. The *Iowa* was stationed outside the harbor of Santiago, Cuba, where the Spanish fleet under Admiral Cervera had taken refuge. On the morning of Sunday, July 3, 1898, the *Iowa*, which lay opposite the mouth of Santiago Harbor, fired a shot from a small gun and raised the signal: "The enemy is attempting to escape."

In the fierce fighting that followed, the *Iowa* crippled the *Maria Teresa*, sank two Spanish destroyers, and then with her sister battleships crushed the *Oquendo* and the *Vizcaya*. The Spanish captain of the sinking *Vizcaya* surrendered to Capt. Robley D. Evans aboard the *Iowa*. Later Admiral Cervera and his staff were transferred to this gallant namesake of the Hawkeye State.

During World War I, the *Iowa* served as a training ship and guarded the entrance to Chesapeake Bay. She was used as a target for naval gunfire after World War I, and was later sunk as other assembled vessels honored her with a 21-gun salute.

The present *Iowa* was commissioned on Washington's birthday, 1943, the first of four called the *Iowa* class. She is one of the world's largest, fastest, and most powerful battleships. Builders, working day and night during the war, took 3 years to construct her at a cost of $110 million. Today her replacement cost is estimated at well over $200 million.

The *Iowa* displaces nearly 60,000 tons, is 887 feet long, and measures 108 feet across her beam. The length is 13 feet shorter than 3 football fields laid end to end. The highest point of her superstructure towers 185 feet above her keel; 150 feet above the waterline are 13 separate deck levels whose combined height is equivalent to the height of a 17-story building.

The engineering plant and auxiliary machinery drive the ship at speeds in excess of 30 knots. The main plant is capable of developing 212,000 horsepower; the electrical generators could supply electricity to a city of 20,000 inhabitants.

The engineering force must maintain more than 900 electrical motors, 5,300 lighting fixtures, 250 miles of electrical cable, and more than 1,300 telephones. The distilling plant can make more than 100,000 gallons of fresh water from the sea every day; the capacity of her fuel oil tanks is more than 2½ million gallons.

In wartime, the *Iowa* carries nearly 3,000 men who consume 7 tons of food a day. In the huge storerooms, 100 tons of fresh fruits and vegetables, 650 tons of dry stores, and 84 tons of fresh meats can be stored. This is a total supply of 834 tons of foods, a quantity sufficient to last 119 days.

A floating city, the ship has a soda fountain, barber shop, cobbler shop, laundry, tailor shop, printshop, hospital, seven dining halls, library, photographic laboratory, dental office, dispensary, and bakery.

Her armament consists of nine 16-inch guns that can hurl 25 tons of projectile a minute at a distance of 23 miles. The *Iowa* also has 20 5-inch dual purpose guns and numerous 40-millimeter rapid fire machineguns. She is heavily armored and is able to withstand extremely heavy punishment.

Mr. Speaker, the record of the *Iowa* during World War II is one to be proud of. Briefly, her war service was as follows:

August 27, 1943, departed Boston for Argentia, Newfoundland.

November 12, 1943, carried President Roosevelt to and from the Cairo-Teheran Conference.

January 20–February 2, 1944, member of the supported force for air strikes against Eniwetok Atoll (Marshall Islands) including Kwajalein Atoll, January 29, 1944.

February 16–17, 1944, participated in strike against Truk Atoll. Engaged in sweep around Truk resulting in destruction of 1 destroyer, 1 minelayer, and 1 subchaser of the enemy.

February 22–23, 1944, member striking force on Tinian Island.

March 18, 1944, participated in bombardment of Mille Atoll—Marshall Islands.

March 30, 1944–April 1, 1944, member support force for air strikes against Palau Woleai—Caroline Islands.

April 21–24, 1944, member support force air strike against Hollandia–Wake, New Guinea.

April 29–30, 1944, member support force air strike against Truk Atoll—Caroline Islands.

May 1, 1944, participated in bombardment of Saipan and Tinian, first battle of the Philippine Sea.

September 1944, member support force, air strikes against Philippines and Palaus, as a unit of Fleet Adm. William F. Halsey's 3d Fleet.

October 12, 1944, light units of the force sank an enemy cruiser in the San Bernardino Straits.

October 25, 1944, Second Battle of Philippine Sea in San Bernardino Straits.

November 1944, member support force for air strikes on Leyte and Luzon.

April, May 1945, operated around Okinawa and Ryukyus.

May 28–June 14, 1945, operated with 3d Fleet, member support force for Okinawa operation and air strike against Kyushu.

July 10, 1945, participated in bombardment of Muroran, Hokkaido, Japan.

July 17, 1945, participated in bombardment of Kitachi, Honshu, Japan.

July 28, 1945, member support force for air strikes against Japanese fleet remnants at Kure, Japan.

August 15, 1945, cessation of hostilities.

Mr. Speaker, in the spring of 1949, the *Iowa* was retired from the active fleet and laid away amidst a silent company of dormant, mothballed ships in San Francisco Bay.

Three years later she was back in action in Korea. During her tour in the Far East as flagship for the commander of the 7th Fleet, the *Iowa* fired more than double the amount fired during her World War II service, 4,500 rounds of 16-inch ammunition.

Returning to the Atlantic Fleet after an overhaul in November 1952 the *Iowa* conducted training exercises for her crew. She took part in the NATO exercise, "Operation Mariner," in 1953, and trained midshipmen during the summer months. Returning to the Norfolk area until November 1, 1954, she sailed to take part in the largest postwar exercise in the Atlantic, known as Lantflex 1–55.

Earning a "well done" from the commander of the 6th Fleet, the *Iowa* served a 3-month tour of duty in the Mediterranean from January until April. After embarking 600 midshipmen, she sailed in June for ports in Spain, England, and Cuba, continuously conducting drills and exercises for the middies, returning in August. She later conducted other midshipmen cruises.

Next month, the *Iowa* will participate in "Operation Strikeback," part of a joint NATO exercise, which will terminate her active service.

During the past 14 years, the *Iowa* has earned numerous battle stars, presidential citations, and other awards. I would like to cite a few of them here.

The U. S. S. *Iowa* (BB–61) earned the following battle stars:

Asiatic-Pacific Area Service Ribbon.

One star, Marshall Island operation: Occupation of Kwajalein and Majuro Atoll, January 29–February 8, 1944; Mille Atoll, March 18, 1944.

One star, Asiatic-Pacific raids: Truk attack, February 16–17, 1944; Marianas attack, February 21–22, 1944; Palau, Yap, Ulithi, Woleai raid, March 30–April 1, 1944; Truk, Satawan, Ponape raid, April 29–May 1, 1944.

One star, Marianas operation: Capture and occupation of Saipan, June 11–24, 1944; Battle of the Philippine Sea, June 19–20, 1944; capture and occupation of Guam, July 12–August 15, 1944; Palau, Yap, Ulithi raid, July 25–27, 1944.

One star, western Caroline Islands operation: Capture and occupation of southern Palau Islands, September 6–October 14, 1944; assaults on the Philippine Islands, September 9–24, 1944.

One star, Leyte operation: Battle of Surigao Strait, October 24–26, 1944; 3d Fleet supporting operations, Okinawa attack, October 10, 1944; northern Luzon and Formosa attacks, October 13–14, 1944; Luzon attacks, October 15, 17–19, November 5–6, 19–25, December 14–16, 1944; Visayas attacks, October 21, 1944.

One star, Okinawa Gunto operation: 5th and 3d Fleets raids in support of Okinawa Gunto operation, April 24–June 11, 1945.

One star, 3d Fleet operations against Japan, July 10–August 15, 1945.

One star, Tinian capture and occupation, July 20–August 10, 1944.

One star, Hollandia operation, Aitape Humboldt Bay-Tanahmerah Bay, April 21–24, 1944.

China Service Medal, extended, September 2–24, 1945, January 26, March 25, 1946.

Navy Occupation Service Medal with "A" clasp, March 23–August 6, 1951; May 4–November 21, 1952.

United Nations and Korean Service Medal, March 30–October 10, 1952.

One star, second Korean winter, April 5–30, 1952.

One star, Korean Defense, summer-fall 1952, May 1–October 17, 1952.

Korean Presidential Unit Citation, March 31–October 19, 1952.

Philippine Republic Presidential Unit Citation, October 10, 13–15, 17–26, 1944; November 5–6, 19–25, 1944; December 14–16, 1944.

Mr. Speaker, this is the remarkable record of an illustrious fighting ship. Since the U. S. S. *Iowa* will be retired shortly from the active fleet, I consider it especially appropriate to call attention at this time to her great service to the United States. I only regret that this ship, which proudly carries the name of the Hawkeye State, will be missing in the future from among the vessels of the Navy's active fleet.